



May 18, 2024

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# Jackson

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Dear Reader:

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

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## Jackson



Jackson County Courthouse

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# Chapter I - Administration

## Budget System

### Private Acts of 1941 Chapter 377

**SECTION 1.** That it shall be the duty of the County Judge of Jackson County on or before the first Monday in April of each year to prepare and file with the County Court Clerk of Jackson County an itemized statement or budget of the funds which he estimates necessary to be expended from the general County fund during the year commencing on the first day of September following the making of his said report, for the payment of salaries, mothers' pensions, maintenance of insane patients, jail bills, improvements and repairs of court-house and jail, court costs, jail buildings, etc., and all expenses which are properly paid out of the General County Fund.

It shall also be the duty of the County Judge of Jackson County at the same time to prepare and file with the Clerk a statement or budget showing the amounts that will be necessary to pay the various County bonds, together with interest thereon, which have been issued by the County, which will mature or become due during the ensuing year. The budgets of the County Judge will likewise show in parallel columns the amounts expended the previous year for the respective purposes.

That it shall be the duty of all other County agencies and parties, except the County Highway Commission and the County Board of Education, which are specifically exempt from the provisions of this Act, not hereinabove specifically mentioned, having authority to expend or expending County funds, to file with said Clerk each year on or before the first Monday in April an itemized statement or the budget of funds estimated to be necessary to be expended by said agencies or departments for the year commencing on the first day of September following.

That it shall be the duty of the County Trustee on or before the first Monday in April of each year to prepare and file with the County Court Clerk an itemized statement or estimate of all funds, exclusive of the funds to be derived from the County tax on property, which he has reasonable grounds to believe will be paid into his office during the year commencing on the first of the following September, and which will be available for the purpose of defraying the expenses of the County Government during said year; and said statement shall show the source of each fund, and said Trustee shall likewise show in a parallel column the amount received for the same purposes from the same sources during the year ending on the preceding August 31st, as near as may be practicable, and he shall likewise show in said statement the actual amount collected from the County tax on property during the year ending on the preceding August 31st. It shall be the duty of the County Court Clerk to record the budgets herein referred to in a well bound book kept for that purpose and in a manner that shall make a permanent record of the same.

**SECTION 2.** That it shall be the duty of the Quarterly County Court of Jackson County, Tennessee, at its April term, 1941, to elect a committee of three persons, one for term of one year, one for term of two years and one for term of three years, at its April term each year subsequent to the year 1941, one member for a term of three years, who shall be and constitute the Budget Commission of Jackson County, Tennessee. All of said persons so elected shall be resident citizens of Jackson County, Tennessee, and shall be at least twenty-one years of age. That the Quarterly County Court may in its discretion allow the members of said Commission such compensation for their services as said Court may deem right and proper. The County Judge of Jackson County shall be ex-officio a member of said Budget Commission and permanent Chairman thereof.

That immediately upon their selection said Budget Commission shall organize and two of its regularly elected member shall constitute a quorum for the transaction of business. The County Court Clerk or one of his duly authorized deputies, at the option of the said Commission, shall act as the Secretary of said Commission, but shall have no voice or vote in the deliberations of said Commission. That the duties of the Secretary shall be to keep all records of the Commission, including a complete record of the proceedings thereof, assist it in the compilation of the data necessary for the Commission to prepare the budget herein provided for and to assist in the preparation of such budget, and he shall perform such other duties as shall be prescribed by said Commission. That the County Court in its discretion may compensate said Secretary for services rendered in said capacity, but in no event shall such compensation exceed \$\_\_\_\_\_ per day for every day actually required to perform his duties as Secretary to said Commission; and said Commission shall certify to the Quarterly Court at the time it submits its budget as hereinafter provided for, the number of days the said Secretary has been actually engaged in the performance of his said duties.

That each year prior to the meeting of the July term of the Quarterly Court of Jackson County, it shall be

the duty of said Budget Commission to consider and examine the budgets referred to in Section 1 hereof and such other records and data as may be necessary, and to prepare on appropriate forms a complete itemized budget covering all of the proposed expenditures of each kind and description to be made by or on behalf of the County for the year beginning on September 1st, following. And in preparing said budget, said Commission is not be bound by the amounts fixed in the several budgets of the various Departments of the County referred to in Section 1 hereof, but shall make such changes therein as in the opinion of said Commission are to the best interest of the County.

