



May 19, 2024

Loudon

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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Loudon



Loudon County Courthouse

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Chapter I - Administration

Amusement License

Private Acts of 1919 Chapter 717

SECTION 1. That in all towns and cities not incorporated in all counties of this State having a population of not less than 13,600 nor more than 13,620 according to the Federal Census of 1910, or any subsequent census, it shall be a misdemeanor and a violation of law for any person, firm or corporation to maintain, operate or keep open any pool hall, billiard hall, tenpin alley, dance hall, dance room or moving picture show, for the purpose of carrying on any games, dances, or other amusements commonly had at such places without first getting from the Clerk of the County Court of such counties a license, in lieu of all other licenses to carry on said business; and the Clerk of said court shall charge and collect a license of one hundred dollars (\$100.00) a year for such privilege; the same to go to the public school fund of said county; Provided, That the Clerk shall not issue any such license, unless in addition to the amount paid the applicant shall have a written request to the Clerk to issue said license signed by at least twentyfive (25) reputable citizens and taxpayers of said city or town asking for said license, and agreeing to indemnify the citizens of said town against all loss and inconveniences resulting from the operation of said pool room, billiard hall, dance hall, ten-pin alley, or moving picture show; and *provided further*, that before the Clerk of the County Court shall issue such license he shall be satisfied that the person to whom such license is issued is a person of good moral character and above the age of twenty-one (21) years.

SEC. 2. That the violation of the first Section of this Act is hereby declared a misdemeanor and on conviction the party so convicted shall pay a fine of not less than \$10.00, nor more than \$50.00, in the discretion of the court trying the case; and in the case of a second conviction for the same or similar offense in violation of this Act the license under which such place of amusement is operating shall be declared forfeited and canceled, in addition to the fine which may be imposed.

SEC. 3. That it is by this Act made the duty of the Sheriffs in said counties to appoint special deputies, if necessary, to enforce the provisions of this Act by arresting, and bringing to trial all violators of this Act.

SEC. 4. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act shall take effect from and after its passage, the public welfare requiring it.

Passed April 12, 1919.

Building Codes

Incorporation By Reference

Private Acts of 1972 Chapter 230

SECTION 1. The Governing Body of Loudon 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 said codes as it deems necessary, to provide for their administration and enforcement, to establish penalties for the violation of such codes and to define the area 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) The Quarterly Court of Loudon County or any other body in which the general legislative powers of the county may hereafter be vested.
- (b) 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.
- (c) Any document which is printed, lithographed, multigraphed, or otherwise reproduced.

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 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 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 the required number of amended or corrected copies (3) are filed with the County Court Clerk of Loudon 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. Should a code 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 injunction to prevent the violation of any provision of such code. Further, that 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.

SECTION 8. The provisions of this Act shall apply only to the unincorporated area of Loudon 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.

SECTION 10. This Act shall have no effect unless the same shall have been approved by a two-thirds ($\frac{2}{3}$) vote of the governing body of Loudon County. Its approval or nonapproval shall be proclaimed by the county judge of Loudon County and certified by him to the Secretary of State.

SECTION 11. This Act shall be effective from and after its passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 10 herein.

PASSED: February 16, 1972

Private Acts of 1963 Chapter 196

SECTION 1. That after April 1, 1972, it shall be unlawful in Loudon County to build, erect, or construct or cause to be built, erected or constructed any new building or to remodel or reconstruct or add to or cause to be remodeled, reconstructed or added to any existing building where the value of such original construction, remodeling or addition exceeds the value of five hundred (\$500.00) dollars without first obtaining from the Assessor of Property of said County a building permit. Said Assessor of Property shall issue such building permit upon due application therefor, and the payment of a fee of one (\$1.00) dollar. The permit required hereby shall be in such form as may be prescribed by the Assessor of Property. Provided that the County building permit required herein shall not be required in any parts of the County, or the Cities therein, wherein a building permit is required under County or City zoning or building laws,

but that all parts of the County, including the Cities of Greenback and Philadelphia, continue to be subject to the one (\$1.00) dollar building permit law so long as and during such time as zoning or building construction permits are not required and enforced in such areas.

Any person violating the provisions of this Act is guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars (\$10.00) and not more than fifty dollars (\$50.00).

As amended by: Private Acts of 1972, Chapter 214

SECTION 2. That this Act shall have no effect unless the same shall have been approved by a two-thirds ($\frac{2}{3}$) vote of the Quarterly County Court of Loudon County on or before the next regular meeting of said Quarterly County Court occurring more than thirty (30) days after its approval by the Governor. Its approval or non-approval shall be proclaimed by the presiding officer of said Quarterly County Court and shall be certified by him to the Secretary of State.

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

Passed: March 15, 1963.

Port Authority

Private Acts of 1965 Chapter 95

SECTION 1. That in order to facilitate transportation in the Counties of Loudon and Monroe in the State of Tennessee, and to promote navigation on the Little Tennessee River and its tributaries, which traverse portions of the said counties; to facilitate the movement and transfer of people, goods, and merchandise to, from and through the said counties; to aid in the utilization of the natural resources and recreation and water sports facilities and activities therein, and for the development of commerce and industry in said counties, there is hereby established in Loudon and Monroe Counties, Tennessee, a Port Authority, to be known as "The Little Tennessee River Port Authority," "The Port Authority" or "The Port Authority Commissioners," for the purposes of (a) acquiring, constructing, operating, and maintaining ports and navigation terminals on the Little Tennessee River and its tributaries, including docks, wharfs, piers, loading and unloading machinery, scales, transportation equipment, harbor and river front improvements, storage and transfer facilities, elevators, and all other advisable appurtenant port and terminal facilities; (b) acquiring, holding, improving, and disposing of lands in the vicinity of such ports and terminals which are suitable for the various purposes herein set forth and for use by manufacturing, processing, or fabricating plants or other industries which require access to the waters of the Little Tennessee River and its tributaries in their operation; and (c) acquiring, constructing, operating, and maintaining railroad switchyards, concentration yards, recreation and water sports facilities, roads and bridges, including the aforesaid industrial sites, and to provide that the same shall be under the jurisdiction, control, and management of the Port Authority as hereinafter provided.

SECTION 2. That the development, maintenance, and operation of such facilities are hereby declared to be essentially public and governmental functions. The powers herein granted, in connection therewith, are declared to be public and corporate purposes and matters of public necessity.

SECTION 3. That the Port Authority shall consist of the Port Authority Commissioners, who shall be six in number, and such subordinate officers and employees as may be selected by said Port Authority Commissioners, as hereinafter provided.

SECTION 4. That the said Port Authority Commissioners shall have power, and they are hereby authorized:

(a) To acquire, construct, purchase, operate, maintain, replace, repair, rebuild, extend, and improve, within the boundaries of Loudon and Monroe Counties, Tennessee (except not within the present corporate limits of any other municipality now within said area, without first obtaining express permission and authority from the governing body of such other municipality), the ports and other facilities described in Section 1 hereof, and any and all related facilities, equipment, and appurtenances necessary or convenient to the improvement of the access to all channels of commerce, and to make such facilities available to any firm, person, public or private corporation, to any other shipper, consignee, or carrier, and to charge for their use and for any and all services performed by the Authority.

(b) To accept donations to the Authority of cash, lands or other property to be used in the furtherance of the purposes of this Act.

(c) To accept grants, loans, or other financial assistance from any federal, state, county, or

municipal agency, or in aid of the acquisition or improvement of any of the facilities herein provided for.

(d) To purchase, rent, lease, or otherwise acquire any and all kinds of property, real, personal or mixed, tangible or intangible, and whether or not subject to mortgages, liens, charges, or other encumbrances, for the said counties which, in the judgment of The Port Authority Commissioners, is necessary or convenient to carry out the powers herein granted. The authority herein to acquire property shall include, but not be limited to, the acquisition of lands in the vicinity of the port and terminal facilities provided for herein, which is suitable for use by industries requiring access to the water of the Little Tennessee River and its tributaries in their operations.

(e) To make contracts and execute instruments containing such covenants, terms, and conditions as, in the judgment of said Commissioners, may be necessary, proper, or advisable for the purpose of obtaining grants, loans, or other financial assistance from any federal or state agency, for or in the aid of the acquisition or improvement of the facilities herein provided for; to make all other contracts and execute all other instruments including, without limitation, licenses, long or short term leases, mortgages and deeds of trust, and other agreements relating to property and facilities under its jurisdiction, and the construction, operation, maintenance, repair, and improvement thereof, as in the judgment of said Board of Commissioners may be necessary, proper, or advisable for the furtherance of the purposes of this Act, and the full exercise of the powers herein granted; and to carry out and perform the covenants, terms, and conditions of all such contracts or instruments.

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

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

(h) To promulgate and enforce such rules and regulations as the said Board of Commissioners may deem proper for the orderly administration of the Port Authority and the efficient operation of its facilities.

(i) To do all acts and things necessary, or deemed necessary or convenient to carry out the powers expressly given in this Act.

SECTION 5. That, except as otherwise expressly provided in this Act, The Port Authority Commissioners shall have full and exclusive control of and responsibility for the administration of facilities constructed or acquired pursuant to this Act; provided, however, that said Authority may lease or license lands or facilities under its jurisdiction, for operation by private persons or corporations, as provided in Section 4 (e) of this Act.

SECTION 6. That the Port Authority "when authorized so to do by a resolution approved by two-thirds of the members of the quarterly county court of the county containing such lands, at a regular or special session of said quarterly court," is hereby authorized and empowered to condemn on behalf of and in the name of the Counties of Loudon and Monroe in the State of Tennessee, any land, easements, or rights of way in said counties that, in the opinion of the Board of Commissioners, are necessary or convenient to carry out the purposes of this Act. Title to property so condemned shall be taken by and in the name of the county containing said property, and the property shall thereafter be entrusted to said Authority, as the agent of the county, to accomplish the purposes of this Act. Such condemnation proceedings shall be pursuant to and in accordance with Sections 23-1401 through 23-1525, inclusive, of the Tennessee Code Annotated, or as the same may be hereafter amended or other eminent domain laws of the State of Tennessee that may be hereafter enacted; provided, however, that where title to any property sought to be condemned is defective, it shall be passed by the judgment or decree of the court; provided, further, that where condemnation proceedings become necessary, the court in which any such proceedings are filed shall, upon application by the Port Authority on behalf of the county taking such property, and upon posting of a bond with the Clerk of the Court in such amount as the court may deem commensurate with the value of the property, order that a writ of possession shall issue immediately, or as soon and upon such terms as the court, in its discretion, may deem proper and just.

SECTION 7. That bonds issued pursuant to this Act, and income therefrom, shall be exempt from all state, county, and municipal taxation, except inheritance, transfer, and estate taxes. So long as title to land or rights therein acquired, or facilities constructed or acquired pursuant to this Act, remains in the Counties of Loudon and Monroe, Tennessee, such property, and income therefrom, shall be exempt from all state, county, and municipal taxation, provided, however, that such exemption shall not extend to the leasehold or other interest in such property which may be held by any private person or private

corporation.

SECTION 8. That Loudon and Monroe Counties, The Port Authority, and the Board of Commissioners shall not be required to obtain any certificate of convenience or necessity, franchise, license, permit, or other authorization from any bureau, board, commission, or other like instrumentality of the State of Tennessee, or any political subdivision thereof, in order to acquire, construct, purchase, operate, or maintain any of the facilities authorized by this Act.

SECTION 9. That neither the Tennessee Public Service Commission nor any other board or commission of like character hereafter created shall have jurisdiction over the Port Authority with respect to the management and control of the facilities authorized by this Act, including the establishment of rates, fees, and charges or otherwise.

SECTION 10. That the Board of Commissioners of The Port Authority shall consist of six members. Three of the six initial members of the Board of Commissioners of the Port Authority shall be elected by a majority vote of the members of each of the County Courts of Loudon and Monroe Counties on the first Thursday of April, 1963, or as soon thereafter as practicable, and their respective terms of office shall be as follows: The term of office of the first member selected by each respective county court shall expire the first Thursday of April 1965; the term of office of the second member selected by each respective county court shall expire the first Thursday of April, 1967; the term of office of the third member selected by each respective county court shall expire the first Thursday of April 1969.

The successors in office, for each of the respective six initial members of the Board of Commissioners of The Port Authority whose full terms of office have expired, shall be elected by the county court which originally selected such initial member, as hereinafter provided, for regular terms of office of six years each thereafter, whose respective terms of office shall expire on the first Thursday of April of the respective years applicable.

The County Court of each of the said counties, approximately thirty days prior to the expiration of the respective terms of office of the respective members of the Board of Commissioners of the Port Authority elected by it, shall elect their respective successors from among three nominees for the office, whose names shall be submitted to the respective county courts of the said counties by the Board of Commissioners of The Port Authority, and whose names shall be filed with the clerks of the County Courts of Loudon and Monroe Counties not less than sixty days prior to the expiration of the term of the respective member and Commissioner; provided, however, that the county court, by a two-thirds vote of all of the members of said court, may elect as said successor some person not nominated by the Board of Commissioners of The Port Authority. In the event of failure to elect a successor to any member of said board, the member and Commissioner whose term has expired shall continue to serve until his successor has been duly elected as herein provided.

In the event of the death or resignation of a member and Commissioner, or his inability to serve, prior to the expiration of his term, his successor shall be elected for the unexpired term by the county court originally electing him in the same manner last above provided, except that the names of the three nominees for the office shall be submitted to the clerks of the county courts of Loudon and Monroe Counties not less than thirty days prior to the election of said successor by said county court and such successor Commissioner shall be elected for the unexpired term of the deceased or retiring Commissioner, whose office is vacant.

Any person at least twenty-one years of age who has resided within the boundaries of the county whose court may elect him, for a period of at least three years immediately preceding his election, shall be eligible to serve as a member of the Board of Commissioners of The Port Authority, except members of the County Courts of Loudon and Monroe Counties and elected officials of said counties shall not be eligible to serve as members of said Board of Commissioners. Any Commissioner who ceases to regularly reside within the boundaries of the county electing him shall automatically become ineligible to serve in said office. All Commissioners shall be eligible for re-election, provided they are qualified as herein required.

Before entering upon their duties, all Commissioners shall take and subscribe to any oath of office, as provided by the constitution and law for county officers, copies of the said oath of each Commissioner shall be filed with the Clerk of the County Court of his respective county.

A majority of the Commissioners shall constitute a quorum and the Commissioners shall act by vote of a majority present at any meeting attended by a quorum, and vacancies among the Commissioners shall not affect their power and authority, so long as a quorum remains. Within thirty days after their election as herein provided, the Commissioners shall hold a meeting to elect a Chairman. The Commissioners shall hold regular meetings at least once every four months, and at such regular time and place as the Commissioners may, by resolution, determine, and may hold such additional meetings, either regular or

special, as may be determined by the Board of Commissioners.

Special meetings may be called and held upon notice and in such manner as the Board of Commissioners may, by resolution, determine. Save as otherwise expressly provided, the Board of Commissioners shall establish their own rules of procedure.

The Commissioners shall designate a Secretary and a Treasurer, or the same individual as Secretary and Treasurer, and such Secretary and/or Treasurer may or may not be a Commissioner or Commissioners. The Secretary shall attend all regular and special meetings and keep minutes thereof. The minutes of said meetings shall be available for inspection by the public at the office of the Authority, at all reasonable times.

The Board of Commissioners, by resolution, shall require the Treasurer or Secretary- Treasurer, if he is one and the same person, to execute a bond with approved corporate surety, for the faithful performance of his duties and the accounting of all monies and revenues that may come into his hands, as such, in such penalty as the Board shall specify, by resolution. Said bond shall be filed with the Secretary of the State of Tennessee.

The Board of Commissioners, by resolution, may require all other subordinate officers, or employees, to execute such fidelity bonds for the faithful performance of their duties and the accounting of funds that may come to their hands, in such an amount, with such conditions and such sureties, as the Board of Commissioners may determine.

All members of the Board of Commissioners shall serve as such without compensation, except such per diem allowance, if any, as may be authorized by the County Court for the Commissioners from each county, but they shall be allowed necessary traveling and other expenses while engaged in the business of the Authority, as may be provided and approved by the Board, payable from the funds of the Authority, or such funds as may be appropriated by the County Courts of Loudon and Monroe Counties. No more than two commissioners from each county, serving at the same time, shall be members of the same major political party.

SECTION 11. That, except as otherwise herein provided, the Port Authority Commissioners shall be removable only for good cause, and after preferment of charges, as provided by law for county officers.

SECTION 12. That the Port Authority Commissioners shall be authorized to employ and fix the compensation of such architects, attorneys, engineers, superintendents, consultants, professional advisors and other subordinate officers and employees, as may be necessary for the efficient management and operation of The Port Authority, and the operation of the facilities provided for in this Act, and who shall continue in the employment of the Authority, at the will and pleasure of the Board of Commissioners.

SECTION 13. That the Counties of Loudon and Monroe in the State of Tennessee, shall have power and authority to issue and sell their bonds to finance the acquisition, construction, improvement and/or expansion of the facilities herein authorized, and to refund bonds previously issued, or refinance indebtedness previously incurred for such purposes. The Counties of Loudon and Monroe may, in all respects, provide for the rights of the holders of all bonds, including the manner in which future bonds may be issued on a parity with such bonds. The bonds may be issued in one or more series, may bear such date or dates, may mature at such time or times, not exceeding forty years from their respective dates, may be in such denomination or denominations, may be in such form either coupon or registered, may carry such registration and conversion privileges, may be executed in such manner, may be payable in such medium of payment, at such place or places, may be sold or hypothecated in such blocks, may be subject to such terms of redemption with or without premium, may be declared or become due after the maturity date thereof, and may be in such amount as may be provided by resolution or resolutions of the County Courts of said counties. Such bonds may be issued for money or property, at public or private sale, for such price or prices and at such rate or rates of interest, and may be hypothecated in such manner as said County Courts may determine, but the interest cost to maturity of the bonds, when issued for property (at the value determined by said County Courts, which determination shall be conclusive), or the money received for any issue of said bonds, shall not exceed the maximum rate fixed by law, payable semi-annually. Such bonds shall have all the qualities and incidents of negotiability.

Pending the preparation of the definitive bonds, interim receipts or certificates in such form, and with such provisions, as the said County Courts may determine, in the resolution authorizing said bonds, may be issued to the purchaser or purchasers of bonds sold pursuant to this Act. Said bonds and interim receipts or certificates shall be fully negotiable. In case any of the officers whose signatures or countersignatures appear on such bonds shall cease to be such officer before the delivery of the bonds, such signatures and countersignatures shall nevertheless be valid and sufficient for all purposes, the same as though such officers had remained in office until the bonds had been delivered. Such bonds may be issued, notwithstanding and without regard to any limit or restriction on the amount or percentage of

indebtedness, or of outstanding obligations of the Counties of Loudon and Monroe, contained in any other statute, general or special, and notwithstanding and without regard to the requirements of any other general or special statute, including requirements as to elections for the approval of such bonds.

In the case of bonds payable solely out of the revenues of The Port Authority, it shall be the duty of the County Courts of Loudon and Monroe Counties to provide, by resolution, for the issuance of such bonds, as requested by The Port Authority Commissioners.

Prior to a vote by the County Courts of said counties authorizing the issuance of bonds to be financed wholly or in part through tax levies by the said County Courts, the Port Authority Commissioners shall prepare and submit to the County Court of each of the counties of Loudon and a amount to be issued by every county, supported by a report on the need for, and projected use of the facilities for the financing of which such bond issue is proposed, including a review of alternate solutions, if any, and a justification of the solution proposed.

Bonds may be issued as direct and general obligations of each of the Counties of Loudon and Monroe, payable out of their several and separate general income and revenue, or at the election and subject to the determination of the Port Authority Commissioners, may be made payable only out of the revenues from the facilities of the Port Authority. In case the bonds are issued as general obligations of the said counties, it shall be the duty of the County Court of each of the said counties to levy a tax each year, over and above the taxes levied for general county purposes and other special county purposes, to pay the interest and principal of said bonds, as they mature; provided, however, that in case the revenues derived from the operation of the facilities herein provided for, are sufficient to pay the interest and principal of said bonds, or a part thereof, as they may severally mature, then a special levy for the full payment of said interest and principal shall not be required, but said County Courts shall each year levy an amount of tax, which, when added to the amount of revenue derived from the operation of said facilities, then on hand and available for that purpose, will be sufficient to pay the interest and principal maturing prior to the collection of the next succeeding tax levy. Said bonds shall be sold at public or private sale, and in such manner as may be determined by resolution of each of the said County Courts authorizing their issuance. Said bonds shall contain a recital that they are issued pursuant to and in accordance with this Act, and such recital shall be conclusive evidence of their legality.

SECTION 14. That in order to secure the payment of any of the bonds issued pursuant to this Act, the interest thereon, or in connection with such bonds, the County Courts of Loudon and Monroe Counties shall have power, as to such bonds, to the extent not inconsistent with the mandatory provisions of this Act:

- (a) To pledge the full faith and credit and unlimited taxing power of each of the said counties to the punctual payment of the principal of and interest on such bonds.
- (b) To pledge all or any part of the revenue derived from the operation of the facilities herein authorized, and to pledge all or any part of the proceeds derived from the sale, transfer, lease, or other disposition of any land or other facilities as provided for in this Act.
- (c) To provide for the terms, form, registration, exchange, execution and authentication of such bonds.
- (d) To provide for the replacement of lost, destroyed or mutilated bonds.
- (e) To covenant as to the use and disposition of the proceeds from the sale of such bonds.
- (f) To covenant as to the rates and charges for the use of facilities of the Port Authority, and for its services.
- (g) To redeem such bonds, and to covenant for their redemption and to provide the terms and conditions thereof.
- (h) To covenant and prescribe as to what happenings or occurrences shall constitute "events of default," and the terms and conditions upon which any or all of such bonds shall become or may be declared due, before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.
- (i) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation.
- (j) To vest in a trustee or trustees, the right to receive all or any part of the income and revenues pledged and assigned to or for the benefit of the holder or holders of bonds issued hereunder, and to hold, apply and dispose of the same, and the right to enforce any covenant made to secure or pay, or in relation to the bonds; and to execute and deliver a trust agreement or trust agreements, which may set forth the powers and duties, and the remedies available, to such trustee or trustees,

and limiting the liability thereof, and describing what occurrences shall constitute "events of default," and prescribing the terms and conditions upon which such trustee or trustees, or the holder or holders of bonds of any specified amount or percentage of such bonds, may exercise such rights and enforce any and all such covenants and resort to such remedies as may be appropriate.

(k) To make covenants other than and in addition to the covenants herein authorized, of like or different character, necessary or advisable to effectuate the purposes of this Act.

(l) To execute all instruments necessary or convenient in the exercise of the powers herein granted, or in the performance of its covenants or duties.

