



January 02, 2025

Smith

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,

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Smith



Smith County Courthouse

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Chapter I - Administration

Budget System

Private Acts of 1929 Chapter 309

SECTION 1. That in all counties of this State having a population of not less than 17,130 nor more than 17,140, according to the Federal Census of 1920, or any subsequent Federal Census, it shall be the duty of the Chairman or judge of the County Courts of said Counties to prepare and submit to the July Term of the said County Courts in Quarterly Session, in each year, beginning with said July Court 1930 and at said Term of said County Court in each year thereafter, a budget of the necessary and probable expenditures of said County, in itemized form, for the ensuing year, together with recommendations to said Court as to the necessary provisions to be made by said Court to meet the same.

As amended by: Private Acts of 1937, Chapter 569.

SECTION 2. That it shall be the duty of the County Courts in said Counties, at the July Term 1930, Quarterly Session, and in each year thereafter at said Term, to carefully consider the report and budget submitted by said County Judge or Chairman, as provided in the First Section of this Act, and with such changes or modifications as may be deemed proper to make in the same, to adopt said budget, which, when so adopted, shall be and constitute the maximum amount of expenditures for said County for the year, except as hereinafter provided.

As amended by: Private Acts of 1937, Chapter 569.

SECTION 3. That when said budget is so adopted, as provided in Section 2, it shall be the duty of said County Court to make all levies, orders, and provisions which may be necessary to fully meet and discharge all the items and obligations contained in said budget out of the legitimate income of the County for the current year. Said Budget when adopted by said Court shall not be changed or altered during any current year, except by an affirmative vote of two-thirds of said Court.

SECTION 4. That any member of said Court, Chairman, or County Judge, who shall vote to create any debt or obligation against said County, except as otherwise expressly authorized so to do, shall be guilty of a misdemeanor, punishable by fine of not less than Fifty Dollars, nor more than Two Hundred Dollars, and forfeit his said office, provided said debt or obligation so voted for is in excess of the budget so adopted or the income of said County for the current year, or for otherwise violating the provisions of this Act. Provided, that nothing in this Act shall be construed as in any way applying to the duties of the said County Court in connection with the budget submitted to the said Court by the County Superintendent of Public Instruction and the County Board of Education for said County, except that when said School Budget shall be adopted by said County Court as now provided by law the penalties set out above in this Section shall apply to those voting for the said School Budget without making suitable provisions to meet the same as adopted.

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

Passed: March 19, 1929.

Code Enforcement

Private Acts of 1974 Chapter 348

SECTION 1. The governing body of Smith County is authorized to adopt, by reference, the provisions of any code or portions of any code as herein defined, to amend the provisions of such codes as it deems necessary, to provide for their administration and enforcement, to establish penalties for the violation of such codes and to define within the county where such codes will be applicable.

SECTION 2. As used in this act, the following terms shall have the meanings hereafter indicated:

(a) "Governing Body" means the Quarterly County Court of Smith County or any other body in which the general legislative powers of the county may hereafter be vested.

(b) "Code" means any published compilation of published rules or regulations which have been prepared by technical trade associations, model code organizations, or agencies of the State or Federal Governments which regulate building construction, housing quality, electrical wiring, and plumbing and gas installation.

SECTION 3. The governing body may adopt or repeal a resolution which incorporates by reference the provisions of any code or portions of any code, or any amendment thereof properly identified as to date and source, without setting forth the provisions of such code in full. At least three (3) copies of such code, portion, or amendment which is incorporated by reference shall be filed in the office of the County Court Clerk and there kept for public use, inspection, and examination. The filing requirements herein prescribed shall not be deemed to be complied with unless the required copies of such code, portion, or amendment are filed with the County Court Clerk for a period of thirty (30) days before the adoption of the resolution which incorporates such code, portion, or amendment by reference. No resolution incorporating a code, portion, or amendment by reference shall be effective until published in a newspaper having a general circulation in the county. Codes, regulations, or amendments to any of the foregoing adopted by the governing body, acting under the authority of this act shall not take precedence over existing or hereafter enacted state laws or regulations except wherein such codes, regulations, or amendments to any of the foregoing surpass the standards of said state laws or regulations, and county officers charged with enforcement under the authority of this act are hereby authorized and empowered to enforce all such valid state laws and regulations which are more stringent than said county codes or regulations.

SECTION 4. Any amendment which may be made to any code or regulation incorporated by reference by the governing body hereunder, may be likewise adopted by reference, provided that three (3) amended or corrected copies are filed with the County Court Clerk of Smith County for public inspection, use, and examination at least thirty (30) days prior to adoption. Notice of the adoption of any resolution adopting amendments by reference shall be published in a newspaper of general circulation in the county. No such resolution shall become effective until such notice has been published.

SECTION 5. The governing body may also incorporate by reference the administrative provisions of any code, or may include in the adopting resolution any suggested administrative provisions found in a code. If such a code does not contain administrative provisions, the administrative provisions of another code may be adopted by reference, or may be adopted and included in the adopting resolution. The powers and duties of enforcing the provisions of any code incorporated by reference may be conferred upon such officials within the existing framework of the county government as the governing body may determine, such as, but not limited to, officials and bodies administering zoning and planning regulations within the county.

SECTION 6. The county attorney or any official vested with the powers of enforcing the provisions of any code incorporated by reference may, in addition to any other remedies provided by law, institute proceedings for an injunction to prevent the violation of any provision of such code. Any magistrate or judge who is authorized to issue warrants under general law is authorized to issue to the enforcing officer a warrant authorizing the inspection of specified buildings, structures, or premises when necessary to enforce any codes or regulations adopted hereunder.

SECTION 7. The authority of this act shall not extend to the incorporation by reference of any penalty clause contained in a code. Any person, firm, or corporation or agent who shall violate a provision of any code incorporated by reference or fail to comply therewith or with any of the provisions hereof, or violate a detailed statement or plans submitted and approved thereunder, shall be guilty of a misdemeanor. Each such person, firm, or corporation or agent shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of a code is committed or continued, and upon conviction for any such violation shall be punished by a fine of not more than fifty dollars (\$50.00).

SECTION 8. The provisions of this act shall apply only to the unincorporated area of Smith County.

SECTION 9. If any section, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this act, and to that end the provisions hereof are declared to be severable.

SECTION 10. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Smith County. Its approval or nonapproval shall be proclaimed by the presiding officer of such court and certified by him to the Secretary of State.

SECTION 11. For the purpose of approving this act as provided in Section 10, it shall take effect on becoming a law, the public welfare requiring it, but the provisions hereof shall not become operative until approved as provided in Section 10.

Passed: March 28, 1974.

Junk Yards

Private Acts of 1987 Chapter 95

SECTION 1. Definition. For the purpose of this Act, "automobile graveyard" means any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative, are placed, located or found. The term "automobile graveyard" or "automobile junkyard" shall not be construed to mean an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal produce is scrap iron, steel or nonferrous scrap for sale for remelting purposes only.

SECTION 2. Limitation on establishment - Exception. No automobile graveyard shall hereafter be established within five hundred feet (500') of any county road in Smith County, nor shall any automobile graveyard hereafter be established within one thousand feet (1,000') of any dwelling. Provided, however, this added restriction on the establishment of automobile graveyards located in relation to such U.S. numbered routes shall not apply in any case wherein the land on which an automobile graveyard is to be established has been specifically designated or zoned for such use by the governing body of the county or city in which it is proposed to be established.

SECTION 3. Fence required. Any person who maintains an automobile graveyard, any part of which is within one thousand feet (1,000') of any county road or dwelling, shall erect and maintain a fence around such automobile graveyard. Such fence shall be at least eight feet (8') high and sufficient to conceal such automobile graveyard from the view of a person standing at the same level as such graveyard. A fence shall be required in any case when erection thereof would not effectively conceal a substantial portion of such automobile graveyard from the view of a person on such county road or dwelling.

SECTION 4. Responsibility for removal of graveyard. If any automobile graveyard is located within the limitations fixed above to any county road or dwelling, and said automobile graveyard is not operated as a business by anyone and is not used for any purpose whatsoever and no one claims ownership of said automobile graveyard, then the owner or owners of the land on which such automobile graveyard is located shall be responsible for the removing of such automobile graveyard.

SECTION 5. Enforcement of provisions - Violation of misdemeanor. Any citizen of this state may obtain a warrant for the arrest of anyone violating the provisions of this Act, but it is hereby declared to be a specific duty for the members of the Smith County Sheriff's Department to enforce the provisions of this Act. Any person violating any provision of this Act shall be guilty of a misdemeanor and punished as provided by law therefor. Each day's subsequent violation shall constitute a separate offense. However, in the case of automobile graveyards established prior to the passage of this Act, the owners or operators thereof shall have a reasonable and necessary period of time in which to comply with the provisions hereof.

SECTION 6. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Smith County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

SECTION 7. 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 6.

Passed: April 30, 1987.

Private Acts of 1987 Chapter 97

SECTION 1. This act shall be known and may be cited as "Smith County Junkyard Control Act".

SECTION 2. For the purpose of promoting the public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in public highways and county roads, and to preserve and enhance the scenic beauty of lands bordering public highways and county roads, it is hereby declared to be in the public interest to regulate and restrict the establishment, operation and maintenance of junkyards in areas adjacent to the county road system and dwellings within this county.

SECTION 3. Whenever used in this chapter:

- (1) "Automobile grave" and "Automobile graveyard" shall mean any establishment or place of business which is maintained, used or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. Five (5) or more such vehicles will constitute an automobile graveyard.
- (2) "Interstate system" means that portion of the national system of interstate and defense highways located within this state, as officially designated, or as may hereafter be so designated, by the Department of Transportation of the State of Tennessee, and approved by the Secretary of

Transportation, pursuant to the provisions of Title 23, United States Code, "Highways".

(3) "Junk" shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

(4) "Junkyard" shall mean an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. This definition includes scrap

metal processors, used auto parts yards, yards providing temporary storage of automobile bodies or parts awaiting disposal as a normal part of the business operation when the business will continually have like materials located on the premises, garbage dumps and sanitary

landfills. Provided, however, a "junkyard" shall not be construed to include a recycling center. For purposes of this act, "recycling center" means an establishment, place of business, facility or building which is maintained, operated, or used for storing, keeping, buying or selling of newspaper or used food or beverage containers for the purpose of converting such items into a usable product.

(5) "Primary system" means that portion of connected main highways, as officially designated, or as may hereafter be so designated, by the Department of Transportation of the State of Tennessee, and approved by the Secretary of Transportation, pursuant to the provisions of Title 23, United States Code, "Highways".

(6) "Main traveled way" shall mean the traveled way of a highway on which through traffic is carried. In case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main traveled way. It does not include such facilities as frontage road, turning roadways, or parking areas.

(7) "Smith County Planning Commission" shall mean the county planning commission as it is duly organized in Smith County, Tennessee.

(8) "Smith County Road Department" shall mean the Commissioner of Roads and his employees that are directed with the duty to care and maintain the county road system as required by county resolution and state statute.

SECTION 4. No person shall establish, operate, or maintain a junkyard, any portion of which is within one thousand feet (1,000') of the nearest edge of the right-of-way of any county road designated by the county road department, except the following:

- (a) Those located within areas which are zoned for industrial use under authority of law;
- (b) Those which are not visible from the main traveled way of the system.

SECTION 5. Screening by junkyard operator or property owner. Any junkyard lawfully in existence at the passage of this act, which is within one thousand feet (1,000') of the nearest edge of the right-of-way and visible from the main traveled way of any county road, shall be screened by an eight (8) foot fence so not to be visible from the main traveled way of such county roads, and the operator or property owner shall pay the cost of installation.

SECTION 6. It shall be the duty of anyone wishing to open a junkyard which fits within the definition of this act, to appear and seek approval before the Smith County Planning Commission before beginning operations.

SECTION 7. The Smith County Road Commissioner may apply to any appropriate court in the county in which said junkyards may be located for an injunction to abate such nuisance. The county attorney and the sheriff's department are authorized to assist the road commissioner in the enforcement of this act.

SECTION 8. (a) On or after the passage of this act, it shall be unlawful for any junkyard located within one thousand feet (1,000') of the nearest edge of the right-of-way of any county road or within one thousand feet (1,000') of any dwelling.

SECTION 9. Nothing contained in this act shall be construed as prohibiting the legislative authority of cities and towns from regulating junkyards within their respective jurisdictions.

SECTION 10. It is the intent of this act that the automobile junkyard shall be operated as a business and maintained daily by the owner or operators of such, keeping normal business hours so as not to become a nuisance to the general public.

SECTION 11. Any person who shall establish, operate or maintain a junkyard, or who operates contrary to the provisions of this act, shall be guilty of a misdemeanor and shall be fined twenty-five dollars (\$25.00) and costs for each day of violation.

SECTION 12. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Smith County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body of Smith County and certified by him to the Secretary of State.

SECTION 13. For the purpose of approving or rejecting the provisions of this act, it shall become 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 13.

Passed: May 5, 1987.

Planned Mobile Home Parks

Private Acts of 1998 Chapter 152

SECTION 1. Purpose and Scope. The purpose of this act is to provide areas within the confines of Smith County outside the corporate limits of Carthage, South Carthage and Gordonsville for the location and development of planned mobile home parks. These areas shall be developed and located so as to provide safe and sanitary living conditions for mobile home occupants and to be convenient to employment, shopping centers, schools and other community facilities. These regulations shall be entitled the "Smith County Mobile Home Park Regulations".

SECTION 2. Definitions.

- (1) "Buffer strip" means a planted material or other material as may be approved by the Smith County Regional Planning Commission which will provide a screen not less than six feet (6') in height;
- (2) "Mobile home" means a detached single-family dwelling unit with all of the following characteristics:
 - (a) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems;
 - (b) Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels;
 - (c) Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking, and assembly operations, location of foundation supports, connection to utilities and the like; and
 - (d) Double-wide mobile homes and modular homes set upon permanent foundations are excluded from this definition and these regulations.
- (3) "Mobile home park" means any plot of ground containing a minimum of two (2) acres upon which three (3) or more mobile homes are located or are intended to be located, but does not include sites where unoccupied mobile homes are on display for sale. A mobile home park cannot be developed on a site that is less than two (2) acres in size.

SECTION 3. It is unlawful for any person to place or maintain three (3) or more mobile homes for living or sleeping purposes on any premises or tract of land in Smith County outside the corporate limits of Carthage, South Carthage and Gordonsville unless they are contained within a planned mobile home park duly permitted pursuant to the provisions of this act.

SECTION 4. The Smith County Regional Planning Commission shall grant approval or a mobile home park when all the provisions of this act have been met. An application and all accompanying plans and supporting data shall be filed in duplicate with the Planning Commission at least seven (7) days prior to a regular meeting of the Commission.

SECTION 5. The owner or lessee of the land parcel proposed for a mobile home park shall submit a plan for development to the Smith County Planning Commission for approval. The plan shall show:

- (a) The park plan drawn to scale;
- (b) The area and dimensions of the proposed park;
- (c) The location and width of all driveways and walkways;
- (d) The location and dimensions of any proposed service building and structures;
- (e) The location of all water and sewer lines;
- (f) The location of all equipment and facilities for refuse disposal and other park improvements.
- (g) A plan for drainage of the park;
- (h) A certificate of accuracy signed by the surveyor or engineer that the boundary survey is correct;
- (i) A certificate and signature of the County Environmentalist stating suitability for subsurface sewage disposal;
- (j) A certificate for Planning Commission approval; and
- (k) Any other information deemed pertinent by the Planning Commission.

SECTION 6. Minimum Standards.

- (a) A mobile home park shall contain a minimum of two (2) acres.
- (b) Mobile home parks shall be designed so that the distance between mobile homes and between mobile homes and any attached or unattached structure of another mobile home is a minimum of thirty feet (30') in all directions.
- (c) The site shall be located on a well-drained and flood-free site with proper drainage. The Smith County Flood Insurance Rate Map dated 9/4/85 or subsequent updates to said maps shall be used to determine floodable areas.
- (d) The site shall not be exposed to objectionable smoke, noise, odors, insect or rodent harborage or other adverse influences.
- (e) The site shall be located with direct access to an existing county or state road.
- (f) The Planning Commission may attach special conditions and safeguards to protect both the occupants of the park and the occupants of surrounding property from such elements as noise, light and dust. Where required to serve these ends, walls, planting, surfacing or other material or artificial means for protection may be required as a part of such special conditions.
- (g) The mobile home park shall not contain more than four (4) individual mobile home spaces per gross acre.
- (h) Service buildings shall be a permanent construction, adequately ventilated and lighted.
- (i) An approved water supply and sewer shall be provided to each mobile home space. Piping and connections shall be as specified and approved by the County Environmentalist.
- (j) All service buildings shall be convenient to the spaces which they serve and shall be maintained in a clean and sanitary condition.
- (k) The drives, walks, and parking areas shall be paved with hard surface material which shall be not less than double bituminous surface.
- (l) Roadways shall be a minimum of eighteen feet (18') in width.
- (m) Entrances and exits to the mobile home park shall be designed for safe and convenient movement of traffic into and out of the park and shall be located and designed as prescribed by the Smith County Planning Commission.
- (n) Any part of the park areas not used for building or other structures, parking, or access ways shall be landscaped with grass, trees, shrubs, and pedestrian walks.
- (o) The park shall be adequately lighted at night with security lights.
- (p) Each mobile home shall be set back a minimum of thirty feet (30') from any public street and a minimum of fifteen feet (15') from all property lines.
- (q) Each mobile home park shall provide at least two (2) off-street parking spaces for each mobile home unit. The parking spaces shall be located for convenient access to the mobile home units.
- (r) All mobile homes, service buildings, and the grounds of the park shall be maintained in a clean, sightly condition and kept free from any conditions that will menace the health of any occupant or the public or constitute a nuisance.
- (s) Fire hydrants will be required if sufficient size water lines are available to serve the hydrants.
- (t) In each mobile home park, the duly authorized attendant or caretaker shall be charged at all times to keep the mobile home park, its facilities and equipment, in a clean, orderly, safe and sanitary condition.
- (u) It is unlawful for any person to maintain or operate a mobile home park within the Smith County Planning Region, unless such person first obtains approval from the Smith County Regional Planning Commission.
- (v) There shall be no more than one (1) mobile home per septic tank and drainage field.
- (w) A buffer strip shall be provided along all property lines of the park except across ingress and egress points to county roads.

SECTION 7. Enforcement and Penalties for Violation. The county may enforce this Mobile Home Park Regulation by action or injunction. Any person or persons who willfully neglects or refuses to comply with any of the provisions of this act shall be subject to a civil penalty of not more than fifty dollars(\$50.00) for each offense. Each day of violation shall constitute a separate offense.

SECTION 8. Review Power of the Commission.

- (a) Any of the foregoing provisions may, at the discretion of the Smith County Planning Commission, be waived for good and sufficient reasons. However, all mobile home park requests shall be submitted to the Planning Commission for review and shall be accompanied by a mobile home park development plan. The Planning Commission shall review all mobile home park plans for preliminary and final approval.
- (b) Expansion of existing mobile home parks shall be submitted to the Smith County Planning Commission for approval and must conform to the standards set forth in this act.
- (c) The Smith County Regional Planning Commission 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 9. 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 10. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the County Legislative Body of Smith County. Its approval or non-approval shall be proclaimed by the Presiding Officer of the County Legislative Body of Smith County and certified to the Secretary of State.

SECTION 11. For the purposes 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 10.

Passed: April 20, 1998.

Administration - Historical Notes

County Clerk

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

1. Private Acts of 1919, Chapter 287, declared that women over the age of twenty-one in Smith County would be eligible for the office of Deputy Clerk of the County Court with all the duties and responsibilities imposed by law on that position

County Mayor

The references below are of acts which once applied to the office of county judge, or county executive in Smith 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, created the position of County Judge in all counties in the state. The County Judge would be elected to serve four-year terms and was required to be learned in the law. He would be sworn and commissioned as were other Judges, and he would serve as the accounting officer and general agent of the county. The County Judge would be paid \$5.00 per day during the sitting of the Monthly and Quarterly Courts. Quorum Courts were abolished and all their jurisdiction and functions were conferred upon the County Judge. He was not precluded from the practice of law in the other courts.
2. Public Acts of 1857-58, Chapter 5, repealed Acts of 1855-56, Chapter 253, above, and restored the Quorum Courts to their status prior to the passage of that repealed act.
3. Public Acts of 1867-68, Chapter 30, created the office of County Judge for Perry, Decatur, Cheatham, and Lauderdale Counties. The officer would be elected to eight-year terms and would be sworn and commissioned as other judges of the State. Quorum Courts were abolished and their responsibilities and jurisdiction were transferred to the County Judge, who would also preside over the meetings of the County Court in the place of the former County Chairman. The County Judge would be paid a salary of \$200 per year, and would not be precluded from practicing law in other courts. Section 13 of the act extended the provisions to include Smith County whose Judge would be paid \$500 per year in quarterly payments.
4. Public Acts of 1869-70, Chapter 8, repealed Public Acts of 1867-68, Chapter 30, above, as it applied to Smith County so that the office of County Judge was abolished. The section which had abolished the Quorum Court was repealed, and the Quorum Court was restored to its former status.
5. Private Acts of 1929, Chapter 574, as amended by Private Acts of 1943, Chapter 74, abolished the office of chairman of the county court and created the office of county judge.
6. Private Acts of 1943, Chapter 100, added \$600 per year to the compensation of the County Judge for duties performed in his administrative capacity and for his services as fiscal agent of the County.