That immediately upon its organization said Budget Commission shall cause to be prepared appropriate printed forms on which the budgets of the various Departments of the County referred to in Section 1 hereof are to be submitted and also appropriate forms for the budget herein provided for to be prepared and submitted by said Commission. That said forms shall be of such a nature as to enable said Commission to submit to the Quarterly Court as hereinafter provided a complete itemized budget and financial statement of the County in simple, intelligible form, to the end that the Quarterly Court shall have before it in said budget all of the data necessary to enable it to intelligently determine the proper amount to be allowed the various Departments of the County during the year for which the budget is proposed and the amount of revenue that will be available to pay the amounts so allowed. And in determining the nature and kind of said forms, said Budget Commission shall seek such expert advice in respect to this matter as will enable it to accomplish the desire end.

That said Budget, when prepared by said Budget Commission, shall be filed with the County Court Clerk and by him recorded along with the budgets prepared by the several Departments of the County, as hereinabove provided for, in a well-bound book and kept as a permanent record in the office of the County Court Clerk; and shall be submitted by the Chairman of the Commission each year to the July term of the Quarterly Court of Jackson County, in open Court; and it shall be the duty of said Court before fixing the tax rate for the current year to fully consider in open Court said budget prepared by said Budget Commission, but the same shall not be in any way binding on said Court. That said Court shall have full right and power to alter, vary or change in any way it deems right and proper said budget so submitted by said Budget Commission or any part thereof, but it shall be the positive duty of said Court at its July term each year, to fix, establish and adopt a complete, itemized budget of the amounts to be expended by each Department of the County government during the year beginning on the first day of September following, and no warrant drawn against County funds after September 1, 1941, shall be binding on the County unless the items or expense for which said warrant is issued shall have been included in a budget adopted by said Court as herein provided for; and no warrant shall be valid or binding on the County after the aggregate amount of warrants theretofore drawn during the fiscal year by or on behalf of any Department of the County government, shall equal the amount allowed said Department in the budget adopted for that year.

That in preparing said budget herein provided for, it shall be the duty of said Budget Commission to take into consideration any unexpended balances that may remain at the end of the year to the credit of any Department from the amount allowed such Department for the previous year.

That as nearly as may be practicable, said Commission shall show in its budget the amount of actual expenditures of each Department of the County government during the preceding year covering each item or head in the budget, said amounts for such previous year to be shown in a column parallel to that containing the amounts proposed for the ensuing year, so that when completed said budget will show not only the proposed expenditures for the ensuing year, but the actual expenditures under each head for the preceding year.

That from the date and information herein required to be prepared and filed by the County Trustee and such other data as it may be necessary to examine, said Budget Commission shall likewise show in its budget an itemized statement or estimate of all funds, exclusive of the funds derived from the County tax on property, which said Commission has reasonable grounds to believe will be available during the year for payment of the amounts allowed in its said budget for said year, and it shall also show as nearly as may be practicable, the amounts of revenue derived from the same sources during the preceding year, together with the amount actually collected from the County tax on property during such preceding year.

That said Budget Commission shall, along with its budget, submit its recommendation to the Court with respect to the tax rate on property for the current year together with its estimate of the amount that will be actually collected during the year beginning on the first day of the following September from the tax so recommended. That at the same time and in the same report said Budget Commission shall submit to the Quarterly Court a full and complete statement of all outstanding and unpaid warrants and the outstanding bonded indebtedness of the County, showing the amounts and maturities of all outstanding bonds, the purpose for which issued and any other information relative thereto which said Commission shall deem pertinent.

That along with its budget and report said Commission shall submit to said Court such other data, information and recommendations as it may deem advisable and necessary to enable the said Quarterly Court and the public to fully understand the financial condition of the County and the necessity for the amounts fixed in said budget and the tax rate on property recommended by said Commission.

That the Secretary of said Commission shall mail a full and complete copy of the report and budget prepared by said Commission to each member of the Quarterly Court at least ten days before the July term of said Court, and shall also cause said report and budget to be published at least once in a newspaper published in Jackson County, said publication to be at least ten days before the July term of said Court.

**SECTION 3.** That in the event that said Budget Commission fails, refuses or neglects to prepare and submit the budget herein provided for to the said Quarterly Court at its July term, then it shall be the duty of said Quarterly Court, at said term of said Court, to establish and adopt an itemized budget covering the amounts to be expended by each Department of the County government for the year beginning on the first day of the following September, said budget to be of the same kind and form as that herein required to be prepared by said Budget Commission, and it shall be a misdemeanor in office for any official of Jackson County from and after September 1, 1941, to draw, sign or issue the warrant of Jackson County against any fund of Jackson County unless a budget has been adopted by said Quarterly Court as herein provided for; and no warrant shall be valid or binding on the County of Jackson unless the item of expense for which said warrant is drawn shall have been included in a budget adopted according to the provisions hereof.