SECTION 15. That any holder or holders of bonds, including trustee or trustees for holders of such bonds, shall have the right, in addition to all other rights:

(a) By mandamus or other suit, action or proceeding in any court of competent jurisdiction, to enforce his or their rights against the County Court authorizing and issuing said bonds, The Port Authority, The Port Authority Commissioners, or any other proper officer, agent or employee of any of them, including, but without limitation, the right to require the County Court authorizing and issuing said bonds, The Port Authority, The Port Authority Commissioners, and any proper officer, agent or employee of any of them, to assess, levy and collect taxes, and to fix and collect rates and charges adequate to carry out any agreement as to, or pledge of taxes or Authority revenues, and to require the County Court authorizing issuing said bonds, The Port Authority, The Port Authority Commissioners, and any officer, agent or employee of them, to carry out any other covenants and agreements, and to perform its and their duties under this Act.

(b) By action or suit in equity to enjoin any acts or things, which may be unlawful or in violation of the rights of such holders of bonds.

SECTION 16. That the County Court, as the case may be, authorizing and issuing said bonds shall have power, by resolution, to confer upon any holder or holders of a specified amount or percentage of bonds, including a trustee or trustees, for such holders, the rights, in the event of an "event of default," as defined in such resolution or as may be defined in any agreement with the holder or holders of such bonds, or trustee or trustees thereof:

(a) By suit, action or proceedings in any court of competent jurisdiction, to obtain the appointment of a receiver of the Authority's facilities, or any part or parts thereof. If such receiver be appointed, he may enter and take possession of such facilities or part or parts thereof, and operate and maintain the same, and collect and receive all revenues thereafter arising therefrom, in the same manner as the Authority itself might do, and shall deposit such monies in a separate account or accounts, and apply the same in accordance with the obligations of the bonds issued under this Act, as the court may direct.

(b) By suit, action or proceedings in any court of competent jurisdiction, to require the County Court, as the case may be, authorizing and issuing said bonds, or The Port Authority Commissioners, to act as if they were the trustees of an express trust.

Any such resolution shall constitute a contract between the County and the holders of bonds of such issue.

SECTION 17. That one-half share of all expenses actually incurred by The Port Authority Commissioners in the making of surveys, estimates of cost and of revenue, employment of engineers, attorneys, or other employees, the giving of notices, taking of options, selling of bonds, and all other preliminary expenses of whatever nature, which said Commissioners deem necessary in connection with or precedent to the acquisition or improvement of any of the facilities herein provided for, and which they deem necessary to be paid prior to the issuance and delivery of the bond or the bonds issued pursuant to the provisions of this Act, may be met and paid out of the general funds of each of the counties of Loudon and Monroe, not otherwise appropriated, or from any other fund available, as may be provided by the County Courts of the said counties.

All such payments from the general or other funds shall be considered as temporary, noninterest bearing loans, and shall be repaid immediately upon sale and delivery of the bonds, and claim for such repayment shall have priority over all other claims against the proceeds derived from the sale of such bonds.

SECTION 18. That the County Courts of Loudon and Monroe Counties are authorized to appropriate to The Port Authority from their general funds, or such other funds as may be unappropriated, to pay the expenses of The Port Authority Board of Commissioners, or expenses or operation of any of the facilities authorized by this Act, and said County Courts are authorized and empowered to levy a tax, in addition to all other taxes, upon all taxable property within each said county, sufficient to pay the appropriation made by it to The Port Authority.

SECTION 19. That all monies derived from the issuance of bonds hereunder, together with any federal or other grant or loan made, for the purposes of this Act, shall be paid to the Treasurer of The Port Authority. The Treasurer shall deposit such monies, together with all the receipts from the Authority operations, in a separate bank account or accounts, separate from all other county funds, and shall keep adequate records of all such receipts and other sources. The Treasurer shall pay out such monies only on vouchers signed by such Authority officials as The Port Authority Commissioners shall, by resolution, designate to sign such vouchers. No such vouchers for the payment of any such monies shall be issued except upon the resolution or order of the said Commissioners, a certified copy of which shall be filed in the office of the Treasurer.

SECTION 20. That the revenues derived from the operation of the port, storage and transfer facilities, and any and all other facilities herein authorized, and the proceeds derived from the sale, transfer, lease or other disposition of any land or other facilities, shall be applied and used as follows:

- (1) The payment of all operating expenses of The Port Authority, except that the proceeds derived from the sale, transfer, or other disposition of any land or other facilities shall not be used for this purpose.
- (2) The payment of the interest on the bonds issued pursuant to the provisions of this Act, and the principal of said bonds, as they severally mature, and/or payments into sinking fund reserves for this purpose.
- (3) The establishment of necessary reserves for contingencies, depreciation, maintenance, replacement of said port, storage, transfer facilities and any and all other facilities, or other purposes, as may be required under any bond indenture or as The Port Authority Commissioners may deem necessary or desirable.
- (4) Any revenue or proceeds remaining after all the above items have been provided for shall be held and used for the further development of and for additions to the Authority facilities, and for the acquisition or construction of new facilities, which may become necessary or desirable to further the purposes of this Act. None of such revenue shall go into the general funds of the said counties, except as may be directed by The Port Authority Commissioners.

SECTION 21. That, except as otherwise herein expressly provided, all contracts of The Port Authority shall be entered into and executed in such manner as may be prescribed by the Board of Commissioners, but no contract or acquisition by purchase, of equipment, apparatus, materials or supplies, involving more than Five Hundred Dollars (\$500.00), or for construction, installation, repair or improvement of the property or facilities, under the jurisdiction of the Board of Commissioners, involving more than One Thousand Dollars (\$1,000.00) shall be made except after said contract has been advertised for bids, provided that advertisement shall not be required when:

- (1) An emergency arises and requires immediate delivery of the supplies or performance of the service; or
- (2) Repair parts, accessories, supplemental equipment or services or required supplies, or services previously furnished or contracted for, in which case such purchase of supplies or procurement of services shall be made in the open market in the manner common among businessmen.

Provided, further, that in comparing bids and in making awards, the Commissioners may consider such features as quality and adaptability of supplies or services, the bidders' financial responsibility, skill, experience, record of integrity in dealing, ability to furnish repairs and maintenance service, the time of delivery, or performance offered, and whether the bidder has complied with the specifications.

Provided, further, that in the employment of architects, engineers and attorneys, or other professional advisors for personal service, no advertisement of bids shall be required, but the Board of Commissioners may employ or select such architects, engineers, attorneys or professional consultants and advisors, as in the judgment of the Commissioners best meet the qualifications for rendering such services.

Provided, further, that after advertisement for bids, as provided in this Section, if no acceptable bid is received, The Port Authority Commissioners may reject any and all bids, or the Board of Commissioners may negotiate with contractors or suppliers, to secure the construction of facilities, or the purchase of equipment, apparatus, materials or supplies at the best possible price, or the Board of Commissioners may construct such facilities, by "Force Account Construction," that is the Board of Commissioners may employ the necessary engineers, supervisors and other personnel, purchase necessary materials, equipment and supplies, to construct such facilities authorized by this Act with its own employees.

SECTION 22. That The Port Authority may use any property, right of way, easement or other similar property right necessary or convenient in connection with the acquisition, improvement, operation or maintenance of the facilities herein authorized, held by the State of Tennessee or any county or

municipality in the State of Tennessee, provided such governmental agency shall consent to such use.

SECTION 23. That The Port Authority Commissioners may sell, transfer, lease, or otherwise dispose of any of all of the personal property in the custody and control of The Port Authority. The Commissioners may also as the agent of the counties of Loudon and Monroe, sell, transfer, lease, or otherwise dispose of any real property in the custody and control of The Port Authority, except that any land that has been acquired through condemnation proceeding may be sold, transferred, or otherwise disposed of only with the approval of the County Court of the County containing such property, and any vote as to such approval shall be taken at a meeting duly and regularly called for the purpose of considering the question of the disposition of such property.

SECTION 24. That the powers, authority and rights conferred by this Act shall be in addition and supplemental to, and the limitations imposed by this Act shall not affect the powers conferred by any other general, special or local law.

SECTION 25. That if any clause, sentence, paragraph, section or any part of this Act shall be held or declared to be unconstitutional or void, it shall not affect the remaining part or parts of this Act, it being hereby declared to be the legislative intent to have passed the remainder of this Act, notwithstanding the part held to be invalid, if any.

SECTION 26. That this Act is remedial in nature, and shall be liberally construed to effect its purposes of promoting navigation on the Little Tennessee River and its tributaries, facilitating the movement and transfer of goods and merchandise to, from and through the counties of Loudon and Monroe encouraging utilization of the natural and recreational resources therein, and promoting the growth and development of commerce and industry in said counties.

SECTION 27. That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of each of the County Courts of Loudon and Monroe Counties except that failure to approve this Act by one of the said county courts within 360 days after enactment of this Act shall not prevent the other said county court remaining from approving this Act which shall take effect as though written for the county approving it. Its approval or nonapproval shall be proclaimed and countersigned by the clerks of each of the County Courts of Loudon and Monroe Counties, and shall be duly certified by them to the Secretary of State of the State of Tennessee. All laws or parts of laws in conflict herewith, and particularly Chapter 218 of the Public Acts of Tennessee of 1963 are hereby repealed, and this Act shall take effect as hereinbefore set out, the public welfare requiring it.

SECTION 28. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 2, 1965.

Administration - Historical Notes

County Legislative Body

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

1. Private Acts of 1921, Chapter 513, set the fees of justices of the peace, sheriffs, deputy sheriffs and constables in Loudon County.
2. Private Acts of 1955, Chapter 283, set the compensation paid to Loudon County Justices of the Peace at \$5.00 per day plus mileage for meetings attended.

County Mayor

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

1. Private Acts of 1919, Chapter 163, as amended by Private Acts of 1927, Chapter 690, created a county judge in all counties in the state having a population of not less than 13,608 nor more than 13,620 to be elected for a term of eight years with a compensation of \$900 per annum. The office of chairman and chairman pro tem of the county court of Loudon county was abolished by this act.
2. Private Acts of 1978, Chapter 215, authorized the county judge to change the meeting place for the quarterly county court from the courthouse to the county justice center if inclement weather made it impractical to meet at the courthouse.
3. Private Acts of 1951, Chapter 138, as amended by Private Acts of 1975, Chapter 141, designated

the county judge as the administrative and financial agent for the county. The compensation for both positions was \$3,600 annually, paid in 12 equal monthly installments.

County Register

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

1. Private Acts of 1931, Chapter 275, set the salary of the Loudon County Register of Deeds to \$300 per annum.

Port Authority

1. Public Acts of 1963, Chapter 218, created the Little Tennessee River Port Authority. It was repealed by Private Acts of 1965, Chapter 95.
2. Private Acts of 1967/68, Chapter 68, would have repealed Private Acts of 1965, Chapter 95. Private Acts of 1967/68, Chapter 68 corrected grammatical and spelling mistakes in Private Acts of 1965, Chapter 95.
3. Private Acts of 1967/68, Chapter 68 was passed by Monroe County, but was never passed by the Loudon County Quarterly Court. Therefore, it never went into effect.
- 4.

General References

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

1. Public Acts of 1883, Chapter 193, authorized the sheriff of Loudon County to conduct an election in August, 1883 to ascertain the will of the voters in reference to the assessment of the railroad liability of the fraction of Loudon County which had previously been part of Blount County.
2. Public Acts of 1887, Chapter 66, was an act passed for the relief of the Blount fraction of Loudon County. Since at the time of the formation of Loudon County, there was a bonded indebtedness on Blount County for which that portion of Loudon County which was taken from Blount remained legally liable. This act provided that there would be an election to determine if the entire populace of Loudon County should assume the debt of the Blount faction and if so, provisions were made for a bond issue to provide the necessary funds.
3. Private Acts of 1919, Chapter 68, authorized the Loudon County Court to hire a county surveyor, with the requirement that the person hired to be a resident of the county.
4. Private Acts of 1919, Chapter 472, authorized the comptroller's office to furnish the Loudon county judge with copies of each volume of the supreme court reports, not otherwise appropriated and on hand in the comptroller's office. Loudon County was to pay any expenses in transporting these volumes.
5. Private Acts of 1919, Chapter 628, gave the power of condemnation to trustees or commissioners of any cemetery, church or graveyard in Loudon County.
6. Private Acts of 1921, Chapter 278, set the salary of the Loudon County Surveyor at \$7.50 per day.
7. Private Acts of 1921, Chapter 513, fixed the fees of justices of the peace, sheriffs, deputy sheriffs and constables for services performed in Loudon County.
8. Private Acts of 1937, Chapter 691, set the salary of the Loudon County Judge at \$300 per year plus an additional \$300 per year for office expenses.
9. Private Acts of 1961, Chapter 373, authorized the appointment of deputies or assistants by the county register in Loudon County at an annual salary of \$1,200 per annum.

Chapter II - Animals and Fish

Livestock Inspectors

Private Acts of 1951 Chapter 622

SECTION 1. That in counties of this State with a population of not less than 19,828 nor more than 19,848 by the Federal Census of 1940, or any subsequent Federal Census, the Quarterly County Court is hereby authorized to elect for a term of four years, not exceeding two animal inspectors.

It shall be the duty of such livestock inspectors to make an inspection and examination of the livestock in said county and to treat such as may be found ailing or sick with the view to promoting the spread of health among such stock and to reduce the danger of infections or contagious disease. Such animal inspectors may contract with the owner or owners of any diseased or ailing livestock found by them for the treatment thereof by such inspectors, the compensation therefor to be mutually agreed upon between the parties. Such livestock inspectors may be compensated by the Quarterly County Court of such counties which this Act applies in an amount not to exceed Ten (\$10.00) Dollars per annum for each inspector so appointed.

Elections thereof may be made by the Quarterly County Court at any regular term, or any called session, and the person or persons so elected shall hold the office for a period of four (4) years from the date of such election and until his and/or their successors shall be duly elected and qualified. The said County shall not be liable for the default or negligence of any such livestock inspectors where the County Court has used care and caution in the selection thereof, but nothing herein shall exempt such inspectors personally for the negligence in the performance of their duties.

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

Passed: March 15, 1951.

Red Foxes

Private Acts of 1955 Chapter 65

SECTION 1. That there shall be a closed season upon red foxes at all times, and that red foxes may be chased with dogs at any time of the year except during such periods as may be fixed by the Game and Fish Commission for the protection of the species in all counties of this State having a population of not less than 23,180 and not more than 23,185 inhabitants, according to the Federal Census of 1950, or any subsequent Federal Census.

It shall be lawful for any person to kill a red fox at any time in the county to which this Act applies when such fox is committing depredations upon livestock, domestic fowls, or crops. Should the Game and Fish Commission determine that there is need for an open season on red foxes in any such county or counties, they shall have the power and authority to open same for such a period of time as they may deem necessary and advisable.

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

Passed: February 4, 1955.

Regulation of Dogs and Livestock

Private Acts of 1931 Chapter 426

COMPILER'S NOTE: Parts of this act may have been superseded by state law.

SECTION 1. That this Act shall be known and may be cited as An Act to promote and protect livestock industries in counties having a population of not less than 17,800 nor more than 17,810, according to the Federal Census of 1930, or any subsequent Federal Census.

SEC. 2. That for the purpose of this Act the following terms shall have the following meanings, respectively designated by each:

The term "Livestock" shall include horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, jennets, burros, goats, kids and swine and any and all other livestock.

The term "Poultry" shall include all domestic fowl.

The word "Person" shall include State and local officers or employees, individuals, corporations, co-partnerships and associations. Singular words shall include the plural.

Masculine words shall include the feminine and neuter.

The word "Owner" when applied to the proprietorship of a dog, shall include every person having a right of property in such dog, and every person who keeps or harbors such dogs or has it in his care, and every person who permits such dog to remain on or about any premises occupied by him.

SEC. 3. The term "Kennel" shall mean any establishment wherein or whereon dogs are kept for the purpose of breeding, sale or sporting purposes.

The term "Officer" shall mean any Sheriff, or his deputies, or constables, or anyone appointed by the Sheriff in counties having a population of not less than 17,800 nor more than 17,810, according to the Federal Census of 1930, or any subsequent Federal Census, whose duty it is to enforce this law.

SEC. 4. That on any date that may be designated by the County Court of the said county or counties, and on or before the first day of January of each year thereafter, the owner of any dog shall apply to the County Court Clerk, or Deputy County Court Clerk of the county in which said owner resides, either orally or in writing, for a license for each such dog owned or kept by him. Such application shall state the breed, sex, age, color and marking on such dog, and the name and address of the last previous owner; and shall be accompanied by a fee of \$1.00 for each male dog for which license is applied by the owner, and by a fee of \$2.00 for each female dog for which license is applied by the owner. And it shall be the duty of every person owning, keeping or harboring on the premises where he resides any dog over four months of age to pay on any date that may be designated by the County Court of the said county or counties, and on or before the first day of January of each year thereafter, said fees as hereinabove provided, and in any case where such dog or dogs shall become four months old between said designated date and January 1, 1932, the license fee shall forthwith become due and payable and hereafter every year following January 1.

SEC. 5. Such license shall be issued on a form prepared and supplied by the County Court of the county, to said County Clerk of said county. Such license shall be dated and numbered, and a description of the dog licensed, and all licenses shall be void on the first day of January of the following year. The County Court of said county shall furnish the County Court Clerk with each license, a metal tag. Such tag shall be affixed to a substantial collar. The collar shall be furnished by the owner, and with the tag attached shall at all times be kept on the dog for which the license is issued.

SEC. 6. That the County Court of said counties shall prepare and furnish to the County Court Clerk annually metal tags to be given by the County Court Clerk to the owners of dogs when such owners shall pay the license fee for such dogs. Such tags shall be of metal, and shall bear the name of the county issuing it, and a serial number corresponding with the number of the license issued to said owner, as provided in the preceding Section of this Act. Such tags shall also have impressed thereon the calendar year for which such tag is issued, and shall be equipped with a substantial metal fastening device. The general shape of such tag may be changed from year to year. Said blank license and said metal tags shall be paid for by the county for which the license and tags are issued. In case of loss of such tag or license the County Court Clerk shall issue a duplicate tag or license. The duplicate tag shall be forthwith attached to the dog collar, and shall at all times be worn thereon, as herein provided.

SEC. 7. That it shall be the duty of the County Court Clerk to collect the license fee under this Act. In a well-bound book to be furnished him by the county he shall keep the name of each person paying a license fee on any dog or dogs, the date and amount of such payment, and whether the same is a kennel license fee or a dog license fee; a description and sex of each dog on which said license fee is paid, and license tag number issued him for said dog. Any Deputy County Court Clerk within the county applying to the County Court Clerk, and having received and receipted for necessary blanks and tags, may issue such dog license and tags in like manner as prescribed for the issuance of licenses by the County Court Clerk, and for so doing shall receive the same fee in the same manner as is provided for the County Court Clerk in Section 14 hereof.

SEC. 8. That any person becoming the owner after the first day of January in any year, of any dog which has not already been licensed, shall forthwith apply for and secure a license for such dog in the same manner as the annual license is obtained under the provisions of this Act.

SEC. 9. That no license or license tag issued for one dog shall be transferable to another dog, except as provided in Section 11 of this Act. Whenever the ownership or possession of any dog is permanently transferred from one person to another within the same county, the license of such dog may likewise be transferred, upon notice given to the County Court Clerk. This Act does not require the procurement of a new license, or the transfer of a license already secured, when the possession of a dog is temporarily transferred for the purpose of hunting game, or for breeding, trial or show.

SEC. 10. That any person who keeps or operates a kennel may, in lieu of the license for each dog required by this Act, apply to the County Court Clerk for a kennel license, entitling him to keep or operate such kennel. Such license shall be issued by the County Court Clerk on a form prepared and supplied by the County Court to the County Court Clerk, and shall entitle the license to keep any number of dogs not at any time exceeding a certain number to be specified in the license. The fee to be paid for each kennel license shall be Five Dollars (\$5.00) for five dogs or less, and Ten Dollars (\$10.00) for more than five dogs permitted to be kept under the kennel license. With each kennel license the County Court Clerk shall issue a number of metal tags equal to the number of dogs authorized to be kept in the kennel. All such tags shall bear the name of the county issuing it, the number of the kennel license, and shall be readily

distinguishable from the individual tags for the same year.

SEC. 11. That the license of a kennel shall at all times keep one of such tags attached to a collar on each dog kept by him under kennel license. Such tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. No dog bearing a kennel tag shall be permitted to stray or be taken anywhere outside of the limits of the kennel. This Section does not prohibit the taking of dogs having a kennel license outside the limits of the kennel temporarily and in leash, nor does it prohibit the taking of such dogs out of the kennel temporarily for the purpose of hunting, breeding, trial or show.

SEC. 12. That any person may bring or cause to be brought into the country [sic], for a period of thirty days, one or more dogs for show, trial, or breeding purposes.

SEC. 13. That the County Court Clerk shall keep a record of all dog licenses, and all kennel licenses, and all permits issued during the year. Such record shall contain the name and address of the person to whom such license or permit is issued; it shall also state the breed, sex, age, color and markings of the dog licensed; and in the case of a kennel license, it shall state the place where the business is conducted. The record shall be a public record and open to the persons interested during business hours. And in addition thereto it shall be the duty of the County Court Clerk to cause to be published, by districts in one of the newspapers published in his county, if such there be by February 15, of each year, the owner's name, postoffice and number of dogs for which he has obtained a license.

Whenever the ownership or possession of any dog licensed under the provisions of this Act is transferred from one person to another, except the temporary transfer of dogs for hunting purposes, or for breeding, trial or show, as provided in Section 11 of this Act, such transfer shall be noted on the record of the County Court Clerk.

SEC. 14. That an accurate record of all license fees collected by the County Court Clerk, or paid over to him by any Deputy Clerk, shall be kept in a book furnished by the county as aforesaid as a matter of information; and all such funds shall be turned into the county funds for the payment of livestock or poultry killed or damaged by dogs, which said fund shall be known as the "Dog License Fund," derived from the taxation of the dogs under the provision of this Act. All bills incurred under this Act shall be paid out of said fund. The County Court Clerk or Deputy shall receive Fifteen (15c) Cents for each and every license issued by them respectively, to be paid out of said fund, and shall be retained by the County Court Clerk, or Deputy, as his fee for issuing such license.

SEC. 15. That the Tax Assessors in each county coming within the provisions of this Act, shall annually, at the time of assessing property as required by law, make diligent inquiry as to the number of dogs owned, harbored or kept by any person and shall list them, and said Assessor shall receive Five Cents (5c) for each dog listed by him, the same to be paid out of said fund. The Assessor shall annually, on or before the 31st day of December following, make a complete report to the County Court Clerk on a blank form to be furnished by the county, setting forth the name of every owner of any dog or dogs, whether licensed or unlicensed, the licensed number of each licensed dog, how many of each sex, licensed or unlicensed, and if a licensed or unlicensed kennel is maintained by any person such fact shall also be stated. It shall be the duty of the Tax Assessor, at the time of taking the list, to notify the owner of such dog or dogs that he must obtain license for same as provided for in this Act; but the neglect or failure to so notify such owner shall not relieve the owner from his duty to obtain such license.