County Legislative Body

The following acts once applied to the quarterly court or the county legislative body of Smith 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 1799, Chapter 2, which created Smith County, provided that the County Court would meet

at the home of Major Tilman Dixson on the third Monday in December, March, June, and September until the courthouse and county seat were ready.

2. Acts of 1803, Chapter 39, rescheduled the terms of court for the Courts of Pleas and Quarter Sessions for every county in the Mero District of Tennessee. Smith County's Quarterly Court would convene on the second Monday in December, March, June, and September every year.
3. Acts of 1806 (Ex. Sess.), Chapter 48, stated that the opening dates for courts in Smith County would be the first Monday in December, March, June, and September.
4. Acts of 1807, Chapter 53, rearranged opening dates for the Courts of Pleas and Quarter Sessions for the Winchester District, in which were the Counties of Franklin, Warren, White, Overton, Jackson and Smith. The Court in Smith would begin its terms on the first Monday in March, June, September, and December.
5. Acts of 1809 (Sept. Sess.), Chapter 93, fixed the schedule of terms of the County Courts in all counties of the State. The commencement time for the court in Smith County remained the first Monday in March, June, September, and December.
6. Acts of 1812, Chapter 68, stated that the County Courts of Smith County would meet on the fourth Monday in March, June, September, and December.
7. Acts of 1813, Chapter 134, changed the starting times for the terms of County Courts in several counties, including Smith County, where the Court would begin its terms on the second Monday in February, May, August, and November.
8. Acts of 1817, Chapter 138, rescheduled the opening dates for the terms of the County Court in Smith County to the second Monday in February, May, August, and November.
9. Private Acts of 1819, Chapter 6, authorized the County Court to fill vacancies in the Quorum Court of Smith County which were occasioned by the resignations of John Gordon and Arthur S. Hogan.
10. Private Acts of 1819, Chapter 160, changed the meeting dates of the Quarterly Courts in some counties in Middle Tennessee, but left unchanged the schedule of the Court in Smith County. The Court's terms were to begin on the second Monday in February, May, August, and November.
11. Private Acts of 1822, Chapter 81, changed the opening dates for the terms of the County Court in Smith County to the first Monday in February, May, August, and November, effective the September 10 next following passage of the act.
12. Private Acts of 1823, Chapter 101, set the new dates for the convening of the County Court in Smith County as the fourth Monday in February, May, August, and November.
13. Private Acts of 1823, Chapter 128, declared that all writs, recognizances, summons, and process of every description which had been made returnable to the County Court of Smith County on the second Monday in November next, would be made returnable to the Court on the fourth Monday of November next.
14. Private Acts of 1823, Chapter 197, declared that the Justices of the Quarterly Court in Smith County could, on the first day of the first Term of each year, select by ballot three of their number to hold the ensuing Courts for that year, to possess the same powers and abide by the same rules and regulations as the similar court in Rutherford County.
15. Private Acts of 1827, Chapter 65, stated that the Courts of Pleas and Quarter Sessions of the Counties of Dickson, Sullivan, Weakley, Hawkins, Hamilton, Smith, Henry, and Rhea, a majority being present, could, on the first day of the first term of the court in each year, select by ballot three of their number to hold the Courts for the remainder of that year. The Clerk would enter upon the record the names of the Justices so chosen and deliver a copy to the Sheriff who would notify them immediately. They would be entitled to the benefits and be governed by the rules of the regular Court.
16. Public Acts of 1829, Chapter 9, authorized the Justices of the Quarterly Court in Smith County to select three of their number to serve as a Quorum Court and, in case of a vacancy, to select the successor to fill the vacancy. Members of the Quorum Court would be paid \$1.50 per day while sitting as a court, and the Quarterly Court could levy a tax in an amount sufficient to pay the Quorum Court.
17. Private Acts of 1941, Chapter 120, provided that the Quarterly Court of Smith County would meet in regular session on the second Monday in January, April, July, and October instead of on the first Monday in those months.
18. Private Acts of 1949, Chapter 547, set the per diem compensation for Justices of the Peace in Smith County for their attendance at regular, special, or called meetings of the Quarterly County

Court at \$5.

19. Private Acts of 1951, Chapter 577, set the per diem compensation for members of the county court for their attendance at regular and special sessions at \$4.50 plus \$.05 for each mile traveled to and from sessions. This act applied to all counties in the state having a population of not less than 14,070 and not more than 14,080 according to the Federal Census of 1950.
20. Private Acts of 1970, Chapter 236, amended Private Acts of 1949, Chapter 547, above, by increasing the per diem compensation of the Justices of the Peace in Smith County from \$5 to \$25 for their attendance at the regular, special, and called meetings of the Quarterly Court. The act was not approved locally and did not become effective.
21. Private Acts of 1972, Chapter 245, established the per diem compensation for the Justices of the Peace at \$25 for each regular, special, or called meeting of the Quarterly County Court and repealed Private Acts of 1949, Chapter 547, above.

County Register

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

1. Private Acts of 1915, Chapter 600, provided that females over the age of twenty-one and residents of the county in which they were to serve would be eligible to be appointed and serve as deputy Registers in the State of Tennessee and in Smith County

County Trustee

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

1. Private Acts of 1927, Chapter 287, required the County Trustee of Smith County to provide a bond to the State of Tennessee, for its own use, which would be in an amount equal to the amount of taxes collected by the Trustee for the State during the year prior to which such bonds were to be executed. It required a second bond to the State for the benefit of the County in the amount of one-third of the amount of all the taxes collected for the County during the year prior to the execution of the bond. All the bonds could be readjusted on this basis after the effective date of the act.
2. Private Acts of 1947, Chapter 323, recited that the Quarterly Court of Smith County had passed a resolution compensating the County Trustee for the receipt and disbursement of funds accruing to the County from the Federal Government on account of military maneuvers in the County, and that the County had no authority to adopt such a resolution. The act confirmed and validated the resolution, as adopted, endowing it with the full faith and credit it would have had if the Court had possessed the proper authority at the time of the adoption.

Purchasing

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

1. Private Acts of 1943, Chapter 88, created a Purchasing Commission for Smith County the members of which would be the County Clerk, the Superintendent of Education, and the Road Commissioner, with the County Judge serving as ex officio chairman. The act granted the Commission sole and exclusive power and authority to contract for and purchase all materials, supplies, and equipment for the entire operation of Smith County government. All purchases or contracts for the purchase of supplies, equipment, or material exceeding \$100 were to be advertised and secured on a sealed bid basis. Other powers and duties of the Commission were described in the Act.
2. Private Acts of 1967, Chapter 337, amended Private Acts of 1943, Chapter 88, above, by changing the upper limit of the amount of purchases or contracts required to be advertised from \$100 to \$1,000.
3. Private Acts of 1978, Chapter 232, amended Private Acts of 1943, Chapter 88, above, by changing the upper limit of the amount of purchases or contracts required to be advertised from \$1,000 to \$2,500.
4. Private Acts of 1987, Chapter 29, repealed Private Acts of 1943, Chapter 88, above.

General References

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

1. Acts of 1799, Chapter 65, required tobacco to be inspected prior to export from the State. The act

established the sites of inspection warehouses and included details of the inspection procedures, the appointment of inspectors, and fees to be charged. The inspection warehouse for Smith County would be in Bledsoeborough.

2. Acts of 1801, Chapter 5, was a comprehensive act which detailed how commodities for public sale should be packaged, labeled, inspected, and shipped, and how they were to be stored in warehouses. The warehouse at Bledsoeborough at the mouth of the Caney Fork River in Smith County would continue as an inspection site, and another warehouse would be established at Fort Blount.
3. Acts of 1803, Chapter 71, appointed James Draper, James Guinne, John Gordon, Joseph Collens, and Henry Tooley as Commissioners to select a place on the Cumberland River, not to be below Bledsoeborough nor above the mouth of the Caney Fork River, for the purpose of erecting a court house, prison, and stocks. The Commissioners would acquire at least forty acres and lay out a town which would be called Livingston, leaving two acres for a public square. They were to sell lots and execute deeds of conveyance, applying the proceeds of sale to the cost of the site first, and then to the cost of building the court house, prison, stocks, or other public edifice. The Quarterly Court would levy a tax if the sale of lots did not produce sufficient revenue.
4. Acts of 1804, Chapter 36, authorized the Quarterly Court of Smith County to pay Willie Jones compensation for his public service in laying out and marking the boundary lines of the County and for his necessary expenses incurred in the job.
5. Acts of 1804, Chapter 40, stated that it appeared to the Legislature that the previous Commissioners, appointed to fix a place to erect a court house, prison, and stocks, had violated the trust reposed in them by disregarding the injunctions placed upon them in the law; therefore, an election would be held in the house of William Walton in Smith County, for the voters to vote on a suitable place to build a court house, prison, and stocks. The site would be either on a tract of land where William Saunders once lived or on the tract on which Colonel William Walton lived. Grant, Allen, Benjamin, John, and Wilson Cage were appointed Commissioners to notify the people of the act and proceed to acquire forty to fifty acres on which to build. The Sheriff was required to hold the election under the general election laws.
6. Acts of 1806 (Ex. Sess.), Chapter 55, stated that public inspection of commodities intended for public sale would be held at the warehouses named in the act, one of which was at or near the town of Carthage in Smith County.
7. Acts of 1807, Chapter 52, required the Sheriff of Smith County to hold an election in the town of Carthage to elect five commissioners who would then choose one of their number as chairman. They would appoint a treasurer for the town and employ some person to re-survey and mark the town boundaries and lots. Property would then be assessed and taxed.
8. Private Acts of 1819, Chapter 4, authorized the Quarterly Court of Smith County, a majority of the Court being present, to sell the northeast corner of the public square in Carthage to the president, directors, and company of the Bank of Tennessee at such sum as might be agreed upon, provided the adjoining landowners would give their consent. If the sale was agreed upon, the Chairman of the County Court would make a deed of conveyance.
9. Private Acts of 1819, Chapter 29, authorized the Quarterly Court of Smith County to lay an additional tax, when and if it considered the tax expedient, for the purpose of erecting a building in which the office of the County Court Clerk, the Circuit Court Clerk, and the County Register would be located on the Public Square in Carthage. The Court could appoint up to five commissioners to supervise the project. The act specified a schedule of maximum taxes to be levied.
10. Private Acts of 1827, Chapter 59, appointed Abner Lark, William McClain, James A. Alexander, Robert Moore, John Lancaster, and Thomas Lancaster, as trustees to draft a lottery scheme to raise \$5,000 to build a bridge across the Smith's Fork near Lancaster in Smith County. The trustees were to make a proper bond of twice the amount of the anticipated proceeds to guarantee payment of the lottery prizes.
11. Public Acts of 1831, Chapter 43, directed the Cashier of the Bank of the State of Tennessee to pay over to several listed counties their respective pro rata shares of the \$60,000 set aside for the Internal Improvement Fund of Middle Tennessee.
12. Private Acts of 1831, Chapter 93, authorized William Pope to retail goods, wares, and merchandise, except spirituous liquors, in Smith County without the necessity of obtaining a license therefor.
13. Private Acts of 1831, Chapter 149, directed the Clerk of the County Court of Smith County to

- refund to John Walters, Hazzard and Green, Barkley and Foster, Thomas G. Lancaster, G. & N. Tubb, and Samuel A. Quarles, the sum of \$50 each, that amount being one-half of the amount collected from each of them for failing to take out other licenses for the year 1830.
14. Private Acts of 1833, Chapter 3, directed the Treasurer of West Tennessee to refund to William B. Moore of Smith County the sum of \$50, which was one-half of the amount collected from him by the County Court Clerk for selling goods in the County, provided Moore produced a certificate from the Clerk showing that he paid the \$100 alleged to have been collected from him.
 15. Private Acts of 1833, Chapter 149, allowed Lindsay J. Mann and Arcebal Cannon to hawk and peddle in Smith and Sumner Counties without a license.
 16. Acts of 1837-38, Chapter 61, appointed Guilford Jones, the Surveyor of Smith County, to ascertain the center of DeKalb County. Jones could employ chain carriers to assist him, and he was required to mark the center of the County when he located it. He was to advertise this news at Liberty and at the house of Bernard Richardson, but could advise the County Court verbally or in writing. DeKalb County was directed to pay for his services.
 17. Acts of 1837-38, Chapter 83, allowed the County Court of Smith County to lay out and expend the Internal Improvement Board Fund arising from all sources for Smith County in such manner as to them should seem right and proper. All persons possessing any part of these funds would pay it over to the county. Persons refusing to comply with the terms of the act were subject to being fined.
 18. Acts of 1837-38, Chapter 213, authorized the County Court to grant to any person, or persons, the privilege of placing an abutment upon either bank of the Cumberland River for the purpose of erecting a grist mill or other type of mill on the river, provided the mill would not in any way interfere with the navigation of the stream. The one erecting such a mill must be the owner of it.
 19. Acts of 1851-52, Chapter 22, required the Comptroller of the Treasury upon the application of the County Court of Smith County to examine and ascertain the amount of Internal Improvement Funds belonging to Smith County that had been paid over to the Superintendent of Public Instruction. This amount would be certified to the Bank by the Comptroller and the Superintendent, whereupon the Bank was to pay over the balance of said funds to Smith County to be appropriated as the County Court would see fit, two-thirds of the Court being present.
 20. Public Acts of 1871, Chapter 100, stated that the Sheriff of Smith County would hold an election at the regular August election in which the voters would vote on the question of moving the county seat from Carthage, the ballot to be marked simply "For" or "Against." The Sheriff was to compare the votes and, if two-thirds voted in the affirmative to move the county seat, the County Court would notify the Commissioners appointed in the act. The Act named W. G. T. Underwood, E. W. Cornwell, James Haynie, J. H. Burnett, D. A. Witt, Ward Ballow, M. Lancaster, David Smith, James McKinney, William Gann, Edwin Atwood, W. M. Nixon, James G. Wyatt, W. V. R. Hallam, Thos. Crutchfield, William Bridges, H. J. Perkins, John P. Yelten, and D. A. McCathron, as Commissioners to accomplish the purpose of the act.
 21. Private Acts of 1915, Chapter 189, allowed the County Court of Smith County to elect female citizens of the County over the age of 18 to the office of Notary Public. The act required females to execute the same bond, take the same oath, perform the same duties, and be subject to the same penalties as other Notaries Public were.
 22. Private Acts of 1933, Chapter 896, amended Section 6019, 1932 Code of Tennessee, which Section provided for the minimum cash capital of banks, graduated according to place, county, and population, by adding a provision that in Smith County the Superintendent of Banks could issue a permit for the organization of any bank with a minimum paid-up capital of \$5,000 and a paid-up surplus of not less than fifty percent of the capital stock and provided that the Bank, so organized, keep on hand at least twenty-five percent of all cash deposits at all times.
 23. Private Acts of 1937, Chapter 44, removed all the disabilities of infancy from Blanche Gregory of Riddleton in Smith County; therefore, permitting her to conduct herself and contract fully as though she was an adult.
 24. Private Acts of 1937, Chapter 45, removed the minority of James R. Yancey, of Riddleton, Smith County, granting him all the rights and responsibilities of majority.
 25. Private Acts of 1937, Chapter 46, removed all the disabilities of infancy of Shealie Gregory, of Riddleton, Smith County.
 26. Private Acts of 1949, Chapter 858, removed the disabilities of minority of Henry Clay Winkler, nineteen years of age, of Smith County so that he could contract in the same manner as an adult.

27. Private Acts of 1985, Chapter 41, directed that no Smith County official was to spend or obligate to spend more than one twelfth of his or her annual budget per month in the months of July and August and was not, during July and August of election years, to create new positions or contract for long term leases or agreements, unless the contract had the approval of the county legislative body. The act was not approved locally and did not become effective.

Chapter II - Animals and Fish

Caney Fork River Fishing

Private Acts of 1990 Chapter 216

SECTION 1. Notwithstanding any provisions of law, regulation or proclamation to the contrary, that section of the Caney Fork River which extends from the county line in Smith County to the Laycock Bridge shall utilize the same seasons, creel limits and methods of taking of all sport fish as that Section of the River extending upstream from near Happy Hollow access point at the county line to the DeKalb Smith County line near Center Hill Dam.

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

SECTION 3. If any provisions of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not effect 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 4. For the purpose of approving or rejecting the provisions of this act, 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: April 12, 1990

Exceptions to Game and Fish Laws

Private Acts of 1953 Chapter 156

SECTION 1. That the general game and fish and hunting and fishing laws, rules, regulations and proclamations applicable to the other counties of the State of Tennessee shall apply to Smith County, except that it shall be lawful at all times and seasons in Smith County: (1) to chase, kill or capture by dog, gun, trap or otherwise any kind of wild fox; (2) to take up to ten nongame or rough fish, such as carp, suckers, red horse, etc., by gig or snare during the months of April and May provided, the taking of more than ten fish at any one time shall be a misdemeanor punishable by a fine from \$1.00 to \$10.00; (3) to kill squirrels during such season or seasons as may be established from time to time by the State Game and Fish Commission; (4) to catch fish by means of a wooden basket in any of the streams or lakes in Smith County; (5) to catch fish by means of grabbing in the Smith Fork Creek from the DeKalb County line to the Cowan-Williams bridge and the Gordonsville Lancaster Road.

As amended by:
Private Acts of 1955, Chapter 411,
Private Acts of 1967-68, Chapter 420,
Private Acts of 1972, Chapter 292.

SECTION 2. It is lawful to catch and possess minnows in Smith County or to sell same, in accordance with the provisions of the general law of the state.

As amended by: Private Acts of 1972, Chapter 291.

SECTION 3. That violation of this Act shall be a misdemeanor, punishable by a fine not to exceed Twenty-five Dollars (\$25.00).

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

Passed: March 6, 1953.

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 Smith County. They are included herein for reference purposes. Also

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

1. Private Acts of 1827, Chapter 109, declared that a certain deadly disease, called milk sickness, had killed people and animals along certain areas of Bledsoe and Goose Creeks in Smith and Sumner Counties. The act made it the duty of the people living in those areas to burn the carcasses of horses, cattle, swine, sheep, and goats wherever they were found, whether the animals had belonged to them or not. Violators of the act were subject to being fined.
2. Public Acts of 1889, Chapter 114, amended Milliken and Vertrees' Code of Tennessee, Section 2238, by repealing it as it applied to Smith County. The act provided that it would be unlawful for any explosive or poisonous substance to be used in the taking of fish and provided that it would be lawful to fish with a seine at any time of the year in Smith County.
3. Private Acts of 1897, Chapter 281, amended Public Acts of 1895, Chapter 127, to exclude Smith, Putnam, and Weakley Counties from its provisions except as it related to the killing of fish by poison, dynamite, or other explosive.
4. Acts of 1909, Chapter 197, made it unlawful in Smith County to allow livestock, such as cattle, horses, mules, hogs, sheep, and goats to run at large. A person in violation of the act would be guilty of a misdemeanor. The act granted a lien to persons damaged by trespassing stock and allowed them to take up, feed, and care for the stock and add the resulting costs to amount of the lien.
5. Private Acts of 1911, Chapter 57, made it unlawful in Smith County for the owner or custodian of livestock, such as cattle, horses, mules, asses, sheep, goats, and hogs to allow the animals to run at large. A violation of the act was declared a misdemeanor, punishable by fines. The act granted a lien to a person damaged by marauding animals. Costs of caring and feeding the animals could be added to the amount of the lien. The provisions of the act were not to operate to relieve a railroad company of any liability.
6. Private Acts of 1915, Chapter 244, declared it to be lawful, after passage of the act, for citizens of Smith County to take and catch fish from the Cumberland River and other streams in the county by trot line, seine, bait, or net. The mesh on a seine or net could be no smaller than one inch. No fees or licenses were required to fish as provided in the act. Conflicting provisions of Public Acts of 1907, Chapter 489, were repealed.
7. Private Acts of 1917, Chapter 162, allowed any citizen of Smith County to fish at any time in any of the streams of the county with hook, trot line, gig, bait, basket, seine, or net with a mesh of not less than 1" in width. It was declared unlawful to poison, shoot, or dynamite fish. No fees were to be charged to participate in lawful fishing. No person would be allowed more than three nets. Fines for violators ranged from \$5 to \$25.
8. Private Acts of 1917, Chapter 163, made it unlawful to kill a squirrel in Smith County in any way between March 1 and May 1 of each year, except squirrels eating or damaging crops. No fee or license would be required for squirrel hunting, but no one could hunt for squirrels on the land of another except by permission of the owner or occupant.
9. Private Acts of 1917, Chapter 693, declared it lawful to hunt and trap fur bearing animals from October 15 to the following February 15 in Smith County and declared it lawful to kill any fur bearing animal at any time if the same was disturbing or destroying crops, or property of anyone. The act repealed all conflicting acts.
10. Private Acts of 1925, Chapter 485, amended Public Acts of 1923, Chapter 102, by declaring that nothing in the amended act would apply to make it unlawful to fish in the rivers, streams, or ponds of Smith County between May 1 and August 31 with seines or with nets having a mesh of two inches or more, except that no seines or nets could be placed at or near the mouth of any creek, nor within three hundred feet of any lock or dam. All other provisions of the amended act were to remain applicable to Smith County.
11. Private Acts of 1929, Chapter 276, directed the election commissioners of Smith County to call an election, to be held in every civil district within thirty days, for the purpose of ascertaining the will of the voters with reference to a dog law for the County. The election would conform to the general election laws of the state and was to be paid for as was any other election.
12. Private Acts of 1929, Chapter 582, amended Private Acts of 1925, Chapter 485, above, by reducing the minimum size of the mesh in permissible seines and nets from two inches to one and one-half inches, and the act made it lawful in Smith County to grabble fish with the hands.
13. Private Acts of 1931, Chapter 45, declared it lawful in Smith and Wilson Counties to hunt with a gun or dog, and fish with hook and line or net during any season of the year except when doing so upon the lands of another, unless written consent from the proper party was obtained.