That the budget as finally adopted by the Quarterly Court at its July term each year shall be spread on the minutes of said Court, and from and after September 1, 1941, no warrants shall be drawn against any funds of Jackson County by any official of said County unless and until a budget has been adopted by said Quarterly Court as herein required; provided, that warrants may be issued prior to September 1, 1941, covering any obligation or indebtedness of said County actually incurred prior to said date.

Provided, that where salaries, fees or other compensation fixed by the Legislature or accounts legally allowed by the Quarterly Court or any other legal obligation of Jackson County becomes due and payable, and the budget has been exhausted, then and in that event, the Chairman of the County Court shall transfer sufficient funds from the ordinary county funds or any other available funds to meet payment of all such claims; and it is made the duty of the Quarterly Court at any meeting of said Court to amend the budget, if necessary, to secure payment of all valid legal obligations of the County as long as funds are available from either the ordinary county funds or from the surplus of any other fund or funds. And provided further, that failure or refusal of any official to perform any duty imposed upon him by this Act, as amended, shall be and constitute a misdemeanor in office and punishable as such.

As amended by: Private Acts of 1949, Chapter 866

**SECTION 4.** That it shall be the duty of each Department of the County government that disburses public funds, except those hereinbefore specifically exempted from the provisions of this Act, to keep all such books and records as will enable them to fully and specifically comply with the provisions of this Act. Each of said Departments and officials shall close the books kept by it or him as of the 31st day of August each year, showing the balance to its or his credit, said balance to represent the difference between the amount allowed said department or fund in the budget for the year ending on that date and the aggregate amount of the warrants issued and chargeable against said amount allowed in said budget, regardless or whether said warrants have been paid or not; and it shall likewise be the duty of each of said Departments and said officials to open its or his books on the first day of September of each year, bringing forward the balance, if any, arrived at in the manner herein provided for, remaining to the credit of said Department or fund from the previous year, to which shall be added the amount allowed said Department or fund in the budget adopted by the Quarterly Court at its July term next preceding.

That said books shall be kept in such a manner as to at all times show the amount allowed that Department or fund in said budget adopted at the July term of the Quarterly Court and the amount of all warrants drawn and chargeable against said fund, regardless of whether said warrants have been paid or not, said warrants to be posted in said books as the same are issued. That on the first day of each September hereafter the amount allowed each Department or disbursing agency of the County government or County fund in said budget shall also be placed at an appropriate place on the stubs in the several warrant books containing the warrants to be used by said Department or County agency in drawing on County funds, and said amount shall be added to any balance remaining from the previous year; and at the end of each day it shall be the duty of every official issuing warrants of any kind against any such funds to subtract the aggregate of the warrants issued that day from the previous balance arrived at as herein provided for, and the balance thus arrived at shall be brought forward each day at an appropriate place on the stubs remaining in said warrant books; and at the end of each month it shall be the duty of every official drawing warrants against any fund of Jackson County to reconcile the balance to

the credit of said fund as shown by the books required to be kept by said official; provided, that for the year beginning the 1st day of September, 1941, the books of each Department shall be opened by placing to the credit of each Department the amount allowed it in the budget adopted at the July term, 1941, of the Quarterly Court without regard to the number of warrants theretofore issued by said Department or the head thereof which have not been paid, and said amount so allowed said Department for the year beginning September 1, 1941, shall also be placed at an appropriate place on the stubs of the warrant book used by said Department before any warrants are drawn or issued by said Department after the beginning of said year, and thereafter the balance from day to day shall be arrived at and carried in said warrant stubs as herein provided for.

**SECTION 5.** That it shall be unlawful and a misdemeanor in office for any official or employee of Jackson County to draw, sign, issue, deliver, or to authorize the drawing, signing, issuance or delivery of any warrant against any fund of said County, when the aggregate of the warrants theretofore issued or signed, whether the same have been paid by the Trustee or not, equals the amount allowed in the budget adopted by the Quarterly Court to that Department or fund of the County against which said warrant would otherwise be chargeable, plus the balance, if any, that may have been brought forward to the credit of such Department or fund from the previous year, and it shall also be a misdemeanor in office for any official to sign or issue, or authorize the signing or issuance of a warrant or warrants against any County fund, in excess of the amount allowed said fund in the budget adopted by the Quarterly Court, plus any balance remaining to the credit of such fund from the previous year.