SEC. 16. That on or after any date that may be designated by the County Court of the said county or counties, it shall be unlawful for any person to own or keep any dog unless such dog is licensed by the County Court Clerk or Deputy in which the dog is kept; and unless such dog at all times wears a collar and tag provided for by this Act, except such dogs as are temporarily brought into the county for breeding, trial or show purposes.

SEC. 17. That it shall be the duty of the Sheriff of the county to seize and impound any dog or dogs which are found running at large unaccompanied by its owner or keeper, which does not bear proper license tag. The Sheriff, or deputy, or constable, shall cause any dog bearing a proper license tag and so seized and impounded, to be properly kept and fed, and shall cause immediate notice, either personally or by registered mail, to be given to the person from whom or from whose premise the dog was taken, or in whose name the license was procured, or his agent, to claim such dog, within ten days. It shall also be the duty of the Sheriff, deputies or constables of said county, to go upon the premises of any person for the purpose of ascertaining if such person is the owner of or harboring any unlicensed dog or dogs, and if such officer finds any unlicensed dog or dogs, he shall seize and impound each dog or dogs as above provided, and he shall give notice as above provided.

If after ten days from the giving of such notice such dog has not been claimed, such officer whose duty it is to enforce this Act shall dispose of such dog by sale or by destruction in some humane manner. All money received from the sale of such dog, after deducting the expenses of his detention, shall be paid to

the County Court Clerk, and by him placed in said "Dog License Fund." For fees for his services such officer shall be paid the sum of \$2.00 for impounding and detaining a licensed dog, and the sum of \$1.00 for the killing of the dog. All expenses incurred under this Act, and under these Sections, and not otherwise provided for, shall be paid by the county.

SEC. 18. That failure to perform any duty under the provisions of this Act, any officer shall be liable to a penalty of not less than Ten (\$10.00) Dollars nor more than Twenty-five (\$25.00) Dollars for each offense, which amount shall be deducted from any amount due such officer from the county at any settlement between such officer and the governing authorities, or if it appears that nothing be due, then to be collected as any other fine, and as provided by law.

SEC. 19. That any person may kill any dog which he sees in the act of pursuing, worrying or wounding any livestock or poultry, or attacking human beings, whether or not such dog bears the license tag required by the provisions of the Act. There shall be no liability on such person in damages or otherwise for such killing.

However, licensed dogs, when accompanied by their owner or handler shall not be included under the provisions of this Section unless caught in the act of worrying, wounding or killing any livestock or poultry, or attacking human beings.

SEC. 20. That it shall be unlawful for any person, except the owner or authorized agent, to remove any license tag from a dog collar, or to remove any collar with a license tag attached thereto, from any dog.

It shall be unlawful for any person to harbor or permit to remain about his premises, any dog not having a license.

SEC. 21. That it is unlawful for the owner or keeper of any female dog to permit such female dog to go beyond the premises of such owner at anytime she is in heat, unless such female dog is held properly in leash.

SEC. 22. That whenever any person sustains any loss or damage to any livestock or poultry by dogs, or any livestock of any person is necessarily destroyed because of having been bitten by a dog, such person, or his agent or attorney, may complain to the County Judge of the county, or to any of the Justices of the Peace. Such complaint shall be in writing, and shall be signed by the person making such complaint, and shall state when, where and how much damage was done, and by whose dog or dogs, if known. Such County Judge or Justice of the Peace shall appoint two appraisers, whose duty it shall be to investigate and ascertain the amount of damage sustained. Each appraiser shall be a resident landowner of the county, and not related to claimant by either blood or marriage. Such appraisers shall examine the place where the alleged loss or damage was sustained and the livestock or poultry injured or killed, and shall also examine, under oath or affirmation, any witnesses called before them. But such loss or damage sustained, or livestock or poultry injured or killed, shall not exceed the assessed value of such livestock or poultry injured or killed, or the cost, market value or purchase price of the same, but damages on sheep shall not exceed Ten (\$10.00) Dollars for each common or grade sheep, or Twenty-five (\$25.00) Dollars each for registered sheep. After making diligent inquiry in relation to such claim, said appraisers shall determine whether any damage has been sustained, the amount thereof, and, if possible, who was the owner of the dog or dogs by which such damage was done, and shall forthwith make a written report of the findings to the County Judge or Justice of the Peace appointing them.

Any owner or keeper of such dog or dogs shall be liable to the county in which the damages occurred to such livestock or poultry in a civil action for all damages and costs, and the owner who suffers the loss shall be reimbursed out of said funds in which said damage occurred. Upon making examination required as aforesaid, in this Section of this Act, the County Judge or Magistrate shall immediately make a certificate thereto, signed and sealed by him, that such appraisalment was regularly and duly made. If, by such examination, it appears that any damage has been sustained by the claimant, the County Judge or Justice of the Peace, shall deliver the report of such examination, and all papers relating to the same, to the claimant, his agent or attorney, upon payment of the cost up to that time. Such report shall be delivered to the County Court to be filed in his office. The County Court Clerk receiving such report, if it appears thereby that a certain amount of damage has been sustained by the claimant, shall immediately file the same, and on any date that may be designated by the County Court of the said county or counties and on the first day of January of each year following, shall total the claims so filed, and if sufficient money is on hand in said "Dog License Fund" to pay all of said claims in full, so filed, he will immediately draw his order on the Trustee of the county, in favor of the claimants for the amount of loss or damage such claimants have sustained, according to said report, together with necessary and proper cost incurred. But if said fund on hand is insufficient to pay said claims so filed in full then he will prorate the same on said claims so filed. No person shall receive any order for any claim until the County Judge, or Justice of the Peace, before whom the claim was made has certified that due diligence was made to ascertain whose dog or dogs did the damage, and where the carcasses of the livestock or poultry killed, and for which

damages have been assessed, were located within twenty-four hours after the assessment of damages.

SEC. 23. That any valid claims or parts thereof for loss or damage to sheep, horses, mules, cattle, or swine which have accrued under any general or local laws at any time, prior to the passage of this Act shall not abate by reason of the repeal of such general or local laws.

SEC. 24. That it is unlawful for any person knowingly to make any false statement or to conceal any fact required to be disclosed under any of the provisions of this Act.

SEC. 25. That in any proceedings under this Act the burden of proof of the facts that a dog has been licensed, or has been imported for breeding, trial or show purposes, shall be on the owner of such dog, or the party who has possession of such dog. Any dog not bearing a license tag shall prima facie be deemed to be unlicensed.

SEC. 26. That any person, other than an officer, violating or failing or refusing to comply with any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be adjudged to pay a fine of not less than Ten (\$10.00) Dollars nor more than Forty (\$40.00) Dollars.

All fines collected under the provisions of this Act shall be forthwith paid to the Trustee of the County, and credited, after payment of such commission as officers may be entitled to under this Act, to said "Dog License Fund."

SEC. 27. That this Act is intended as a complete and uniform system in all counties having a population of not less than seventeen thousand eight hundred (17,800) nor more than seventeen thousand eight hundred and ten (17,810), according to the Federal Census of 1930, or any subsequent Federal Census, for the licensing of dogs, and the protecting of livestock and poultry from injury by dogs; but nothing in this Act shall interfere with any law for the protection and preservation of game, except where such Acts or parts of Acts are specifically repealed this Act does not repeal or affect any Acts or parts of Acts relating to mad dogs affected with any disease.

SEC. 28. That nothing in this Act shall be construed to prevent the owner of a licensed dog from recovery, by action at law, the value of any dog, which dog has been illegally killed by any officer, farmer, stockman, or other person in said county, from said officer, farmer, or other person. In case such officer or other person fails to pay the value of such dogs so killed, the same shall be paid by the proper officials of said county, said value of said dog to be ascertained in the same manner and form as provided hereinabove in this Act for assessing the damages done to livestock or poultry by dogs, but the amount so paid for such dog or dogs shall not exceed Twenty-five (\$25.00) Dollars per dog.

Nothing in this Act shall be construed to prevent the killing of a dog by any officer empowered to enforce the game laws of this State when said dogs are pursuing game during the closed season for the training of dogs and game, providing said dogs are not under the immediate control or accompanied by their owner or keepers, and also providing that legal notice has previously been given said owner or keeper as required by the existing game laws of this State.

SEC. 29. That the County Court Clerk shall quarterly make a report to the County Trustee of all licenses issued, amounts collected, number, kind and breed of livestock and poultry injured or killed, amounts paid out, and for what, and in fact a general report covering the enforcement of this Act, and also pay over all fees collected under the provisions of this Act to the County Trustee quarterly; and for the collection of said licenses as herein provided said County Court Clerk is hereby allowed the sum of five (5%) per cent of the amounts so collected by him, which is hereby allowed as his compensation for the performance of the duties required of him under this Act; and the residue thereof shall be turned over by the County Court Clerk to the County Trustee in a separate fund known as the "Dog License Fund," and so kept by said County Trustee; and for his compensation for handling said fund the County Trustee shall be allowed two (2%) per cent of the amount so handled and disbursed by him under the provisions of this Act.

The Sheriff, his deputies, and constables, whose duty it is to enforce the provisions of this Act, are hereby allowed, in addition to the fees herein provided for, ten (10%) per cent of the amount of the license fee collected by them from any persons owning, keeping or harboring any dog or dogs, when the same becomes delinquent, and is placed in the hands of said officer or officers for collection, it being hereby declared the duty of the County Court Clerk, after said license fees as herein provided for said dogs become delinquent, to issue distress warrants for said license fees against any person owning, keeping or harboring any dog or dogs, and this compensation to said officers is in addition to the legal statutory cost for serving distress warrants.

SEC. 30. That the Magistrates in said counties shall have jurisdiction for the trial of all criminal offenses herein provided, and authority to impose said fines herein provided, for any violation under the provisions of this Act.

SEC. 31. That all moneys collected by said County Court Clerks under the provisions of this Act shall, after

deducting the amounts paid out for loss necessary for the enforcement of this Act, damages, compensations and other expenses, revert to the School Fund of the county.

SEC. 32. That this bill shall only become effective from and after such date that at the regular meeting of the County Court, the said County Court may by a majority vote so decide for it to become effective. If a majority of the Court of said county or counties vote in favor of said bill it will then become effective.

SEC. 33. That all laws or parts of laws in conflict with this Act are hereby repealed, the public welfare requiring it.

Passed June 16, 1931

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 Loudon 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 1897, Chapter 242, allowed Loudon County residents to catch fish in any waters in the county (except from April 1st to June 1st) and by any means except by wing net, poison, dynamite or other explosives.
2. Acts of 1905, Chapter 60, was a fence law for Loudon County, making the owner of wandering livestock liable for damages done by them and giving the damaged landowners a lien on the stock to secure payment of the damages.
3. Private Acts of 1911, Chapter 49, provided for a fence law in Loudon County. Its provisions were similar to the 1905 law, but this act also gave the damaged landowners the right to pen the wandering livestock to prevent any further damage, but requiring him to give the stock proper food and care for which the owner of the stock would have to pay.
4. Private Acts of 1919, Chapter 406, created a game and fish preserve in Loudon County and ordered the state game warden to furnish quail, pheasants, turkey and other game for stocking the area.
5. Private Acts of 1921, Chapter 405, exempted Loudon County from the 1919 general statute regulating the possession of dogs.
6. Private Acts of 1921, Chapter 692, set the open season on quail in Loudon County from November 15 to January 15.
7. Private Acts of 1925, Chapter 653, created a game preserve in Loudon County which provided for the stocking of said preserve with game; provided for the protection of game in said preserve and provided for the appointment of deputy game wardens.
8. Private Acts of 1929, Chapter 68, permitted W.B. Green to practice veterinary surgery in Loudon and Roane counties.

Chapter III - Bond Issues

Bond Issues - Historical Notes

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

Buildings and Memorials

1. Private Acts of 1921, Chapter 281, authorized the "Loudon County Jail Bonds" of \$35,000, with an annual interest rate of not more than 6%, to be used to remodel or repair the existing jail or to build a new jail.
2. Private Acts of 1929 (Ex. Sess.), Chapter 77, authorized Loudon County to issue \$60,000 of interest-bearing coupon bonds for the purpose of paying the cost of improving the present court house and to provide for the levy of a tax to pay the principal and interest.
3. Private Acts of 1935, Chapter 195, was a \$35,000 bond issue, with a maximum interest rate of 6%, to be known as the "Loudon County Courthouse Improvement Bonds".

Refunding

1. Private Acts of 1921, Chapter 280, authorized Loudon County to issue interest bearing coupons

for the purpose of refunding or paying off its floating indebtedness, including its outstanding interest-bearing and non-interest-bearing warrants. In addition, a special tax levy was instituted to pay interest and to create a sinking fund.

2. Private Acts of 1929, Chapter 876, validated the issuance of \$50,000 in funding bonds and provided for the levy and collection of a tax on all taxable property in said county for the purpose of paying principal and interest of said bonds.
3. Private Acts of 1937, Chapter 82, validated \$100,000 of funding bonds of Loudon County, issued on January 1, 1937 at 4% annual interest, due on January 1, 1956.

Roads

1. Acts of 1907, Chapter 572, authorized Loudon County, upon an affirmative vote of the people, to build and macadamize public and pike roads in said county; to appoint commissioners and fix their duties; and issue and sell bonds for the purpose of this act; and provided for the payment of interest on and principal of said bonds. This was amended by Acts of 1909, Chapter 100, which substituted "improve" for "macadamize" in the original act, and by Acts of 1909, Chapter 322, which required the sinking fund commissioners to execute an oath.
2. Private Acts of 1911, Chapter 198, authorized Loudon County to issue a bond issue of \$100,000, at an annual interest rate of 5% and a maturity date within thirty years in order to improve the county roads. This act also provided for the creation of a pike commission and a tax to pay the interest and principal of said bonds.
3. Private Acts of 1917, Chapter 675, authorized Loudon County to issue \$100,000 in bonds to be used for constructing turnpikes, building bridges, and improving public roads under the supervision of three pike commissioners. These bonds were to mature in not more than thirty years at a maximum interest rate of 5%. This was amended by Private Acts of 1919, Chapter 72, which gave the Loudon County Court the power to designate which roads were to be improved. Private Acts of 1921, Chapter 709, also amended the 1917 act, so as to authorize the issuance of an additional bond issue of \$250,000; and this amendatory act was amended by Private Acts of 1925, Chapter 538, to change the method of advertising and accepting bids for the road work.
4. Private Acts of 1919, Chapter 470, authorized the Loudon County Court to levy special taxes for the purpose of building bridges across rivers and streams, so as to connect any highways crossing said rivers or streams in Loudon County.
5. Private Acts of 1919, Chapter 528, authorized Loudon, Monroe and Knox counties to issue bonds to the extent of \$1.00 on each \$100.00 of taxable property. The funds from these bonds were to be used to build bridges across streams and rivers, to connect state highways.
6. Private Acts of 1927, Chapter 600, validated the issuance of \$150,000 of highway bonds by the Loudon Quarterly County Court and provided for the levy and collection of a tax on all taxable property within said county for the purpose of paying principal and interest of such bonds.
7. Private Acts of 1927, Chapter 601, validated the issuance of \$480,000 in highway bonds by the Loudon County Quarterly Court and provided for the levy and collection of a tax on all taxable property for the purpose of paying principal and interest of such bonds.

Schools

1. Private Acts of 1917, Chapter 665, authorized Loudon County to issue and sell its coupon bonds to an amount not to exceed \$30,000 for the purpose of building, repairing and furnishing school houses in or near the town of Loudon in the first district of Loudon County and in Lenoir City. The act also provided for a tax levy to pay the interest on said bonds and to pay off said bonds as they matured.
2. Private Acts of 1925, Chapter 113, authorized the Loudon Special School District to issue bonds of \$25,000, at a maximum annual interest rate of 5%, to pay off their floating indebtedness.
3. Private Acts of 1927, Chapter 465, authorized Loudon County to issue \$50,000 in negotiable interest bearing coupon notes for the purpose of constructing and equipping school houses in said county.
4. Private Acts of 1929, Chapter 672, authorized Loudon County to issue \$205,000 in bonds for the purpose of purchasing, building, repairing and equipping school buildings for elementary and high school purposes. These bonds, subject to voter approval, were to mature at an annual interest rate of 6%, within fifty years from their date of issuance.
5. Private Acts of 1939, Chapter 279, validated the school and hospital bonds, of Loudon County in the aggregate amount of \$21,000, dated September 1, 1938, and to mature by September 1, 1950

Chapter IV - Boundaries

Christiana County Creation

Public Acts of 1870 Chapter 2

SECTION 1. That a new county be, and the same is hereby established out of fractions of the territory composing the Counties of Roane, Monroe and Blount, around the town of Loudon.

SEC. 2. That said County of Christiana shall be bounded as follows, to-wit: Beginning at the upper end of the bluff of rocks on the western bank of Little Tennessee River, at the common corner of the lands of J. K. Johnson and J. B. Tipton, citizens of Monroe County, and running thence with the section line, the present bearing of the compass being north 3 degrees east, 144 rods, to the Morganton and Washington road; thence with said road to the bridge across Fork Creek, at or near J. R. Robison's mill; thence south 87 degrees west, 48 rods, along the line between Robison and Kittrell; thence north 60 degrees west, 18 rods, to the line between the lands of Kelsoe's heirs and Kittrell's; thence north 75 degrees west, 22 rods; thence south 70 degrees west, 44 rods, to old storehouse; thence 414 rods to intersection of old road; thence 312 rods to the Loudon road, 8 rods from the Vaught House; thence 82 rods to Curtis' line and lane; thence 92 rods to the southwest corner of Curtis' lands; thence 354 rods to the section line, 13 rods east of the northeast corner of section 10; thence south 87 degrees, west, 332 rods, to the northeast corner of section 9; thence south 87 degrees west, about 578 rods, to the bridge over Sweet Water Creek, near and west of Philadelphia; thence with the road leading from Philadelphia to Washington, known as the Washington road, about 2,586 rods to the line of McMinn County at the junction of said road with the road leading from Sweetwater to Blue Spring; thence with the line of McMinn county to the northern or northwestern line of J. D. Turner; thence with the boundary line of the lands of said Turner and John Talley, to a point in a right line between Blue Springs and Marble Bluff on the Tennessee River; thence north 39 degrees east, about 10 miles, to a rock on Marble Bluff, near the mouth of Stockton's Creek, on the west bank of Tennessee river; thence up the said river with its meanders to the common corner of the lands of Matlock and Rhea, on the north bank of the river; thence north 30 degrees east, 1280 rods, to a hickory tree in Jack Littleton's Ridge Field; thence north 25 degrees, east 320 rods, to a large post oak, ten rods south of the old stage road on the ridge west of Thomas Carter's residence; thence north 1,040 rods to a large Spanish oak, near the dwelling of Levi Mays, including said Mays in the new county; thence north 20 degrees east, 456 rods, to an elm tree on the south bank of Clinch River, at a point opposite to Lackey's farm; thence up the center of Clinch River with its meanders about 2,136 rods, to the line of Knox County, at or near the mouth of Hickory Creek, thence with the line of Knox County to the Holston River, at or near the Saltpeter Cave; thence down said river with its meanders about 992 rods to a point on the south bank of said river where the dividing line between the lands of Sanders Leoper and J. K. Griffiths strikes the same; thence north 89 degrees east, 124 rods; thence south 71 degrees east, 194 rods; thence south 49 degrees east, 250 rods; thence south 37 degrees west, 430 rods; thence south 17 degrees west, 248 rods; thence south 10½ degrees east, 148 rods; thence south 5 degrees west, 114 rods; thence south 20½ degrees west, 22 rods; thence south 144 rods; thence south 32 degrees east, 450 rods; thence south 6½ degrees west, 182 rods to a red oak; thence south 15 degrees east, 88 rods; thence south 35 degrees, east 88 rods; thence south 35 degrees east, 240 rods; thence south 54 degrees east, 128 rods, to a pine north of H. Thompson's; thence south 87½ degrees east, 118 rods; thence south 52 degrees east, 168 rods to a pine north of Baker's Creek; thence south 16 degrees east, 173 rods; thence south 5 degrees west, 200 rods; thence south 59½ degrees west, 160 rods; thence south 42½ degrees west, 44 rods; thence south 38½ degrees west, 44½ rods; thence south 5 degrees west, 134 rods; thence south 32 degrees west, 220 rods; thence south 54 degrees west, 520 rods; thence south 58 degrees, west 158 rods; thence south 75 degrees west, 55 rods, to Nine Mill Creek; thence north 26½ degrees west, 184 rods, to Militia Springs; thence south, 78½ degrees west, 506 rods, to Wildcat Rock, on the east bank of Little Tennessee River; thence down said river with its meanders to the place of beginning, a distance of about 1,137 rods.

SEC. 3. That for the purpose of perfecting the organization of said county of Christiana, James Mathews, F. R. Hackney, J. D. Jones, J. B. Tipton, W. Y. Huff, J. D. Turner, Major M. Rose, John W. Robinson, and Major William Hope, are hereby appointed Commissioners, who shall, before entering upon the discharge of their duties, take an oath to faithfully and impartially discharge all the duties imposed upon them by this act; and all vacancies that may occur previous to the organization of the County Court of said county, shall be filled by the remaining Commissioners. A majority of said Commissioners shall constitute a Board to transact all things herein enjoined on them, and it shall be the duty of said Board to keep a true record of their proceedings as Commissioners, which shall be returned to the County Court of said County of Christiana at the first term, to be entered upon the records of said Court, and said Commissioners shall

make such other reports thereafter as said Court shall require.

SEC. 4. That it shall be the duty of said Commissioners to designate three voting places in each of the fractions taken from Blount and Monroe, and six voting places in the fractions taken from Roane, and shall give ten day's notice, by written or printed circulars, posted in five or more public places in each fraction taken from the respective Counties of Roane, Monroe and Blount, that an election will be held, in which all persons entitled to vote for members of the General Assembly, who have resided in the fraction proposed to be stricken off for six months immediately preceding said election, shall be entitled to vote, and each voter who desires to vote for the establishment of the new county, shall have on his ticket the words "new county," and those desiring to vote against the new county, shall have on their tickets the words "old county," and if, upon the counting of all the votes cast at said election, it shall appear that two-thirds of all the qualified voters voting, have voted for the "new county," then the County of Christiana shall be, and the same is hereby declared to be a county, with all the powers, rights and privileges, and subject to all the liabilities and duties with other counties in this State.