Violators were subject to fines ranging from \$25 to \$50 and to possible jail sentences of up to thirty days. The act would not affect the general law that prohibited fishing with explosives, poisons, or trapping fish with nets. Fines from \$25 to \$50 would be imposed for trapping or shooting a red fox or killing quail earlier than November 25 or later than January 31 following.

14. Private Acts of 1933, Chapter 515, made it lawful in Smith County for any resident to hunt, chase, trap, kill, catch, or take any wild animal, wild bird, wild fowl, or fish in the open seasons without being required to have a license to do so. These acts could be lawfully done on the lands of another if permission was granted. The provisions applied to the catching or taking of fish with a trot line, hook and line, set hook, and casting lines, nets, and baskets with one and one-half inch mesh or larger, and the provisions were applicable only to bona fide residents of the County. Non-resident lessees and tenants were to obtain a license costing \$10 per year. Fines ranged from \$5 to \$50 for violations.
15. Private Acts of 1935, Chapter 824, stated that no license would be required of any resident of Smith County to hunt, kill, take, or trap any fur-bearing animal between November 1 and February 15, the season being open on all animals the fur of which was generally sold commercially. The use of one basket to catch fish without a license was lawful, provided the fish were not to be sold or disposed of for profit. Commercial fishermen were to pay \$2.00 for a license for each basket, but fees were not to exceed \$10. Mesh sizes on nets could not be less than one and one-half inch. Persons were allowed to hunt rabbits and squirrels in open season without a license, but were required to obtain permission to hunt and fish on the lands of another. The general game and fish laws of the State would apply in all other respects. Fines ranged from \$5 to \$50 for violations of this act.
16. Private Acts of 1935 (Ex. Sess.), Chapter 149, amended Private Acts of 1935, Chapter 824, above, by adding a provision that nothing in the act would affect the closed season on red foxes in Smith County and by requiring any person hunting quail, doves, or any other edible game birds to pay the usual license fee as prescribed by the general law. The license requirement did not apply to non-game birds such as crows, hawks, sparrows, and starlings.
17. Private Acts of 1937, Chapter 260, stated that J. G. Hale, a veterinary surgeon, had many years of practice and experience in the field of veterinary medicine and surgery; was over twenty-one years of age, of good moral character; was a bona fide citizen and resident of Smith County. The act authorized Hale to continue his practice in Smith County. Hale was required to file proof of the above facts with the State Board of Veterinary Examiners which would then issue him a proper license upon payment of the lawful fee.
18. Private Acts of 1937, Chapter 261, recited with approval the background and credentials of Floyd Petty, a veterinarian in Smith County, and granted him the privilege to continue practice in the County and obtain a license from the State Board of Veterinary Examiners.
19. Private Acts of 1937, Chapter 262, granted the privilege of securing a license to practice veterinary surgery and medicine to Hugh Whitefield, a veterinarian of Smith County for more than ten years.
20. Private Acts of 1945, Chapter 552, granted to R. E. Tribble of Smith County the privilege of securing a license to practice veterinary medicine and surgery.
21. Private Acts of 1988, Chapter 380, repealed Private Acts of 1953, Chapter 156, reprinted above, along with its amendatory acts. The act was not approved locally and did not become effective.

Chapter III - Bond Issues

Bond Issues - Historical Notes

Bridges

1. Acts of 1903, Chapter 305, allowed the Quarterly Court of Smith County to appropriate the sum of \$60,000, or less, for the purpose of building bridges in the County, provided a majority of the Justices agreed to do so. Bonds would be issued in the amount of the appropriation to bear an interest rate not to exceed six percent and to have a maturity schedule of no longer than twenty years.
2. Private Acts of 1911, Chapter 589, allowed the County Courts of Putnam, DeKalb, and Smith Counties, respectively, to issue bonds in an amount not to exceed \$6,000, at an interest rate of four and one-half percent or less, and for maturity periods not in excess of thirty years, for the

purpose of building a bridge across the Caney Fork River at a point just above the place where the bridge of the Tennessee Central Railroad crossed the river near the Putnam and DeKalb County lines. The bridge would be the joint property of all three counties.

3. Private Acts of 1927, Chapter 537, stated that the Quarterly Court of Smith County had authorized the issuance of Highway Bridge Bonds in the amount of \$20,000 for the purpose of cooperating with the State Department of Public Works, which bonds were to bear interest at a rate not in excess of five percent and were to mature no later than the year 1944. The bonds had been sold but not delivered, and some question had arisen regarding the authority of the Quarterly Court to issue them. The County desired to deliver the bonds and proceed with the work on the bridges located in the County. The act validated, confirmed, and legalized all the prior proceedings of the Smith County Quarterly Court taken in connection with the bond issue.

Debts

1. Public Acts of 1866-67, Chapter 41, was the authority for the Quarterly Court of Hawkins County, by a two-thirds vote of its members, to issue interest bearing bonds in an amount equal to the County's outstanding debts, but no debt incurred in aid of the recent rebellion was to be paid with the proceeds of the bond issue. Section 6 extended the privileges, terms, and conditions of the act to Greene, Monroe, White, Franklin, Dyer, and Smith Counties.
2. Private Acts of 1929, Chapter 251, recited that the County was obligated in an amount of about \$80,000 in outstanding debts, notes, and warrants, that there existed about \$120,000 in outstanding claims against the Elementary School Fund, and that the debts and claims were due and unpaid. It declared that the Quarterly Court had authorized the issuance of bonds in the amount of \$200,000 at a lower rate of interest than the six percent rate then accruing on the debts, resulting in substantial savings to the people of the County. The act validated, ratified, and confirmed all the previous actions of the Quarterly Court in connection with that bond issue and made the payment of the bonds the binding, general, and incontestable obligations of the County, notwithstanding any contention to the contrary.
3. Private Acts of 1935, Chapter 80, recited that there existed \$45,000 in valid, binding, just, and unpaid debts owing by Smith County, that no funds were available to pay the debts, and that it appeared to the Quarterly Court that tax anticipation notes should be issued to create a fund to pay these obligations. The Quarterly Court had authorized the County Judge and County Court Clerk to sell such notes at the earliest possible date at four and one-half percent interest or less, which action would save the County from paying one and one-half percent interest on the debts. The outstanding debts were payable with six percent interest. All prior actions were validated and legalized and the bonds were declared to be the general and incontestable obligations of the County, which was obligated to levy a special additional tax to establish a sinking fund for the purpose of paying the indebtedness created by the bond issue.

Roads

1. Acts of 1907, Chapter 172, permitted the Quarterly Court of Smith County to issue bonds in an amount up to \$100,000 with an interest rate of five percent or less, maturing from fifteen to fifty years, as the Court determined. The proceeds of the bond issue would be used to build and improve public roads, culverts, bridges, piping, and drainage. The Quarterly Court would appoint three Commissioners to sell the bonds and supervise the work. They could not be members of the Court. One member would act as secretary. They could employ an engineer to assist them, they were to make periodic reports to the Court, and they were to have no personal interest in the programs at any time.
2. Private Acts of 1911, Chapter 610, provided that the Quarterly Court of Smith County would issue bonds in an amount up to \$300,000. The bonds were to bear interest at the rate of five percent, and were to mature within fifteen to fifty years, as the Court decided. The money from the proceeds would be used to buy and build roads in the County. The act provided details of the bond issue and established a system of road districts to be supervised by a road commission.
3. Private Acts of 1917, Chapter 21, repealed Private Acts of 1911, Chapter 610, above.

Schools

1. Acts of 1813, Chapter 20, authorized, as Trustees of the Geneva Academy, Nathaniel W. Williams, Robert Allen, Archibald W. Overton, Charles Boulton, Arthur S. Hogan, John Gordon, and Lee Sullivan, to conduct a lottery for the benefit of the Academy. The Trustees were to draft a scheme to raise up to \$4,000 for the school. They were required to enter into a bond in an amount twice the lottery limit before putting the plan into operation so that prizes would be guaranteed and all expenses paid.

Schools - Gordonsville Special School District

1. Private Acts of 1927, Chapter 774, amended Private Acts of 1915, Chapter 684, above, which created the Gordonsville Special School District, by granting authority to the Board of Trustees of the school district to issue bonds in a cumulative amount of up to \$5,000, to bear interest at six percent or less, and to mature semi-annually. The proceeds would be used to liquidate the outstanding indebtedness of the District.

Chapter IV - Boundaries

Creation of the County

Acts of 1799 Chapter 2

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, That the county of Sumner shall be reduced to constitutional limits, to wit: Six hundred and twenty five square miles, exclusive of such part of Cumberland river as shall be contained therein, and shall be bounded on the west by a line beginning upon the south bank of the said river, at low water mark, immediately opposite the mouth of Mansker's creek, thence directly across the river to the mouth of said creek, and up the same with the line of the county of Davidson to the line of the county of Robertson, and with that line to the northern boundary of the state; on the south, by the south bank of the said river Cumberland according to its meanders; on the north by the northern boundary of the state, and on the east by a north and south line extended from the northern boundary of the state, to the said south bank of the river Cumberland.

AND BE IT ENACTED, That Wallace Harris and Edward Guinn, are hereby appointed with power to both or either to ascertain by actual survey, the eastern boundary of the said county, from the northern boundary of the state, to the south bank of Cumberland river, and mark it, also to extend and mark a north and south line through the said county, from the said northern boundary to Cumberland river, so as to leave as near as may be, one moiety of the said county to the west, and the other moiety to the east of said line, for which service they shall be paid by the county, each two dollars per day, and each chain carrier and marker by them employed, one dollar per day.

AND BE IT ENACTED, That a new county be established by the name of Smith, to be contained within the following described bounds; beginning upon the south bank of Cumberland river, at the south end of the eastern boundary of Sumner county, thence north with the said eastern boundary, to the northern boundary of the state, and with the said boundary, east to whether it is intersected by the Cherokee boundary, run and marked agreeably to the treaty of Holston, thence with that boundary, to the Canyon (sic) Fork of Cumberland river, thence with the said fork according to its meanders, to the mouth thereof, thence down the south bank of Cumberland river according to its meanders, to the beginning.

BE IT ENACTED, That courts of pleas and quarter sessions shall be held in the county of Smith, and the county of Wilson, with the same power and authority of the courts of pleas and quarter sessions of the counties heretofore by law established. The courts of the county of Smith shall commence on the third Mondays of the months of December, March, June and September; and the courts of the county of Wilson shall commence on the fourth Mondays of the months of December, March, June and September, with authority to continue by adjournment, from day to day, until the succeeding Saturday inclusive.

AND BE IT ENACTED, That the first court for the county of Wilson shall be held at the house of Captain John Harpole, and after at such place as the court shall adjourn to; and for the county of Smith, at the house of Major Tilman Dixson; and after at such place as the court shall adjourn to.

AND BE IT ENACTED, That elections for members to the General Assembly, the Governor and member of Congress, shall be held at the court houses of the counties of Smith and Wilson, on the days on which elections for such purposes are authorized to be held; and the sheriffs of the counties shall meet the sheriff of Sumner county, at the court house of said county, on the succeeding Monday, and with him examine the respective polls of election for the three counties, heretofore the county of Sumner, and declare the persons duly elected members to the General Assembly, and give certificates accordingly to the persons duly elected; and it shall be the duty of the said sheriff to transmit a statement of the poll of election for Governor and member of Congress to the Speaker of the Senate, in the same manner as directed by law, as the duty of sheriffs of counties heretofore established.

BE IT ENACTED, That it shall be the duty of the sheriffs of the counties of Wilson and Smith, each to hold an election at the place of holding court in their respective counties, on the first Thursday and the

succeeding day of February next, for the purpose of electing one Colonel and two Majors for their respective counties, under the same rules, regulations and restrictions as prescribed by law for the election of such officers.

BE IT ENACTED, That the elections for company officers for the counties of Smith and Wilson, shall be held at their respective company muster ground, on the third Thursday in February next, in the same manner and form as appointed by law for electing company militia officers.

BE IT ENACTED, That the counties of Smith and Wilson, shall be in all cases whatsoever, considered as a part of the district of Mero.

Passed: October 26, 1799.

Change of Boundary Lines

Acts of 1801 Chapter 48

SECTION 1. That the bounds of Smith county shall be as follows, viz. Beginning one mile due west of the south east corner of Sumner county, on the south bank of Cumberland river, thence south, twenty three degrees east, to the Indian boundary, thence along the same until it intersects the Caney Fork road, thence along the dividing ridge between Martin's creek and Flinn's creek to the river, thence up the river one half mile above the ferry landing at Port Blount, thence a due north course until it strikes the state line, thence west along the state line, to the corner of Sumner county, thence south along the Sumner line to the river, thence down the same to the beginning.

COMPILER'S NOTE: The remaining sections of the act are not applicable to Smith County and are not reprinted.

Acts of 1805 Chapter 67

SECTION 1. That the county of Smith shall be reduced to constitutional limits, viz. six hundred and twenty-five square miles, and bounded as follows: by Sumner and Wilson counties on the west; by the northern boundary of the state on the north; by a parallel with the upper boundary of Sumner county, to Cumberland river, and from thence a parallel line with the upper boundary line of Wilson county, to the Indian boundary line, and with the same south, forty-five degrees west to the south east corner of Wilson county.

SECTION 2. That Willis Jones, and Lee Sullivan, are hereby appointed with power, both or either of them, to ascertain by actual survey the eastern boundary of said county, to the Indian boundary, and that said surveyors shall have power to employ two chain-carriers, and two markers, and shall cause the upper boundary of Smith county to be well marked, and shall cause the upper boundary of Smith county to be well marked, and all that part of the county of Smith, after being reduced as aforesaid, lying east of the upper boundary of said county, ascertained as aforesaid, be, and the same is hereby annexed to the county of Jackson.

SECTION 3. That it shall be lawful for the sheriff of Smith county to collect the taxes in all that part of the county of Smith now annexed to the county of Jackson, for the present year, together with all arrearages of taxes due the county of Smith, in the same manner, and under the same rules and restrictions as if this act had never been passed, and that all expenses incurred in ascertaining and marking said lines, shall be paid by the said counties of Smith and Jackson, that is to say, each county to pay one half the expenses: And that said surveyors shall each be allowed two dollars for each day they may be necessarily employees in running said lines as aforesaid, and each chain carrier and marker shall be allowed one dollar for each day they may be employed as aforesaid; any law to the contrary notwithstanding.

Passed: October 28th, 1805.

Private Acts of 1835-36 Chapter 33

COMPILER'S NOTE: Sections 1 and 14 of the act are the only sections that apply to Smith County. The other sections are not reprinted.

SECTION 1. That a new county is hereby established, to be called and known by the name of Cannon; east of Rutherford, north west of Warren and south of Wilson and Smith counties, and composed of parts of the said counties of Warren, Rutherford and Smith; beginning of the ridge, the dividing line between Bedford and Rutherford counties, where Trott's survey strikes the same, near the house of Thomas Bruce; running from thence north to the twelve mile tree marked by Joseph Fowler, near Readyville, in Rutherford county, and continuing the same course to the Wilson county line; thence northeast with the

several lines of Wilson county, to the line between Smith and Wilson; thence with the line between Wilson and Smith, four miles to a point on the line heretofore run by Henry Trott, jr.; thence north eighty degrees east, with said line, seven and a half miles to the line between Smith and Warren; thence north eighty degrees east, nine and a half miles, to the Smith county line; thence the same course seven and a half miles, to the line between Warren and Smith counties; thence with the line dividing Warren and Smith counties, seven miles to the Caney fork of Cumberland river; thence up the meanders of the Caney fork to the mouth of Lick creek; running from thence to Perry G. Magnus's, leaving the dwelling house of said Magnus in the county of Warren; thence to a point a westwardly course, so as to run not nearer than twelve miles of McMinnville; thence to John Martin's esq. on a line heretofore run by Henry Trott; thence south, thirty degrees west, seven miles and one hundred and ninety two poles; thence south, twenty degrees west, two miles; thence south five miles and one hundred and eighty six poles; thence south, seventy one degrees west, six miles and seventy poles; thence north, eleven degrees west, three miles and seventy poles; thence with the dividing ridge between Rutherford and Bedford counties, to the beginning.

SECTION 14. That the surplus territory in the southern part of the county of Smith, shall be attached to and made a part of the county of Cannon, on the following conditions, to wit: -- Abraham Overall, Moses Allen, Leonard Lamberson, John Fite and Joel Cheatham, are hereby appointed commissioners, who, or a majority of whom, shall proceed, on or before the first day of May next, and ascertain, by actual survey, the territory attached to the southern extremity of the county of Smith, over and above six hundred and twenty-five square miles, excepting the fifteen square miles above included in Cannon; not running the line nearer than within twelve miles of the town of Carthage; so soon as said fact shall be ascertained, it is hereby made the duty of said commissioners, to hold an election at some suitable time and place, to be designated by the commissioners, and advertised at four of the most public places, at least ten days in said surplus territory, for the purpose of ascertaining whether a majority of the citizens in such surplus territory, are willing to be attached to the county of Cannon; and if upon counting the votes it shall appear that a majority of all the voters, competent to vote for members of the general assembly, have voted to be attached to the county of Cannon, then the said commissioners shall report the fact to the first term thereafter, of the county court to be held for the county of Cannon; which report shall be entered on the minutes of said county court; and in that event said territory shall be attached to and form a part of the county of Cannon; the citizens thereof shall be entitled to all the rights, privileges, immunities and exemptions conferred by this act on the citizens of Cannon.

Passed: January 31, 1836.

Private Acts of 1835-36 Chapter 39

COMPILER'S NOTE: The remaining sections of the act do not apply to Smith County and are not reprinted.

SECTION 10. That in addition to the fifteen square miles taken from the county of Smith and attached to the county of Cannon, by the act to which this is a supplement, the following territory shall also be attached; beginning at a stake in the line dividing the counties of Smith and Wilson, four miles from the southwest original corner of Smith county, running thence north twenty-three degrees west eight and one fourth miles, to an elm tree in said line; thence south eighty degrees east sixteen miles, to the Caney Fork river; thence up said river with the meanders, intersecting at that point the eastern boundary of said county of Cannon; and the inhabitants included in said boundary shall have all the rights, privileges and immunities, that the inhabitants of said county of Cannon have conferred on them by the act to which this is a supplement.

SECTION 11. That in addition to the commissioners appointed by joint resolution of both houses of this Legislature to lay off Smith county into civil districts, Jacob Fite and John Fite shall, and they are hereby appointed; and it is hereby made the duty of said commissioners, or any three of them, forthwith to lay off that part of Smith county which, by this act, is attached to the county of Cannon, into civil districts and designate the places of holding elections in such districts; which districts shall be added to the number of districts for Cannon county, and shall be laid off as near as may be convenient, with not less than one hundred free voters to one district; and they shall also regulate and lay off the districts in Smith county, adjoining its south boundary line, as established by this act, so as to suit the convenience of the citizens, and to return ideal plats with certificates for Cannon county, to the county court of Cannon, and for Smith, to the county court of Smith, and one for each to the Secretary of State.

