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Private Acts of 1947 Chapter 403

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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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Private Acts of 1947 Chapter 403

SECTION 1. That Whereas, on January 14, 1921, there was passed by the General Assembly of the State of Tennessee Chapter 54 of the Private Acts of 1921, under the terms of which the charter of the City of Memphis was amended so as to provide for the censorship of theatrical performances and motion pictures in the said City of Memphis; and

WHEREAS, By the provisions of the said Act the Board of Commissioners of the City of Memphis were authorized and empowered by ordinance to prevent the exhibition of immoral, lewd, or lascivious pictures, acts, performances, representations, plays, or pantomimes, subversive of the morals of such city. It was also authorized by ordinance to prevent plays, pictures, pantomimes, or their representations or performances inimical to public safety, health, morals and welfare, and likewise performances, representations, pictures or plays denouncing, deriding or seeking to overthrow the present form of National Government. This power was not extended, however, to prevent the private exhibition of any picture, plays, pantomimes or representations for purely scientific or educational purposes, nor those exhibited by any recognized school, college, seminary, or other educational institution as part of its educational work.

AND WHEREAS, the Board of Censors selected by the City of Memphis, pursuant to ordinance passed by the Board of Commissioners following the enactment of the enabling statute above set out, have functioned very efficiently and have prevented plays, pictures, pantomimes, representations, acts and performances that were subversive of the morals of the City;

AND WHEREAS, the General Assembly is advised and finds that the presently authorized exercise of the police power of the State and that delegated to the Cities of the population and qualifications set out in Chapter 54 of the Private Acts of 1921, is inadequate to protect and safeguard the public health, safety, morals and welfare of residents residing in the County, but residing outside the City or Cities included in the population class aforesaid;

AND WHEREAS, it is therefore now desired to extend the rights of censorship by a properly appointed Board to the entire area of the County of Shelby outside the corporate limits of the City of Memphis;

SECTION 2. That the Quarterly County Court, in Counties having a population of 350,000 or more by the Federal Census of 1940, or any subsequent Federal Census, be authorized and empowered to elect and appoint a Board of three members and to prescribe by proper resolution of the Quarterly County Court the duties, qualifications, terms of office and compensation of the members of said Board, to give them the power to censor, supervise and regulate public exhibitions, plays, motion pictures, performances, pantomimes, and other representations in any portion of a County having a population as above set out, which is outside the corporate limits of any Municipality having a population in excess of 290,000 by the Federal Census of 1940, or any subsequent Federal Census.

The said Quarterly County Court shall likewise have power by proper resolution to provide penalties for the failure of a proprietor, operator, actor, designer, manager or other person participating in, having control of, or any financial interest in, any such public performance for refusal or failure to obey and lawful order of the said County Board of Censors.

SECTION 3. That the Quarterly County Court shall likewise have power by proper resolution to provide for the suspension of any play, performance or public exhibition for failure on the part of any proprietor, operator, actor, designer, manager, or other person participating in, having control of, or any financial interest in any such public performance, to obey any lawful order of the County Board of Censors, and shall also have power by resolution to provide for the closing of any theatre, hall, opera house, or place, within which any act, play, performance, representation, pantomime, or other public exhibition is given or sought to be given in violation of any of the provisions of any resolution passed pursuant to the authority of this Act, or under any police power of the County, or for failure of any person connected with such performance to obey any lawful order of the said County Board of Censors.

SECTION 4. That the Quarterly County Court is authorized to elect or appoint at its discretion as members of the said County Board of Censors, any individual or individuals who may now or then be acting upon the Board of Censors of the City of Memphis, but is shall not be obligatory, the election of the said Board to be left entirely and solely in the discretion of the Quarterly County Court.

The term of office and compensation, if any, of the said County Board of Censors shall also be fixed by proper resolution and the said Quarterly County Court is authorized to make any necessary appropriations for carrying out of the provisions of this Act.

SECTION 5. That this County Board of Censors shall have no jurisdiction in any part of the County of Shelby which is comprised within the corporate limits of the City of Memphis.

SECTION 6. That if any section or part of this Act for any reason be declared unconstitutional or invalid, the same shall not render invalid the other sections or portions of the Act, but same shall remain in full force and effect.

SECTION 7. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 25, 1947.

COMPILER'S NOTE: The constitutionality of this act was challenged in United Artists Corporation v. Board of Censors of the City of Memphis, 189 Tenn. 379, 225 S.W. 2d 550 (1949).

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