SEC. 5. That said Commissioners shall appoint judges and clerks to hold said election, and also some suitable person as an officer in each place designated in such fraction, who shall have all the powers and perform all the duties imposed by law upon other officers and inspectors holding elections under the laws of this State, and who shall, after the polls are closed, and the votes counted, make out and certify the results, and return the same with a copy of the poll books to the Chairman of said Board of Commissioners, who shall, when the returns are all received, in the presence of said Board, proceed to compare the vote and certify the result; and the election herein provided for shall be held on the same day in each of said fractions, and if for any cause the election as herein provided, shall not be held in either of said fractions, on the day appointed, said Board shall provide for another election as herein provided in such fraction.

SEC. 6. That said Commissioners shall have power and it shall be their duty to divide said county into such number of Civil Districts as the convenience of the inhabitants may require, (but in no event shall there be less than ten Civil Districts in said county,) designating the boundaries of and giving the places of holding election in said Districts, and they shall perform such other duties as may be necessary to carry out the provisions of this Act.

SEC. 7. That said Commissioners shall appoint such suitable persons as they think proper to open and hold the election for said county of Christiana, and those so appointed shall have power to appoint deputies, clerks and judges, and by himself and deputies to administer all the necessary oaths, and do and perform all other duties now imposed upon officers holding similar elections, and such officers so appointed, and his deputies shall open and hold an election within thirty days after the result of the first election is known, for the purpose of electing a full quota of county officers, which election shall be held in each Civil District in said County of Christiana, and the officers so elected shall hold their offices until the next regular election of county officers takes place throughout the State.

SEC. 8. That said Board of Commissioners at its first meeting shall designate a place within the limits of said County of Christiana where said Board shall meet; they shall meet upon their own adjournment, and may be convened at any time by their chairman.

SEC. 9. That the different Courts for the said County of Christiana, shall be held in the town of Loudon, and all process issuing from any of said Courts returnable to that place shall be legal, and such Courts shall be subject to the same rules and regulations, and exercise the same powers as Courts of similar jurisdiction in other counties; said county shall be attached to the third Judicial Circuit, and the Circuit Courts thereof shall be held by the Judge of said Circuit on the 2d Monday of April, August and December, in each and every year, and shall be attached to the eighth Chancery District, and the Chancery Court shall be holden on the fourth Mondays of June and December in each and every year. The County Court of said county of Christiana shall have the powers conferred by law upon County Courts, and meet at the time prescribed by law.

SEC. 10. That when both parties to a suit at law, or equity, reside in the same fractional part of an old county, they shall have the right, upon application to the Court wherein the suit is pending, to have the same removed, with a transcript of the records, to the new county hereby created.

SEC. 11. That all officers of said county shall continue to hold their offices and perform the duties thereof until others are elected and qualified according to this Act.

SEC. 12. That it shall be duty of the Tax Collectors of Roane, Monroe and Blount Counties to pay over to the Trustee of Christiana County, when elected and qualified, that portion of the county tax of said counties as has been collected by such Tax Collector within the boundaries of Christiana County for 1870, and said Trustees' receipt shall be a voucher to said Tax Collector on settlement with the Trustees of said Counties of Roane, Monroe and Blount.

SEC. 13. That the Commissioners herein provided for shall receive such compensation as may be allowed them by the County Court after the organization of the county.

SEC. 14. That the fractions taken from the Counties of Roane, Monroe and Blount to form the County of Christiana shall continue liable for their pro rata of all debts contracted by their respective counties prior to the separation, and be entitled to their proportion of any stock or credits belonging to such old counties, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed May 27, 1870.

County Name Changed to Loudon

Public Acts of 1870 Chapter 77

WHEREAS, In accordance with the provisions of an Act passed May 27, 1870, to establish the county of Christiana, a popular election was held on the 18th day of June 1870; and

WHEREAS, At said election the popular vote, in each fraction, has elected to establish the county aforesaid, with great unanimity; therefore,

SECTION 1. That an election for county officers shall be held at all the voting places established by the Commissioners appointed to organize and district the county of Christiana, on the first Thursday in August, 1870; and it shall be the duty of the Chairman of said Board of Commissioners to furnish to the Secretary of State a certified return of the result of said election, as provided for in similar elections in other counties in this State.

SEC. 2. That the Governor shall commission all the officers elected in and for said county, which are entitled to said commissions, as in other counties. It shall be the duty of the Tax Collectors for the Counties of Roane, Monroe and Blount, to furnish to the Tax Collector of Christiana County, a transcript of their tax books of all the property and polls assessed and stricken off to the County of Christiana; and it shall be the duty of the County Court Clerk of said county, to copy and arrange the same in a book for the convenience of the said Tax Collector, as is now provided for by law in other counties in this State.

SEC. 3. That the Tax Collectors of the Counties of Roane, Monroe and Blount, are hereby estopped from collecting the taxes in the County of Christiana for the year 1870; *Provided*, that they may collect all arrearages for years preceding 1870; and *Provided*, that the Tax Collector of Christiana shall be held liable for the revenue placed in his hands, as other Tax Collectors in this State, and a certified copy of the transcript of the tax book shall be a voucher in the hands of the Tax Collectors of Roane, Monroe and Blount on settlement with their respective counties; said certificate to be made by the Clerk of Christiana County.

SEC. 4. That the election for judicial and civil officers, to be held on the first Thursday in August, 1870, shall be held under the direction, and returns of the same made by the Commissioners heretofore appointed for the County of Christiana. The line between the Counties of Christiana and Monroe are so changed as to include the quarter section of land upon which the residence of J. R. Robinson now is, in the County of Christiana and the Clerks of the Chancery and Circuit Courts for the Counties of Roane, Monroe and Blount, upon the application of the Chancery and Circuit Court Clerks of the County of Christiana, shall furnish a full and complete transcript of the record, in either of the Courts of the Counties of Roane, Monroe and Blount, in which suit or suits the parties reside in the County of Christiana. Said transcript shall include all bills of cost up to the time of transfer; and the Clerks of the respective Courts for the County of Christiana, shall enter the same upon the record of their respective Courts, and the same shall proceed to final hearing, in the Courts of the County of Christiana, the same as contemplated in the Courts in which said suits originated; and the fee for issuing said transcript shall be added to the bill of cost in each suit, and it shall be the duty of the Clerk, preparing the Acts and Journals of this session of the General Assembly for the printer, to strike out the name Christiana, where it may occur, in any and all acts in relation to said county, and insert the name Loudon in its stead, and said county shall hereafter be known as the County of Loudon, instead of the County of Christiana.

SEC. 5. That all laws and parts of laws in conflict with this Act, be, and the same are hereby repealed; and that this act take effect from and after its passage, the public welfare requiring it.

Passed: June 29, 1870.

Change of Boundary Lines

Public Acts of 1875 Chapter 140

COMPILER'S NOTE: Section 1 of this act is the only section which dealt with Loudon County. All other sections have been omitted.

SECTION 1. That the boundary line between the counties of Roane and Loudon be, and the same is hereby, so changed as to authorize the new boundary line between said counties to begin at the northwest corner of Henry Bogart's farm, heretofore added to Loudon county, on the original boundary line, and run thence north 66°, west 60 chains, to a stake; thence north 15°, west 150 chains, to a pine tree; thence north 14°, east 200 chains, to a pile of rocks; thence north 60°, east 270 chains, to the Knoxville and Kingston road at Abbot's; thence with and including said Knoxville and Kingston road, 78 chains, to the original boundary line, so as to include the farms of the following residents: Calvin McChaffrey, Jackson West, G. Newman, John Estes, F.M. Estes, A.J. Ingram, Sanford Ingram, G.W. Simpson, A. Fittz, Robert Norwood, W.P. Tetrow, J.O. Hays, Eblin Potter, DeWitt Abbot; *Provided*, that the proposed change of line between the counties of Roane and Loudon shall not, at any place, run nearer than eleven miles of Kingston, the county-seat of Roane county.
Passed: March 24, 1875.

Private Acts of 1951 Chapter 346

SECTION 1. That the boundary line between the counties of McMinn and Loudon, near the Erie, Tennessee Post Office, be changed as follows: That all of the land that lies East of the Erie Post Office along the Blue Springs Road up to the Kingston and Sweetwater Public Road, that are now in McMinn County and belonging to Raymond Wicker, Lester Thomas, Ray Lones, Dave Ledford, Hugh Rodgers, and Deedie Harrell, shall hereafter be in Loudon County, Tennessee.

SEC. 2. That all of what is known as the Blue Springs Public Road beginning at the Erie, Tennessee Post Office and extending Eastwardly to its intersection with the Kingston and Sweetwater Public Road shall henceforth be a part of Loudon County and the boundary lines between McMinn and Loudon County are changed accordingly.

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

Passed: March 2, 1951.

Private Acts of 1951 Chapter 535

SECTION 1. That the boundary between Monroe and Loudon Counties is hereby changed in the following manner, to wit:

Said boundary line is changed to read "First Tract: beginning on the present line between Loudon and Monroe Counties at a stake at the southern end of a bridge across Sweetwater Creek on the old Washington Road; thence up Sweetwater Creek to the intersection of said Creek with the northwestern side of the right-of-way of the Southern Railway Company; thence running with said railway right-of-way line westerly to where said right-of-way line again intersects Sweetwater Creek; thence up Sweetwater Creek to where said Creek intersects the line of the old Milligan farm, which line runs to the old Washington Road; thence with the southern side of said Washington Road westerly to where said road intersects the present Monroe and Loudon County line."

"Second Tract: Beginning on the present line between the Counties of Loudon and Monroe at a stake on the west side of the Lee Highway right-of-way; thence south with said right-of-way to a stake where the right-of-way line intersects the property line of Mr. Audley Godsey; thence with the Godsey property line and its meanders in a southwesterly direction to a point where the Godsey line intersects the right-of-way of the Southern Railway; thence with said property line of Railway right-of-way in a northerly direction to a point where said rightof- way line intersects the County line between Monroe and Loudon Counties; thence with said County line to a point of beginning; both tracts containing approximately two hundred and eighty four (284) acres, 1st tract approximately two hundred and seventy (270) acres, 2nd tract approximately fourteen (14) acres; but expressly excluding the right-of-way and tracts of the Southern Railway Company located between the two tracts, which right-of-way and tracts are not transferred to Loudon County but shall remain a part of Monroe County."

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

Passed: March 15, 1951.

Boundaries - Historical Notes

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

1. Public Acts of 1870-71, Chapter 18, changed the boundary between Loudon and Roane counties so as to place the farms of B. F. Cooly and W. C. Burnett in Roane County.
2. Public Acts of 1870-71, Chapter 53, changed the boundary between Loudon and Monroe counties so as to place the lands of Jesse Richardson in Loudon County and the lands of Archibald Bakum and Hugh Chestnut in Monroe County.
3. Public Acts of 1870-71, Chapter 118, changed the boundary between Roane and Loudon counties so as to place the home tracts of Jesse Preston and Henry Bogart in Loudon County.
4. Public Acts of 1871, Chapter 91, changed the boundary line between Loudon and Monroe counties so as to place the lands of Charles Moore, Charles H. Jones, Wm. Harrison, Wm. A. Upton, Jr., Dolphus Lowe, and Margaret Lowe in Monroe County. These same lands were also transferred to Monroe County by Acts of 1872, Called Session, Chapter 19.
5. Public Acts of 1873, Chapter 86, changed the boundary line between Loudon and Monroe counties so as to include in Loudon County the lands of John B. Tipton, Harris Tipton, William P. Kittrell, James Gaston's heirs, Patton Blankenship, Mary C. Mayo and Louisa M. Gay. The lands of Jacob K. Johnson were placed in Monroe County.
6. Public Acts of 1873, Chapter 89, changed the boundary line between Loudon and McMinn counties so as to include the farms of A.J. Shelton, W.B. Shelton, Thomas Shelton, John Shelton and J.L. Green in Loudon County.
7. Public Acts of 1877, Chapter 163, changed the boundary line between Loudon and Monroe counties so as to place the lands of W. J. Fowler in Monroe County.
8. Public Acts of 1879, Chapter 137, Section 5, changed the boundary line between Loudon and McMinn counties so as to place the farm of F. Smith in Loudon County. Section 9, changed the boundary line between Loudon and Roane counties so as to place the farm of S.P. Cook in Loudon County. Section 16, changed the boundary line between Loudon and Monroe counties so as to include the lands of Darius Hudgings in Monroe County.
9. Public Acts of 1881, Chapter 61, changed the boundary lines between Loudon and McMinn counties so as to place the land of William L. Richeson in Loudon County.
10. Public Acts of 1883, Chapter 8, changed the boundary line between Loudon and Roane counties so as to place the lands and houses of J. L. Waller in Roane County.
11. Public Acts of 1883, Chapter 217, changed the boundary line between Loudon and Blount counties so as to place the lands of Samuel Montgomery and John Shedden in Blount County.
12. Public Acts of 1885, Chapter 54, changed the boundary line between Loudon and McMinn counties so as to place the lands of Sarah Etheridge in Loudon County.
13. Public Acts of 1885, Chapter 56, changed the boundary line between Loudon and Monroe counties so as to place the lands of D.M. Moser in Monroe County.
14. Public Acts of 1887, Chapter 196, changed the boundary line between Monroe and Loudon counties so as to place the lands of Louisa Gay in Monroe County and the lands of John Miller, J. E. Scrimsher, Joseph Sewell, and David Miney in Loudon County. This act was repealed by Public Acts of 1891, Chapter 214.
15. Public Acts of 1889, Chapter 58, changed the boundary line between Loudon, Monroe and McMinn counties so that all the lands of S. R. Murray would be located in Monroe County.
16. Public Acts of 1889, Chapter 199, changed the boundary line between Loudon and Monroe counties so as to place the lands of William Davis and H. Clay Kelson in Monroe County.
17. Public Acts of 1889, Chapter 235, changed the boundary line between Loudon and Monroe counties so as to place the lands of J. H. Lenard in Loudon County.
18. Public Acts of 1891, Chapter 67, changed the boundary line between Loudon and Monroe counties so as to place the land of A. J. Hudgins in Monroe County.
19. Public Acts of 1895, Chapter 27, changed the boundary line between Loudon and Monroe counties so as to place the farm of John Cody in Loudon County, and the farm of Mrs. Betty McCarroll in Monroe County.
20. Private Acts of 1897, Chapter 168, changed the boundary line between Loudon and McMinn counties so as to place the land of J. L. Green in Loudon County.

21. Private Acts of 1897, Chapter 169, changed the boundary line between Loudon and McMinn counties so as to place the land of Byrum Johnson in Loudon County.
22. Private Acts of 1897, Chapter 206, changed the boundary line between Loudon and Monroe counties so as to place the holdings of the following landowners in Loudon County: H. C. Kelso, James Brison, Mrs. McCarroll, Robert Everett, James Scrimpsheer, Jno. W. Miller, Mat Cook, Cal Vernon, Joe Helton, Jos. Sewell, H. C. Call, and David Mincey, deceased.
23. Private Acts of 1901, Chapter 306, changed the boundary line between Loudon and Monroe counties so as to place the farm of Will C. Cannon in Loudon County.
24. Private Acts of 1901, Chapter 347, changed the boundary line between Loudon and McMinn counties so as to place the land of W.P. Frank in Loudon County.
25. Acts of 1903, Chapter 95, changed the boundary line between Loudon and Monroe counties so as to detach the land of W. G. Lenoir from Monroe County and place it in Loudon County.
26. Acts of 1905, Chapter 37, changed the boundary line between Loudon and Monroe counties so as to place five acres of the 165 acre tract of land purchased by Mrs. Ada Hyden in Monroe County.
27. Private Acts of 1923, Chapter 181, changed the boundary line between Loudon and Monroe counties so as to detach the lands of G. D. McCrary from Monroe County and place them in Loudon County.
28. Private Acts of 1927, Chapter 124, changed the boundary lines between Loudon and Monroe counties so as to detach the farms of Fred Griffiths, Ada M. Hyden, and W. M. James from Monroe County and place them in Loudon County.
29. Private Acts of 1929, Chapter 184, changed the boundary line between Loudon and McMinn counties so as to detach the lands of S. H. Richeson, Tom Richeson, Bertha Mineral Company, Sam Riddle, J.A. Lively and "what is known as the Wheatley farm" from Loudon County and placing these lands in the first civil district of McMinn County.
30. Private Acts of 1931, Chapter 767, changed the boundary line between Loudon and Monroe counties so as to detach the lands of W. H. Fresley from Monroe County and placing the land in Loudon County.
31. Private Acts of 1933, Chapter 175, changed the boundary line between Loudon and Monroe counties so as to include the lands of E. W. Waller within Loudon County.
32. Private Acts of 1939, Chapter 604, changed the boundary line between Loudon and Monroe counties so as to detach from Monroe County and place in the fourth civil district of Loudon County the following pieces of property: the lands of Henry Bledsoe, Murphy Hamilton, Equitable Life Insurance Society, John Brown, Jess McCullough, Henry Ryans, Frank Letterman, Jennings Clark, the Lauderdale heirs, Byrd Kizer, M. H. Rosin, Hill Bros. (formerly known as Silverrun Dairy Farm), James Edward heirs, the old Mayo Farm, Vaden heirs, the old McCall farm, Lawrence Allman, Clayde Allman, Newton Clark, C. L. Bray, J. M. Reed, M. L. Skinner, Robert Miller, I. W. Rowland, Robert Edwards, G. H. Hensley, the old Millsaps farm, Mote Sewell, J. B. Beal, Sunnyside Baptist Church, Clarence Bradley, Sunnyside Schoolhouse and lot, Matt Scrimpsheer, Jack Byrum, Ben Petit, and Henry Rowland.

Chapter V - Court System

General Sessions Court

Private Acts of 1959 Chapter 57

COMPILER'S NOTE: This act must be read in conjunction with Private Acts of 1981, Chapter 86.

SECTION 1. That by this Act a Court of General Sessions is created and established in and for Loudon County, Tennessee, which Court is vested with the legal powers, authority, prerogatives and jurisdiction hereinafter recited, delineated and provided. This Loudon County Court of General Sessions shall be held in the Courtroom of the Loudon County Justice Center. By consent of litigants, counsel and the Court, civil causes may be heard elsewhere in said county on any day except Sundays.

All trials and proceedings of said Court, wherever held, shall be open to the public except hearings falling within the purview of Section 12, Chapter No. 177 and Section 6 of Chapter No. 186 of the Public Acts of 1955, applicable to certain Juvenile Court cases.

The dockets, forms and minute books required for a systematic recordation of said Court's actions, orders, proceedings and judgments in all cases, civil, criminal and juvenile, shall be provided by the county, pursuant to requirements of Sections 1 and 2 of Chapter No. 138 of the Private Acts of 1951 and public laws applicable to purchases by counties.

As amended by: Private Acts of 1975, Chapter 35.

SECTION 2. That from and after the effective date of this Act as hereinafter provided, said Sessions Court shall be vested with all the jurisdiction, powers and authority conferred by the General Assembly of Tennessee upon Justices of the Peace in civil and criminal cases, suits, and actions, and, as hereinafter provided, with jurisdiction, power and authority to hear and determine, all misdemeanor charges and cases subject to the constitutional limitations provided by law; that from and after said effective date the Justices of the Peace of Loudon County shall be divested of all judicial powers, authority and jurisdiction.

It is provided, however, that this Act shall in nowise abridge, abrogate or affect the responsibilities, duties and authority of Justices of the Peace in and for said county except as herein specified. Said magistrates' authority in performance of the rites of matrimony and as members of the Quarterly County Court is in nowise impaired or affected by this enactment. Said Court of General Sessions shall have jurisdiction concurrent with the Circuit and Chancery Courts to try and dispose of divorce cases and annulments, and said Court shall try to dispose of divorce cases and annulments in the same manner and with the same authority as is vested in the Circuit and Chancery Courts.

As amended by: Private Acts of 1963, Chapter 284.

SECTION 3. That from and after the effective date of this Act, said Sessions Court, and the Judge thereof, shall be vested with all the jurisdiction, powers and authority conferred by the General Assembly of Tennessee upon the County Judge of Loudon County in juvenile cases, causes and matters; that from and after said effective date the County Judge of said county shall be divested of all powers, authority and jurisdiction vested in said judicial officer as Juvenile Judge.

It is provided, however, that this Act shall in nowise impair or affect the powers, duties and jurisdiction of the County Judge in and for Loudon County except as herein specified. In fiscal matters, insanity inquests, idiocy and mental deficiency hearing, habeas corpus proceedings, issuance of extraordinary process and writs, and in the performance of all statutory duties and responsibilities except those relating to the determination of juvenile cases and the administration of the juvenile laws, the power, authority and jurisdiction of the County Judge is not affected by this Act.

As amended by: Private Acts of 1981, Chapter 86

SECTION 4. That before the commencement of any civil action in said Sessions Court, the plaintiff shall be required to secure the costs incident to the action by executing a cost bond with solvent surety in the penalty of not less than Twenty-Five Dollars (\$25.00), or by making a cash deposit of not less than Ten Dollars (\$10.00) nor more than Twenty-Five Dollars (\$25.00), the exact sum thereof to be determined by the Judge or Clerk of said Court, or by taking the oath prescribed by law for poor persons. However, a plaintiff's good faith in taking said oath, and his right to proceed thereunder, may be questioned by the Judge or Clerk of said Court, by a defendant in the cause, or his counsel. After such inquiry, in which the burden of proof is upon the plaintiff, the Sessions Judge may require a cost bond or cash deposit as a condition precedent to the commencement of the action. On motion of a defendant or Court order, a plaintiff may be required to execute further bond or to increase the amount fixed in the bond executed, or to make an additional deposit.

SECTION 5. That the Judge of the Court created by this Act shall have the same power and authority to issue extraordinary process and writs as that conferred by law upon Circuit Judges and Chancellors. Whenever such process is applicable to parties to actions in said Court, the bond or oath required for its issuance shall be executed and filed as required by general laws applicable to extraordinary process in Justice of the Peace Courts.

SECTION 6. That the Judge of said Sessions Court is hereby empowered to adopt all rules of Court required to expedite the trial and disposition of cases, suits and proceedings, and to designate the days and hours of the Court's sessions, provided that civil causes shall not be triable on Sundays. On any day and at any time the Sessions Judge may issue warrants, examine and hear persons accused of criminal acts, discharge from custody or commit to jail, and fix and take bail, recognizance and appearance bonds.

SECTION 7. That the laws regulating pleading and practice, stay of judgments, appeals from judgments, writs and process in civil cases in the Courts of Justices of the Peace shall apply to the Court created by this Act in its determination of all civil matters triable in the Justices' Courts at the effective date of this Act; that all laws applicable to Justice of the Peace trials, civil and criminal, unless otherwise provided, shall apply to the Sessions Court in the dispatch of all cases except causes instituted under the juvenile laws.

SECTION 8. That the laws regulating pleading and practice, procedure, evidence, hearings, trials,

commitments, appeals and records in the Juvenile Courts of County Judges shall apply to all juvenile proceedings, hearings and cases in the Court created by this Act; that all laws applicable to juvenile matters shall apply to the administration of juvenile justice in said Sessions Court.