SECTION 12. That so much of the act to which this is a supplement, as requires the commissioners who were appointed by said act to ascertain the surplus territory in Smith county, and hold an election to ascertain the consent of the inhabitants within said surplus territory to be attached to Cannon county, to

report their proceedings to the county court of Cannon county, be, and the same is hereby repealed.

Passed: February 19, 1836.

Acts of 1853-54 Chapter 320

SECTION 10. And whereas, a small fraction of the north east corner of DeKalb county, adjoining the county of Putnam, and a small fraction of the eastern boundary of the county of Smith, has by the citizens of said fractional parts of DeKalb and Smith county, prayed this Legislature by petition to be attached to said county of Putnam; therefore Be it enacted, That so much of the county of DeKalb, as lies north of the south boundary line, of the county of Putnam as described in the second section of this act, be and the same is hereby attached to the county of Putnam, to wit: beginning at the north-east corner of said DeKalb county, and running south with the east boundary line of said county, crossing the Falling Water near the falls, and with said line one mile and a half to a corner on the White county line, thence in a north western direction, crossing the Falling Water between the mouth of Cane Creek and Riley Medlin's old place; and crossing Mine Lick Creek, bearing twelve miles from Smithville to the north boundary line of DeKalb county, and said last described line shall be regarded as the line dividing the county of DeKalb and Putnam counties, and the said county of Putnam shall have and exercise jurisdiction over the fraction north of said line, and which shall hereafter be and constitute a part of the county of Putnam, any law or usage to the contrary notwithstanding. And be it further enacted, That so much of the fractional part of the county of Smith as lies east of the Caney Fork river, and a line running from the mouth of Rock Spring Creek in a northern direction to the eastern boundary line of said county of Smith as described in the second section of this act establishing the boundary line of the county of Putnam, is hereby established as a part and parcel of the said county according to the prayer of the petitioners, and said Caney Fork river and line as above described, shall be the boundary line between the counties of Smith and Putnam counties; and all the citizens east of said river and line shall be subject to the authority, and under the jurisdiction of the county of Putnam, any former law or usage to the contrary notwithstanding; and it shall be the duty of the surveyor that surveys the county of Putnam, to include said territory in the county of Putnam as described by the second section of this act.

SECTION 11. Be it enacted, That as soon as the survey of Putnam county is completed, and the center of the county found and shown to the commissioners by the said surveyor, and a plat of the same furnished them by the said surveyor, they shall deposite (sic) the same in the Clerk's office of the County Court, and it shall be the duty of said County Court to appoint at least nine commissioners to lay off said county, into not less than nine nor more than twelve civil districts of as near an average number of voters as practicable, and to suit the convenience of the citizens, and designate the place of holding the elections in each district describing the boundary, and the number of each civil district; the center district being (No. 1) And it shall be the duty of said County Court to appoint three of said commissioners from the fractional part of Jackson county, and two from the fraction of Overton, and two from the fraction of White, and one from the fraction of DeKalb, and one from the fraction of Smith, and one from the fraction of Fentress county, and if any of said commissioners fail or refuse to act, the vacancy may be filled by the appointment of another commissioner in said fraction by any three of the board, and any five shall constitute a quorum, and do the business and report to the next County Court.

SECTION 12. Be it enacted, That Joshua R. Stone, and Doctor Green H. Baker, of White county; Austin Morgan, and Maj. John Brown, of Jackson; and William Davis, and Isaiah Warthon, of Overton county; and William B. Stokes, and Bird S. Rhea, of DeKalb county; and Benjamin A. Vaden, and Nathan Ward, of the county of Smith, be and the same are hereby appointed commissioners to locate the seat of Justice for the county of Putnam, any five of whom shall have the power to act as a body. [The remainder of this section was not applicable to Smith County and therefore is not repeated herein.]

COMPILER'S NOTE: The remaining sections do not apply to Smith County and are not reprinted. This act was cited in a case involving a boundary dispute between Putnam and White Counties: Putnam County v. White County, 140 Tenn. 19, 203 SW 334 (1918).

Private Acts of 1859-60 Chapter 135

SECTION 1. That the county line between DeKalb and Smith counties be changed as follows: beginning at Benj. Thomason's land, running north with the county line, forty-two poles to his N. W. corner; thence east, ninety-eight poles; thence north twenty-five degrees east twenty-six poles; thence north with James Jones', sixty-two poles; thence east thirty poles; thence north fourteen degrees east eighty-eight poles; thence west thirty poles; thence north forty poles; thence east thirty poles to Andrew Williams' line; thence north with his line, one hundred and ten poles; thence east one hundred poles to Asa Washer's line; thence north twenty-three poles; thence sixty-five degrees east seven poles; thence north fifty-five

poles; thence east sixteen poles; thence north fifty-six poles; thence east sixty poles; thence north eighty-four poles; thence east one hundred and eighteen poles; thence south fifty-eight poles; thence south seventeen degrees west twenty-six poles, to Granderson Hardcastle's line; thence south forty degrees east twenty-six poles; thence south sixty-two degrees east twenty-six poles; thence south sixty-two degrees east fourteen poles to a beech corner belonging to the heirs of James Arnient; thence east with the line seventy-six poles to John Helmontuller's line; thence north his line fifty-four poles; thence east with Young Malone's line one hundred and fifteen poles; thence north twenty poles; thence south sixty-five degrees east thirty-six poles, to B. Malone's line; thence north with his line forty-five degrees east twenty-two poles; thence east eighty poles; thence north, thirty-four poles; thence south thirty-seven degrees east forty-four poles; thence east with C. Deuny's line eighty poles to Daniel Driver's west boundary line; thence north with his line one hundred and thirty-four poles; thence east one hundred and thirty-five poles; thence south ninety-four poles; thence south forty-six degrees east twenty poles; thence south eighteen degrees east forty-six to Charles Washer's line; thence south eighty-five degrees east twenty-two poles; thence south sixty-five degrees east forty-eight poles; thence north fifty degrees east forty-two poles; thence east fourteen poles; thence south fifty-five east twenty-eight poles to Thos. Drivers's line; thence north fifty-two degrees east one hundred poles; thence north fifty-seven degrees east forty-two poles; thence north sixty-five degrees east fifty-four poles; thence north sixty-five degrees east fifty-four poles; thence north sixty degrees east eighty poles; thence forty degrees east eighty poles; thence seventy degrees east one hundred and twenty poles; thence south twenty poles; thence south seventy degrees east ninety poles; thence south thirty degrees east twenty poles; thence south seventy five degrees east forty poles; thence south eighty degrees east one hundred and seventy-six poles; thence south five degrees east ninety-four poles to Smith's Fork, at the mouth of a gully, near John Lamberson's fence; thence up the creek, north sixty-five degrees west eighty-four poles; thence up said creek, twenty degrees west one hundred poles; thence east, crossing Smith's Fork, forty poles; thence south fifty poles; thence south sixty-one degrees east one hundred and sixteen poles; thence east with Kelly's line, sixty-six poles, to the road leading from Smithville to Lancaster, near John Rody's house; thence with said road south thirteen degrees east sixty poles; thence south forty-five east one hundred poles; thence south sixteen degrees east thirty poles; thence with said road south eight degrees east six poles; thence south forty-two degrees east forty-two poles to the DeKalb county line, near said road; thence north with the various corners of said line to the beginning.

SECTION 10. That the line between the counties of Smith and Wilson be changed so as to include the lands of James Holmes upon which he lives, in the county of Wilson.

COMPILER'S NOTE: Sections 1 and 10 of the act apply to Smith County. The remaining sections are not reprinted.

PASSED: March 18. 1860

Private Acts of 1859-60 Chapter 196

SECTION 1. That the county line between the counties of Putnam and Smith, in this State, be, and the same is hereby so altered or changed as to run as follows, to wit: Beginning at a sycamore on the south bank of Cumberland river, running thence south fifty-four poles, and thence meandering eastwardly with the said river three and three-fourths miles and thirty-one poles, to a beech tree near the mouth of the Indian Creek thence south sixty-five degrees east forty-five poles to an ironwood on the east bank of the creek; thence south two degrees east seventy-two poles to a stake; thence south twenty-three degrees west seventeen poles to a hickory; thence south seventy degrees west forty-one poles to a stake; thence south forty three degrees west one hundred and forty-nine poles to a locust; thence south twenty-three degrees east twenty-one poles to a birch; thence south eight degrees west thirty-eight poles to a stump; thence west forty-six poles to a stake; thence south twenty-seven degrees west twenty poles to a stake thence north seventy-four degrees west sixty-two poles to a sugar tree; thence south one hundred and thirty-two poles to a stake; thence south eighty degrees east twelve poles to an ash; thence south thirty-six degrees west twenty-eight poles to a buckeye; thence south fifty-six degrees west twenty poles to a beech; thence south twenty-six degrees west twenty-three poles to a sugar tree thence south sixty-three degrees west thirty-one poles to an ironwood in the south county line.

SECTION 2. That if at any time hereafter any question shall arise, so as to involve the said county of Putnam in a contest as to the constitutionality upon the extent or amount of area necessary to the existence of said county, and it shall turn out that the said county of Putnam has not the requisite constitutional area or territory without the fraction stricken off by the first section of this act, then in that case, the said first section of this act shall be held void, and the aforesaid change of lines shall be inoperative and void.

SECTION 3. That the residences of D. Robeson, H. B. Clark, be, and the same is hereby embraced in the change of line, and that the line aforesaid be so modified or changed in its boundaries as to embrace them in Smith county.

COMPILER'S NOTE: Sections 1, 2, and 3 of the act apply to Smith County. The remaining sections are not reprinted

Passed: March 23, 1860

Acts of 1907 Chapter 29

SECTION 1. That the line between the counties of Putnam and Smith be changed as follows:

Beginning in the line between said counties at a stake, at low-water mark, on the south bank of Caney Fork River, the northwest corner of J. C. Barnes' tract of land, running thence south 12 degrees east 211 poles to a stake on the south side of the railroad right of way; thence north 60 degrees east 40 poles to a stake; thence north 70 degrees east 23 poles to a stake, at a low- water mark, on the west bank of Caney Fork River, so as to detach all the lands within said boundary from Smith County and attach them to Putnam County.

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

Passed: January 29, 1907.

Private Acts of 1965 Chapter 147

SECTION 1. That the boundary line between the counties of Jackson and Smith is changed by detaching the following described tract of land from Jackson County and attaching same to Smith County.

Beginning at a pin in the center of State Highway 85, where the same is intersected by the eastern boundary of Smith County and running from there as follows: North 5 degrees 12 minutes East a distance of 1274 feet with the Smith-Jackson County line the same being the east boundary of the Cook and Collier farms to an elm in fence; thence South 80 degrees 44 minutes East a distance of 765 feet with the fence (Hudson south boundary) to an iron pin in fence corner; thence North 85 degrees ten minutes East a distance of 659 feet with the fence (Hudson south boundary) to an iron pin in fence corner at the west boundary of Martin farm; thence South 17 degrees 35 minutes West a distance of 200 feet with the fence (Martin West boundary) to an iron pin in fence; thence South 3 degrees 00 minutes West a distance of 907 feet with the fence (Martin West boundary) to an iron pin in center of Salt Lick Creek; thence North 74 degrees 00 minutes East a distance of 342 feet down the creek with Martin line to an iron pin in center of creek; thence South 19 degrees 10 minutes East a distance of 220 feet with the fence (Martin line) to a hackberry south of highway 85; thence South 70 degrees 15 minutes East a distance of 128 feet with the fence (Martin line) to fence corner; thence South 11 degrees 00 minutes East a distance of 188 feet with the fence (Martin line) to a hackberry in fence; thence South 3 degrees 50 minutes West a distance of 821 feet with the fence (Martin line) to fence corner; thence South 79 degrees 50 minutes East a distance of 336 feet with the fence (Martin line) to an iron pin in fence corner at Browns line; thence South 4 degrees 10 minutes West a distance of 687 feet with the fence (Brown line) to fence corner; thence North 78 degrees 30 minutes West a distance of 232 feet with the fence (Brown and Williams line) to an elm in fence in low gap; thence North 43 degrees 00 minutes West a distance of 341 feet with the fence (Williams line) to fence corner thence South 76 degrees 15 minutes West for a distance of 738 feet with the fence (Williams line) to fence corner; thence South 25 degrees 40 minutes West for a distance of 581 feet with the fence (Williams line) to fence corner; thence South 48 degrees 55 minutes West for a distance of 938 feet with the fence (Williams and Franklin line) to fence corner; thence North 58 degrees 45 minutes West for a distance of 628 feet with the fence (Franklin line) to an iron pin in the present Smith-Jackson line; thence North 12 degrees 57 minutes East for a distance of 2,559 feet severing the Butler Farm with the Smith-Jackson County line to the point of beginning and containing 143.44 acres, more or less.

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

Passed: March 16, 1965.

Private Acts of 1972 Chapter 713

SECTION 1. The boundary line between the counties of Smith and Trousdale is changed so as to detach from Smith County and attach to Trousdale County, the following described property:

A road and roadway easement fifty (50) feet in width, referred to as Smith County Rural Road Project R 7035-(5) beginning at the Carl Dickerson property, the present Smith County and

Trousdale County line and extending in a southerly direction three tenths (3/10) of a mile to the intersection of the Young Branch Road at the property of Mrs. Gilbert Dickerson.

SECTION 2. The road and roadway easement detached from Smith County and attached to Trousdale County shall be a part of the Trousdale County Road System and shall be under the jurisdiction and supervision of and maintained and repaired by the Trousdale County Highway Department.

SECTION 3. This Act shall take effect upon becoming a law, the public welfare requiring it.

Passed: March 30, 1972

Boundaries - Historical Notes

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

1. Acts of 1801, Chapter 37, changed the boundary lines of Smith, Wilson, Davidson, Williamson, and Robertson Counties to extend their east and west boundaries to the southern border of the State.
2. Acts of 1803, Chapter 74, stated that nothing in the act, which reduced Wilson County to its constitutional limits of six hundred twenty-five square miles, would be so construed as to prevent the Sheriffs of Davidson and Smith Counties from collecting taxes and arrearages as fully as if the act had not been passed. Section 3 appointed William Minor Quesenbury as Commissioner to run the lines between Wilson, Davidson, Rutherford, and Smith Counties at Wilson County's expense.
3. Acts of 1843-44, Chapter 61, established and declared the boundary line between Smith County and Macon County, as described in the act creating Macon County in 1842, to be the permanent line between those two counties.
4. Acts of 1849-50, Chapter 80, altered the line between Smith and Jackson Counties so that it ran from the point where said line crossed Hurricane Creek, the same running with said creek to the Cumberland River, thence with said River northwardly to where the county line crossed said River and from thence north as the line then currently ran.
5. Acts of 1849-50, Chapter 139, transferred the farms and residences belonging to Nicholas Smith, Andrew Vantreece, John Robinson, and John F. Goodner from Smith County to DeKalb County.
6. Acts of 1851-52, Chapter 262, changed the line between Smith and DeKalb Counties to include wholly within DeKalb County the lands of H. H. Sullivan, John Corley, and William H. Christian. The Smith County Surveyor would run and mark the line as changed and the County would pay the Surveyor.
7. Public Acts of 1857-58, Chapter 83, contained a general description of the land involved when the entire farms belonging to J. F. Goodner, James Goodner, Louisa D. Dowell, William Floyd, Lucy Preston, Jacob Measles, William Grindstaff, and Martin Foutche, were moved out of Smith County into the first Civil District of DeKalb County.
8. Private Acts of 1859-60, Chapter 100, transferred the lands of James Holmes out of Smith County into Wilson County.
9. Private Acts of 1859-60, Chapter 135, was a duplicate of the act transferring the land of James Holmes from Smith County to Wilson County.
10. Public Acts of 1867-68, Chapter 23, transferred the residence, farm, and citizenship of Mitchell M. Crowell from Putnam County to Smith County.
11. Public Acts of 1867-68, Chapter 82, changed the boundaries between Smith and Putnam Counties to run as follows: "Beginning at a point in the line of Smith and Putnam Counties, where it crosses the ridge near M. M. Crowell's; thence, running along said ridge, so as to include the lands of M. M. Crowell, Mary Brown, Susan F. Cardwell, J. C. Apple; and with G. W. Apple's line to Young's Fork of Indian Creek; and thence down Young's Fork of Indian Creek; and with said creek to the Smith County line, near Dr. Wm. Robinson's, including all North and West of said line, in Smith County." All persons whose property was transferred by the act would pay their 1868, 1869, and 1870 taxes to Putnam County. Section 2 of the act moved the lands of R. G. Davis from DeKalb County into Smith County.
12. Public Acts of 1868-69, Chapter 20, changed the lines between Smith and Putnam County to include wholly within Smith County the residence and farm of F. M. Goolsby. Taxes on the property would be paid to Putnam County for the next three years.
13. Public Acts of 1868-69, Chapter 43, transferred the lands of J. C. Fletcher, O. P. Apple, H. B. Clark, and F. M. Goolsby from Putnam County to Smith County. 1869 and 1870 taxes on

- the properties were to be paid to Putnam County. Section 3 of the act transferred the properties of H. B. Clark from Jackson County to Smith County.
14. Public Acts of 1869-70, Chapter 48, detached the lands belonging to Thomas Watts from Putnam County and attached them to Smith County.
 15. Public Acts of 1870-71, Chapter 84, changed the line between Putnam and Smith Counties as follows: the line would "run with the Road and Young's Fork of Indian Creek, instead of running altogether with Young's Fork, including all the road in Putnam County, and that the road and Young's Fork be the boundary line between the counties".
 16. Public Acts of 1871, Chapter 12, transferred the properties belonging to John Jones from Smith County to the First Civil District of DeKalb County.
 17. Public Acts of 1873, Chapter 66, detached the part of the tract of land on which Samuel Fitz Patrick lived that was in Putnam County from Putnam County and attached it to Smith County. Nothing in the act was to be construed to reduce Putnam County below its constitutional limits or bring the county line nearer than eleven miles to the Courthouse.
 18. Public Acts of 1877, Chapter 115, changed the boundary lines between Putnam and Smith Counties to include in Smith County that portion of lands belonging to Thomas L. Watts and lying in Putnam County, making the county line follow the boundary between the lands of G. B. Thompson and Thomas L. Watts.
 19. Public Acts of 1881, Chapter 142, transferred, the farms of G. B. Thompson, A. J. Clark, L. D. Apple, and the balance of the lands of S. B. Lee from Putnam County to Smith County.
 20. Public Acts of 1881, Chapter 164, transferred the lands belonging to John Rollins and Thomas Oakley from Smith County to DeKalb County.
 21. Public Acts of 1883, Chapter 99, transferred approximately twenty acres of land belonging to J. M. Ballard from Putnam County to Smith County. The land adjoined that of T. D. Sexton, J. C. Fletcher, and C. F. Burton. The lands of Purlina Evans were transferred from Smith County into Putnam County, so that the county line would be between her land and that of Stephen Petty and Mary Ballard.
 22. Public Acts of 1887, Chapter 53, changed the lines between Smith and DeKalb Counties to include wholly within DeKalb County all the properties belonging to John Rollins.
 23. Public Acts of 1893, Chapter 20, transferred the lands belonging to H. S. Gill, which were bounded on the north by Robinson and Warford, on the south by the DeKalb County line, on the east by the Caney Fork River, and on the west by John Williams, from Smith County to DeKalb County.
 24. Public Acts of 1893, Chapter 73, changed the line between Smith and DeKalb Counties to run from the northwest corner of the T. J. Fisher tract on Smith Fork Creek, south with the west boundary of the said tract and the east boundary of P. L. Reynolds along the fence between said parties to the southwest corner of the Fisher tract, then east with the line between Fisher and Reynolds to the county line.
 25. Public Acts of 1895, Chapter 82, transferred all the lands of W. R. and D. E. Seay and E. C. Harris out of Smith County and into Wilson County.
 26. Public Acts of 1895, Chapter 98, transferred the property belonging to A. H. King from Putnam County to Smith County.
 27. Private Acts of 1897, Chapter 148, detached the lands of I. W. Evans from Putnam County and attached them to Smith County.
 28. Private Acts of 1897, Chapter 263, transferred the lands of C. A. Malone from DeKalb County to Smith County.
 29. Public Acts of 1899, Chapter 143, transferred all the lands of J. M. Bates, as described, from DeKalb County to Smith County.
 30. Public Acts of 1899, Chapter 179, moved six acres of land belonging to William Oakley from Smith County to DeKalb County.
 31. Acts of 1903, Chapter 221, detached the farm and residence of Lycurgus Kelley from Smith County and attached them to DeKalb County.
 32. Acts of 1905, Chapter 47, changed the boundary lines between Wilson and Smith Counties to include wholly within Wilson County the lands of E. C. Maxey, bounded on the east by Levi Beard, on the north by Thomas Conatser's heirs, on the west by D. J. Shipp, and on the south by Jacob Faley's heirs.