That it shall be the mandatory duty of every official drawing warrants against any County fund to keep advised and know before he signs, issues or delivers any warrant, whether or not the aggregate of the warrants theretofore issued against aid funds out of which said warrant is payable equals the amount allowed said fund or Department in the budget for that year plus any balance brought forward from the previous year, and it shall be the duty of said Budget Commission before submitting its annual report to the Quarterly Court to examine the books and records of each Department of the County government for the purpose of ascertaining whether or not the warrants issued by or on behalf of any said Departments during the year ending on the preceding August 31st have exceeded the amount allowed said Departments in the budget adopted for that year, and said Commission shall show in its report to be filed with its budget each year the Department, if any, that have issued warrants in excess of the amounts allowed such Department in the budget for said year, and it shall be the mandatory duty of the Quarterly Court to certify the facts to the District Attorney General for presentation to the Grand Jury at the next term of the Criminal Court; and it shall be the duty of the District Attorney General to present the facts to said Grand Jury and to institute such other proceedings as may be necessary to give full effect to the provisions of this Act.

**SECTION 6.** That it shall be a misdemeanor in office for any County officer or agent or employee, including the County Judge and the County Court Clerk, to violate any provision of this Act or to fail or refuse to do or perform any of the duties placed upon them or any of them by this Act, and any such officer or officers failing to perform the duties imposed by this Act shall be subject to a fine of \$50.00, and be subject to removal from office, in any appropriate legal proceeding brought for that purpose.

**SECTION 7.** That all laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

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

Passed: February 11, 1941

## County Attorney

### Private Acts of 1945 Chapter 97

**SECTION 1.** That in counties of this State having a population of not less than 15,000, nor more than 15,100, by the Federal Census of 1940, or any subsequent Federal Census, the quarterly county court in session assembled is hereby authorized to contract with some competent attorney to act as county attorney for a period not to exceed two years next following the date of such employment. The contract shall provide that the attorney so employed shall serve as legal advisor to the various county officials, shall represent the county in all litigation in which the county is involved and shall further provide for the compensation of the attorney in question, which shall not be in excess of \$360.00 per annum, payable monthly out of the county treasury on warrant of the chairman of the quarterly county court.

In case the quarterly county court shall enter into contract with an attorney under the provisions hereof, the county judge or chairman shall have no power to employ an attorney or attorneys to represent the

county in case the same shall be involved in litigation but nothing herein shall prevent the quarterly county court from employing additional counsel to assist the county attorney in case of litigation in which the county is involved.

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

Passed: January 26, 1945.

## County Mayor

## County Administrator

## Private Acts of 1976 Chapter 217

**SECTION 1.** There is created the office of County Administrator for Jackson County. The County Administrator shall be elected by the qualified voters of the county at the August general election in 1976. He shall take office on January 1 following his election and shall serve for a term of three (3) years and eight (8) months and until his successor is elected and qualified. In August, 1980, and thereafter every four (4) years at the August general election, a person shall be elected to fill the office of County Administrator. Terms shall commence on September 1 following the election. Any qualified person shall be eligible to serve as County Administrator for as many terms as he shall be elected.

**SECTION 2.** The County Administrator shall have the same duties, authority, powers and jurisdiction, except for those of a judicial nature, as set out in the general law of this state for county judges and county chairman, and in addition, he shall have and exercise such other duties of a non-judicial nature as are assigned by private act to the County Chairman of Jackson County. The County Administrator shall be the presiding officer of the Jackson County Quarterly Court.

**SECTION 3.** The County Administrator shall be paid a minimal annual salary equal to that provided by law for a county judge or chairman and payable in equal monthly installments out of the treasury of the county, at the same time and in the same manner as the salaries of other county officers are paid. He shall be furnished and shall maintain an office in the county courthouse. He shall have authority to hire a secretary and such other assistants as necessary to enable him to carry out the duties of his office and to fix their compensation, subject to the approval of the Jackson County Quarterly Court.

**SECTION 4.** The office of County Chairman of Jackson County is abolished, effective January 1, 1977. All judicial powers and duties exercised prior to the effective date of this act by the County Chairman of Jackson County, whether pursuant to general law or private act, are transferred, effective January 1, 1977, to the Judge of the Court of General Sessions of Jackson County. All matters of probate are placed under the jurisdiction of the Chancery Court and the Clerk and Master shall be the clerk for all matters of probate, but all other judicial matters shall be the duty of the Clerk of the General Sessions Court.

As amended by: Private Acts of 1977, Chapter 16

**SECTION 5.** In case of a vacancy in the office of County Administrator, the Quarterly County Court shall appoint a successor to serve until the next general election for county officials. The person elected at such election shall serve the balance of the unexpired term, if any.