SECTION 9. That in all cases and causes triable in Justices of the Peace Courts at the effective date of this Act, the costs and fees of the Court created by this Act shall be the same as is now, or may hereafter be, provided by law for said Justices' Courts; that in all misdemeanor cases in which a final judgment can now be rendered only in Criminal Court of Loudon County, the costs and fees of the Sessions Court shall be the same as is now, or may hereafter be, provided by laws for said Criminal Court; that in juvenile cases and matters the fees and costs of said Court shall be the same as is now, or may hereafter be, provided by law for Juvenile Courts, and said Fees and costs shall include all sums now or subsequently recoverable by the County of Loudon under the general law applicable to juvenile causes and matters in the County Courts of Tennessee.

It is provided further that all costs, fees, fines and forfeitures adjudged by said Sessions Court shall be recorded and accounted for as other county funds are deposited and paid over under law. Quarterly, the Clerk of said Court shall pay over to the County Trustee all fees, costs, fines, forfeitures, commissions and emoluments accruing to said Court, for deposit to the credit of the county's general fund.

The fees of lawful officers of the county for execution of writs and process of said Court, and the fees of witnesses for their compulsory attendance therein, shall be the same as is now, or may hereafter be, provided by law for such services and acts.

SECTION 10. That in addition to the jurisdiction conferred by law upon Justices of the Peace, and upon County Courts, in juvenile matters and cases, the Court created by this Act is hereby vested with power and authority to hear and determine and render final judgment in all misdemeanor cases brought before said Court by warrant or information wherein the person charged enters a plea of guilty or requests a trial upon the merits, and in writing expressly waives an indictment, presentment, grand jury investigation, and trial by jury. When such plea is entered or request made and waiver signed, the trial shall proceed before the Court without the intervention of a jury to final judgment.

The final judgment of said Court in all misdemeanors tried as herein provided may be appealed to the next term of the Criminal Court of Loudon County provided the person charged and found guilty executes a bond with solvent surety conditioned to pay the fine assessed and the costs including the costs of appeal upon affirmation of the judgment and a legally sufficient bail or appearance bond with two or more solvent sureties, or takes and subscribes to the oath prescribed for poor persons. A defendant's good faith in taking such oath may be inquired into as provided hereinbefore.

The criminal judgments of said Court, except in juvenile cases, shall become final at the time of their rendition. Such judgments, unless appealed instant, shall not be altered or modified except for error. However, a defendant shall have two full days, exclusive of Sundays, in which to perfect his appeal by execution of the required costs and appearance bonds, provided an appeal from the Court's final judgment was taken at the time of its rendition. An appeal, regularly before the Criminal Court of Loudon County, Tennessee, shall be heard by the Judge thereof without a jury, and without indictment or presentment, upon the warrant or information under which the defendant was found guilty in the Sessions Court.

As provided herein, appeals of juvenile cases shall be taken and perfected as required by general law applicable to appeals from final judgments of County Judges in their capacity as Juvenile Judges.

The Judge of said Sessions Court is specifically empowered to issue all process and writs necessary to effectuate the execution of the judgment pronounced in any criminal case heard in said Court, and to punish contemnors for all contempt punishable by Circuit Judges and Chancellors.

SECTION 11. That it shall be obligatory upon the Judge of said Sessions Court to advise every defendant of his constitutional rights to aid of counsel, to be tried only upon presentment or indictment preferred by a grand jury, to make a statement with reference to the accusation against him or to remain silent as to said charge, and to a trial by a jury of his peers; that the Court's recital of said rights shall precede the acceptance or entry of a defendant's plea in a criminal case.

Upon a defendant's voluntary waiver of his constitutional rights to be tried upon a presentment or indictment, and by a jury of his peers, said Sessions Judge shall proceed to hear and determine said defendant's guilt or innocence.

To be sufficient, said waiver shall disclose the identity of the accused, the nature of his alleged offense, his plea thereto, the particular rights waived, and the date executed, and be signed by the person charged and the Clerk of the Court or his deputy. No exception may be taken to the following form:

The defendant _____ pleads _____ guilty to the offense with which he stands charged, to-wit: _____, and expressly waives

his right to be tried only upon presentment or indictment preferred by a grand jury, and his right to be tried by a jury of his peers. This the _____ day of _____, 19____.

Defendant

Clerk or Deputy Clerk

A defendant incapable of signing his name may make his mark in the presence of a third person, and the Clerk or his deputy shall attest said act.

SECTION 12. That separate dockets shall be kept by the Clerk of said Court, under the direction of the Judge thereof, for civil, criminal and juvenile cases. Upon the civil docket shall be entered the style of each case, the date of the warrant or process, the officer to whom said warrant or process was delivered, the return of the process in brief form, the action of the Court on the case, interlocutory and final orders, judgments, executions, garnishments, the fees of the Court, officers and witnesses, and credits for payments upon judgments or costs.

The criminal docket shall disclose the name of every person for whose arrest a warrant or information was issued, the officer to whom said writ was delivered for execution, the prosecutor of the alleged offender, and all further information required by law. The Clerk shall not deliver a criminal warrant to writ to an officer for execution until its issuance has been recorded in the criminal docket.

The juvenile docket and the juvenile record shall disclose all information required by Section 3 of Chapter No. 177 of the Public Acts of 1955 applicable to juvenile cases, and such further facts as subsequent laws may require.

SECTION 13. That said Sessions Judge shall have the qualifications and take the oath of office prescribed by law for Circuit Judges and Chancellors; that the compensation of said Judge shall be Six Thousand Dollars (\$6,000.00) per annum, payable in equal monthly installments by warrant drawn upon the general funds of the County; that the first Judge of said Court shall be elected by the qualified voters of Loudon County at the regular or biennial election to be held in August 1960 and serve until September 1, 1966; that his successor shall be similarly elected in the regular biennial election to be held in August 1966, and at said August election every eight (8) years thereafter; that each successor shall take office September first (1st) following his election as aforesaid.

It is further provided that said Judge shall be entitled to twelve (12) days vacation time in any twelve (12) months period.

Said Sessions Judge shall be entitled to receive an expense allowance of twelve hundred dollars (\$1200.00) per annum, payable in equal monthly installments by warrant drawn upon the general funds of the County.

As amended by: Private Acts of 1963, Chapter 284

SECTION 14. That in the event of a vacancy in the office of said Judge the Governor shall forthwith appoint a Sessions Judge having the qualifications required by this Act. Said appointee shall hold office until September first (1st) following the next biennial August Election, in which election the qualified voters of Loudon County shall elect a successor for the remainder of the unexpired term. Should a vacancy occur within fifteen (15) days of such biennial election the appointee shall hold office until September first (1st) following the next biennial election.

SECTION 15. That in the event said Judge should fail to appear at any session of said Court, except sessions held during his annual vacation, the lawyers present may by majority vote elect any qualified person Judge of said Court during the temporary absence of said judicial officer. The same procedure shall apply in designating a Judge to hear any case in which the regular Judge is interested or recuses himself. When elected, as aforesaid, openly or by secret ballot, the special Judge shall be vested with power and authority to hold said Court during the absence of the regular Judge. Every such election shall be held by the Clerk of said Court, who shall make and file a record thereof and administer unto the person elected the same oath taken by Circuit Judges and Chancellors.

It is provided further that no claim against the County for compensation of special Judges shall be allowed except for the services rendered by the Judges elected to preside over said Court during the vacation of the regular Judge. The Judge elected for said period shall be compensated at the rate established by this Act for said regular Judge. The source, form and time of said payments shall be the same as provided herein for said office.

The election of the special Judge to hold said Court during the vacation of the regular Judge shall be held by the Clerk as aforesaid, but before said election shall become final a majority of the members of the bar of the County shall cast their votes for one qualified person. The Clerk shall mail notices of the hour and

day of said election to all members of the Loudon County bar at least three full days before the designated date thereof. The Judge of said Court shall be eligible to vote in said election to be held in the courtroom of the County courthouse. As aforesaid, the balloting may be either open or secret. Said election shall be held on any one of the ten (10) days preceding the first vacation day of the regular Judge. A special Judge elected under any of the provisions of this Act shall be vested with all the authority and jurisdiction of the Judge of said Court during the latter's absence or until a successor is elected as provided herein.

SECTION 16. That a willful and inexcusable neglect of duty or a prolonged and unreasonable absence of the Judge of said Sessions Court shall create a vacancy in said office, providing such neglect or absence shall be judicially determined by a legally rendered judgment or decree in a proceeding properly initialed for said purpose by one or more citizens and residents of Loudon County. This procedure for remedial action in case of dereliction of duty on the part of said Judge shall not be construed as an abridgement of existing law. Therefore, if held unconstitutional this section shall be elided without affecting the remaining provisions of this Act.

SECTION 17. That said Sessions Judge shall hear and determine all cases pending in the Courts of Justices of the Peace and in the Juvenile Court of the County Judge of Loudon County on September 1, 1960, the effective date of this Act.

SECTION 18. That said Judge shall not be precluded from practicing law in the Chancery, Circuit, County or Appellate Courts except in cases which originated in said Sessions Court or in which the facts relied upon by a party were presented in a trial or proceeding held in said Court. Said Judge shall not be a partner to any lawyer practicing in said Court, nor a member of a firm of practicing attorneys.

SECTION 19. That the Clerk of the Circuit Court of Loudon County shall be the Clerk of the Court created by this Act, and when acting in said capacity shall be designated Clerk of the Court of General Sessions. As compensation for his services, said Clerk shall receive One Thousand Eight Hundred Dollars (\$1,800.00) per annum, payable in equal monthly installments from the general fund of Loudon County. The Clerk's compensation shall not be added to the fees, commissions and emoluments of the Circuit Court Clerk in determining the earnings of said Clerk under the General or Maximum Salary Act.

SECTION 20. That the Clerk of said Court is hereby empowered and authorized to issue all warrants, process and writs other than those issuable only by a Judicial officer under general law, and to take prosecution and cost bonds in civil actions and bail, recognizance and appearance bonds in bailable criminal offenses. No abridgment of the Sheriff's authority to accept bonds as provided by law is intended.

SECTION 21. That said Clerk shall receive, safely keep and account for all funds coming into his hands, and shall execute a bond payable unto the State of Tennessee, for the use and benefit of Loudon County, in the penalty of Five Thousand Dollars (\$5,000.00), secured by solvent surety and conditioned as are bonds of other money handling county officials.

SECTION 22. That Justices of the Peace for Loudon County be required to deliver their dockets and all papers filed in their courts, in cases tried and pending, to said Sessions Court before twelve (12) o'clock noon, September 1, 1960. The failure of a magistrate to make said deliveries within the time specified, or to account for all fines assessed, shall constitute a forfeiture of all fees due him as such officer. Unless forfeited as aforesaid, the Justices of said County may recover all unpaid fees provided by law.

SECTION 23. That each section, paragraph and sentence of this Act is severable. Therefore, only the parts expressly invalidated shall fail. In the event of an attack upon this Act, the provisions found to be unconstitutional or invalid shall be elided, without impairment of any part not expressly invalidated.

SECTION 24. That it is the intendment of this Act to exclude and exempt Loudon County from the provisions of all laws in conflict with those embraced herein, and to such extent said conflicting laws are hereby repealed.

SECTION 25. That this Act shall be approved or rejected, and thereby made effective or inoperative, by a plurality of the votes cast by the qualified voters of Loudon County in an election to be called and held by the Commissioners of election of said County within ninety (90) days after the sine die adjournment of the Eighty-First General Assembly of Tennessee. The ballots to be cast in said election shall read as follows:

For the Sessions Court

Against the Sessions Court

All laws applicable to the biennial August elections shall apply to the said referendum. Said Commissioners of Election shall canvass the returns of said election and certify the result thereof to the Secretary of State. Thereupon, this Act shall take effect September 1, 1960, the public welfare requiring it.

Passed: February 18, 1959.

Private Acts of 2015 Chapter 21

SECTION 1. There is hereby created and established an additional Court of General Sessions in and for Loudon County, Tennessee, which shall be designated "Division II, Court of General Sessions in and for Loudon County, Tennessee," and the existing court created by Chapter 57 of the Private Acts of 1959 shall be designated "Division I, Court of General Sessions in and for Loudon County, Tennessee".

SECTION 2. The Judge for Division II, Court of General Sessions of Loudon County, Tennessee, shall possess all the qualifications and be paid the same compensation as prescribed by general law for general sessions judges and shall take the oath prescribed for such judges. By September 1, 2015, the Loudon County Board of Commissioners shall interview candidates for and appoint a qualified person to serve as Judge for Division II. The Board of Commissioners shall begin accepting applications for the position of Judge of Division II on June 1, 2015. The person who is initially appointed as the Division II judge by the Board of Commissioners shall take office on September 1, 2015, and serve until August 31, 2016, or until the appointed judge's successor is elected and qualified. At the August 2016 general election, the qualified voters of Loudon County shall elect a person to serve as Judge of Division II of the Court of General Sessions of Loudon County for the remainder of the unexpired term. At the August general election in 2022, and every eight (8) years thereafter, the qualified voters of Loudon County shall elect a person to serve as Judge of Division II for a term of eight (8) years.

SECTION 3. The jurisdiction of Division II of the Court of General Sessions of Loudon County, Tennessee, and the judge thereof, shall be concurrent with the jurisdiction established by law for Division I of the Court of General Sessions of Loudon County. The judges of all Divisions of the General Sessions Court are vested with the same civil and criminal jurisdiction conferred by general law on judges of general sessions courts and as set forth in Chapter 57 of the Private Acts of 1959, as amended by Chapter 284 of the Private Acts of 1963, and Chapter 86 of the Private Acts of 1981.

SECTION 4. If a vacancy occurs for any reason in the office of the Judge of Division II Court of General Sessions of Loudon County, Tennessee, the vacancy shall be filled by the Loudon County Board of Commissioners appointing a person qualified to fill the vacancy, and the person so appointed by the Board shall serve until the first day of September following the next biennial August election occurring more than thirty (30) days after such vacancy occurs and until such person's successor is elected and qualified.

SECTION 5. The Loudon County Board of Commissioners shall annually make such appropriations of funds as are necessary and appropriate for the orderly operation and administration of the court herein created, and, to the extent necessary, the judges of the various Divisions, the clerks, and such other personnel as may from time to time be employed, shall assist in the preparation of budgets and other information necessary to make proper appropriations for the operation of this Court. Loudon County, upon the creation of Division II of the Court of General Sessions, and thereafter from time to time, as may be necessary, shall provide the necessary space to provide a courtroom in Loudon, along with the necessary furnishings and supplies and equipment for the proper operation and maintenance of the Court, and shall pay for such expenses out of the County general funds. The regular place for holding such Court shall be in the courtroom provided in Loudon County, but at the discretion of the Judge of Division II, court may be held in any other place or places and at such times and places as the judge may designate.

SECTION 6. The Judge of the existing General Sessions Court of Loudon County, Tennessee, shall be designated as the Judge of Division I, Court of General Sessions of Loudon County, and, upon passage of this act, shall assume the position of Senior Judge of the General Sessions Court of Loudon County and shall hold that position until the current Judge of Division I is no longer a judge, or September 1, 2022, whichever comes first. Thereafter, the position of Senior Judge of the General Sessions Court of Loudon County shall be determined by the length of tenure of the judges of the General Sessions Court of Loudon County. In the event that new judges are elected to the seats of both Division I and Division II of the Court of General Sessions of Loudon County in the same year, then that judge who received more votes in the election shall be the Senior Judge. The Senior Judge of the General Sessions Court of Loudon County shall be authorized and empowered to set the Courts' dockets, assign cases, and hire personnel associated with the General Sessions Court of Loudon County, and shall be in charge of the general administration of the General Sessions Court of Loudon County.

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

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

Passed: June 30, 2015.

Probate

Private Acts of 1981 Chapter 86

COMPILER'S NOTE: This act must be read in conjunction with Private Acts of 1959, Chapter 57.

SECTION 1. The Judge of the General Sessions Court of Loudon County is hereby vested with jurisdiction over the probate of wills and the administration of estates, and all matters relating thereto, previously vested in the County Court, the County Judge or County Chairman, or the Chancery Court.

SECTION 2. The County Clerk shall continue to be the clerk for all probate matters and such clerk shall retain all powers, duties and jurisdiction in probate matters as he exercised prior to this Act.

SECTION 3. The procedure, rules of practice and laws governing the administration of the estates in probate shall be the same as are now in effect, except where expressly changed by this Act.

SECTION 4.

(a) All probate matters and the administration of any estate pending in any other court in Loudon final disposition in such matter as if it had originated in such court.

(b) Upon approval of this Act by the county legislative body, all records and other documents relating to a probate matter or the administration of an estate in Loudon County, except those records and documents that relate to a pending case, shall be transferred to the General Sessions Court of Loudon County.

SECTION 5. Chapter 57 of the Private Acts of 1959, and all Acts amendatory thereto, is further amended by deleting from the second sentence of the second paragraph of Section 3 the words "probate and".

SECTION 6. This Act shall have no effect unless it is approved by a two-thirds ($\frac{2}{3}$) vote of the county legislative body of Loudon County before January 1, 1982. Its approval or nonapproval shall be proclaimed by the presiding officer of the Loudon 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 thirty (30) days after being approved as provided in Section 6.

PASSED: April 9, 1981.

Law Library Commission

Private Acts of 1967-68 Chapter 38

SECTION 1. That there is hereby created a Law Library Commission of Loudon County, Tennessee, which shall be composed of three (3) members, two (2) of which shall be attorneys enrolled to practice in all the Courts of Loudon County, Tennessee, and maintaining a full time law office within the territorial jurisdiction of said Courts; the third member shall be the County Judge.

The two (2) attorney members of said Commission shall be elected by the members of the Loudon County Bar Association at its next regular meeting or special meeting called for that purpose on or after the effective date of this Act, to serve until the next regular meeting of the Loudon County Bar Association at which Bar Association officers are elected. Thereafter, attorney members of the Commission shall be elected annually by the membership of the Loudon County Bar Association at the same time that Bar Association officers are elected. The Secretary of the Loudon County Bar Association shall give at least five (5) days notice of said election to all attorneys eligible for membership.

The members of the Commission shall elect from among its membership a Chairman and a Secretary. The members of this Commission shall receive no compensation for their services as such.

SECTION 2. That on or after the effective date of this Act, a litigation tax not to exceed One Dollar (\$1.00) shall be taxed as part of the costs in all cases, both criminal and civil, filed in all Courts of Loudon County, Tennessee.

Said tax shall be collected by the clerk of each Court and shall be paid to the Trustee of Loudon County,

Tennessee, who will place the same in a separate fund, which is to be designated as the "Loudon County, Legal Library Fund." Expenditures from said fund for the purposes herein authorized and empowered shall be made by checks signed by the County Judge upon the approval and authorization of the Commission.

SECTION 3. That the Commission shall have the following powers and authority:

- (a) To expend the funds hereby provided for the purpose of establishing and maintaining a Law Library for the use of the court, judges, public officials and attorneys.
- (b) To acquire by gift, purchase, loan, or otherwise, such codes, treatises, court reports, and other books, periodicals, and services which shall be deemed beneficial for those authorized to use the same.
- (c) To acquire in like manner furniture, equipment and supplies for the establishment and operation of the Law Library.
- (d) To make such rules and regulations governing the operation and use of the Law Library as the Commission in its discretion deems necessary.
- (e) The commission shall be responsible for the protection and safekeeping of the Law Library, its contents, equipment and supplies, and shall have authority to exclude from using the facilities of such library any persons who should cause any damage to the equipment, fixtures or contents thereof, or who refuse to conform with the rules and regulations promulgated by the Commission.
- (f) To borrow money, buy on credit, and pledge the revenues from the tax hereinabove provided for the payment of the same.
- (g) To set the amount of the litigation tax (not to exceed One Dollar (\$1.00) which shall be taxed as hereinbefore provided.

SECTION 4. That the Commission shall hold regular meetings and special meetings upon the call of the Chairman. Two (2) persons shall constitute a quorum and the affirmative vote of at least two (2) members shall be necessary for any affirmative action of the Commission. The Secretary shall keep the records of all meetings to reflect the action of the Commission.

SECTION 5. That upon the termination of the Commission, or any successor or successors to said Commission, by an Act of the General Assembly or otherwise, the Law Library, its contents, equipment and supplies, and all other property obtained by Act of the Commission shall become the property of Loudon County for the use and benefit of the residents of said county.

SECTION 6. That if any provisions or clause of this Act or application thereof to any person or circumstance be held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect after the invalid provision or application, and to this end, the provisions of this Act are declared to be severable.

SECTION 7. That this Act shall have no effect unless the same shall be approved by two-thirds ($\frac{2}{3}$) vote of the Quarterly Court of Loudon County, Tennessee, at its next regular meeting held more than ten (10) days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the County Judge and shall be certified by him to the Secretary of State.

SECTION 8. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 22, 1967.

Court System - Historical Notes

Board of Jury Commissioners - Jurors

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

1. Private Acts of 1925, Chapter 521, created boards of jury commissioners in Loudon, Blount, Roane, Monroe, Bradley and Polk counties. This act was amended by Private Acts of 1927, Chapter 285 which removed Loudon County from applicability of the act.
2. Private Acts of 1931, Chapter 556, established a board of jury commissioners in Loudon County; prescribed the duties of the members of said board and provided for jury lists and jury boxes.

Chancery Court

The following acts form an outline of the development of equity jurisdiction in Loudon County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification. Also referenced below are acts which repeal prior law without providing

new substantive provisions.

1. Public Acts of 1870, Chapter 32, placed Christiana County in the second chancery district along with Knox, Sevier, Campbell, Union, Anderson, Roane, Monroe, Blount, Scott, Morgan and Fentress counties.
2. Public Acts of 1870, Chapter 47, fixed the time for holding the Christiana County Chancery Court to the third Mondays of May and November.
3. Acts of 1885, Extra Session, Chapter 20, placed Loudon County in the second chancery division along with Knox, Campbell, Sevier, Union, Anderson, Blount, Roane, Morgan and Scott counties. The time for holding said court in Loudon County was set for the third Mondays in May and November.
4. Public Acts of 1899, Chapter 427, placed Loudon County in the second chancery division along with Sevier, Blount, Campbell, Anderson, Roane, Morgan, Scott, Union, Fentress and Jefferson counties. The time for holding said court in Loudon County was set to the third Monday in January and July.
5. Public Acts of 1931, Second Extra Session, Chapter 38, placed Loudon County in the second chancery division along with Hawkins, Claiborne, Hancock, Campbell, Anderson, Roane and Scott counties. The time for holding said court in Loudon County was set to the first Mondays in May and November.

Chancery Court - Clerk and Master

The reference list below contains an act which once applied to the clerk and master in Loudon County.

1. Private Acts of 1925, Chapter 83, set the salary of the Loudon County Clerk and Master at \$300 per year plus the fees of the office. This act was repealed by Private Acts of 1933, Chapter 124.