33. Acts of 1905, Chapter 86, moved the property belonging to G. W. Evitts from the Fourth Civil District of Smith County to the second Civil District of Trousdale County.
34. Acts of 1905, Chapter 88, transferred all the lands of J. B. Williams from the 17th Civil District of DeKalb County to the Seventh Civil District of Smith County.
35. Acts of 1905, Chapter 95, transferred the properties belonging to Daniel Driver from Smith County to DeKalb County.
36. Acts of 1905, Chapter 370, transferred the lands of I. W. Evans from Putnam County to Smith County.
37. Acts of 1905, Chapter 505, altered the boundaries between Smith and Jackson Counties by moving the property of Elisha Canter from Jackson County into Smith County.
38. Private Acts of 1913, Chapter 276, transferred approximately eighty acres of the farm belonging to D. E. Seay, as described in the act, from Smith County to Wilson County. The act also transferred the land belonging to Mrs. T. H. Henson and that owned by W. S. Bridgewater from Wilson County to Smith County.
39. Private Acts of 1915, Chapter 237, transferred the land belonging to Arch Parker, Brit Floyd, Lillard Oakley, and C. R. Barry from the 19th Civil District of Smith County and placed them in the 12th Civil District of Wilson County.
40. Private Acts of 1915, Chapter 562, moved approximately three acres of land, as described in the act, belonging to J. R. Talley, from Smith County to Wilson County.
41. Private Acts of 1927, Chapter 718, transferred the jointly owned lands of I. B. Thomas and W. E. Taylor from the 7th Civil District of Macon County to the 6th Civil District of Smith County.
42. Private Acts of 1931, Chapter 673, stated that Dave Litchford and Rice Moss owned farms which were located in both Smith and Wilson Counties. The act rearranged the boundary line so that approximately forty acres of Litchford's land and eighteen acres of Moss' land were included in Smith County.
43. Private Acts of 1931, Chapter 770, moved all the property belonging to C. H. Baird from Smith County to Wilson County so that his children could attend school in Wilson County which was much nearer to their home.
44. Private Acts of 1931, Chapter 771, stated that Roe Purnell owned a farm that was in Smith County except for approximately twenty acres which were in Wilson County. The act moved the Purnell farm into Smith County.
45. Private Acts of 1935, Chapter 218, transferred a certain seventeen acre tract which was a part of the farm owned by Lillard E. Oakley from the 19th Civil District of Smith County to the 12th Civil District of Wilson County.
46. Private Acts of 1939, Chapter 369, detached approximately forty acres of a farm owned by D. E. Seay, Sr., from the 18th Civil District of Smith County and attached it to the 8th Civil District of Wilson County, the property being known as the old Hinson or Seay Place.
47. Private Acts of 1955, Chapter 55, stated that Henry Sloan desired to transfer five acres located in Macon County to Smith County and to transfer approximately twenty-nine acres in Smith County to Macon County; that Carnie Gammons desired to detach eleven acres in Smith County and attach them to Macon County; that the changes appeared to be in the best interest of the parties and the Counties. The act transferred the lands according to the desires of the parties.

Chapter V - Court System

General Sessions Court

Private Acts of 1959 Chapter 34

SECTION 1. That there is hereby created and established a Court in and for Smith County, Tennessee, which shall be designated "Court of General Sessions of Smith County, Tennessee." Said county shall provide a Court Room in the Courthouse at Carthage, Tennessee, dockets, furnishings and necessary supplies for the equipment and maintenance of said Court and pay for same out of the general county funds of said county. The regular place for holding said Court shall be at the Court Room provided for said Court in Carthage, Tennessee, but said Court may be held in the discretion of the Judge thereof, at any other public place or places in Smith County, Tennessee, at such time and places as the Judge may

designate.

SECTION 2. That said Court of General Sessions is hereby vested with all of the jurisdiction and shall exercise the authority conferred by the General Assembly of Tennessee 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, but any Justice of the Peace of said county elected for any district may issue criminal and search warrants against and accept appearance bonds from any persons charged with an offense, and may issue civil process on any cause of action heretofore triable by a Justice of the Peace, such warrants and process to be returnable to and triable by said Court of General Sessions. 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, or to administer oaths is in no wise affected by this Act.

SECTION 3. That the Judge of said Court is hereby vested with and shall have interchangeable and concurrent jurisdiction with the Chancery and Circuit Courts to grant fiats for writs of injunction, attachments and other such actions in which fiats are necessary.

SECTION 4. That before any civil case shall be tried or judgment rendered in said Court the plaintiff shall secure the costs by executing a cost bond with good security, in the sum of twenty-five dollars (\$25.00), or by making a cash cost deposit of not less than five dollars (\$5.00), nor more than ten dollars (\$10.00), or shall take the oath prescribed for poor persons, and on motion the Court may in his discretion increase the amount of such bond or deposit.

SECTION 5. That the rules of pleading and practice, forms of writs and process and stay of and appeals from judgments in civil cases of said Court shall be the same as of Justices of the Peace; provided, however, that the Court of General Sessions for Smith 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 misdemeanor offenses 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 such Court may be appealed to the Criminal Court of Smith County, where such appeal shall be tried by a Judge of such Court without a jury and without indictment or presentment. That it shall be the mandatory duty of the Judges, of the Court of General Sessions when a defendant is brought before such Court upon arraignment or trial, to advise such defendant of his constitutional right 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 or the right to make a statement in reference to the accusation or the right to waive such statement, and the right to a trial by jury. Upon the defendant agreeing in writing 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 Courts may proceed to hear and determine such case as is provided in Section 1 hereof.

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

The defendant _____ pleads _____ guilty to the offense of _____ and waives his right to be tried only by indictment or presentment preferred by a Grand Jury, and likewise waives trial by a jury of his peers.

SECTION 6. 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 for the execution of writs and process of said Court, and the attendance and mileage of witnesses shall be the same in said Court as those provided by law for the Courts of Justices of the Peace. The fees and compensation due for services rendered by said Court of General Sessions shall be paid to the Clerk of said Court and by him accounted for as hereinafter provided. Said costs, fees, and mileage of witnesses, the fees, commissions, and emoluments of the Sheriff, his Deputies, Constables, State Highway Patrolmen, Game Wardens, 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 7. That separate dockets be kept in said Court for civil and criminal cases. Upon the civil docket shall be entered the style of each case, the date of issuance of the warrant or process and the return of the process, in brief form, action of the Court on the case, both interlocutory and final orders, judgments, executions, garnishments, lists of the fees of the Court, the Sheriff, his Deputies, Constables, Game Wardens and State Highway Patrolmen for their services, fees of witnesses for attendance 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.

SECTION 8. That there shall be one Judge for said Court, with the same qualifications and term of office as provided by the Constitution of the State of Tennessee for Judges of inferior Courts of Tennessee; and the oath shall be the same as that prescribed for Circuit Judges and Chancellors.

SECTION 9. That the compensation of said Judge shall be three thousand dollars (\$3,000.00) per annum, payable in equal monthly installments. It shall be paid out of the general funds of the county, and shall not be increased or diminished during the time for which said Judge is elected. Said Judge shall give all his working time to the duties of his office.

SECTION 10. That immediately after a ratification of this Act by the voters of Smith County, as herein provided, the Governor will appoint the first judge of said court, who shall serve until the first day of September, 1960, and until his successor has been elected and qualified. His successor shall be elected by the qualified voters of Smith County at the election to be held on the first Thursday of August, 1960, and shall hold said office from the first day of September, 1960, until the first day of September, 1968, or until his successor is qualified. His successor shall be elected every eight (8) years for the term provided by law for judges of inferior courts.

SECTION 11. That if the Judge of said Court fails to attend, cannot preside in a pending cause, or for any reason hold Court, or act as Judge, 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 he shall take the same oath and have the same authority as the regular Judge to hold the Court and perform the duties of such Judge for the occasion.

SECTION 12. That in the case of a vacancy in the office of such Judge for any cause the Governor shall have the power to appoint some qualified person to fill such vacancy.

SECTION 13. That the Clerk of the Circuit Court 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 Smith 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 six hundred dollars (\$600.00) per annum, payable in equal monthly installments out of the general funds of said county, and shall pay to said county monthly all fees, commissions, and emoluments of said Court of General Sessions. The Clerk of said Court and his deputies shall have concurrent authority with the Judge thereof to issue warrants and other processes and writs other than those which the law requires shall be issued only by a judicial officer.

SECTION 14. 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. Provided, however, that no Sheriff, Deputy Sheriff or Constable shall be entitled to any fees merely for opening and closing said Court, or for waiting upon said Court as Court Officer. But the Judge of said Court may select or appoint any of such officers that may be in attendance to wait upon said Court, without any further compensation for such services.

SECTION 15. 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 16. That all of the official dockets, records and papers in cases which 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 17. That said Court shall have authority to hear and determine all undisposed of cases arising in the Court of Justices of the Peace of said County as if such cases had originated in said Court of General Sessions, and to issue executions on and orders concerning any unsatisfied judgments on the dockets of said Justices of the Peace, and certify as to any such judgments or records, as such Justices of the Peace could do but for this Act.

SECTION 18. That the General Assembly 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 General Assembly declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

SECTION 19. That not less than 30 nor more than 90 days after final action on this Act, it shall be the duty of the Board of Election Commissioners of counties to which it applies to call an election for the purpose of ratifying the same under Article XI, Section 9 of the Constitution and in the absence of such ratification, it shall be void and of no effect. The election so called shall be in all respects similar to a

general election and shall be governed by all laws applicable thereto. The County Election Commissioners shall meet on the first Monday next following the date of such election, shall canvass the returns and certify the same to the County Court Clerk, who in turn shall certify them to the Secretary of State.

SECTION 20. That this Act shall take effect from and after its passage, the public welfare requiring it. Passed: February 5, 1959.

Court System - Historical Notes

Board of Jury Commissioners - Jurors

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

1. Acts of 1803, Chapter 73, provided that Counties in the Mero District would furnish a certain number of jurors for the use of the Superior Court of the District. Smith County was required to return four jurors to the Mero Court who would serve until their successors were appointed.
2. Acts of 1806 (Ex. Sess.), Chapter 19, divided the Mero District into three new Districts, namely, Robertson, Winchester, and Mero. Jackson, Smith, and Wilson Counties were placed in the Winchester District and the Court for the District was scheduled to meet on the third Monday in April and October.
3. Acts of 1806 (Ex. Sess.), Chapter 24, removed Wilson County from the Winchester District and placed it back in the Mero District. Each county in the Winchester District would furnish a specified number of jurors to the Courts. Smith County was required to send sixteen jurors.
4. Acts of 1817, Chapter 128, allowed the Justices in the Counties of Davidson, Smith, Franklin, Rutherford, Maury, Lincoln, Giles, Overton, Bedford, Williamson, Hickman, Sumner, Stewart, Humphreys, Wilson, Jackson, White, Montgomery, Warren, Robertson, and Dickson, at their first session in the year, to levy a tax for the purpose of paying additional compensation to jurors attending Circuit and County Courts. The additional pay was not to exceed fifty cents per day.
5. Acts of 1909, Chapter 403, was an act apparently intended to apply to Smith County, although population figures identifying the county to which the act was to be applicable are incorrect for Smith County. The act created a three member board of Jury Commissioners to be appointed by the Judge or Judges having criminal jurisdiction. The Commissioners could not be lawyers or county officials. They were to have no suit pending in any court and would serve for a period of one year. If one commissioner could not perform his duties, the others would discharge those duties. The members would take the oath prescribed in the act, select a chairman, and have the services of the Circuit Court Clerk as Clerk of the Board. They would compile a list, from the taxrolls or some other source of public information, containing names equal in number to one-fifth of the votes cast in the presidential election. The list would contain no fewer than two hundred fifty names and no more than four thousand. Detailed requirements for keeping records were set forth in the act. The names of the jurors would be written on a scroll or on cards, placed in a box, which would be locked and sealed and opened only in the presence of the Board or in open court before the Judge. Those names would constitute the Jury List for the next successive two years. The act required that between ten and fifteen days before Court term, a child under the age of ten years would draw names from the box equal in number to the jurors necessary for that term, the list to be presented to the Court. Five days before Court opened, the Sheriff would be given the names, and he would summon the individuals as jurors for the ensuing term.
6. Private Acts of 1913, Chapter 326, repealed Private Acts of 1909, Chapter 403, above.
7. Private Acts of 1915, Chapter 550, stated that in Smith County, every juror was entitled to receive and would be paid the sum of \$2 for each day's attendance in court as a juror, plus such mileage, ferriage, and tolls as were allowed by law.
8. Private Acts of 1927, Chapter 769, provided that in Smith County every juror would be paid \$2, for each day's attendance in Court, and such mileage, ferriage, and tolls as were allowed by law.
9. Private Acts of 1931, Chapter 576, created a three member Board of Jury Commissioners in Smith County. The members would be discreet free-holders and could not be lawyers, county officials, nor Justices of the Peace. They were not to have a suit pending in any court and were not to actively seek the job. They were to be appointed by the Judge of the Criminal Court for two-year terms, take the oath prescribed in the act, and select one of their members as chairman. The Circuit Court Clerk would serve as Clerk of the Board. On the first Monday in July, the Board would meet and select from the tax rolls or other public sources five hundred to fifteen hundred names.

The names would constitute the jury list for the next succeeding two years. The same process would be used to select special panels. The names of those chosen would be entered alphabetically in a book, to be furnished by the Clerk, and the list, when entered, would be certified by all three members of the Board. The names would also be written on slips of paper and placed in a box to be locked and sealed, and to be opened only in the presence of the Judge. Ten to fifteen days before Court started, a child under ten years of age would draw enough names from the box for jurors for that term of Court. A list of the names would be sent to the Judge. No one could be excused from jury duty except by the Judge. Members of the Board could be removed for cause at any time by the Judge.

10. Private Acts of 1931 (2nd Ex. Sess.), Chapter 85, amended Private Acts of 1931, Chapter 576, above, by directing that the Clerk to the Board of Jury Commissioners in Smith County would receive \$10 as compensation to be paid in the same manner as the members of the Board of Jury Commissioners were paid.
11. Private Acts of 1933, Chapter 152, repealed Private Acts of 1931, Chapter 576.
12. Private Acts of 1933, Chapter 293, created a three- member Board of Jury Commissioners in Smith County to be composed of discreet people over twenty-one years of age. They were not to be lawyers or state or county officials who had no suits pending in any court. They would be appointed by the Judge holding Criminal Court to two-year terms. Justices of the Peace were declared eligible to serve on the Board. The Clerk would notify each member of the Board within ten days of the appointment and they were to meet within ten days to be sworn by the oath specified in the act and to select a chairman and a secretary. The Board would meet on the first Monday of each month immediately preceding the opening of the term of court and select the names of forty-two persons from the tax rolls or other public sources from each Civil District, the persons to serve as jurors in the circuit and criminal courts. The names would be entered on a book provided by the Clerk for that purpose and certified by all three Board members. The Grand Jury would also be selected from the list, but the Judge could appoint a grand jury foreman from elsewhere. If for any reason, a juror failed to act, the Judge could appoint another in his place. If an insufficient number remained on the panel, the Judge could replenish it. Provisions for jurors during special terms were incorporated. Penalties were specified for anyone's failure to comply therewith. The Board members would be paid \$3 for determining the regular jury list three times a year and for special panels.
13. Private Acts of 1935, Chapter 736, amended Private Act of 1933, Chapter 293, above, by adding a provision that the Circuit or Criminal Court Judge would excuse from jury service any person summoned therefor who had not paid his or her poll tax, if liable therefor, at least thirty days prior to the beginning of the term of Court for which the Juror was summoned.
14. Private Acts of 1935, Chapter 825, relieved E. M. Kemp, principal, and W. B. High, surety, of any and all liability for signing a workhouse bond for fine and costs of \$198.65, balance then due of \$158.65, imposed by the Criminal Judge of Smith County on Kemp for unlawfully transporting liquor, and for two charges of public drunkenness, because Kemp was a victim of the depression and was destitute.
15. Private Acts of 1937, Chapter 277, relieved Haskell Duke, principal, and Sam Piper and Oddie Dias, sureties, from any and all liability incurred by them in signing a workhouse bond for \$139.95 on which a balance of \$45.85 was owed, being the fine and costs for a Bone Dry Law violation.
16. Private Acts of 1937, Chapter 278, relieved and discharged Stanton Price, principal, and Wade West, surety, of any and all liability which may have been incurred by them in signing for a fine and costs going up to \$254.85, on which \$197.47 was owed. The fine had resulted from a charge and conviction of unlawfully manufacturing liquor. Both principal and surety were destitute and unable to pay.
17. Private Acts of 1937, Chapter 279, provided that Charlie Dias, principal, and Sam Piper and Oddie Dias, sureties, were released and discharged from any liability incurred on a workhouse bond for \$139.95, on which \$80.85 was due and unpaid, as they were victims of the depression and were destitute and unable to pay.
18. Private Acts of 1953, Chapter 138, created a three-member Board of Jury Commissioners in Smith County to be appointed by the Judge or Judges of the Circuit Courts. The members were not to be attorneys nor state or county officials, were not to have a suit pending, and were to serve initial terms of one year, two years, and three years, respectively. All successors would serve three-year terms. Vacancies would be filled in the same way. The members were to take the oath provided in the act and select a chairman. The Clerk of the Board would be the Circuit Court Clerk or his Deputy. The Board would select from the tax rolls or other public sources three hundred names of

honorable people, to be written each on a separate piece of paper, which would be recorded alphabetically in a book furnished by the Clerk, and certified by all members of the Board. The slips of paper would be placed in a jury box, then locked, sealed, and kept securely by the Clerk, until ordered opened by the Judge in the presence of at least two members of the Board. The Clerk would receive ten cents for each name thus handled. Twenty to twentyfive days before court opened, the box would be opened, thoroughly shaken, and a child under ten years of age, or a person blind-folded, would draw out the number of names specified by the Judge to be jurors for the coming term of court. The clerk would keep a record of the jury service of each person on the list. The Judge could, if desired, select the members of the grand jury from the county at large and appoint a foreman. Provisions were made to summon special panels and to replenish the list, if depleted. Members would receive \$5.00 per day when actually engaged in the services of the Board and anyone violating the terms thereof would be fined.