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

**SECTION 7.** This act shall have no effect unless it is approved by a majority of the number of qualified voters of Jackson County voting in an election on the question of whether or not the act should be approved. The ballots used in such election to be held on or before May 25, 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 8.** For the purpose of approving this act as provided in Section 7, it shall take effect on becoming a law, the public welfare requiring it. For all other purposes it shall become operative in accordance with its terms.

Passed: February 25, 1976.

## County Register

### Private Acts of 1974 Chapter 189

**SECTION 1.** Any conveyance of property vesting or divesting title or interest in or to any real property located in Jackson County, shall be recorded in the office of the county tax assessor before any such instrument may be registered and stamped in the office of the county register of deeds. The county tax assessor shall:

- (I) receive such instruments for recording;
- (II) make a permanent record of the instrument for his office, which shall show (1) the date of the instrument, (2) the consideration for the transfer, (3) the name and address of the grantor and grantee or trustee, (4) the location of the property; and (5) a sufficient description of the property; and
- (III) stamp on such instruments a notation of his endorsement signifying compliance with the requirements of this section.

**SECTION 2.** Any such instrument specified in Section 1 of this Act shall bear the name and the address, as of the date of the recording or registration, of the grantor, and grantee or trustee, before such instrument shall be received for registration by the county register of deeds.

**SECTION 3.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the quarterly county court of Jackson County. Its approval or non-approval shall be proclaimed by the presiding officer of the court and certified by him to the secretary of state.

**SECTION 4.** For the purpose of approving this act as provided in section 1, it shall take effect on becoming a law, the public welfare requiring it, but for all other purposes, it shall take effect July 1, 1974.

Passed: February 14, 1974.

## Gainesboro Port Authority

### Private Acts of 1974 Chapter 320

**SECTION 1.** That in order to facilitate transportation in the County of Jackson and Town of Gainesboro in the State of Tennessee, and to promote navigation on the Cumberland River, which transverses portions of the said county; to facilitate the movement and transfer of people, goods, and merchandise to, from and through the said county; 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 county, there is hereby established in Jackson County and Town of Gainesboro, Tennessee a Port Authority, to be known as "The Gainesboro Port Authority", "The Cumberland River Port Authority" or "The Gainesboro Port Authority Commissioners," for the purposes of (a) acquiring, constructing and maintaining ports and navigation terminals on the Cumberland River and its tributaries, inclu, operating,ding docks, wharves, 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 Cumberland River and its tributaries in their operation; and (c) acquiring, constructing, operating, and maintaining concentration yards, recreation and water sports facilities, roads and bridges, and communication, electric power, gas, water, and all other utility facilities, including the aforesaid industrial sites, and to provide that the same shall be under the jurisdiction, control, and management of the Gainesboro 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 there with, are declared to be public and corporate purposes and matters of public necessity.

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

**SECTION 4.** That the said Gainesboro Port Authority Commissioners shall have power, and they are

hereby authorized:

- (a) Upon receiving the advice and the consent of the County Commission, to acquire, construct, purchase, operate, maintain, replace, repair, rebuild, extend, and improve within the boundaries of Jackson County and Town of Gainesboro, Tennessee (except not within the present corporate limits of Gainesboro, 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 issue and sell bonds payable solely out of the revenue and receipts derived from the port authority's projects or of any thereof as may be designated in the proceedings of the port authority commissioners under which the bonds shall be authorized to be issued, including debt obligations of the lessee, devisee, or contracting party obtained from or in connection with the financing of a project;
- (c) To borrow money from banks and other financial institutions by issuing its notes for the purpose of carrying out any of its powers;
- (d) As security for the payment of the principal of and interest on any bonds or notes so issued and any agreements made in connection therewith, to mortgage and pledge any or all of its projects, or any part or parts thereof, whether then owned or thereafter acquired, and to pledge the revenues and receipts therefrom, or from any thereof, and/or to assign and pledge all or any part of, its interest in and rights under the leases, sale contracts or loan agreements relating thereto or to any thereof;
- (e) To annually require an audit to be performed in accordance with provisions of Sections 9-3-111 to 9-3-113, inclusive, Tennessee Code Annotated, of the Authority's operations and to prepare and submit to the governing bodies of Jackson County and the Town of Gainesboro, for each year, a financial report which shall include a balance sheet, statement of revenues and expenditures, a summary of activities and accomplishments for the period, and proposed plans for at least the next years;
- (f) To accept donations to the Authority of cash, lands or other property to be used in the furtherance of the purpose of this Act.
- (g) 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.
- (h) Upon receiving the advice and the consent of the County Commission, 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 county which, in the judgement 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 Cumberland River and the navigable channel provided by the Cordell-Hull Reservoir.
- (i) To make contracts and execute instruments containing such covenants, terms, and conditions as, in the judgement 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; 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 purpose of this Act, and the full exercise of the powers herein granted; and to carry out and perform the covenants, terms, and conditions of all such contracts or instruments. Provided, however, after the effective date of this act no contract in excess of five thousand dollars (\$5,000) shall be entered into without the advice, consent, and approval of the County Commission of Jackson County.
- (j) To establish schedule of tolls, fees, rates, charges, and rentals for the use of the facilities under its jurisdiction, and for services which it may render.
- (k) 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.