Circuit Court

The following acts were once applicable to the circuit court of Loudon 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. Public Acts of 1870, Chapter 31, placed Christiana County in the third judicial circuit along with Morgan, Anderson, Knox, Monroe, Roane, Cumberland Fentress and Blount counties.
2. Public Acts of 1870, Chapter 46, fixed the time for holding the Christiana County Circuit Court to the fourth Mondays of May, September and January.
3. Public Acts of 1879, Chapter 179, set the time for holding the Loudon County Circuit Court to the fourth Mondays in April, August and December.
4. Acts of 1885, Extra Session, Chapter 20, placed Loudon County in the third judicial circuit along with Blount, Monroe, Roane, Morgan and Scott counties. The time for holding said court in Loudon County was set to the fourth Mondays in April, August and September.
5. Public Acts of 1895, Chapter 30, set the time for holding the Loudon County Circuit Court on the first Mondays in January, May and September.
6. Public Acts of 1899, Chapter 427, placed Loudon County in the fourth judicial circuit along with Bradley, Polk, Meigs, McMinn, James, Roane, Blount and Monroe counties. The time for holding said court in Loudon County was set to the first Monday in March, July and November.
7. Acts of 1903, Chapter 354, set the time for holding the Loudon County Circuit Court to the first Mondays in February, June and October.
8. Private Acts of 1911, Chapter 401, set the terms of the Loudon County Circuit Court to the first Monday in February, the fourth Monday in May and the first Monday in October.
9. Private Acts of 1923, Chapter 537, set the time for holding the Loudon County Circuit Court on the first Mondays in February, June and October.
10. Public Acts of 1929, Chapter 142, set the time for holding the Loudon County Circuit Court to the fourth Monday in February, June and October.
11. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, placed Loudon County in the fourth judicial circuit along with Bradley, Roane, Blount, McMinn, Polk and Monroe counties. The time for holding said court in Loudon County was to the fourth Mondays in February, June and October.

Circuit Court - Clerk

The following acts have no current effect, but once applied to the Loudon County Circuit Court Clerk. They were repealed, superseded, or never received local approval. Also referenced below are acts which repeal

prior law without providing new substantive provisions.

1. Private Acts of 1897, Chapter 260, required the secretary of state to furnish the offices of the circuit court clerk and clerk and master of Loudon County all the supreme court reports up to the first Baxter volume. Loudon County was to pay the cost of transportation.
2. Private Acts of 1911, Chapter 328, set the salary of the Loudon County Circuit Court Clerk at \$600.00 per year.
3. Private Acts of 1915, Chapter 552, set the salary of the Loudon County Circuit Court Clerk at \$700.00 with the provision that any excess fees above this amount could be retained.
4. Private Acts of 1919, Chapter 471, set the salary of the Loudon County Circuit Court Clerk at \$900.00 per year to be paid out of the fee account. This act was repealed by Private Acts of 1923, Chapter 178.
5. Private Acts of 1921, Chapter 830, set the salary of the Loudon County Circuit Court Clerk at \$1200.00 per year. This act was repealed by Private Acts of 1923, Chapter 177.
6. Private Acts of 1925, Chapter 119, set the Loudon County Circuit Court Clerk's salary at \$300.00 per year in addition to the fees of the office.

Criminal Court

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

1. Public Acts of 1899, Chapter 427, set the time for holding the Loudon County Criminal Court to the first Monday in March, July and November.
2. Private Acts of 1925, Chapter 58, created a criminal court in Loudon County. This act was duplicated in Public Acts of 1925, Chapter 15.
3. Private Acts of 1925, Chapter 105, fixed the dates for the opening of the regular terms for the criminal court in Loudon County to the first Mondays in March, July and November.
4. Public Acts of 1929, Chapter 142, set the time for holding the Loudon County Criminal Court on the fourth Monday of January, May and September.
5. Public Acts of 1931, Second Extra Session, Chapter 38, re-established the criminal division of the fourth judicial circuit which comprised the counties of Loudon, Bradley, Blount, McMinn, Polk, Monroe and Roane. The time for holding said court in Loudon County was set for the fourth Mondays in January, May and September.
6. Public Acts of 1965, Chapter 188, created the twenty fourth judicial circuit and transferred the counties of Polk, McMinn, Bradley, and Monroe into that circuit, leaving Blount, Loudon and Roane Counties in the criminal division of the fourth circuit. The Loudon County courts would meet on the third Mondays in March, July and November, in Loudon County for civil cases and the third Mondays in January, May and September for criminal cases.
7. Public Acts of 1979, Chapter 427, changed all court dates from the third to the first Mondays of the designated months set out in 5 above.

District Attorney General - Assistants and Criminal Investigators

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

1. Public Acts of 1939, Chapter 228, established a criminal investigator for the fourth judicial circuit.
2. Public Acts of 1971, Chapter 130, created the office of one additional assistant district attorney general for the fourth judicial circuit, which included Loudon County.
3. Public Acts of 1972, Chapter 550, authorized the district attorney for the fourth circuit to hire at secretary at the salary of \$4,800 per annum. This act has been superseded by T.C.A. 8- 26-101 (G) and (H) which provides that secretarial salaries for such positions will be determined by the executive secretary of the district attorney general conference in conjunction with the commissioner of personnel.
4. Public Acts of 1974, Chapter 687, created the office of one criminal investigator for the fourth judicial circuit, which include Loudon County.

General Sessions Court

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

1. Private Acts of 1965, Chapter 225, would have amended Private Acts of 1959, Chapter 57 so as to vest the general sessions court of Loudon County with jurisdiction to hear and determine workmen's compensation cases and to remove the disabilities of minors. However, this act was rejected by Loudon County and therefore never became law.
2. Private Acts of 2003, Chapter 57, would have amended Private Acts of 1959, Chapter 57, by creating a "Family Court of Loudon County, Tennessee." This act did not receive local approval.
3. Private Acts of 2005, Chapter 55, would have amended Private Acts of 1959, Chapter 57, by creating a "Family Court of Loudon County, Tennessee". This act did not receive local approval.

Secretarial Assistance

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

1. Public Acts of 1963, Chapter 231, created the office of secretary of the judge of the fourth judicial circuit who was to be paid \$2,400 per year.

Chapter VI - Education/Schools

Board of Education

Private Acts of 2002 Chapter 122

SECTION 1. Chapter 172 of the Private Acts of 1979, is repealed in its entirety.

SECTION 2. The county board of education of Loudon County shall consist of ten (10) members to be elected from districts established by the county legislative body pursuant to Tennessee Code Annotated, Section 49-2-201. The term of the additional member authorized by this act shall be set to comply with the staggered term requirements of Tennessee Code Annotated, Section 49-2-201.

SECTION 3. The duties and compensation of members of the county board of education shall be as provided by law.

SECTION 4. Nothing in this act shall be construed as having the effect of removing an incumbent from office or abridging the term of any official prior to the end of the term for which he was elected.

SECTION 5. 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 6. This act shall have no effect unless it is approved by a two-thirds vote of the county legislative body of Loudon 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 10, 2002.

Superintendent or Director of Schools

Private Acts of 1935 Chapter 628

SECTION 1. That the office of County Superintendent of Schools be, and the same is hereby created in all Counties of the State of Tennessee, having a population of not less than 17,800 and not more than 17,820 according to the Federal Census of 1930 or any subsequent Federal Census.

SEC. 2. That the term of office of said County Superintendent of Schools shall be for two (2) years and until his successor is elected and qualified on and after the first Monday in July, 1940, said Superintendent of Schools shall be elected by the Quarterly County Courts of the counties coming within the provisions of this Act. Said courts at their regular July term of court in the year, 1940, and every two years thereafter, by a majority vote of the members of court present and voting shall elect said Superintendent of Schools, whose term of office shall run for a period of two years, beginning the first day of September following said election and who shall hold said office until his successor is elected and qualified as herein provided.

As amended by: Private Acts of 1939, Chapter 330

SEC. 3. That he shall have the same qualifications as required by the State Board of Education or be a

college graduate of a college or university offering a four year course, and shall perform the same duties as are required to be performed by the general laws of the State applicable to said office; and shall receive such salary as the County Court may fix and as is now allowed by the State laws, and the County Superintendent of Schools shall be entitled to receive such portion of the state supplement to the salaries of county superintendents of education which is applicable to counties falling within the purview of this Act as the County Superintendent of Public Instruction would receive if such office existed in such county.

SEC. 4. That Sam Wilson is hereby named and appointed to act as County Superintendent of Schools for Loudon County, and will act as such officer until the next regular August election, and will receive the same salary as is now allowed by law and the County Court to said officials, and in the event of his inability to qualify or failure or refusal to act, then the Governor is empowered and shall name a suitable person to act as such County Superintendent of Schools for Loudon County, Tennessee, to act until the next regular August election.

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

COMPILER'S NOTE: Private Act of 1953, Chapter 282 amended this Act, but failed to designate the placement of the amended language. It is included hereafter.

SEC. ____. "That the General Election to be held on the first Thursday in August, 1954, for the election of County Officials, and every four years thereafter, there shall be elected for the County or Counties coming within the provisions of this Act a County Superintendent of Schools by the qualified voters of such County or Counties in the same manner as other County Officials are elected for said County or Counties in said General Election. "Said Superintendent of Schools shall receive such salary to which his experience, training and qualifications shall entitle him under the state laws regulating the compensation of such officials, and shall take office September 1 succeeding his or her election and shall hold said office for a term of four years and until his or her successor is duly elected and qualified, as herein provided.

"Said Superintendent of Schools shall possess such qualifications as are prescribed by the general law of the State for such officials; and said Superintendent of Schools shall have the powers and perform the duties as are required by the general laws of the State applicable to said office of Superintendent of Schools." Passed: April 20, 1935.

Education/Schools - Historical Notes

Board of Education

The following act once affected the board of education in Loudon County but is no longer operative.

1. Private Acts of 1979, Chapter 74, created a county board of education for Loudon County; provided for the election of members of such board and provided for their duties, powers and compensation. This act was repealed by Private Acts of 1979, Chapter 172.
2. Private Acts of 1979, Chapter 172, created a county board of education consisting of nine members. This act was repealed by Private Acts of 2002, Chapter 122.

General Reference

The following acts constitute part of the administrative and political heritage of the educational structure of Loudon 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. Private Acts of 1897, Chapter 228, created the Trigonía High School District out of parts of Loudon, Monroe and Blount counties. This act was amended by Acts of 1903, Chapter 164, so as to include the lands of Frank Shaddon and Richard Delashmitt in the Trigonía High School District.
2. Acts of 1909, Chapter 494, was a compulsory attendance law for Loudon County, requiring children between the ages of eight and fourteen to attend school either four months or eighty consecutive days of each year. Exceptions were made for adequate private instruction, physical or mental disabilities, or extreme poverty. This was amended by Private Acts of 1911, Chapter 307, which changed the population figures to those of the 1910 Federal Census, so that the law would be applicable to Loudon County only.
3. Private Acts of 1911, Chapter 248, created the "Frigonia High School District," a special school district out of part of Monroe, Blount and Loudon counties. Private Acts of 1915, Chapter 665, amended this act to remove Blount County from its provisions; this act was later repealed by Private Acts of 1917, Chapter 74. Two years later Private Acts of 1917, Chapter 508, with the stated purpose of including portions of Blount County in this independent school district, created

the "Frigonia" High School District with the boundaries defined in the 1911 act. Blount County was finally removed from this school district by Private Acts of 1919, Chapter 779.

4. Private Acts of 1913, Extra Session, Chapter 75, created the Meadow High School District out of Loudon and Blount counties. This act also provided for a board of directors, the licensing of teachers and the transfer or payment of the per capita funds due from each county.
5. Private Acts of 1915, Chapter 469, directed the county court and the board of education of Loudon County to pro rata and to pay over to Lenoir City the amount due Lenoir City from the tax levy in 1914, which had been designated a "school building tax."
6. Private Acts of 1917, Chapter 665, authorized Loudon County to issue and sell its coupon bonds to an amount not to exceed \$30,000 for the purpose of building, repairing and furnishing school houses in or near the town of Loudon in the first district of Loudon County and in Lenoir City. The act also provided for a tax levy to pay the interest on said bonds and to pay off said bonds as they matured.
7. Private Acts of 1919, Chapter 370, created the Loudon Special School District out of the first civil district of Loudon County and including the city of Loudon. Private Acts of 1923, Chapter 250, amended this act, by requiring the special school district to equip and maintain a school for colored children and the boundaries of the district were changed by Private Acts of 1925, Chapter 245. All of these acts were repealed by Private Acts of 1927, Chapter 229.
8. Private Acts of 1923, Chapter 625, amended the general school tax law, Public Acts of 1899, Chapter 279, to provide that in Loudon County any municipal corporation would receive a pro rata share of that tax. Private Acts of 1927, Chapter 222, repealed Private Acts of 1923, Chapter 625.
9. Private Acts of 1925, Chapter 113, authorized the Loudon Special School District to issue bonds of \$25,000, at a maximum annual interest rate of 5%, to pay off their floating indebtedness.
10. Private Acts of 1927, Chapter 465, authorized Loudon County to issue \$50,000 in negotiable interest bearing coupon notes for the purpose of constructing and equipping school houses in said county.
11. Private Acts of 1929, Chapter 672, authorized Loudon County to issue \$205,000 in bonds for the purpose of purchasing, building, repairing and equipping school buildings for elementary and high school purposes. These bonds, subject to voter approval, were to mature at an annual interest rate of 6%, within fifty years from their date of issuance.
12. Private Acts of 1935, Chapter 626, abolished the office of county superintendent of schools in Loudon County.
13. Private Acts of 1939, Chapter 279, validated the school and hospital bonds, of Loudon County in the aggregate amount of \$21,000, dated September 1, 1938, and to mature by September 1, 1950.

Chapter VII - Elections

Elections - Historical Notes

Districts - Reapportionment

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

1. Public Acts of 1870, Chapter 2, which created Christiana County, authorized the first board of commissioners to organize the county into at least ten districts.
2. Acts of 1903, Chapter 66, abolished certain districts of Loudon County, regulated the manner of increasing the district in the county and abolished the offices of justice of the peace and other district offices in the abolished districts. This act was amended by Private Acts of 1919, Chapter 83, so as to the Loudon County Court the authority to change the lines between the civil districts of the county.
3. Acts of 1903, Chapter 284, changed the civil district lines between the second and third, and the second and first civil districts of Loudon County.
4. Private Acts of 1915, Chapter 621, changed the line between the fourth and fifth civil districts of Loudon County so as to include the farm of W. H. Dyche in the fourth civil district.
5. Private Acts of 1919, Chapter 69, created the sixth civil district in Loudon County, provided for the

election of officers of said district and fixed the voting places therein. This act was amended by Private Acts of 1919, Chapter 372, so as to "more specifically define and establish the lines" of the sixth civil district. Private Acts of 1919, Chapter 69, was repealed by Private Acts of 1937, Chapter 809.

6. Private Acts of 1935, Chapter 489, changed the boundary between the first and fourth civil districts to include the farms of Jim Thomas, John Grimes, Sr. and L.D. Windle in the first civil district.
7. Private Acts of 1951, Chapter 145, realigned the civil districts of Loudon County by abolishing the fifth civil district.
8. Private Acts of 1951, Chapter 413, changed the boundary line between the first and third civil districts in Loudon County.
9. Private Acts of 1959, Chapter 92, created the fifth civil district of Loudon County; provided for the election of justices of the peace and constable for said district and fixed the voting precincts therein. This act was amended by Private Acts of 1959, Chapter 339, so as to extend the time for calling and holding the referendum required by section 5 of said act.

Elections

The following is a listing of acts for Loudon 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. Public Acts of 1871, Chapter 146, apportioned the representation in the general assembly of the state by creating senatorial districts and providing for the election of representatives by the counties of the state. The counties of Loudon, Monroe, McMinn, Meigs, Bradley and Polk composed the sixth senatorial district. Loudon and Monroe counties jointly elected one representative.
2. Acts of 1872, Extra Session, Chapter 7, divided the state into congressional districts for the election of representatives to United States Congress. Loudon, Roane, Monroe, McMinn, Meigs, Rhea, Polk, Bradley, James, Hamilton, Marion, Sequatchie, Bledsoe, Grundy, Van Buren and Warren counties composed the third congressional district.
3. Public Acts of 1873, Chapter 27, divided the state into congressional districts for the election of representatives to United States Congress. Loudon, Jefferson, Sevier, Blount, Monroe, Roane, Knox, Anderson, Campbell, Scott, Morgan and Union composed the second congressional district.
4. Public Acts of 1881, Extra Session, Chapter 6, apportioned the representation in the general assembly of the state by creating senatorial districts and providing for the election of representatives by the counties of the state. The counties of Loudon, Blount, Monroe and Roane composed the sixth senatorial district. Loudon and Knox counties jointly elected one representative.
5. Public Acts of 1882, Second Session, Chapter 27, divided the state into congressional districts for the election of representatives to United States Congress. Loudon, Jefferson, Union, Sevier, Blount, Knox, Roane, Anderson, Morgan, Campbell and Scott composed the second congressional district.
6. Public Acts of 1891, Chapter 131, divided the state into congressional districts for the election of representatives to United States Congress. Loudon, Jefferson, Union, Sevier, Blount, Knox, Roane, Anderson, Morgan, Campbell and Scott composed the second congressional district.
7. Acts of 1891, Extra Session, Chapter 10, apportioned the representation in the general assembly of the state by creating senatorial districts and providing for the election of representatives by the counties of the state. The counties of Loudon, Anderson, Meigs, Blount and Roane. Loudon, Polk and Monroe counties jointly elected a representative in the fifth representative district.
8. Public Acts of 1901, Chapter 109, divided the state into congressional districts for the election of representatives to United States Congress. Loudon, Hamblen, Jefferson, Knox, Blount, Roane, Scott, Anderson, Campbell and Union counties composed the second congressional district.
9. Public Acts of 1901, Chapter 122, apportioned the representation in the general assembly of the state by creating senatorial districts and providing for the election of representatives by the counties of the state. The counties of Loudon, Knox, Monroe and Polk composed the sixth senatorial district. Loudon and Knox jointly elected a representative in the eighth representative district.
10. Private Acts of 1917, Chapter 738, provided that registration of voters in Loudon County was not a prerequisite to voting. This act was not applicable to incorporated cities in Loudon County, and it

was amended by Private Acts of 1923, Chapter 294, to provide that it would not apply to any incorporated town in Loudon County.

Chapter VIII - Health

Sanitation

Private Acts of 1919 Chapter 365

SECTION 1. That in all counties of this State having a population of not less than 13,600, and not more than 13,620, according to the Federal Census of 1910 or any subsequent Federal Census, it is hereby declared a misdemeanor for any person, firm or corporation to throw any trash, rubbish, dead animals, or the bodies of dead animals or fowls, or place or put any other obstruction in any alley, lane or street in any unincorporated town or city in any county of this State named in and coming within the provisions of this Act, or to hitch any horse or other animals to any shade tree adjacent to the property of another or to hitch any horse or other animals on or over any sidewalk, or to use the sidewalks or streets, alleys or lanes for exhibition or storage purposes, other than for the purposes for which they were constructed; or to maintain or keep in or about their premises or other public place any slop holes, cesspools, unsanitary closet pits, or other unsanitary or objectionable places liable to breed disease and to the menace of the health of the community or neighborhood in which they are kept or maintained.

SEC. 2. That the violation of the first Section of this Act shall be a misdemeanor, and any person convicted of the violation of the provisions of Section one of this Act shall pay a fine of not less than \$5.00 nor more than \$50.00; and that Justices of the Peace in said counties shall have original jurisdiction of said offenses and shall have the same power and authority as in other misdemeanors.

SEC. 3. That the sheriffs of said counties shall appoint a special duty in and for said cities and towns whose special duty shall be to see that the provisions of this Act are enforced, and shall make arrests of all violators of this Act in the same manner as for violation of other misdemeanors. Said deputy shall make such inspections of the premises within said cities and towns as he deems proper, and it shall be his duty to make special inspections of premises when called upon to do so by any person who makes complaint of the unsanitary condition of any premises within said cities and towns; and said deputy shall, if he deems that unsanitary conditions prevail, give instructions and directions to the person owning the property, to clean up the premises and put the same in a sanitary condition; and if his orders and directions are not promptly obeyed, it shall be his duty to bring the violators before a Judge of the Peace of said town or city to answer the charge of violating the provisions of this Act.

SEC. 4. That all laws and parts of laws in conflict with this Act are hereby repealed, and that this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 31, 1919.

Sewer Pipes

Private Acts of 1919 Chapter 728

SECTION 1. That it shall be lawful for any person, firm or corporation, in all counties of this State having a population of not more than 13,620 and not less than 13,600 by the Federal Census of 1910 or any subsequent Federal Census, to construct and maintain sewerage pipes for the purpose of conveying sewerage to any creek or river in said counties, provided nothing shall go through said sewerage injurious to fish.

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

Passed: April 15, 1919.

Health - Historical Notes

The following summaries are included herein for reference purposes.

1. Private Acts of 1933, Chapter 839, provided that any and all persons in Loudon County who had actual experience before 1909 in fitting eyeglasses were licensed to practice optometry, without having to meet any other requirements.
2. Private Acts of 1935, Chapter 469, was an act setting standards for the manufacture and sale of ice cream in Loudon County.

3. Private Acts of 1935, Chapter 697, required the commissioner of agriculture to furnish a competent inspector in Loudon County to enforce the Pure Food and Drug Laws of the state. Loudon County was required to bear a part of the salary and expense of such inspectors.
4. Private Acts of 1935, Chapter 743, authorized persons with ten years practical experience in the treatment of diseases and ailments of and injuries to livestock to practice veterinary surgery in Loudon County without the need of any other license.

Chapter IX - Highways and Roads

Transportation Department

Private Acts of 1976 Chapter 265

SECTION 1. For the purpose of providing an efficient system of roads, highways, and bridges and the building, construction, reconstruction, maintenance and repair of roads, highways, and bridges in Loudon County, Tennessee, and to provide for the development of other public means of transportation, a Department of Transportation for said County is hereby created.

SECTION 2. There is hereby established the office of Commissioner of Transportation. The said Commissioner of Transportation will be elected for a term of four years, the first election for said official to be by the qualified voters residing in Loudon County, in the general election to be held on the first Thursday in August, 1978, as now provided by law, and every four years thereafter. The said Commissioner shall be a bona fide resident of Loudon County and shall otherwise bear the qualifications as required by "The County Uniform Road Law", Chapter 738, Public Acts of the Tennessee General Assembly of 1974 (Adj. Session), and as said Act might be amended in the future, the said chapter being codified as Tennessee Code Annotated 54-1001 through 54-1017. In the event of a vacancy in the office, the vacancy will be filled by appointment of the County Judge subject to approval of the Quarterly Court, such appointed Commissioner to serve until September 1 following the next general County election after the vacancy occurs, at which time a new Commissioner will be elected.