Chancery Court

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

1. Public Acts of 1822, Chapter 13, declared that the Justices of the Supreme Court would arrange to hold a court of original equity jurisdiction at the places of holding the Supreme Court. The Courts were scheduled at Rogersville on the first Monday in November, at Knoxville on the third Monday in November; at Charlotte on the fourth Monday in December; at Sparta on the second Monday in December; at Nashville on the fourth Monday in January; at Columbia on the second Monday in January. Court would remain in session at each place for two weeks unless the docket was completed sooner.
2. Public Acts of 1824, Chapter 14, expanded to five the number of Justices of the Supreme Court. The Justices would hold Court at Knoxville, Sparta, and Nashville, and would also arrange among themselves to hold Chancery Court at least twice a year. Chancery Courts would be held at Greenville, Rogersville, Kingston, McMinnville, Franklin, Columbia, Charlotte, and at Jackson in Madison County, and a court would be held at Carthage for the Counties of Overton, Fentress, Jackson, Smith, Sumner, and Wilson, which court would open on the third Monday in May and November.
3. Public Acts of 1827, Chapter 79, divided Tennessee into two Chancery Divisions: The Eastern Division, which included the Courts at Rogersville, Greenville, Kingston, Carthage, and McMinnville; and the Western Division, which included the Courts at Franklin, Columbia, Charlotte, Jackson, and Paris.
4. Public Acts of 1832, Chapter 19, changed the terms of the Chancery Courts in the Eastern Division, including the one at Carthage which would thereafter begin terms on the third Monday in January and July.
5. Public Acts of 1832, Chapter 21, changed the Chancery Court terms for the Court at Carthage to the second Monday in January and July.
6. Public Acts of 1835-36, Chapter 4, divided the State into three Chancery Divisions and created the position of Chancellor for each Division. Each Division was sub-divided into Districts. Smith County was in the Third District of the Middle Division and its Court would begin its term in Carthage on the third Monday in January and July.
7. Public Acts of 1835-36, Chapter 20, contained, among general provisions for jurisdiction of the Chancery Court and the appointment and regulation of clerks and masters, a requirement in Section 8 that the Chancellor of the First Division would hold Court at Livingston and Carthage.
8. Private Acts of 1835-36, Chapter 94, changed the Court terms of Chancery Court in Smith County to the second Monday in January and July, requiring that all process be made to conform to those dates.
9. Acts of 1839-40, Chapter 21, changed Chancery Court terms for the fourth Chancery Division, scheduling the Court at Carthage for the second Monday in February and August.
10. Acts of 1839-40, Chapter 33, created four Chancery Divisions in the State. The new Fourth Division was made up of Chancery Courts held at Livingston, Carthage, McMinnville, Winchester, Lebanon, Murfreesboro and Shelbyville.
11. Acts of 1845-46, Chapter 82, changed the Chancery Court terms in most of the counties in the Fourth Division but did not change Smith County.
12. Public Acts of 1857-58, Chapter 88, divided Tennessee into the Eastern, Middle, Western, Fourth,

- Fifth and Sixth Chancery Divisions. The Fourth Division included the Counties of Wilson, Macon, Jackson, Putnam, Smith, Coffee, Franklin, Lincoln, Bedford, Sumner, DeKalb, Warren, Van Buren, Grundy, Cannon and Rutherford. Court terms would begin for Smith County on the second Monday in February and August at Carthage.
13. Private Acts of 1859-60, Chapter 14, created a new Seventh Chancery Division which contained the Counties of Overton, Jackson, Macon, Sumner, Robertson, Montgomery, Smith and Stewart. Courts in Smith County would begin on the third Monday in February and August at Carthage. The Chancellor would also hold the Circuit Court for Sumner County.
 14. Public Acts of 1866-67, Chapter 33, created the 12th Chancery Division in Tennessee which would consist of the Counties of White, Van Buren, Grundy, Franklin, Coffee, Putnam, Smith, DeKalb, Cannon and Warren. The Governor would appoint a Chancellor for the new Division to serve until one could be elected by the people. Court terms were set for the Court in Smith County on the fourth Monday of April and October at Carthage.
 15. Public Acts of 1867-68, Chapter 67, provided that the Chancery Court at Carthage in Smith County would be held on the second Monday in June and the third Monday in December, except that the April term of 1868 would be held as provided by law.
 16. Public Acts of 1868-69, Chapter 44, attached Smith County to the Seventh Chancery Division and scheduled the terms of court at Carthage to begin on the third Monday in February and August of each year.
 17. Public Acts of 1870-71, Chapter 32, divided the Chancery Courts of the State into twelve Chancery Divisions. The Fifth Division was made up of the Counties of Van Buren, White, Putnam, Overton, Jackson, Macon, Smith, DeKalb and Clay.
 18. Public Acts of 1870-71, Chapter 47, set the schedules for the Chancery Court terms for every county in the State, assigning Smith County to the third Monday in February and August.
 19. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the entire lower judicial system of the State, formulating eleven Chancery Divisions. The Fifth Chancery Division was composed of the Counties of Cumberland, Fentress, Pickett, Overton, Clay, Jackson, Putnam, White, DeKalb, Macon and Smith. The Court terms in Smith County would begin on the fourth Monday in April and October.
 20. Acts of 1891 (Ex. Sess.), Chapter 11, rearranged Chancery Court terms in the Fifth Chancery Division. Smith County thereafter would begin terms on the first Tuesday after the first Monday in May and November.
 21. Public Acts of 1895, Chapter 15, changed Chancery Court terms for all the counties in the Fifth Chancery Division including Smith County, which would open Chancery Court at Carthage on the second Monday in May and November.
 22. Private Acts of 1897, Chapter 294, rearranged Chancery Court terms in the Fifth Chancery Division. Smith County would hold Chancery Court on the first Monday in March and September.
 23. Public Acts of 1899, Chapter 357, amended Private Acts of 1897, Chapter 294, above, by rescheduling the terms of Chancery Court in the Fifth Chancery Division. In Smith County, the terms would begin on the fourth Monday in March and the first Monday in August and December.
 24. Public Acts of 1899, Chapter 427, reorganized the entire lower court system in Tennessee and formed ten Chancery Divisions. The Fourth Chancery Division contained the Counties of Cumberland, Pickett, Overton, Clay, Jackson, Putnam, White, DeKalb, Smith, Macon, Van Buren, Cannon and Trousdale. Each Court would hold two terms per year. Smith County would begin terms at Carthage on the first Monday in March and September.
 25. Acts of 1903, Chapter 97, rescheduled the opening dates of Chancery Courts in the Fourth Chancery Division. In Smith County, Courts would take up dockets on the first Tuesday after the first Monday in March and September.
 26. Private Acts of 1927, Chapter 40, changed the dates for opening Chancery Court in Trousdale, Macon, Pickett, and Smith Counties. Smith County would hold Court terms on the first Monday in March and September.
 27. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, organized the entire lower court system of the State, dividing Chancery Court into fourteen Divisions. The Fourth Division was composed of the Counties of Cannon, Trousdale, Overton, Clay, Macon, Pickett, Fentress, Jackson, Cumberland, DeKalb, Morgan, White, Putnam, and Smith. Courts in Smith County would begin their terms on the first Monday in March and September.

Clerk and Master

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

1. Private Acts of 1827, Chapter 167, provided that the Clerks of the County and Circuit Courts and the Clerk and Master at Carthage in Smith County were allowed until the next January to produce to the Treasurer of West Tennessee annual receipts of revenue.
2. Private Acts of 1941, Chapter 208, stated that the Clerk and Master of Smith County would be paid, as compensation, the sum of \$480 per annum in addition to all fees earned and collected by his office. This sum was to be paid at the rate of \$120 per quarter on the warrant of the County Judge or Chairman.

Circuit Court

The following acts were once applicable to the circuit court of Smith County but now have no effect, having been repealed, superseded, or having failed to win local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1799, Chapter 2, provided that the Courts in Smith County would meet at the house of Major Tilman Dixson until the court house and county seat were selected and prepared.
2. Acts of 1809, Chapter 49, divided the State into five Judicial Circuits. The Third Circuit contained the Counties of Smith, Warren, Franklin, Sumner, Overton, White and Jackson. Circuit Court would be held at least twice each year and terms at Carthage in Smith County would begin on the fourth Monday in March and September.
3. Acts of 1812, Chapter 68, changed the Court terms for several counties in the Third Circuit including Smith County, which would open Circuit Court on the fourth Monday in February and August.
4. Acts of 1813, Chapter 134, among other things, changed the starting dates for the Circuit Court of Smith County to the fourth Monday in March and September.
5. Acts of 1817, Chapter 138, reset the terms of the Circuit Courts for most of the counties in West Tennessee including Smith County, which would convene Circuit Court in Carthage on the fourth Monday in March and September.
6. Private Acts of 1819, Chapter 160, rescheduled Circuit Court terms for the Third Judicial Circuit, which had in it the Counties of Jackson, Overton, White, Warren and Smith. The Courts in Smith County would begin on the second Monday in April and October.
7. Private Acts of 1825, Chapter 192, stated that the Judge of the Third Judicial Circuit would hold a special term of court for Smith County at Carthage on the third Monday in December for the trial of all civil cases. The Court term would be continued from day to day until all the cases were disposed of. In connection with this special term, the Judge could direct the Sheriff of the County to summon twenty-six men to serve as jurors.
8. Public Acts of 1835-36, Chapter 5, provided that the Circuit Courts of each county would be held three times a year and divided the State into eleven Judicial Circuits, assigning the Counties of Smith, Overton, White, Jackson, Fentress, and Warren to the Fourth Judicial Circuit. Court terms in Smith County would start on the third Monday in April, August, and December.
9. Acts of 1845-46, Chapter 82, provided that the Circuit Court terms in Smith County would open on the fourth Monday in March, July and November.
10. Public Acts of 1857-58, Chapter 98, reorganized the entire lower court system of the State into sixteen Circuits. The Sixth Judicial Circuit was composed of the Counties of Jackson, Macon, Putnam, DeKalb, and Smith. The Circuit Court in Smith County would meet on the fourth Monday in March, July, and November.
11. Public Acts of 1870-71, Chapter 31, arranged the lower court system of the State into fifteen regular and one special Circuit. The Fifth Judicial Circuit contained the counties of DeKalb, Overton, Putnam, White, Smith, Jackson, Macon and Clay.
12. Public Acts of 1870-71, Chapter 46, scheduled the terms of the Circuit Courts for every county in the State. Smith County would start terms of Circuit Court on the fourth Monday in March, July, and November.
13. Acts of 1872 (Ex. Sess.), Chapter 15, changed the dates of the Circuit Court terms in some of the counties of the Fifth Judicial Circuit, but Smith County remained on the fourth Monday in March, July, and November.
14. Public Acts of 1881, Chapter 92, provided that the Circuit Courts of Smith County would begin terms on the first Tuesday after the fourth Monday in March, July, and November. Public Acts of 1870-71, Chapter 46, above, was amended to conform to the Act.

15. Acts of 1885 (Ex. Sess.), Chapter 20, created fourteen regular and one special Judicial Circuit in Tennessee. The Fifth Judicial Circuit was composed of the Counties of Pickett, Fentress, Cumberland, Putnam, Overton, Clay, Jackson, Smith, Macon, and Trousdale. Courts began in Smith County on the first Tuesday after the fourth Monday in March, July, and November.
16. Public Acts of 1887, Chapter 12, changed the Circuit Court terms for some of the counties in the Fifth Judicial Circuit. Smith County's Circuit Courts were changed to meet on the first Monday after the fourth Monday in March, July, and November.
17. Acts of 1891 (Ex. Sess.), Chapter 3, scheduled the terms of court in the Fifth Judicial Circuit. Circuit Court would begin at Carthage for Smith County on the fourth Monday in March, July, and November.
18. Private Acts of 1897, Chapter 294, changed the dates for terms of Court for several of the counties in the Fifth Judicial Circuit. Smith County was rescheduled to begin its terms on the fourth Monday in March, July, and November.
19. Public Acts of 1899, Chapter 427, reorganized the entire lower judicial system of Tennessee. Dividing the State into fourteen Judicial Circuits. The fifth Judicial Circuit contained the counties of Pickett, Cumberland, Putnam, Overton, Clay, Jackson, Smith, Trousdale, White and Macon. The dockets of the Circuit Court in Smith County would be taken up on the fourth Monday in March, July and November.
20. Acts of 1901, Chapter 324, changed Circuit Court terms for all counties in the Fifth Judicial Circuit, assigning Smith County to the first Monday in April, August, and December. All bonds and process were required to conform to the act.
21. Acts of 1903, Chapter 457, amended Acts of 1901, Chapter 324, above, to change the times for holding Circuit Court in Smith County to the first Monday after the fourth Monday in March, July, and November.
22. Acts of 1907, Chapter 122, changed Circuit Court schedules in the Fifth Judicial Circuit. Smith County would begin terms of Court on the first Tuesday after the first Monday in January, May, and September. White, Cumberland, Pickett, Overton, Clay, Jackson, Putnam, Trousdale, and Macon Counties were the other counties in the circuit. A special provision required the Judge of this circuit to hold the Circuit Courts in Fentress County also.
23. Private Acts of 1919, Chapter 656, stated that the Judge of the Fifth Judicial Circuit would hereafter hold the Circuit Courts of Smith County and discharge all the functions of the Judge of the Fifth Judicial Circuit (Civil) in connection therewith. Acts of 1907, Chapter 122, above, was amended to schedule the terms of the Circuit Court on the first Monday after the fourth Monday in March and November and on the second Monday in August of each year.
24. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, reorganized the entire lower court system in Tennessee, forming twenty Judicial Circuits. The Fifth Judicial Circuit contained the Counties of Clay, White, Overton, Jackson, Putnam, Cumberland and Pickett for civil cases and White, Putnam, Jackson, Macon, Trousdale, Wilson, and Smith for criminal cases. Court terms for both civil and criminal cases would begin in Smith County on the first Monday after the fourth Monday in March, July, and November.
25. Private Acts of 1941, Chapter 359, repealed Private Acts of 1919, Chapter 656, above, and provided that the Judge of the Circuit Court for the Fifth Judicial Circuit would hold Circuit Court in Smith County on the fourth Monday in February, June, and October of each year.
26. Public Acts of 1967, Chapter 10, created a new judicial circuit with civil jurisdiction only, composed of Jackson, Macon, Smith, Trousdale and Wilson Counties. Circuit Court terms in Smith County would be on the second Monday in February, May, August, and November. Provisions were made for the transfer of cases, the return of process, and the taking of bonds. The Governor was to appoint a Judge to fill the new office who would also be provided with a secretary.
27. Public Acts of 1968, Chapter 451, amended Public Acts of 1967, Chapter 10, so that the appointed Judge of the new Circuit would serve until September 1, 1974, instead of September 1, 1968, the successor to take office following election by popular vote in August, 1974.

Circuit Court - Clerk

Clerk. They were repealed, superseded, or never received local approval.

1. Private Acts of 1827, Chapter 152, allowed William Hart, the Circuit Court Clerk of Smith County, to keep his office at his residence near the City of Carthage.

2. Private Acts of 1827, Chapter 167, provided that the Clerks of the County and Circuit Courts and the Clerk and Master in Smith County were allowed until the next January 1 to produce to the Treasurer of West Tennessee annual receipts of revenue.
3. Acts of 1903, Chapter 255, was a statewide salary act which determined the amount of compensation paid to clerks of circuit court according to population of the counties. The Circuit Court Clerk in Smith County would have been paid \$750 per year, provided a sworn, itemized statement, showing the total amount of fees collected, was filed with the County Judge or Chairman each January. If the fees did not meet the salary, the county would pay the difference, but, if the fees exceeded the salary, the clerk could retain the difference.
4. Private Acts of 1927, Chapter 765, stated that the Circuit Court Clerk of Smith County would receive all fees and commissions allowed him by law and collected by him or his office. In addition, the clerk would be paid annually, on December 31, \$100 from the county treasury by warrant of the County Judge.
5. Private Acts of 1941, Chapter 207, repealed Private Acts of 1927, Chapter 765, above, and provided that the Clerk of the Circuit and Criminal Courts in Smith County would be paid as compensation the sum of \$480 per year in addition to all the fees earned by that office. The money would be paid at the rate of \$120 per quarter on the warrant of the county judge or chairman.

Criminal Court

The following acts once pertained to the Smith County Criminal Court, but are no longer current law.

1. Acts of 1907, Chapter 85, created a separate criminal division in the Circuit Courts of all the counties in the Fifth Judicial Circuit, conferring upon them all the criminal jurisdiction and authority formerly exercised by the Circuit Courts. Court terms were scheduled for the counties, and Smith County was assigned the term starting on the second Tuesday after the fourth Monday in March, July, and November. The Circuit Court Clerks would serve as clerks of these new courts and the Attorney General of the judicial circuit would prosecute cases for the State. The Governor would appoint a Judge for the judicial circuit until one could be popularly elected. The Criminal Court Judges were allowed to interchange with the Circuit Court Judges.
2. Private Acts of 1911, Chapter 648, changed the schedule of terms of the Criminal Court. In Smith County, the Criminal division of Circuit Court would begin trial of cases on the second Tuesday after the fourth Monday in March and November, and the second Monday in August.

District Attorney General - Assistants and Criminal Investigators

The following acts once affecting Smith 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. Acts of 1817, Chapter 65, divided the State into Solicitorial Districts assigning the Counties of Smith, Wilson, and Rutherford to the Sixth District. The General Assembly would appoint an Attorney General for each District.
2. Public Acts of 1835-36, Chapter 28, made each Solicitorial District coincide with each judicial circuit having criminal jurisdiction and because of this arrangement, the Solicitorial Districts would no longer be designated as such.
3. Acts of 1907, Chapter 381, created the office of Assistant Attorney General in the 5th Judicial Circuit, the officer to be appointed by the Attorney General, learned in the law, and at least twenty-five years of age. He would perform at the will and at the direction of the Attorney General. The position would be salaried at \$1,800 per year.
4. Private Acts of 1919, Chapter 166, repealed Acts of 1907, Chapter 381, above.
5. Public Acts of 1976, Chapter 563, provided for two additional Assistant District Attorneys General for the Fifth Judicial Circuit and made provisions for the appointment, compensation, and duties of the offices.

Secretarial Assistance

The following act is no longer in effect but is listed here for historical purposes.

1. Public Acts of 1967, Chapter 134, provided for secretarial assistance to the Circuit Judge and Criminal Court Judge of the Fifth Judicial Circuit. Annual compensation for the secretaries was set at \$3,600.

Chapter VI - Education/Schools

Board of Education

Private Acts of 2002 Chapter 84

SECTION 1. Chapter 46 of the Private Acts of 1959, as amended by Chapter 281 of the Private Acts of 1972, and all other acts amendatory thereto, are hereby repealed.

SECTION 2. Smith County shall be divided into eight (8) school districts of substantially equal population, which shall be coextensive with the county legislative body districts established by resolution of the county legislative body from time to time.

SECTION 3. The Smith County Board of Education (the "board") shall consist of eight (8) members, with one member of the board being elected by the qualified voters in each school district on a non-partisan basis. Board members shall be elected to staggered four (4) year terms so that every two (2) years the terms of one-half (½) of the members of the board shall expire. 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 4. During the transition from seven (7) members to eight (8) members, all incumbent board members shall remain on the board until the expiration of their current terms, and new board members shall be elected to four (4) year terms upon the expiration of each current board member's term. At the August 2002 general election, a board member shall be elected from the new School District 8 to an initial term of two (2) years, and thereafter to four (4) year terms.

SECTION 5. The Smith County Board of Education shall have the same powers, duties, privileges and qualifications as a county board of education established pursuant to Tennessee Code Annotated, Title 49.

SECTION 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 7. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Smith County by September 1, 2002. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body of Smith County and certified to the Secretary of State.

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

Passed: February 14, 2002

Education/Schools - Historical Notes

Board of Education

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

1. Private Acts of 1925, Chapter 645, permitted the Smith County Board of Education to borrow up to \$15,000 in excess of building funds, to erect or repair school buildings. The money could be borrowed from any available source, provided the conditions set forth in the act were observed. The debt would be the general and binding obligations of the County and were declared to be exempt from taxation by any other level of government.
2. Private Acts of 1949, Chapter 546, stated that in Smith County all members of the Board of Education attending regular, special, or called meetings would be paid the sum of \$5 per meeting.
3. Private Acts of 1984, Chapter 166, repealed Private Acts of 1959, Chapter 46, reprinted above, and established new Board of Education districts and election zones within each district. The act was not approved locally and did not become effective.
4. Private Acts of 2002, Chapter 84, repealed Private Acts of 1959, Chapter 46, as amended by Private Acts of 1972, Chapter 281

Superintendent or Director of Schools

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

1. Private Acts of 1925, Chapter 552, as amended by Private Acts of 1935, Chapter 330, provided for the election of a county superintendent of public instruction to be elected by qualified voters in the state by population classification according to the Federal Census of 1920 for a term of four years.