(l) To promulgate and enforce such rules and regulations as the said Board and Commissioners may deem proper for the orderly administration of the Port Authority and the efficient operation of its facilities. Provided, that all proposed rules and regulations of the Board of Commissioners shall be approved by the County Commission before promulgation. Rules and regulations promulgated by the Board of Commissioners without the approval of the County Commission shall be void and unenforceable.

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

As amended by: Private Acts of 1981, Chapter 59

Private Acts of 1988, Chapter 192

Private Acts of 1992, Chapter 206

**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 Gainesboro Port Authority may petition the County Commission of Jackson County to condemn any land, easement, or right of way in Jackson County necessary to carry out the purposes of this Act. The County Commission shall only exercise the power of eminent domain on behalf of the Port Authority when the County Commission by a majority vote determines such action is necessary and appropriate, and that the Port Authority can fund payment for acquisition of the land, easement, or right of way. The County Commission shall have the authority to determine whether it will contribute to the acquisition of such property or property right. Condemnation proceedings shall be pursuant to and in accordance with Tennessee Code Annotated, Title 29, Chapters 16 and 17. Provided, however, where title to any property sought to be condemned is defective, it shall be passed by judgment or decree of court; provided, further, where condemnation proceedings become necessary, the court in which any such proceedings are filed shall, upon application, and upon the posting of a bond in an amount prescribed by the court, 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.

As amended by:

Private Acts of 1988, Chapter 192

Private Acts of 1992, Chapter 206

**SECTION 7.**

(a) The Port Authority shall have power to issue negotiable bonds from time to time in order to accomplish any of the purposes authorized by this Act, and it shall also have power to issue refunding bonds for the purposes, and in the amounts and manner provided in Section 7-36-103(17), Tennessee Code Annotated, as amended. All such bonds shall be payable solely from all or any part of the revenues, income and charges of the Port Authority.

(b) Such bonds shall be authorized by resolution of the Board of Commissioners and shall bear such date, mature at such time or times, bear interest at such rate or rates payable annually or semiannually, be in such form and denominations, be subject to such terms of redemption with or without premium, carrying such registration privileges, be payable in such medium and at such place or places, be executed in such manner, all as may be provided in the resolution authorizing the bonds. Such bonds may be sold at public or private sale in such manner and for such amount as the board may determine.

(c) Such resolution may include any covenants with the bondholders deemed necessary by the board to make such bonds secure and marketable, including, but without limitation, covenants regarding the application of the bond proceeds; the pledging, application and securing of the revenues of the authority; the creation and maintenance of reserves; the investment of funds; the issuance of additional bonds; the maintenance of minimum fees, charges and rental; the operation and maintenance of the port authority; insurance and insurance proceeds; accounts and audits; the sale of port authority properties; remedies of bondholders; the vesting in a trustee or trustees such powers and rights as may be necessary to secure the bonds and the revenues and funds from which they are payable; the terms and conditions upon which bondholders may exercise their rights and remedies; the replacement of lost, destroyed or mutilated bonds; the definition, consequences and remedies of an event of default; the amendment of such resolution; and the appointment of a receiver in the event of a default.

(d) Any such resolution shall constitute a contract between the Port Authority and the holders of such bonds.

(e) Any holder of any such bonds, including any trustee for any bondholders, may enforce his or their rights against the authority, its board or any officer, agent or employee thereof by mandamus, injunction or other action in any court of competent jurisdiction, subject to the covenants included in the bond resolution.

(f) All sums received as accrued interest from the sale of any bonds shall be applied to the payment of interest on such bonds. All sums received as principal or premium from such sale shall be applied to the purpose for which such bonds were issued, and may include, but without limitation, expenses for fiscal, legal, engineering and architectural services, expenses for the authorization, sale and issuance of the bonds, expenses for obtaining an economic feasibility survey in connection with such bonds, and to create a reserve for the payment of not exceeding one (1) year's interest on such bonds.