SECTION 3. The Commissioner of Transportation shall have the qualifications, term of office, duties, powers and authority and minimum compensation as provided by "The County Uniform Road Law" as codified in Tennessee Code Annotated 54-1001 through 54-1017, and shall be subject to the same limitations, conditions prohibitions and punishments as provided in the aforesaid County Uniform Road Law. The compensation or salary of said commissioner may be increased by action of the Quarterly Court. All employees of said Department shall be subject to any system of merit service, and/or job description, and pay classification, that may be adopted by the Quarterly Court.

SECTION 4. The Commissioner of Transportation shall hold a public meeting at least once a month on the fourth Monday of each month at 7:30 in the evening for the purpose of giving the citizens of the County an opportunity to appear and be heard as to complaints, criticisms, requests, petitions, and discussion as to the problem of any specific roads or highways or bridges in Loudon County, or the general plans of the Department of Transportation.

SECTION 5. That the duties and responsibilities of the Loudon County Commissioner of Transportation also shall encompass the planning for, and administration of, other modes of transportation that will benefit the people of the County, and further shall encompass such other duties and responsibilities as might be assigned to the Commissioner and the Department by the Quarterly County Court.

SECTION 6. Upon petition by ten percent (10%) of the registered voters of Loudon County, an election shall be called by the county election commission for the purpose of recalling and removing from office the Loudon County Commissioner of Transportation. At the recall election, a majority of those voting shall be required to remove the Commissioner from office. If the Commissioner is removed from office, the vacancy will be filled by appointment of the County Judge, subject to approval of the Quarterly Court, such appointed Commissioner to serve until September 1 following the next general county election after the vacancy occurs, at which time a new Commissioner will be elected. The county election commission shall prescribe the form to be used in the recall petition and shall verify the signatures thereon as being those of registered voters in Loudon County. The qualifications of voters voting in the election shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the recall election.

SECTION 7. That Chapter 19 of the Private Acts of 1937 (3rd Extraordinary Session), Chapter 552 of the Private Acts of 1939, Chapters 3, 4, and 273 of the Private Acts of 1953, Chapter 324 of the Private Acts of 1955, Chapter 367 of the Private Acts of 1968, and Chapter 318 of the Private Acts of 1974, and all

laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

SECTION 8. All sections of this act and parts thereof are declared to be independent sections, or parts of sections, and the holding of any section or part thereof to be unconstitutional or void shall not affect any other section or provision of this act.

SECTION 9. That all laws and parts of laws in conflict with this Act are hereby repealed. The Act shall have no effect unless it is approved by a majority of the number of qualified voters of Loudon County, Tennessee, voting in an election on the question of whether or not the Act should be approved. The ballots used in the regular election to be held on August 5, 1976, shall have printed on them the substance of this Act and the voters shall vote for or against its approval. The votes cast on the question shall be canvassed and the results proclaimed by the county election commissioners and certified by them to the Secretary of State as provided by law in the case of general elections. The qualifications of voters voting on the question shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of the approval or rejection of this Act.

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

Passed: March 11, 1976

Highways and Roads - Historical Notes

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

1. Public Acts of 1901, Chapter 136, regulated the working and laying out of public roads in the state, except in counties of 70,000 citizens and over according to the 1900 Federal Census.
2. Acts of 1907, Chapter 572, authorized Loudon County, upon an affirmative vote of the people, to build and macadamize public and pike roads in said county; to appoint commissioners and fix their duties; and issue and sell bonds for the purpose of this act; and provided for the payment of interest on and principal of said bonds. This was amended by Acts of 1909, Chapter 100, which substituted "improve" for "macadamize" in the original act, and by Acts of 1909, Chapter 322, which required the sinking fund commissioners to execute an oath.
3. Private Acts of 1911, Chapter 198, authorized Loudon County to issue a bond issue of \$100,000, at an annual interest rate of 5% and a maturity date within thirty years in order to improve the county roads. This act also provided for the creation of a pike commission and a tax to pay the interest and principal of said bonds.
4. Private Acts of 1913, Chapter 338, authorized Loudon County to issue bonds for the purpose of improving the public roads in said county, the building of bridges where necessary, the sale of the said bonds, the building of certain roads, the appointment of pike commissioners, and to fix their duties and salary. This act also provided for the levying of a tax to pay the interest and the principal of the bonds, and the election of sinking fund commissioners. This act was amended by Private Acts of 1915, Chapter 599, so as to require Loudon County Court spend \$10,000, or so much thereof as may be necessary, of the proceeds of the sale of said \$150,000 of bonds, for the purpose of grading and improving the public road in Loudon County, running from Easton's Cross Roads to the Knox County line.
5. Private Acts of 1917, Chapter 675, authorized Loudon County to issue \$100,000 in bonds to be used for constructing turnpikes, building bridges, and improving public roads under the supervision of three pike commissioners. These bonds were to mature in not more than thirty years at a maximum interest rate of 5%. This was amended by Private Acts of 1919, Chapter 72, which gave the Loudon County Court the power to designate which roads were to be improved. Private Acts of 1921, Chapter 709, also amended the 1917 act, so as to authorize the issuance of an additional bond issue of \$250,000; and this amendatory act was amended by Private Acts of 1925, Chapter 538, to change the method of advertising and accepting bids for the road work.
6. Private Acts of 1919, Chapter 470, authorized the Loudon County Court to levy special taxes for the purpose of building bridges across rivers and streams, so as to connect any highways crossing said rivers or streams in Loudon County.
7. Private Acts of 1919, Chapter 499, was the first general road law for Loudon County. It abolished the office of district road commissioners and created the office of road superintendent, elected by the quarterly county court. Private Acts of 1921, Chapter 282, amended this act to require the

road superintendent to keep an inventory of all road tools and machinery under his control. Private Acts of 1923, Chapter 176, was another amendment to the 1919 act, setting the term of the road superintendent at not less than one year nor more than four years. Private Acts of 1927, Chapter 464, amended Chapter 499, by prescribing the qualification of the road superintendent. Private Acts of 1929, Chapter 187, repealed Private Acts of 1927, Chapter 464. Private Acts of 1929, Chapter 653, provided that the road superintendent was to be elected by the voters for a two year term and that the salary of the road superintendent be \$1,800 per annum. Private Acts of 1919, Chapter 499 and all amendatory acts were repealed by Private Acts of 1937 (3rd Ex. Sess.), Chapter 19.

8. Private Acts of 1919, Chapter 528, authorized Loudon, Monroe and Knox counties to issue bonds to the extent of \$1.00 on each \$100.00 of taxable property. The funds from these bonds were to be used to build bridges across streams and rivers, to connect state highways.
9. Private Acts of 1927, Chapter 600, validated the issuance of \$150,000 of highway bonds by the Loudon Quarterly County Court and provided for the levy and collection of a tax on all taxable property within said county for the purpose of paying principal and interest of such bonds.
10. Private Acts of 1927, Chapter 601, validated the issuance of \$480,000 in highway bonds by the Loudon County Quarterly Court and provided for the levy and collection of a tax on all taxable property for the purpose of paying principal and interest of such bonds.
11. Private Acts of 1933, Chapter 666, provided that the cost of purchasing all rights-of-way in Loudon County was to be paid out of the county's share of the automobile license fund.
12. Private Acts of 1937 (3rd Ex. Sess.), Chapter 19, created a three member board of highway commissioners in Loudon County and provided for the election, qualifications, term of office, duties and compensation of the members of said board. This act also transferred to said board the powers and duties of the road superintendent of the county and placed said road superintendent under the supervision of said board and provided for the abolishment of the office of board superintendent.
13. Private Acts of 1939, Chapter 552, amended the original 1937 road law by providing all members of the Loudon County Board of Highway Commissioners serve for a 2 year term and that the commissioners receive a salary of \$25 per month.
14. Private Acts of 1949, Chapter 724, amended the 1939 road law to provide that the board of highway commissioners be elected by the quarterly county court rather than by the voters, but this act was repealed by Private Acts of 1953, Chapter 4.
15. Private Acts of 1953, Chapter 3, deleted the provision in the 1937 road law that no more than 2 of the 3 board members of the commission could be of the same political faith.
16. Private Acts of 1953, Chapter 273, rewrote almost all of section one of the 1937 road law. It divided the county into three districts with one member to be elected from each district. It no longer forbid members from being related to a member of the county court, but did forbid one person from serving on both the highway commission and the county court. The act also authorized the hiring of a road superintendent and other necessary employees.
17. Private Acts of 1955, Chapter 324, attempted to amend Private Acts of 1953 Chapter 273, by increasing the salary of the highway commissioners, but this act was not approved by the local authorities.
18. Private Acts of 1963, Chapter 224, would have provided for a system of public roads and created the office of county road superintendent, but its provisions were rejected on the local level.
19. Private Acts of 1965, Chapter 177, attempted to create the office of county road superintendent in Loudon County, however, this act was rejected by the Loudon County Quarterly Court.
20. Private Acts of 1967-68, Chapter 367, increased the additional hourly wage from \$1.00 to \$2.00 per hour paid to members of the board of highway commissioners for actual labor upon the highways, limited to 48 hours per week. The monthly salary of \$50.00 was retained.
21. Private Acts of 1972, Chapter 398, attempted to reorganize the county highway department in Loudon County, but failed to gain local approval. It would have created a department of highways, with both a board of highway commissioners and a county highway superintendent.
22. Private Acts of 1974, Chapter 318, amended Private Acts of 1937, Third Extra Session, Chapter 19, so as to increased the pay of the members of the board of highway commissioners to \$3.00 per hour.

Chapter X - Law Enforcement

Sheriff

Office Merit System

Private Acts of 2008 Chapter 94

SECTION 1. By approving this act as set forth in Section 22, the legislative body of Loudon County may establish civil service for employees of the county sheriff.

SECTION 2. The merit system to which this act shall apply shall be the classified service, which shall include all positions and salaried employees in the Office of Sheriff, except the sheriff, chief deputy sheriff, and his personal secretary. The Sheriff may appoint his chief deputy provided such chief deputy meets the minimum standards as required by applicable state and county law. The chief deputy sheriff is not subject to the Merit Service Board under this act and serves at the will of the sheriff, and his employment terminates when the sheriff's term expires.

SECTION 3. There is hereby created a Merit Service Board composed of three (3) members appointed by the County Mayor, at least one of which shall be a County Commissioner, to administer the provisions of this act. Such appointments shall be subject to confirmation by the County Commission. No more than two (2) of the members may be from the same political party.

SECTION 4.

(a) Merit Service Board members shall serve three-year terms, provided, however, the initial appointments shall be as follows:

- (1) One (1) member for one (1) year;
- (2) One (1) member for two (2) years; and
- (3) One (1) member for three (3) years.

(b) All appointments thereafter shall be for three-year terms.

(c) Each member shall be eligible for reappointment and each member shall have the right to vote as a member of the Board.

SECTION 5. All members of the Board shall be over twenty-one (21) years of age, of good moral character; a citizen of the United States and the State of Tennessee and must reside in the County where appointed.

SECTION 6. The members of the Board may receive a per diem as determined by the County Commission.

SECTION 7. The board shall elect one (1) of its members to serve as Chairman of the Board. Two (2) members of the Board shall constitute a quorum. The Sheriff shall appoint one (1) of his employees to be Personnel Officer, or the Sheriff may, by agreement with the County Commission, appoint a Personnel Officer other than one (1) of the Sheriff's employees. The Personnel Officer shall be the keeper of the personnel records of employees under the provisions of this act and shall serve as Secretary of the Merit Service Board.

SECTION 8. The Merit Service Board as a body shall have the power:

- (1) To adopt and amend rules and regulations for the administration of this act;
- (2) To make investigations concerning the enforcement and effect of this act and to require observance of the rules and regulations;
- (3) To hear and determine appeals and complaints respecting the administration of this act;
- (4) To access through the Sheriff's Office a roster of all employees of the classified service in the Office of the Sheriff showing their positions, rank, compensation and places of residence;
- (5) To ascertain and record the duties and responsibilities pertaining to all positions in the classified service and to classify such positions in the manner hereinafter provided;
- (6) Except as otherwise provided in the act, to review and approve competitive tests as recommended by the Sheriff and to determine qualifications of persons who seek employment in any position;

(7) To insure the Sheriff's office maintains records of performance and a system of service ratings to be used to determine promotions, the order of lay-offs or reduction of force, the order of re-employments, to assist in the determination of dismissal for cause and for other purposes; and

(8) To keep any other records as may be necessary for the administration of this act.

SECTION 9. The Board shall, as soon as practical after this act becomes operative, adopt a classification plan and make rules and regulations for its administration. The classification plan shall state for each class of positions, a class title, the duties, authorities, responsibilities and character of work required for each position. Each class of positions may be subdivided, and classes may be grouped and ranked in such manner as is deemed appropriate. The Board shall review and approve the requirements of each position and class thereof as to education, experience, capabilities, knowledge and skill.

SECTION 10. The Board may, after advice from the Sheriff, create new positions or combine, alter or abolish existing positions in such manner as the Board, acting with the advice of the Sheriff, deems necessary for the effective operation of the Office of Sheriff; provided, however, that no position in the classified service shall be abolished except upon approval of the Board acting in good faith, after consultation with the Sheriff.

SECTION 11. The Loudon County Sheriff's Office shall follow the rules and regulations as outlined in the Policy and Procedures Handbook for Loudon County Government. The Sheriff may also adopt Standard Operating Procedures for the Office of Sheriff.

SECTION 12.

(a) The Sheriff shall, as often as required by the needs of the Office of Sheriff, cause tests to be scheduled for the purpose of establishing lists of eligible persons for the various positions in the classified service. Such tests shall be public, competitive and open to all persons who may be lawfully appointed under the rules promulgated by the Board and existing prior to the announcement of the examination. Such rules shall set limitations as to residence, ability to perform essential functions of the position with or without reasonable accommodation, habits, moral character and other necessary prerequisites for the performance of the duties of the position for which examination is designated, and such rules shall not be less than those provided in Tennessee Code Annotated, Section 38-8-106.

(b) Promotion tests shall be public, competitive and free to all persons examined and under the provisions of this act. All tests shall be practical and shall consist only of subjects which will fairly determine the capacity of the person examined to perform the duties of the position in which the appointment is to be made. Tests may include examination for physical fitness and manual skill. No questions in any test shall relate to religious or political opinions or affiliations. The eligible persons shall take rank upon a list, which shall be compiled for each position, in the order of their relative excellence as determined by the tests without reference to the priority of the time from when the tests are given. Additional criteria may be used to determine the final selections for promotion.

Notice of the time, place and general scope of each test, the duties, and experience required for all positions for which the test is to be held, shall be given by the Sheriff to each applicant at least one (1) week preceding the test.

SECTION 13.

(a) Whenever a vacancy occurs in any position in the classified section of the Office of Sheriff, the Sheriff shall review the names of all persons on the eligible list for the position wherein the vacancy exists, within thirty (30) days of the vacancy. The Sheriff shall thereupon investigate each of the five (5) highest on the list of eligible persons. In the event the investigations result in none of the first five (5) eligible persons being acceptable to the Sheriff, he shall investigate the next five (5) eligibles on the list, one (1) after another, until one (1) of the eligible persons investigated is acceptable to the Sheriff. The Sheriff shall appoint such person to the position wherein the vacancy exists and shall notify the Board of his action.

(b) No appointment or promotion for any position in the classified service shall be deemed complete until after the expiration of six (6) months probationary service during which time the sheriff may determine the effectiveness of the employee. If in the Sheriff's judgment the employee does not meet the standards, the Sheriff may terminate the employment of any person certified and appointed when he deems it to be in the best interest of the service. Whenever a position of the classified service is filled by promotion and the services of the person promoted are terminated by the Sheriff during the probationary period, such person shall forthwith be returned to duty in the previous position held by him in the classified service unless such person's conduct during the probationary period had given grounds for dismissal for cause under this act. Any person dismissed during the probationary period shall not be eligible to a hearing before the Board except as may be

otherwise provided in this act.

(c) A person who is selected by the Sheriff and does not report for duty at the time so designated and who does not explain such failure to report in writing within five (5) days, may be rejected by the Sheriff who shall forthwith notify the Board of the action taken and the reason therefore, and the person's name will then be removed from the eligible list.

SECTION 14.

(a) The practice and procedure of the Board with respect to any investigation by the Board as authorized by this act shall be in accordance with the rules and regulations to be established by the Board. Such rules and regulations shall provide for a reasonable notice to all persons affected by any order which the Board may issue upon completion of such investigation. Such persons shall have the opportunity to be heard either in person or by legal counsel, at their own expense, and to introduce testimony in their behalf at a public hearing, which shall be held for that purpose.

(b) The Board, when conducting any investigations or hearings authorized by this act, shall have the power to administer oaths, take depositions, issue subpoenas, compel the attendance of witnesses and the production of books, accounts, papers, records, documents and testimony. In case of the disobedience of any person to comply with the orders of the Board or of a subpoena issued by the Board, or on the refusal of a witness to testify on any matter on which he may be lawfully interrogated, the Judge in any court of record within the County, upon petition of the Board, shall compel obedience by proceedings as for contempt. The Sheriff or a legal Deputy of the Sheriff shall serve subpoenas as issued by the Board.

SECTION 15.

(a) The Sheriff shall give a report in writing to the Board of any personnel action over which the Board would have jurisdiction.

(b) The Sheriff may suspend any employee for not more than ten (10) days for cause and there shall be no right of appeal for any suspension thereof; provided, however, the Sheriff shall not have the authority to suspend any employee for more than one (1) suspension of ten (10) days within any given six-month period of time without a right of appeal. If the Sheriff shall suspend any employee for a period longer than ten (10) days, the suspended employee shall be notified in writing of the charges, which caused their suspension. They shall thereafter have ten (10) days to request a hearing before the Merit Service Board and upon his request the Board shall set a hearing not more than thirty (30) days from the date of the receipt of his request for a hearing.

SECTION 16. The Sheriff shall have the authority to dismiss any employee for ordinary cause with a right of appeal to the Board assured the employee. The dismissed employee shall be notified in writing of the causes for dismissal. An employee who has completed the probationary period shall have ten (10) days to request a hearing before the Board and upon his request the Board shall set a hearing not more than thirty (30) days from the date of the receipt of his request. The rules of procedure for the conduct of any investigation by the Merit Service Board shall apply to this hearing. Upon a finding by the Board that the Sheriff has not complied with the procedures of the Board, the Board may order the employee to be reinstated. Upon notice to the employee and hearing as provided in this section, the Board by unanimous vote may without recommendation of the Sheriff dismiss an employee for violation of this act or for continued violation of the rules and regulations established by the Board.

SECTION 17. No employee holding a position in the classified service shall take an active part in any political campaign while on duty or in uniform. Under any circumstance, while on duty or in uniform, shall any employee of the Office of Sheriff solicit money for political campaigns or in any way use his position as a Deputy Sheriff to reflect his personal political feelings as those of the Office of Sheriff, or to use his position as Deputy Sheriff to exert pressure on any person or group of people to sway their political views. Neither an employee while on duty nor any officer while in uniform shall display any political advertising or paraphernalia on his person or on his county automobile. However, nothing in this act shall be construed to prohibit or prevent any such employee from becoming or continuing to be a member of a political club or organization and enjoying all the rights and privileges of such membership, or from attending any political meetings while not on duty or in uniform or in the course of his official business, nor shall he be denied from enjoying any freedom from interference in the casting of his vote. Any person violating the provisions of this section shall be dismissed from the service of the Office of the Sheriff.

SECTION 18. The Sheriff shall not require any employee in the classified service to participate in any political activity as a condition of employment, continuation of employment, or promotion. If, upon an investigation by the Board and its determination that such actions have taken place, the board shall issue an order to the Sheriff to cease and desist from such activity. If the Sheriff fails to comply or persists in the activity, the Council may apply to any court of record in the county for a citation of contempt.

SECTION 19. All employees of the Sheriff with six (6) months' service who, after the enactment of this act, would be covered by the act's provisions, shall be automatically considered as members of the classified service, upon the act taking effect. All "probationary" employees shall receive credit for the amount of continuous accrued time of service immediately preceding the date of enactment.

SECTION 20. If any provision of this act or the application thereof to any person or circumstances 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 21. Any private act in existence at the passing of this act which shall be in conflict with the provisions of this act is hereby repealed.

SECTION 22. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Loudon County within ninety (90) days after the sine die adjournment of the 105th General Assembly. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 23. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 22.

Passed: May 1, 2008.

Public Acts of 1973 Chapter 169

COMPILER'S NOTE: Although this is a Public rather than a Private Act, its provisions have special effect, applying only to Loudon County, and are not contained in Tennessee Code Annotated.

SECTION 1. All counties having a population of not less than twenty-four thousand (24,000) nor more than twenty-four thousand three hundred (24,300) inhabitants according to the Federal Census of population of 1970 or any subsequent federal census, may establish a merit system for employees of the Office of Sheriff of such counties.

SECTION 2. The merit system to which this Act shall apply shall be the classified service which includes all positions and salaried employees in the Office of Sheriff except the Sheriff, chief deputy sheriff, jail cook, bookkeeper and his personal secretary. The Sheriff may appoint his chief deputy provided such chief deputy meets the minimum standards as required by applicable State and County law. The chief deputy is not subject to the merit service board under this Act and serves at the will of the Sheriff, and his employment terminates when the Sheriff's term expires.

SECTION 3. There is hereby created a merit service board composed of three (3) members appointed by the County Judge from the membership of the Quarterly County Court, such appointments being subject to confirmation by the Quarterly Court, to administer the provisions of this Act. No more than two (2) of the members may be from the same political party.

SECTION 4. The terms of the members shall be three (3) years; provided, however, that the initial appointment shall be as follows:

- (a) One (1) member for one (1) year. (b) One (1) member for two (2) years. (c) One (1) member for three (3) years.

All appointments thereafter shall be for three-year terms. A member shall be eligible to reappointment. Each member shall have the right to vote.

SECTION 5. All members of the board must be over twenty-one (21) years of age; of good moral character; a citizen of the United States and the State of Tennessee and must reside in the county.

SECTION 6. The members of the board shall receive a per diem of \$25.00 per meeting attended provided that no more than \$25.00 be paid to any one member during any one month.

SECTION 7. The board shall designate one of its members to serve as chairman of the board. Two (2) members of the Board shall constitute a quorum. The sheriff shall appoint one of his employees to be personnel officer, or the Sheriff may by agreement with the Quarterly Court and/or the County Law Enforcement Agency Board of such county appoint a personnel officer other than one of his employees. The personnel officer shall be the keeper of the personnel records of employees under the provisions of this Act and shall serve as secretary of the merit service board.

SECTION 8. The merit service board as a body shall have the power:

- (a) To adopt and amend rules and regulations for the administration of this Act.