General Reference

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

1. Acts of 1806 (Ex. Sess.), Chapter 8, appointed Trustees for the county academies in each county. William Martin, Grant Allen, Henry Tooly, Richard Banks, and William Cage were named as Trustees for the Geneva Academy in Smith County. The act outlined the basic administrative functions and duties of the Trustees.
2. Acts of 1807, Chapter 56, again named Trustees to operate county academies. In Smith County the act appointed John Fite, John Gordon, Lee Sullivan, Robert Allen, Wilson Cage, and Arthur S. Hogan as the Trustees for Geneva Academy.
3. Acts of 1809 (Sept. Sess.), Chapter 106, appointed additional Trustees for several of the county academies including Geneva Academy in Smith County. Charles Boulton, Jonathan B. Robertson, and Joel Dyer, Jr. were named as additional Trustees for this academy.
4. Acts of 1811, Chapter 29, appointed additional Trustees for several county academies, adding William Walton, Francis Gilbert, Archibald W. Overton, Basil Shaw, and Nathaniel W. Williams as Trustees for Geneva Academy in Smith County.
5. Public Acts of 1831, Chapter 16, required the president and directors of the Bank of the State of Tennessee to estimate the pro rata share of the school funds for every county in the State and to pay that amount over to them for the operation and maintenance of the common public schools. Alexander Allison was named as the commissioner who would receive and disburse funds in Smith County.
6. Private Acts of 1832, Chapter 86, incorporated Richard Alexander, Henry Brooks, William Dillen, Senator Frederick N. Mitchell, John Bradley, James M'Murray, and Chesley Bridgewater as a body politic and corporate with succession for fifty years to be known as the Oakland Male Academy in Smith County. They were granted the essential and incidental powers of corporate institutions. They were allowed to subscribe stock under conditions stipulated in the act and were empowered to make rules and regulations for the internal management and discipline of the school.
7. Private Acts of 1832, Chapter 92, made it the duty of the Board of each common school district in Smith County to present to the Board of Commissioners, at the time they applied for their pro rated share of school funds, a correct and certified list of the pupils attending public schools in that district.
8. Private Acts of 1833, Chapter 20, stated that the Institution of Literature recently founded in Smith County by Francis H. Gordon, James B. Moores, and William B. Gordon, would be known as "Clinton College". The named individuals were incorporated as a body politic and corporate and, as such a body, were given the powers and privileges of similar educational establishments.
9. Private Acts of 1833, Chapter 260, provided that in the Counties of Smith, Giles and Lincoln, where agents were appointed by the Legislature to manage common school funds and a clerk appointed by the board of common school commissioners also performed the duty, the duties of the clerk and the agent would be performed by the agent alone.
10. Acts of 1855-56, Chapter 231, declared the Carthage Female Academy to be a branch of the Geneva Academy, but it was to retain its separate name and continue to be under its own board of trustees.
11. Public Acts of 1885, Chapter 76, allowed the Boards of Trustees of the Carthage Female Academy and the Geneva Academy to sell the old academy building in Carthage and the lot upon which it stood, upon such terms and under such conditions as to them seemed best, with the proceeds to be used to erect a new building of a type suitable to them. They were also to purchase a lot no larger than ten acres on which to build the new building.
12. Public Acts of 1891, Chapter 216, formed a special school district from parts of Smith and Putnam Counties, consisting of the lands belonging to Phi. Apples, C. F. Burton, R. G. Apple, James and Robert McKinly, B. F. Brinly, and John Watts, all of Putnam County, and the farms of Wirt A. P. Apple, A. P. Apple, Dr. F. M. Amonnett, J. C. and James Fletcher, and W. C. Apple, all of Smith County. The new special school district would have all the emoluments, rights, and privileges of

- other school districts. A three member board of directors would be elected by the people living in the district.
13. Public Acts of 1895, Chapter 141, authorized the Trustees of Geneva Academy in Carthage to sell and convey the old buildings of the academy and to use the proceeds of sale to purchase grounds and erect and equip a new college and boarding house.
 14. Public Acts of 1899, Chapter 329, repealed Acts of 1891, Chapter 216, above, which formed a special school district from parts of Smith and Putnam Counties. The part of the school district that was located in Smith County was reorganized as a special school district. The directors retained all property of the district in Smith County and continued to operate as a district.
 15. Acts of 1903, Chapter 540, created a new special school district in the Sixth Civil District of Smith County, embracing the territory described in the act. The Directors of the Sixth School District were instructed to pay over to the new district its pro rata share of school funds. The County Superintendent of Public Instruction was directed to number the district established and to appoint three school directors for it. The district would have and enjoy the same rights and privileges as other school districts.
 16. Acts of 1905, Chapter 201, created a new special school district out of the Third, Fourth, and Sixth Civil Districts. The directors of the Third, Fourth, and Twenty-fourth School Districts were required to pay over to the new school district its pro rata share of school funds, the amount of which was to be determined on the basis of scholastic population. The County Superintendent of Public Instruction would number the new District and name three Directors to serve until the next election. This district was to be treated and considered in all respects as other school districts. The caption of the act referred to the district as the Mace's Hill School District.
 17. Acts of 1905, Chapter 354, created a separate school district out of parts of the First and Third School Districts. The new district contained the farms of H. M. Bridgewater, C. S. Key, E. W. Chambers, Mrs. Lucy Nunley, John Bridgewater, A. H. Baston, James Piper, Joe Baker, T. O. Key, Henry Hackett, Will Baker, P. C. Hiett, J. M. Key, G. M. Key, Herschel Hackett, T. E. Hackett, M. D. Hackett, S. C. Bridgewater, and all citizens included within those bounds.
 18. Acts of 1907, Chapter 212, abolished the Charter of Geneva Academy in Carthage. The Trustees were to convey all assets of the academy to the city of Carthage to be incorporated into and used by the public school system. Title to all property would be conveyed in fee simple.
 19. Acts of 1907, Chapter 315, created a special and independent school district out of parts of Smith and Wilson Counties, to be called "Flat Rock District No. 28". The act lists a long series of names of the owners of farms included in the new school district. The County Superintendent of Wilson County would appoint one school director and the Smith County Superintendent would appoint two, all of whom would serve until their successors could be elected. The Directors of this District could demand the money due them from the Directors of the Districts from which the new district was formed.
 20. Private Acts of 1911, Chapter 651, required every parent or guardian of a child in Smith County to send the child to school for at least eighty days per year, or as long as school was in session if for a shorter period, unless the child was excused or exempted. The County Court could exempt a child upon the recommendation of the school directors. They could be excused if they were being given private instruction or were attending parochial school. Extreme poverty could be the reason to excuse a child whose help was needed in supporting the family. The superintendent or a teacher could excuse a child for temporary absences. Attendance reports were to be accurately kept by the school authorities subject to fines for failure to do so.
 21. Private Acts of 1911, Chapter 670, established a new school district from parts of the Second, Fifth, and Twenty-third Civil Districts of Smith County, to be known as the "Thirtieth School District". The district would be managed and controlled by three directors, in the manner in which other Districts were managed, and be entitled to its pro rata portion of public school funds.
 22. Private Acts of 1915, Chapter 327, established a new school district in the Fourth Civil District of Smith County.
 23. Private Acts of 1915, Chapter 525, stated that the schools in the 9th District of Smith County were authorized and empowered to teach all high school subjects.
 24. Private Acts of 1915, Chapter 568, authorized the County Court of Smith County to levy a tax of ten cents per \$100 property valuation for the purpose of replenishing and adding to the common school funds. The tax would be levied in all school districts.
 25. Private Acts of 1915, Chapter 612, duplicated Private Acts of 1915, Chapter 568, above.

26. Private Acts of 1915, Chapter 684, created a new school district to include the town of Gordonsville. The district would have a six member Board of Trustees elected for two-year terms by the people. The act named J. G. Gold, M. A. Avant, W. A. Davis, H. C. Gwaltney, Dr. C. B. Robins, and Dr. J. S. Campbell as the first Board of Trustees, to serve until others were elected. The Trustees would receive no pay except the clerk could be paid for compiling the school census. The powers and duties of the Trustees are enumerated in the act. School funds were to be apportioned. The district could levy a special tax of twenty cents per \$100 valuation applicable only within the District in order to keep the schools open during the school year. The Trustees were given power to enter into certain contracts and to employ qualified teachers and support personnel.
27. Private Acts of 1917, Chapter 561, authorized the 19th School District to levy a special tax not to exceed forty cents per \$100 valuation which would apply only to that District and be in addition to all other taxes levied for school purposes. The tax would not be levied until approved by affirmative vote of the people in an election held for that purpose. Josh Craighead, Tom Hall, and Walter Bradley were named to hold the election and, if approved, the County Court would then levy the tax as stated.
28. Private Acts of 1917, Chapter 608, allowed the 24th School District to levy a special tax for schools of twenty cents per \$100 property valuation which would be in addition to all other taxes levied for school purposes. The tax was subject to approval of the voters in the District which would be expressed in an election for that purpose. If the vote was favorable, the Quarterly Court would levy the tax.
29. Private Acts of 1919, Chapter 226, authorized and empowered the Directors of the public schools of the various school districts in Smith County to establish primary and secondary public schools, in which could be taught the first ten grades of the public school curriculum.
30. Private Acts of 1919, Chapter 427, provided that the Superintendent of Public Instruction in Smith County would be elected for four-year terms by the qualified voters of the County. The present Superintendent was to serve at the same salary until September 1, 1920, when the salary would be \$850 per annum to be paid out of the general fund of the county.
31. Private Acts of 1929, Chapter 604, repealed Private Acts of 1915, Chapter 684, above, and provided that all schools established in the District thereafter would be under the control and direction of the County Board of Education. The act granted authority to the Trustees of the School District to convey to the Board of Education and the Board of Education was granted authority to receive and hold all property and equipment owned by the District. The District would continue to exist only for the purpose of liquidating its debts.
32. Private Acts of 1951, Chapter 199, repealed Private Acts of 1925, Chapter 645, above.

Chapter VII - Elections

Elections - Historical Notes

Districts - Reapportionment

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

1. Acts of 1909, Chapter 565, established seven civil districts in Smith County which were to be composed of the twenty-three districts in existence prior to the act. All election precincts were to remain as they were and the Districts set up under the act would remain until changed by the General Assembly.
2. Private Acts of 1911, Chapter 53, repealed Private Acts of 1909, Chapter 565, above, thus restoring the twenty-three former civil districts as they were prior to passage of the repealed act. They would be known by their former numbers. The Election Commission was to hold elections in each of the re-established Districts for two Justices of the Peace and one Constable.

Elections

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

1. Acts of 1799, Chapter 46, stated that Tennessee would have three electors for president and vice

- president of the country, one from each major district of Tennessee. In the Mero District were the Counties of Davidson, Sumner, Montgomery, Robertson, Wilson, Smith and Williamson. Those named as electors in Smith County were Grant Allen, Tilman Dixon, and Henry McKinney.
2. Acts of 1803, Chapter 24, divided Tennessee into five Presidential Electoral Districts, each of which would have one elector. Jackson, Smith, Wilson and Sumner Counties composed the Fourth Electoral District and polls would be counted at Bledsoeborough in Smith County.
 3. Acts of 1805, Chapter 64, apportioned the General Assembly on the basis of population figures furnished by the counties. Of the thirteen state senators, Jackson and Smith Counties jointly would elect one. Smith County would elect one of the twenty-six representatives alone. The polls were to be counted at Fort Blount in Smith County.
 4. Acts of 1806, Chapter 41, made it lawful for residents of Smith County living on Goose Creek, Long Creek, and Dixon's Creek, north of Fort Blount road, to meet and vote in the elections of governor, congressman, and president at the home of John Brevard. The Sheriff, or his deputy, were required to hold the election.
 5. Acts of 1807, Chapter 42, amended Acts of 1806, Chapter 41, above, to include in the elections allowed at the house of John Brevard, those for members of the General Assembly.
 6. Acts of 1807, Chapter 74, provided that the election of Presidential Electors in Tennessee would be held on the second Thursday in November, 1808. Of the five Electoral Districts, the Fourth District was composed of Smith, Jackson, Overton, White, Sumner, Wilson, Warren, and Franklin Counties.
 7. Acts of 1809, Chapter 1, provided for the election of three congressmen in Tennessee, one from the Washington District, one from the Hamilton District, and one from the combined Winchester, Mero, and Robertson Districts. The poll for Winchester District would be counted at Carthage, for Robertson District at Springfield, and for Mero District at Nashville.
 8. Acts of 1812, Chapter 5, divided the State into eight Presidential Electoral Districts. Smith, Wilson, and Sumner Counties made up one District and would elect one elector.
 9. Acts of 1812, Chapter 27, divided the State into six congressional election districts. The fourth district was composed of the Counties of Smith, Sumner, Wilson and Jackson and would elect one representative to Congress.
 10. Acts of 1812, Chapter 57, apportioned the State for the General Assembly which would be composed of twenty senators and forty representatives. Smith County would elect one senator and one representative alone.
 11. Acts of 1812, Chapter 65, declared that the election authorized to be held at the home of John Brevard in Smith County would thereafter be held at the house of James Montgomery, any law to the contrary notwithstanding.
 12. Acts of 1817, Chapter 29, declared it the duty of the Sheriff or his deputy to open and hold a separate election in the town of Lancaster in Smith County, whenever other elections were held.
 13. Public Acts of 1819, Chapter 69, divided the State into districts for the purpose of electing members of the General Assembly. Smith County was to elect one member each to the Senate and the House of Representatives.
 14. Public Acts of 1822, Chapter 1, divided the State into eight U. S. Congressional Districts to elect members of Congress. Smith, Sumner, and Wilson Counties constituted the Fifth Congressional District.
 15. Public Acts of 1823, Chapter 47, named the Counties of Smith, Sumner, and Wilson as the Sixth U. S. Congressional District. Polls were to be counted at Hartsville in Sumner County.
 16. Public Acts of 1824, Chapter 1, named the Counties of Smith, Sumner, and Wilson as the Sixth U. S. Congressional District.
 17. Public Acts of 1826, Chapter 3, apportioned Smith and Sumner Counties as one of the twenty State Senatorial Districts, to elect one Senator jointly. Counting of votes would take place at Hartsville.
 18. Public Acts of 1827, Chapter 17, divided Tennessee into eleven Presidential Electoral Districts. Smith, Sumner, and Wilson Counties composed the Sixth District.
 19. Public Acts of 1832, Chapter 4, organized thirteen U. S. Congressional Districts in the State for the purpose of electing Representatives of Congress. Jackson, Smith and Sumner Counties composed the Sixth Congressional District.
 20. Public Acts of 1832, Chapter 9, established fifteen Presidential Electoral Districts in Tennessee.

Smith and Wilson Counties constituted the Seventh District.

21. Public Acts of 1833, Chapter 13, established a new precinct, for all elections held in Smith County, at the house of Daniel Bratton.
22. Public Acts of 1833, Chapter 71, apportioned Tennessee for the General Assembly. Smith and Sumner Counties would jointly elect one of the twenty senators and Smith County would elect one representative alone.
23. Public Acts of 1833, Chapter 76, organized delegates to be elected to the upcoming Constitutional Convention. The election of delegates would be on the first Thursday and Friday in March. Those persons elected would convene in Nashville on the third Monday in May. Smith and Sumner Counties jointly would elect three delegates.
24. Public Acts of 1833, Chapter 94, repealed Acts of 1833, Chapter 13, above, which established a voting precinct at the home of Daniel Bratton.
25. Private Acts of 1835-36, Chapter 39, set up fifteen Presidential Electoral Districts in the State, assigning Smith and Wilson Counties to the Seventh District.
26. Acts of 1839-40, Chapter 79, assigned Smith and Wilson Counties to the Seventh U. S. Congressional District.
27. Acts of 1842 (2nd Sess.), Chapter 1, apportioned Tennessee into twenty-five Senatorial Districts. Sumner and Smith Counties composed the Fifteenth District. The act divided the State into fifty Representative Districts. Smith County would elect two representatives.
28. Acts of 1842 (2nd Sess.), Chapter 7, divided the State into eleven U. S. Congressional Districts. Smith, Sumner, and Davidson Counties composed the Eighth U. S. Congressional District.
29. Acts of 1851-52, Chapter 196, apportioned the State into ten U. S. Congressional Districts. Jackson, Macon, Smith, DeKalb, White, Warren, Coffee, Grundy and Van Buren Counties composed the Fourth Congressional District.
30. Acts of 1851-52, Chapter 197, assigned Smith and Sumner Counties to one State Senatorial District with polls to be counted at Hartsville. Smith County would elect one representative alone and share another with Sumner and Macon Counties.
31. Public Acts of 1865, Chapter 34, established eight U. S. Congressional Districts in the State. The Third District was composed of the Counties of Meigs, Rhea, Hamilton, Bledsoe, Marion, Grundy, Van Buren, Sequatchie, Warren, White, Smith, Cumberland, Putnam, Jackson, Macon, Overton, DeKalb and Fentress.
32. Public Acts of 1871, Chapter 146, reapportioned the State based on the 1870 Federal Census. Smith County would elect one representative alone and would share the Ninth State Senatorial District with Macon, Clay, Trousdale, Sumner, and Jackson Counties.
33. Acts of 1872 (Ex. Sess.), Chapter 7, reapportioned Tennessee into nine U. S. Congressional Districts. The Second District was made up of the Counties of Sevier, Knox, Jefferson, Anderson, Campbell, Scott, Morgan, Fentress, Cumberland, White, Putnam, Overton, Jackson, Smith, Macon and Clay.
34. Public Acts of 1873, Chapter 27, redistricted the State into ten U. S. Congressional Districts. The Fourth District was made up of the Counties of Fentress, Overton, Putnam, Jackson, Macon, Clay, Smith, Trousdale, Wilson, Sumner and Robertson.
35. Public Acts of 1881 (Ex. Sess.), Chapter 5, permanently fixed the number of state senators at thirty-three and the number of representatives at ninety-nine.
36. Public Acts of 1881 (Ex. Sess.), Chapter 6, reapportioned Tennessee on the basis of the 1880 Census, giving Smith County one Representative and having the County share a floater representative with Sumner and Trousdale. Smith and Wilson Counties constituted the Thirteenth Senatorial District.
37. Public Acts of 1882 (Ex. Sess.), Chapter 27, apportioned Tennessee into ten U. S. Congressional Districts. The Fourth Congressional District was composed of the Counties of Sumner, Wilson, Macon, Trousdale, Smith, DeKalb, Clay, Jackson, Putnam, Overton, Fentress and Pickett.
38. Acts of 1891 (Ex. Sess.), Chapter 10, allowed Smith County to elect one representative to the General Assembly and to share the Thirteenth State Senatorial District with Wilson County.
39. Acts of 1901, Chapter 109, formed ten U. S. Congressional Districts, assigning to the Fourth District the Counties of Sumner, Trousdale, Wilson, Putnam, Jackson, Clay, Overton, Smith, Macon, Pickett, Fentress, Morgan, Cumberland, and Rhea.

40. Acts of 1901, Chapter 122, reapportioned the State into thirty-three Senatorial Districts, with Smith and Wilson Counties composing the Thirteenth District and electing one senator. Smith County, alone, would elect one member to the House of Representatives.
41. Private Acts of 1933, Chapter 153, amended the Absentee Voting Law, which was Section 2228 of the Code of Tennessee, in the first line by inserting the appropriate language to exclude Smith County from its provisions.
42. Private Acts of 1935, Chapter 22, repealed Private Acts of 1933, Chapter 153, above, which exempted Smith County from the provisions of the State Absentee Voting Law.

Chapter VIII - Health

Currently, there are no applicable Private Acts.

Chapter IX - Highways and Roads

Road Law

Private Acts of 1923 Chapter 585

SECTION 1. That in all counties of this State having a population of not less than 17,130 nor more than 17,140 according to the Federal Census of 1920, or any subsequent Federal Census, there is hereby created the office of County Road Commissioner and said Commissioner shall have charge and supervision of working, improving, and maintaining all public roads in said counties, including bridges and culverts.

SECTION 2. That said County Road Commissioner shall be elected by the qualified voters of said County at the regular August election, 1936, and every four years thereafter. His term of office shall be for four years from the first day of September, 1936, and until his successor shall be elected and qualified. That said County Road Commissioner shall appoint some suitable person in every civil district of said County to supervise the district roads in their respective districts. That they shall receive reasonable compensation for their said services, but in no event shall they receive more than Fifty (\$50.00) Dollars per annum and shall serve at the pleasure of said County Road Commissioner. That said County Road Commissioner be empowered to fix the salaries herein authorized at any amount not exceeding the limit herein imposed and shall pay same out of the district road funds. That the supervisors thus appointed shall serve under the direction of the said County Road Commissioner.

As amended by: Private Acts of 1925, Chapter 569,
Private Acts of 1931, Chapter 326
Private Acts of 1935, Chapter 289,
Private Acts of 1939, Chapter 126.

SECTION 3. That the County Court shall have the power to remove said Road Commissioner at any time for inefficiency or failure to faithfully perform his duties under this Act.

As amended by: Private Acts of 1925, Chapter 569.

SECTION 4. The County Road Commissioner shall be paid an annual salary of seven thousand two hundred dollars (\$7,200), to be paid out of the county road funds in monthly installments on warrants drawn by the Commissioner and countersigned by the County Judge. The Road Commissioner shall receive, in addition to his salary, an automobile with expenses paid on said vehicle. The Road Commissioner shall receive no additional pay or compensation for any purpose and shall pay his own expenses of every kind, except as herein stated. The Commissioner shall be a person not less than twenty-five (25) years of age and shall be capable and experienced in the repair and maintenance of roads. He shall devote full-time to the duties of the office of County Road Commissioner.

As amended by: Private Acts of 1929, Chapter 101,
Private Acts of 1951, Chapter 200
Private Acts of 1965, Chapter 30,
Private Acts of 1969, Chapter 5
Private Acts of 1972, Chapter 246.

SECTION 5. That said Road Commissioner, before the entering upon the discharge of his duties, shall take and subscribe to an oath to faithfully perform the duties of his office, and shall enter into a bond, with good and solvent sureties, to be approved by the Chairman of the County Court, in the sum of Five Thousand Dollars, conditioned that he honestly and faithfully perform his duties as such Road Commissioner and under the terms of this Act.

SECTION 6. That said Road Commissioner shall personally inspect all the main thoroughfares of the

county at least once each month in the year, and shall make monthly reports in writing to the Chairman of the County Court showing in detail the character and extent of his work and operations for the current month.

SECTION 7. That the office of District Road Commissioner in said counties is hereby abolished and all the powers and duties of said District Road Commissioners, as now provided by law, are hereby conferred upon the County Road Commissioner herein provided for. It shall be the duty of said Road Commissioner to appoint the overseers of roads in the various civil districts of said counties and to see that they faithfully perform their duties as now provided by law.

SECTION 8. That said Road Commissioner is charged with upkeep, maintenance and improvement of all the public roads in said counties, and he is hereby vested with full power and supervision over same, and he shall have control over the expenditure of all available road funds of whatever kind and from whatever source derived, and shall expend same as he may deem best for the repair and maintenance of the roads, acting at all times with the advice and consent of the Chairman of the County Court. Provided, however, that nothing herein shall be construed as affecting the powers and duties of the Chairman of the County Court in connection with the public roads of said counties as now provided by law.