(g) Bonds issued pursuant to this chapter executed by officers in office on the date of such execution shall be valid obligations of the Port Authority notwithstanding that before the delivery thereof any or all the persons executing the same shall have ceased to be such officers.

(h) All public officers and bodies of the state, municipal corporations, political subdivisions, all insurance companies and associations, all savings banks and savings institutions, including savings and loan associations, all executors, administrators, guardians, trustees, and all other fiduciaries in the state may legally invest funds within their control in bonds issued pursuant to the provisions of this Act which contain a pledge of the full faith and credit of Jackson County and/or the Town of Gainesboro.

As amended by: Private Acts of 1981, Chapter 59

**SECTION 8.** That the principal of and interest on any bonds issued by the Port Authority shall be secured by a pledge of such revenues and receipts out of which the same may be made payable. The proceedings under which the bonds are authorized to be issued may contain any agreements and provisions respecting the maintenance of the projects or other facilities covered thereby, the fixing and collection of rents, fees or payments with respect to any projects, facilities or systems or portions thereof covered by such proceedings, the creation and maintenance of special funds from such revenues and from the proceeds of such bonds, and the rights and remedies available in the event of default, all as the Board of Commissioners shall deem advisable and not in conflict with the provisions of this Act. To the extent provided in the proceedings authorizing any bonds of the Port Authority, each pledge and agreement made for the benefit or security of any of the bonds of the Port Authority shall continue effective until the principal of and interest on the bonds for the benefit of which the same were made shall have been fully paid or adequate provision for the payment thereof shall have been made by the Port Authority. In the event of default in such payment or in any agreements of the Port Authority made as a part of the proceedings under which the bonds were issued, such payment or agreement may be enforced by suit, mandamus, or the appointment of a receiver in equity, or any one or more of said remedies, all as provided in the proceedings under which the bonds were issued.

The county executive and county clerk of Jackson County and the mayor and recorder of the Town of Gainesboro are hereby authorized and directed, to the extent which is now or hereafter legally possible, to execute all documents necessary to guarantee or in any other manner to secure the payment of the bond obligations of such Port Authority, including bond anticipation notes or any other similar obligations of the Port Authority; provided, however, that the approval of the governing bodies of Jackson County and the Town of Gainesboro to such guarantee or security shall have been obtained before the execution of such documents; and provided, further, that as such town and county are called upon to pay any obligations of the Port Authority, such town and county hereby agree that Jackson County shall pay one-half (1/2) of such obligation and the Town of Gainesboro shall pay one-half (1/2) of such obligation.

Provided, however, that prior to any meeting where such authorization will be considered by the governing body of the county or town, the governing body shall cause reasonable public notice to be published describing the matter to be considered and containing an estimate of the dollar amount of any contingent liability by the county or town if such authorization is given. The approval by the governing bodies as prescribed above shall be by a two-thirds (2/3's) vote approve the amounts of any bonds and/or notes which may be issued or entered into by the Port Authority.

Any bond issue under this Act may be secured by a mortgage or deed of trust covering all or any part of the property, real or personal, of the Port Authority. The requirements for recordation of mortgages and other security instruments in the County Register's office shall be waived in the case of the Port Authority's execution of such mortgages or security instruments. Any pledging of the credit of Jackson County or the Town of Gainesboro or guarantees of bond issues by Jackson County or the Town of

Gainesboro shall be in accordance with and not contrary to Titles 5, 6 and 7, Tennessee Code Annotated, as amended.

As amended by: Private Acts of 1981, Chapter 59

**SECTION 9.** That neither the State of Tennessee nor any municipality other than the Gainesboro Port Authority shall, except as may otherwise be authorized by the governing body of Jackson County or the Town of Gainesboro, in any event be liable for the payment of the principal of or interest on any bonds or notes of the Port Authority or for the performance of any pledge, obligation or agreement of any kind whatsoever which may be undertaken by the Port Authority with the meaning of any constitutional or statutory provision whatsoever.

As amended by: Private Acts of 1981, Chapter 59

**SECTION 10.** That Jackson County and/or the Town of Gainesboro shall have all necessary powers in order to further the purposes of this chapter, including, without limitation, the following, any or all of which powers may be exercised by resolution of its governing body:

- (1) To advance, donate or lend money, raised from any source and by any means, or real or personal property to the Port Authority;
- (2) To provide that any funds on hand or to become available to it for port purposes shall be paid directly to the Port Authority;
- (3) To cause water, sewer, gas, electric or other utility services to be provided to the Port Authority;
- (4) To open and improve streets, roads and alleys to said port;
- (5) To provide police and fire protection services to said port; and,
- (6) To pledge the full faith and credit and unlimited taxing power of the county and municipality as surety to the payment of the Port Authority's bonds.