- (b) To make investigations concerning the enforcement and effect of this Act and to require observance of the rules and regulations.
- (c) To hear and determine appeals and complaints respecting the administration of this Act.
- (d) To establish and maintain a roster of all employees of the classified service in the office of the sheriff showing their positions, rank, compensation and places of residence.
- (e) To ascertain and record the duties and responsibilities pertaining to all positions in the classified service and to classify such positions in the manner hereinafter provided.
- (f) Except as otherwise provided in this Act, to formulate and hold competitive tests to determine the qualifications of persons who seek employment in any position, and as a result of such tests, establish employment lists of eligibles for the various positions.
- (g) To establish records of performance and a system of service ratings to be used to determine promotions, the order of lay-offs or reduction of force, the order of reemployment, to assist in the determination of dismissal for cause and for other purposes.
- (h) To provide for part-time and temporary positions and appointments and to establish rules defining and governing such positions; provided, however, that no temporary position shall be more than three (3) months.
- (i) To keep any other records as may be necessary for the administration of this Act.

SECTION 9. The board shall, as soon as practical after this Act becomes operative, adopt a classification plan and make rules and regulations for its administration. The classification plan shall state for each class of positions, a class title, and the duties, authorities, responsibilities and character of work required for each position. Each class of positions may be subdivided, and classes may be grouped and ranked in such manner as is deemed appropriate. The board shall determine the requirements of each position and class thereof as to education, experience, capabilities, knowledge and skill. As far as practical, the probable lines of promotion to and from the classes of position shall be indicated. The Sheriff will have the authority to appoint his chief deputy, but said chief deputy must be an employee from the classified service or on the eligibility list certified by the Board.

SECTION 10. The board may, after advice from the sheriff, create new positions or combine, alter or abolish existing positions in such manner as the board, acting with the advice of the sheriff, deems necessary for the effective operation of the Office of Sheriff; provided, however, that no position in the classified service shall be abolished except upon approval of the board acting in good faith, after consultation with the sheriff.

SECTION 11. The board shall formulate reasonable rules governing the granting of leaves of absence to members of the classified service in good standing. The board shall request the recommendation of the sheriff upon any request of leave of absence before acting thereon and shall be guided by the requirements of the adequate law enforcement and operational efficiency of the Office of Sheriff when considering any such request for a leave.

Any person coming under the classified service who shall hereafter be inducted into the armed forces of the United States of America, or who shall hereafter enter said service voluntarily, by enlistment or otherwise in a time of war or other national emergency shall, upon application to the sheriff, receive a military leave of absence for the duration of the period of service required. Such employee shall retain all rights for seniority and shall be entitled to reemployment in the same capacity and position which he held at the time of entering said military service. The application for such reinstatement in position shall be made by or on behalf of such employee within three (3) months after termination of active service in the armed forces.

SECTION 12. The sheriff shall inform the board by periodic reports of the employment needs of the office of sheriff and the board shall, as often as required by the needs of the Office of Sheriff, hold tests for the purpose of establishing lists of eligibles for the various positions in the classified service. Such tests shall be public, competitive and open to all persons who may be lawfully appointed under the rules promulgated by the board and existing prior to the announcement of the examination. Such rules shall set limitations as to residence, age, health, habits, moral character and other necessary pre-requisites for the performance of the duties of the position for which examination is designated and such rules shall not be less than those provided in Section 38-1104 of the Tennessee Code Annotated.

Promotion tests shall be public, competitive and free to all persons examined and appointed under the provisions of this Act and who have held a classified position with the Office of Sheriff for at least a one (1) year period of time. All tests shall be practical and shall consist only of subjects which will fairly determine the capacity of the person examined to perform the duties of the position in which the appointment is to be made. Tests may include examination for physical fitness and manual skill. No

questions in any test shall relate to religious or political opinions or affiliations. The eligibles shall take rank upon a list which shall be compiled for each position, in the order of their relative excellence as determined by the tests without reference to the priority of the time from when the tests are given. No lists of eligible persons shall be valid after one (1) year except, however, the merit service board may extend an eligible period for not more than one (1) year. Notice of the time, place and general scope of each test and the duties, pay and experience required for all positions for which the test is to be held, shall be given by the board to each applicant at least one (1) week preceding the test. The notice must be in writing and addressed to the last known address supplied by the applicant. Notice of promotional tests shall be given as the board may prescribe.

SECTION 13. Whenever a vacancy occurs in any position in the classified section of the office of sheriff, the sheriff shall make requisition to the board for the names and addresses of all persons eligible for appointment thereto. The board shall certify the names of all persons on the eligible list for position wherein the vacancy exists within thirty (30) days of the requisition to the board. The sheriff thereupon shall investigate each of the five (5) highest on the list of eligibles. In the event the investigations result in none of the first five (5) eligible persons being acceptable to the sheriff, he shall investigate the next five (5) eligibles on the list, one after another until one of the eligibles investigated is acceptable to the sheriff. The sheriff shall appoint such person to the position wherein the vacancy exists and shall notify the board of his action. If the merit service board fails to provide a list, then the sheriff may make appointments to vacancies after having notified the board of his action or his intentions so to do. No appointment or promotion for any position in the classified service, shall be deemed complete until after the expiration of six (6) months probationary service during which time the sheriff may determine the effectiveness of the employee. If in his judgment the employee does not meet the standards, he may terminate the employment of any person certified and appointed when he deems it to be in the best interest of the service. Whenever a position of the classified service is filled by promotion and the services of the person promoted are terminated by the sheriff during the probationary period, such person shall forthwith be returned to duty in the previous position held by him in the classified service unless such person's conduct during the probationary period had given grounds for dismissal for cause under this Act. Any person dismissed during the probationary period shall not be eligible to a hearing before the board except as may be otherwise provided in this Act.

A person who is certified to the sheriff and selected by him and does not report for duty at the time so designated and who does not explain such failure to report in writing within five (5) days, may be rejected by the sheriff who shall forthwith notify the board of the action taken and the reason therefor, and the person's name will then be removed from the eligible list.

SECTION 14. All employees in the classified service may be transferred from one position to another in the same class, and not otherwise. Transfers may be instituted only by the sheriff and shall be permitted only with the consent of the sheriff.

SECTION 15. The practice and procedure of the board with respect to any investigation by the board as authorized by this Act, shall be in accordance with the rules and regulations to be established by the board. Such rules and regulations shall provide for a reasonable notice to all persons affected by any order which the board may issue upon completion of such investigation. Such persons shall have the opportunity to be heard either in person or by counsel, and to introduce testimony in his behalf at a public hearing which shall be held for that purpose. The board, when conducting any investigations or hearings authorized by this Act, shall have the power to administer oaths, take depositions, issue subpoenas, compel the attendance of witnesses and the production of books, accounts, papers, records, documents and testimony. In case of the disobedience of any person to comply with the orders of the board or of a subpoena issued by the board, or on the refusal of a witness to testify on any matter on which he may be lawfully interrogated, the judge in any court of record within the county, upon petition of the board, shall compel obedience by proceedings as for contempt. The sheriff or his legal deputy shall serve subpoenas as issued by the board.

SECTION 16. The sheriff shall give an immediate report in writing of all appointments, reinstatements, vacancies, absences or other matters affecting the status of any member of the classified service or the performance of the duties of such members. The report shall be in the manner and form prescribed by the board.

The sheriff may suspend any employee for not more than ten (10) days for cause and there shall be no right of appeal for any suspension thereof. Provided, however, the sheriff shall not have the authority to suspend any employee for more than one suspension of ten (10) days within any given six (6) month period of time without a right of appeal. If the sheriff shall suspend any employee for a period longer than ten (10) days, the suspended employee shall be notified in writing of the charges which caused his suspension. He shall thereafter have ten (10) days to request a hearing before the merit service board, and upon his request the board shall set a hearing not more than thirty (30) days from the date of the

receipt of his request for a hearing.

SECTION 17. The sheriff shall have the authority to dismiss any employee for ordinary cause with a right of appeal to the board assured the employee. The dismissed employee shall be notified in writing of the causes for dismissal. An employee who has completed the probationary period shall have ten (10) days to request a hearing before the board and upon his request the board shall set a hearing not more than thirty (30) days from the date of the receipt of his request. The rules of procedure for the conduct of any investigation by the merit service board shall apply to this hearing. Upon a finding by the board that the sheriff has not complied with the procedures of the board, the board may order the employee to be reinstated. Upon notice to the employee and hearing as provided in this section, the board by unanimous vote may without recommendation of the sheriff dismiss an employee for violation of this Act or for continued violation of the rules and regulations established by the board.

SECTION 18. No employee holding a position in the classified service shall take an active part in any political campaign while on duty, nor under any circumstance shall any employee of the Office of Sheriff solicit money for political campaigns or in any way use his position as a deputy sheriff so as to reflect his personal political feelings as those of the Office of Sheriff or to use his position as deputy sheriff to exert any pressure on any one person or group of people to sway that person or persons' political views. Neither an employee while on duty nor any officer while in uniform shall display any political advertising or paraphernalia on his person or on his automobile. No employee of the Office of Sheriff shall make any public endorsement of any candidate in any campaign for elected office. No employee shall support, during duty hours or off-duty hours, any candidate for the Office of Sheriff of the County of which he is an employee. However, nothing in this Act shall be construed to prohibit or prevent any such employee from becoming or continuing to be a member of a political club or organization and enjoying all the rights and privileges of such membership or from attending any political meetings while not on duty or in the course of his official business, nor shall he be denied from enjoying any freedom from interference in the casting of his vote. Any person violating the provisions of this section shall be dismissed from the service of the Office of the Sheriff.

SECTION 19. The sheriff shall not require any employee in the classified service to participate in any political activity as a condition of employment, continuation of employment, or promotion. If, upon an investigation by the board and its determination that such actions have taken place, the board shall issue an order to the sheriff to cease and desist from such activity. If the sheriff fails to comply or persists in the activity, the council may apply to any court of record in the county for a citation of contempt.

SECTION 20. All employees of the sheriff with six (6) months' service, who after enactment of this Act would be covered by the Act's provisions, shall be automatically considered as members of the classified service upon the Act taking effect. All "probationary" employees shall receive credit for the amount of continuous accrued time of service immediately preceding the date of enactment.

SECTION 21. If any provisions of this Act or the application thereof to any person or circumstances 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 22. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

SECTION 23. This Act shall become effective as to any county to which it may apply when the same shall have been approved by the Quarterly County Court of such county by a vote of not less than two-thirds ($\frac{2}{3}$) of the members thereof, such approval to be made by said Quarterly County Court within ninety (90) days after the sine die adjournment of the General Assembly of the State of Tennessee for the year 1973, the public welfare requiring its becoming effective at the time. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

SECTION 24. For the purpose of approving or rejecting the provisions of this Act, as provided in Section 23, it shall be effective on becoming a law, the public welfare requiring it. For all other purposes it shall become effective September 1, 1973, upon being approved as provided in Section 23.

Passed: May 1, 1973.

Law Enforcement - Historical Notes

Sheriff

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

1. Private Acts of 1919, Chapter 75, provided that the Loudon County sheriff was to be paid an additional \$150 per annum for ex-officio services.
2. Private Acts of 1919, Chapter 513, set the fees of justices of the peace, the sheriff and deputies and constables for duties in civil and criminal cases.
3. Private Acts of 1927, Chapter 730, provided that all workhouse bonds were to be received, approved and collected by the criminal court clerk. This was amended by Private Acts of 1929, Chapter 720, which provided that the principal and sureties of such bonds were to pay 15% of any attorney's fees if such bond were placed in the hands of any attorney for collection.
4. Private Acts of 1931, Chapter 246, set the salary of the Loudon County Sheriff at \$1,200 per year. This was repealed by Private Acts of 1933, Chapter 121.

Chapter XI - Public Utilities

Dixie - Lee Utility District

Private Acts of 1953 Chapter 270

SECTION 1. That the creation of Dixie-Lee Utility District of Loudon County, Tennessee by a decree of the County Judge of Loudon County, Tennessee, dated March 18, 1952, under the provisions of Chapter 248 of the 1937 Public Acts of Tennessee, as amended, said Utility district being situated in the Second Civil District of Loudon County, the boundaries of which are more particularly described as follows:

Beginning at BM T.G.S. 1441, on main line of Southern Railway (Knoxville - Chattanooga) a line of railway, station is a U.S.C. & G.S. and State Survey standard disk in concrete; thence S. 54° 30' W, 4,425 feet to the intersection of two secondary roads at the extreme southeast corner of the Lenoir City Cemetery; thence N 61° 30' W, 2,300 feet to BM T.G.S. 1717, north of city limits of Lenoir City, on top of hill, about 2,443 feet northeast of Southern Railway (Knoxville- Chattanooga), 1,500 feet N 7°E of cemetery, 1,465 feet northeast of U. S. Highway 11 (Lenoir City-Knoxville) and 263 feet west of signal block 1532A on railway right-of-way, station is a U.S.C. & G.S. and State Survey standard disk in concrete; thence S 84° 00' W, 4,130 feet to the center line of the road from Lenoir City to Etons Cross Roads at a point approximately 150 feet south of the junction of this road with a secondary road leading to Highland Park; thence S 52° 30' W, 4,300 feet to the intersection of the center lines of two secondary roads in the Silver Ridge area in the vicinity of the T.V.A. transmission line right-of-way; thence N 29° 30' W, 19,050 feet to the center line of U. S. Highway 70 at the closest point to the stream following U. S. Highway 70 approximately 6,300 feet west of Etons Cross Roads; thence N 71° 00' E, 27,800 feet to the Knox County line at a point 1,030 feet north of the center line of U. S. Highways 11 and 70; thence S 40° 30' E, 2,500 feet along the Knox County line crossing U. S. Highways 11 and 70 to the center line of a secondary road paralleling U. S. Highways 11 and 70, approximately 1,470 feet south of U. S. Highways 11 and 70; thence S 16° 15' W, 19,675 feet to the point of beginning.

is hereby in all things validated and legalized notwithstanding any defects occurring therein, and said utility district is hereby declared to have been created on March 18, 1952, and to be possessed of all the powers granted to utility districts under the provisions of Chapter 248 of the 1937 Public Acts of Tennessee, as amended.

SECTION 2. That all acts and proceedings of said Dixie-Lee Utility District of Loudon County, Tennessee, the Board of Commissioners and officers thereof are hereby validated and legalized to the same extend and effect as if said utility district had been legally created in the first instance.

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

Passed: March 19, 1953.

Chapter XII - Taxation

Hotel/Motel Tax

Private Acts of 1972 Chapter 232

SECTION 1. Definitions. For the purposes of this Act:

- (a) Person. "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver,

trustee, syndicate, or any other group or combination acting as a unit.

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

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

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

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

(f) County. "County" means any county within this state having a population of not less than 24,200 nor more than 24,300, according to the Federal Census of 1970, or any subsequent Federal Census.

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

As amended by: Private Acts of 1982, Chapter 276

Private Acts of 1983, Chapter 78

SECTION 2. Authority to levy tax. The county is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient in an amount of five per cent (5%) of the consideration charged by the operator. Said tax so levied is a privilege tax upon the transient occupying said room and is to be collected as thereafter provided.

As amended by:

Private Acts of 1982, Chapter 276

Private Acts of 1983, Chapter 78

SECTION 3. Tax Added to Room Invoice. Said tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of his hotel and to be given directly or transmitted to the transient and shall be collected by such operator from the transient and remitted to the County.

When a person has maintained occupancy for ninety (90) continuous days, he shall receive from the operator 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. Remittance to Clerk. The tax hereby levied shall be remitted by all operators who lease, rent or charge for any rooms within the County which has adopted the provisions of this Act to the County Court Clerk or such other officer as may by Resolution be charged with the duty of collection thereof, said tax to be remitted to such officer not later than the 20th day of each month for the preceding month. The operator is hereby required to collect the said tax from the transient at the time of the presentation of the invoice for said occupancy whether prior to occupancy or after occupancy as may be the custom of the operator, and of credit is granted by the operator to the transient; then the obligation to the County entitled to such tax shall be that of the operator.

SECTION 5. Rules and Regulations. The County Court which has adopted the provisions of this Act is hereby authorized and empowered by Resolution to provide reasonable rules and regulations for the implementation of the provisions of this Act. Without limitation upon the provisions of such Resolution, it may provide for the making of a monthly tax return by the operator under oath with such number of copies thereof as may be reasonably required by the collection of said tax and including such facts and information as may be reasonably required by the collection of said tax and including such facts and information as may be deemed reasonable for the verification of the tax due and may provide for and require access to the pertinent records of all operators at reasonable time.

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

SECTION 7. Penalties and Interest for Delinquency. Taxes collected by an operator which are not remitted to the County Court 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 the rate of six percent (6%) per annum, and in addition for penalty of one-half of one percent (½ of 1%) for each month or fraction thereof such taxes

are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is hereby declared to be unlawful and shall constitute a misdemeanor punishable upon conviction by a fine not in excess of \$50.00.

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

SECTION 9. Administration. The County Court Clerk in administering and enforcing the provisions of this Act shall have as additional powers, those powers and duties with respect to collecting taxes as provided in Title 67 of Tennessee Code Annotated or otherwise provide by law.

For his services in administering and enforcing the provisions of this Act, the County Court Clerk shall be entitled to retain as a commission two and one-half percent (2½%) of the taxes so collected.

Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in T.C.A. 67-3033 it being the intent of this Act that the provisions of law which apply to the recovery of State taxes illegally assessed and collected be conformed to apply to the recovery of taxes illegally assessed and collected under the authority of this Act; Provided further, the County Court Clerk shall possess those powers and duties as provided in Section 67-2301, Tennessee Code Annotated, with respect to the adjustment and settlement with taxpayers, all errors of County taxes collected by him under authority of this Act and to direct the refunding of same. Notice of any tax paid under protest shall be given to the County Court Clerk and the Resolution authorizing levy of the tax shall designate a County officer against whom suit may be brought for recovery.

SECTION 10. Application and Allocation of Revenue. The County Court Clerk or such other officer as may by Resolution be charged with the duty of collection of the tax hereby imposed shall remit the proceeds thereof to the County Trustee to become a part of the general fund to said county.

SECTION 11. Severability Clause. The provisions of this Act are hereby declared to be severable. If any of its sections, provisions, exceptions, or parts be held unconstitutional or void, the remainder of this Act shall continue to be in full force and effect, it being the legislative intent now hereby declared, that this Act would have been adopted even if such unconstitutional or void matter had not been included herein.

SECTION 12. This Act shall have no effect unless it is approved by a two-thirds (⅔) vote of the Quarterly County Court of any County to which it may apply, not more than sixty (60) days subsequent to its approval by the Chief Executive of this State or after its otherwise effective date. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and shall be certified by him to the Secretary of State.

SECTION 13. This Act shall be effective upon becoming a law, the public welfare requiring it, but the provisions thereof shall not become operative until ratified as provided in Section 12.

Passed: February 21, 1972.

Litigation Tax

Private Acts of 1973 Chapter 28

SECTION 1. For the purpose of assisting in the payment of the construction of the building to be known as the County Justice Center and the operation of the offices and programs operated therefrom, which will include many of the law enforcement and justice activities for the County of Loudon and for its Cities located within its limits, including a jail and detention facilities, communications center, records center, General Sessions Courtroom, clerk's office, and other similar activities, that on or after the effective date of this Act, a litigation tax not to exceed ten dollars (\$10.00) in all civil cases and criminal cases, shall be taxed as a part of the costs in all cases, filed in all Courts of Loudon County, Tennessee.

Said tax shall be collected by the Clerk of each Court and shall be paid to the Trustee of Loudon County, Tennessee, who will place the same in a separate fund, which is to be designated as the "County Justice Center" fund. Expenditures from said fund for the purposes herein authorized and empowered shall be made by checks or warrants signed by the County Judge as further provided by the laws of fiscal procedure, budgeting and purchasing under which said County operates, and that said funds shall be appropriated and expended as authorized by the Quarterly Court of Loudon County.

As amended by: Private Acts of 1981, Chapter 92

SECTION 2. If any provisions or clause of this Act or application thereof to any person or circumstance be held invalid, such invalidity shall not effect other provisions or applications of the Act which can be given effect notwithstanding the invalid provision or application, and this end, the provisions of this Act are declared to be severable.

SECTION 3. This act shall have no effect unless it is approved by a two-thirds ($\frac{2}{3}$) vote of the Quarterly County Court of Loudon County at any regular or special session. Its approval or nonapproval shall be proclaimed by the presiding officer of the County Judge and certified by him to the Secretary of State.

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

Passed: March 27, 1973

Taxation - Historical Notes

Assessor of Property

The following act was superseded, repealed or failed to win local ratification, but is listed here as a reference to laws which once affected the Loudon County Assessor.

1. Private Acts of 1911, Chapter 411, set the salary of the Loudon County Tax Assessor at \$600 per annum.

Taxation

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

1. Private Acts of 1919, Chapter 87, authorized a special tax levy in Loudon County of \$.50 per \$100 assessed valuation for public road purposes.
2. Private Acts of 1919, Chapter 249, authorized a special tax levy (\$.10 per \$100 assessed valuation) for the purpose of maintaining one or more high schools "for the colored persons residing in said counties."
3. Private Acts of 1919, Chapter 269, authorized the court of Loudon County to levy and collect a special tax of .25¢ on each \$100 of taxable property in said county for the purpose of grading, building and maintaining certain public roads in Loudon County.
4. Private Acts of 1919, Chapter 500, authorized the creation of a joint road fund between Loudon and Monroe counties and authorized the construction of certain roads and the appointment of commissioners.
5. Private Acts of 1919, Chapter 594, the Loudon County Court to levy and collect a special tax for the purposes of erecting public school houses, or building streets and sidewalks to school houses already erected. This levy, of \$1.00 per \$100 assessed valuation, was to apply to every unincorporated city or town in Loudon County.
6. Private Acts of 1919, Chapter 766, authorized the Loudon County Court to levy a special road tax of .20¢ per \$100 assessed property valuation in Loudon, Blount and Roane counties for improving and maintaining roads which connected those counties.
7. Private Acts of 1921, Chapter 701, set the salary of the Loudon County Tax Assessor at \$1,000 per year.
8. Private Acts of 1929, Chapter 256, set the salary of the Loudon County Tax Assessor at \$1,500 per annum, subject to the approval of the voters. Private Acts of 1929, Chapter 766, amended this to remove the requirement for voter approval.
9. Private Acts of 1953, Chapter 420, set the salary of the Loudon County Tax Assessor at \$250 per month.
10. Private Acts of 1957, Chapter 48, set the Loudon County Tax Assessor's salary at \$4,200 per year.
11. Private Acts of 1982, Chapter 276, amended section 1 (b) and 2 of the Private Acts of 1972, Chapter 232, to include campgrounds in the hotel-motel tax provisions. This amendment was entirely repealed by Private Acts of 1983, Chapter 78.

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