SECTION 9. That said Road Commissioner shall have the power and it shall be his duty to assign road hands for labor to any road within the civil district where the road hand resides, and at any time during the year except from March 15th to July 1st.

SECTION 10. That it shall be the duty of said Road Commissioner to take into his care, custody and control all tools, machinery, materials, etc., belonging to said counties including that purchased under road bond issues, and to use it for the repair, construction and maintenance of all roads of the county as his best judgment may dictate. He shall make a detailed inventory of all such road tools, machinery, etc., to the chairman of the County Court, the said Road Commissioner is especially charged with the proper care and preservation of same and to see that same is not lost, stolen, or allowed, to needlessly deteriorate. Said Road Commissioner shall require of the various overseers inventories of all tools, machinery, materials, etc., placed in their hands, and he shall hold them strictly responsible for same. Said tools, machinery, etc. shall not be used for any purpose except on the public roads.

SECTION 11. That while it is made the duty of said Road Commissioner to care for and maintain all the roads of said counties he is especially charged with the duty of repairing and maintaining the main thoroughfares of said counties; and, in the expenditure of the funds and in assigning road labor, he will have due regard to the importance of the roads, treating all sections of the county impartially.

SECTION 12. That it shall be the duty of said Road Commissioner, acting in conjunction with the Chairman of the County Court, to favor any section or community where the citizens may offer voluntary aid to supplement the public funds and labor.

SECTION 13. That all applications to open, close or change public roads in said counties shall be made to the Road Commissioner, and proceedings thereunder shall be as now provided by law.

SECTION 14. That the reports of the Road Commissioner, showing his acts and doings and how the funds are being expended, shall at all times be open to the inspection of the public.

SECTION 15. That nothing in this Act shall be construed as conferring jurisdiction or power of authority upon the Road Commissioner herein provided for over the roads or streets within the limits of incorporated towns in said counties, such municipalities to continue to maintain their roads and streets as now provided by law.

SECTION 16. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

SECTION 17. That this Act take effect from and after its passage, the public welfare requiring it.
Passed: March 29, 1923.

Highways and Roads - Historical Notes

The following is a listing of acts which once had some effect upon the county road system in Smith County, but which are no longer operative.

1. Public Acts of 1821, Chapter 6, required several County Courts to index and classify roads in their counties. The three classes of roads were (1) stage roads, (2) roads for loaded wagons, and (3) single horse and rider. Penalties were provided for obstructing roads and for failing to observe the terms and conditions of the act were provided.
2. Private Acts of 1826, Chapter 108, authorized Jesse Lincoln of White County to keep in repair a

- turnpike road between Sparta in White County and Liberty in Smith County. Adam Dale of Smith County was named as a Commissioner to inspect the work done on this turnpike.
3. Private Acts of 1832, Chapter 38, authorized Jesse Lincoln and William Ussery of White County to build a turnpike road from Sparta in White County to Liberty in Smith County, which would cross the Caney Fork River near Lockharts. William Bruster and Henry Lydy, both of White County, and Leonard Lamberton and William C. Garrison, both of Smith County, were appointed as Commissioners to inspect, supervise, and report on the work as it progressed.
 4. Acts of 1853-54, Chapter 104, authorized the Governor to issue six bonds of the State in the amount of \$1,000 each to the president and directors of the Carthage and Hartsville Turnpike Company, sixteen bonds of \$1,000 each to the president and directors of the Carthage, Alexandria, and Red Sulphur Springs Turnpike Company, and eight bonds of \$1,000 each to the president and directors of the Carthage and Rome Turnpike Company, provided in all cases, suitable liens, or mortgages, were given. One-half of the bonds would be issued when ten miles of the road was completed, and the other one-half when twenty miles was completed. The bonds were to be repaid semi-annually over a period not to exceed fifteen years. If default occurred in the payment of the bonds, the Governor was empowered to take over and sell the turnpike roads under conditions specified in the act.
 5. Acts of 1855-56, Chapter 196, amended Acts of 1853-54, Chapter 104, by requiring the Carthage and Hartsville Turnpike Company to liquidate their debt to the State by paying one-half of the amount of the principal and interest each year. The act also provided that any person filling in a drainage ditch on the road would forfeit \$5.00 and costs before any Justice of the Peace in Smith or Sumner Counties. If the Company failed to complete the road within the time allowed, they would nevertheless continue as a body corporate and politic insofar as the enforcement of any contractual provisions were concerned.
 6. Private Acts of 1868-69, Chapter 61, provided that the gates of the Alexandria, Carthage, and Red Springs Turnpike be thrown open and no pikeage be collected on the road until it was placed in the condition required in the charter of the road before tolls could be collected.
 7. Public Acts of 1871, Chapter 109, recited that the State of Tennessee had loaned the sum of \$6,000 to the Carthage and Hartsville Turnpike Company and that a lawsuit was pending in the Chancery Court of Smith County which had been filed by creditors of the company contesting the priority of the State's lien on \$4,650, the proceeds from the sale of the company. The act permitted the State to compromise and settle the lien and debt against the company in such manner and on the terms deemed in the best interests of the State, but the settlement would not be in any amount less than \$3,000
 8. Public Acts of 1895, Chapter 129, appointed J. F. Roy, R. B. Floyd, James Jones, J. W. Overall and A. P. Smith, of DeKalb County, and R. A. Lawrence, Jonathan Smartt, and E. N. Allen, of Smith County, as Commissioners to open books and subscribe stock for the purpose of constructing a macadamized road from Alexandria to Brush Creek. The amount of stock could not exceed \$4,000 at \$25 per share. The company would have the power to contract, but had to meet specifications contained in the act. When the road was completed, a toll gate was to be established where the road crossed the Nashville and Knoxville Railroad. The company would charge the same rate of tolls allowed on the Sparta and Lebanon turnpike road.
 9. Acts of 1901, Chapter 136, was a general road law for every county in the State with a population of under 70,000. The County Court of each county would select one Road Commissioner for each Road District. The Road Districts would be co-extensive with Civil Districts. The Commissioner would be in charge of the roads, bridges, culverts, and road hands in his District for a term of two years and he had to be sworn and bonded. The County Court would assign road hands to each District, each to work from five to eight days, as determined by the County Court, and would fix the price to be allowed for a day's work. The County Court could levy a special road tax of two cents per \$100 property valuation for each day required to be worked, two-thirds of which could be worked out on the roads. The District Commissioners would appoint the road overseers in their Districts who would be in immediate charge of sections of roads. Some specifications for roads were set forth in the act and the County Court could contract for work on roads designated by them. The County Court was further required to index and classify the roads into four classes. Petitions to open, close, or change roads would be handled by the Commissioner who would follow guidelines contained in the act. Commissioners would be paid the same as Justices of the Peace.
 10. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, above, in several minor particulars but was primarily concerned with revising the procedures for receiving and

disposing of petitions to open, close, or change county roads.

11. Acts of 1907, Chapter 271, provided that in Smith County, all persons between the ages of eighteen and fifty would be subject to road duty and would perform labor on the public roads as required by law. Eight hours would constitute a normal work day. The County Court would fix the number of days to be worked each year, which would be no less than eight nor more than ten. Two days of this amount was to be worked in April or May and the remainder in August or September.
12. Private Acts of 1917, Chapter 740, amended Public Acts of 1915, Chapter 100, by requiring that the State Highway Commission immediately refund to the Chairman of the County Court of Smith County all funds and monies which had been collected from the county arising from the licensing and registration of automobiles. When refunded, the money would be used exclusively for road purposes under the direction of the County Court.
13. Private Acts of 1919, Chapter 780, amended the Road Law for Smith County by empowering the County Court to increase its road tax levy and the commutation fee for road labor from 75 cents to \$1.50 and from \$2.25 to \$3.
14. Private Acts of 1921, Chapter 963, provided that the County Judge or Chairman in Smith County would turn over to the County Trustee all fees received from the State highway department resulting from the sale of auto licenses. The Trustee was to credit each road district with the proportionate share due it, based upon the number of auto owners and license fee payers in that district. The Trustee would also distribute to the incorporated cities and towns their share based upon the same standards.
15. Private Acts of 1929, Chapter 676, stated that, in Smith County, all funds contributed by the County in cooperation with the State Highway Department and expended on the construction of State Highways or in acquiring toll bridges would be refunded. The County was to submit its claim, together with proof of payment, to the State Commissioner of Highways and Public Works who would submit it to the Highway Reimbursement Board, which would consider the claim and reimburse the County. The amount refunded was not to exceed \$30,000.
16. Private Acts of 1935 (Ex. Sess.), Chapter 2, named the bridge constructed by the State across the Cumberland River at Carthage for the Honorable Cordell Hull.

Chapter X - Law Enforcement

Law Enforcement - Historical Notes

Militia

Those acts once affecting Smith 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 1803, Chapter 1, organized the militia for the State, requiring all free men and indentured servants to be members. The militia in Smith County would constitute the 16th Regiment and would hold at least one annual muster for all members.
2. Acts of 1807, Chapter 11, made it lawful for persons in Smith County, living west of Dixon's Creek and north of Fort Blount Road, to hold a general muster of the militia at the house of John Brevard on the second Thursday in October next, which would be conducted under the Commanding Officer or the senior officer present.
3. Acts of 1807, Chapter 29, made it lawful for four companies of militia to hold their meetings in the southeast part of Smith County at Liberty. The Sheriff would hold an election there on the same days regular elections were held, and the militia companies would meet at the same time.
4. Acts of 1815, Chapter 119, was an entirely new militia law for the State. The militia would consist of free men and indentured servants between the ages of eighteen and forty-five years. Smith County's militia would compose the 16th and 41st Regiments.
5. Public Acts of 1825, Chapter 69, established the militia units throughout the State. The Smith County militia was designated as the 16th, 41st, and 59th Regiments, and was assigned to the Fourth Brigade with Sumner and Wilson Counties. The annual muster of the 16th Regiment was on the fourth Thursday in September, that of the 41st Regiment on the fourth Thursday in October, and that of the 59th on the second Thursday in October.
6. Public Acts of 1835-36, Chapter 21, designated the regiments of the militia in the State, assigning to Smith County the 51st, 52nd, and the 53rd Regiments. Smith and Wilson Counties were

assigned to the 9th Brigade.

7. Acts of 1837-38, Chapter 157, required that drill be held in each County of the State and that the 9th Brigade, in Smith County, would assemble its soldiers on the first Tuesday and Wednesday in September of each year.

Sheriff

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

1. Acts of 1809 (Sept. Sess.), Chapter 33, stated that when Smith County was reduced to constitutional limits and portions of the County transferred back to Jackson County, a list of taxes due was compiled, chargeable to George Matlock, the Sheriff. The taxed, however, already had been but paid. Matlock was authorized to lay before the County Court a full and complete statement for the year 1806 and upon acceptable proof being given, he was to be relieved of those taxes.
2. Private Acts of 1823, Chapter 186, authorized the Sheriffs of Knox Davidson, Maury, Smith, Rutherford, Jefferson, Sumner, and Washington Counties each to appoint one deputy in addition to the number allowed by law and thereafter, if deemed necessary, to have three deputies each.
3. Private Acts of 1913 (1st Ex. Sess.), Chapter 110, stated that the Sheriff of Smith County would receive an annual salary of \$1,200, payable semi-annually in January and July, to be paid out of the county treasury by the Trustee on the warrant of the County Judge or Chairman, provided the Sheriff filed a sworn, itemized statement with the County Judge twice a year showing all fees collected in his office and the source of the fees. If the fees were less than the stated salary, the County would pay the difference, but the fees did not have to include the amounts for boarding prisoners and turnkeys. The Sheriff was forbidden to donate his fees to anyone.
4. Private Acts of 1927, Chapter 780, repealed Private Acts of 1913 (1st Ex. Sess.), Chapter 110, above, and stated that in Smith County, the Sheriff would receive an annual salary of \$1,000, payable monthly out of the county treasury on warrant of the County Judge or Chairman. The Sheriff could keep for himself all fees and commissions collected under the law.
5. Private Acts of 1929, Chapter 619, permitted the Superintendent of the Workhouse in Smith County to work prisoners, under the rules and regulations by which workhouse prisoners worked on public roads, to clean and to assist in beautifying cemeteries located outside of incorporated towns and containing thirty or more graves of soldiers or soldiers' widows from any war in which the State participated.

Chaper XI - Taxation

Hotel/Motel Tax

Private Acts of 2021 Chapter 26

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

- (a) "Consideration" means the consideration charges, 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 service 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 or received from any person;
- (b) "Hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging, or sleeping purposes for a consideration, and includes any hotel, inn, tourist cabin, campground, bed and breakfast, or motel;
- (c) "Occupancy" means the use or possession or the right to use or possession of any room, lodging, or accommodations in a hotel for a period of less than thirty (30) continuous days;
- (d) "Operator" means the person operating the hotel whether as owner, lessee, or otherwise;
- (e) "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 to include the State of Tennessee;

(f) "Tax collection official" means the County Clerk; and

(g) "Transient" means any person who exercises occupancy or is entitled to occupancy of any rooms, lodgings, or accommodations in a hotel.

SECTION 2. Smith County is hereby authorized to levy a privilege tax upon the privilege of occupancy in any hotel by a transient in an amount not to exceed five percent (5%) of the consideration charged by the operator. The tax imposed is a privilege tax upon the transient occupying such room or other accommodation and is to be collected and distributed as herein provided. The rate of the tax may be modified by the county legislative body subject to the five percent (5%) limitation.

SECTION 3. The tax shall be added by each operator to each invoice prepared by the operator for the occupancy of his hotel. Such invoice must be given directly or transmitted to the transient, a copy thereof filed by month and retained by the operator as provided in Section 7 hereof.

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

SECTION 4.

(a) The tax hereby levied shall be remitted by all operators who lease, rent, or charge for any rooms or accommodation space in a hotel to the County Clerk not later than the twentieth (20th) day of each month next following such collection from the transient. The operator is required to collect the tax from the transient at the time of the presentation of the invoice for occupancy, whether prior to, during, or after occupancy, as may be the custom of the operator. The obligation to the county entitled to such tax shall be that of the operator.

(b) For the purpose of compensating the County Clerk for collecting the tax, the County Clerk shall be allowed five percent (5%) of the amount of tax remitted by the operators.

SECTION 5. 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 be added to the rent, or that, if added, any part will be refunded.

SECTION 6. Taxes collected by an operator which are not remitted to the County Clerk on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at a rate of twelve percent (12%) per annum, and in addition for a penalty on such taxes of one percent (1 %) for each month or fraction thereof that such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed may result in the imposition of a civil penalty not to exceed five hundred dollars (\$500.00) upon a finding of such willful refusal by a court of competent jurisdiction. Any civil penalty imposed shall be applicable to each individual transaction involving lodging services paid by a transient to the operator in those cases when the operator fails or refuses to pay the tax payable to the County Clerk.

SECTION 7. It is the duty of every operator liable for the collection and payment 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 such tax, which records the tax collection official shall have the right to inspect at all reasonable times.

SECTION 8. In administering and enforcing the provisions of this Act, the tax collection official shall have as additional power the powers and duties with respect to collection of taxes provided in Tennessee Code Annotated, Title 67, or otherwise provided by law.

SECTION 9. The County Clerk shall faithfully account for and make proper reports of all funds paid to and received by such Clerk for the privilege tax.

SECTION 10. The proceeds of the tax shall be paid over to the County Clerk and placed in the county general fund to be appropriated by the county commission for the public safety and tourism.

SECTION 11. The privilege tax levied by this Act shall be in addition to all other taxes levied or authorized to be levied whether in the form of excise, license, or privilege taxes, and shall be in addition to all other fees and taxes now levied or authorized to be levied.

SECTION 12. If any clause, sentence, paragraph, section, or any part of this Act shall be held or declared to be unconstitutional, it shall not affect the remainder of this Act notwithstanding the part held to be invalid, if any, and to that end the provisions of this Act are declared 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 Smith County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified by such officer to the Secretary of State.

SECTION 14. For the purpose of approving this Act as provided in Section 13, it shall take effect on becoming a law, the public welfare requiring it. For all other purposes, it shall take effect on the first day of the month following approval as provided in Section 13.

Passed: May 4, 2021.

Litigation Tax

Private Acts of 1967-68 Chapter 10

SECTION 1. That a litigation tax of five dollars (\$5.00) 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 Smith County. As amended by: Private Acts of 1981, Chapter 125.

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 Smith 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 8, 1967.

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 Smith County Assessor.

1. Private Acts of 1911, Chapter 411, amended Acts of 1907, Chapter 602, a general law concerning tax assessors, by setting the salaries of the tax assessors in several counties, including Smith County. The Tax Assessor's salary was fixed at \$1,000 per annum in Smith County.
2. Private Acts of 1913, Chapter 332, amended Private Acts of 1911, Chapter 411, above, by increasing the annual salary of the Tax Assessor to \$1,500 per year.
3. Private Acts of 1921, Chapter 928, fixed the annual salary of the Tax Assessor in Smith County at \$1,500, all conflicts being repealed.
4. Private Acts of 1957, Chapter 72, amended Private Acts of 1921, Chapter 928, above, by providing that the Tax Assessor of Smith County would be reimbursed up to \$175 per month for all expenses incurred in assessing property. Upon the filing of a sworn statement by the Tax Assessor concerning those expenses, the County Judge would pay the reimbursement out of regular county funds. This act was rejected by the Quarterly Court of Smith County and did not become effective.

Taxation

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

1. Acts of 1807, Chapter 23, declared that when Smith County was reduced to its constitutional limits, persons living in land transferred from Smith County owed taxes due the County. This act made it lawful for the Sheriff to collect those taxes due at the time the partition.
2. Acts of 1807, Chapter 77, allowed the County Court of Smith County to levy a tax for the relief of William Bartlett who had contracted to build a jail in Carthage, completed the undertaking in a satisfactory manner, and thereby had been materially damaged. The County Court was to compensate him in a manner and to the extent to which they considered right and proper,

payable out of any funds available.

3. Acts of 1809 (Sept. Sess.), Chapter 61, stated that John Gordon, the collector of public taxes in Smith County for the year 1803, was prevented from passing into the treasury the full amount of taxes charged to him because he was prohibited from selling the lands of nonresidents by interference of state laws. Judgment was rendered against him in the amount of \$43.21. The act authorized payment of the money to Gordon.
4. Acts of 1815, Chapter 76, authorized the County Courts of Smith and Overton Counties to lay a sufficient amount of taxes in the next succeeding two years to build a good and substantial jail and stocks at their respective courthouses. The Commissioners in charge of the work at Carthage and Monroe would proceed with the building as soon as money collected from the tax was available.
5. Private Acts of 1819, Chapter 29, allowed the County Court of Smith County to levy a tax in order to build an office to be located in Carthage for the County Register, Circuit Court, and the County Court Clerk.
6. Private Acts of 1819, Chapter 101, suspended the effective date of Private Acts of 1819, Chapter 29, above, until December 1, 1821.
7. Private Acts of 1821, Chapter 80, repealed Private Acts of 1819, Chapter 29, above.
8. Public Acts of 1870-71, Chapter 50, allowed several counties and incorporated towns in the State to levy taxes for county and city purposes under the following conditions: (1) that all taxable property be taxed according to its value upon principles established for state taxation, and (2) that the credit of no county or town would be given or be loaned to any person, company, association or corporation unless a majority of the Justices of the County Court first agreed to submit the issue to a referendum vote by the people and that the issue be approved by a threefourths majority of the voters. Several counties, including Smith County, were exempted from the requirement of a three-fourth's majority for the next succeeding ten years and the requirement of a simple majority vote was substituted for that period.
9. Private Acts of 1975, Chapter 2, established a privilege tax for using the county highways in counties with not less than 12,050 and not more than 13,000 in population, according to the 1970 Census, which figures applied to Hickman and Smith Counties. The privilege tax was \$15 for all vehicles except those expressly exempted, such as farm vehicles and machinery, and \$7.50 for motorcycles, and like vehicles. Anyone using the roads for at least thirty days each year was subject to the tax. Noncompliance was declared a misdemeanor. The County Court Clerk would collect the tax at the same time state license fees were collected and would issue a decal to be placed on the vehicle to denote payment, for which the Clerk would be paid fifty cents per license as part of the cost. The tax was good from March 1st to the last day of February. A \$1 fee was to be charged for the replacement of lost or destroyed decals or for the transfer of decals to another vehicle. The act was rejected or disapproved by the Quarterly Courts of the counties involved and did not become effective.
10. Private Acts of 1979, Chapter 88, levied a special privilege tax of \$15 upon motor driven vehicles in Smith County. Procedures to be followed in the collection of the tax and distribution of tax proceeds were set forth. The act was subject to approval in a referendum. The act was approved by the County Legislative Body but was defeated in the referendum and did not become effective.

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