As amended by: Private Acts of 1981, Chapter 59

**SECTION 11.** 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 County of Jackson, 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 12.** That Jackson County 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.

As amended by: Private Acts of 1988, Chapter 192

Private Acts of 1992, Chapter 206

**SECTION 13.** 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 14.** That the Board of Commissioners of The Port Authority shall consist of five members. Two of the initial members of the Board of Commissioners of the Port Authority shall be appointed by the Chairman of the County Court and approved by a majority vote of the members of the County Court of Jackson County. An additional two members of the initial Board of Commissioners shall be appointed by the Mayor of Gainesboro and approved by a majority vote of the Town of Gainesboro, Board of Aldermen. These initial four members shall meet within thirty days of their appointment and shall choose a fifth member of the initial Board of Commissioners by a majority vote. The terms of office shall be as follows:

- (a) Two members, one appointed by the County Court and the other appointed by the Mayor and Board of Aldermen shall serve a term to expire one year from the date of their appointment.
- (b) Two members, one appointed by the County Court and the other appointed by the Mayor and Board of Aldermen shall serve a term to expire two years from the date of their appointment.
- (c) The member selected by the initial four appointed members of the Board of Commissioners shall serve a term to expire three years from the date of his appointment.

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 appointed in the same manner as described above, but for regular terms of office of three years each thereafter.

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 this term, his successor shall be elected for the unexpired term by the remaining members of the Board of Commissioners within thirty days of the event. Any person at least twenty-five years of age who has resided within the boundaries of the county, for a period of at least one year immediately preceding his election, shall be eligible to serve as a member of the Board of Commissioners of The Port Authority, except the members of the County Court of Jackson County and elected officials of the Town of Gainesboro 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 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 an 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 Jackson County. A majority of the Commissioners shall constitute a quorum and the Commissioners shall set 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 such 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 appropriated by the County Court of Jackson County and the Town of Gainesboro, 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 Court of Jackson County and/or for the Town of Gainesboro.

Provided, however, no member of the Board of Commissioners appointed after the effective date of this Act shall be eligible to serve unless such member is confirmed by the County Commission.

As amended by:

Private Acts of 1988, Chapter 192

Private Acts of 1992, Chapter 206

**SECTION 15.** 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 16.** 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 17.** That the County Court of Jackson County and/or the Town of Gainesboro 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 Court and/or Town of Gainesboro 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 18.** 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 19.** 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 such 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 of 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.

As amended by: Private Acts of 1981, Chapter 59

**SECTION 20.** 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 business men.

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 or 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 21.** 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, or the Federal government, provided such governmental agency shall consent to such use.

**SECTION 22.** That the Port Authority Commissioners may sell, transfer, lease, or otherwise dispose of any or all of the personal property in the custody and control of the Port Authority. The Commissioners may also as the agent of the county of Jackson and/or the Town of Gainesboro sell, transfer, lease, or otherwise dispose of any real property in the custody and control of the Port Authority.

**SECTION 23.** 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 24.** That from the effective date of this Act all coal storage within the present boundaries of the Port Authority shall be confined to the present site for coal storage: an area approximately two hundred fifty feet (250') by two hundred fifty feet (250') that is appurtenant to a conveyor belt for loading certain raw materials onto barges.

As amended by: Private Acts of 1988, Chapter 192  
Private Acts of 1992, Chapter 206

**SECTION 25.** That from the effective date of this act no above ground oil storage tanks shall be erected. In addition, no oil storage tank shall be constructed within one hundred seventy-five feet (175') of any boundary of the property seized by the Port Authority or the Industrial Park of Jackson County. Under no circumstances shall any oil storage tank be constructed which permits the escape of toxic odors of the Port Authority.

As amended by: Private Acts of 1988, Chapter 192  
Private Acts of 1992, Chapter 206

**SECTION 26.** That before any development after the effective date of this Act is conducted, the Port Authority shall erect screens around its property of sufficient height and thickness to prevent viewing of its operation from the Industrial Park.

As amended by: Private Acts of 1988, Chapter 192  
Private Acts of 1992, Chapter 206

**SECTION 27.** That no new storage of any chemical, or any material, raw or otherwise, be it coal, zinc, ore, sand, salt, or mineral, in bulk or otherwise, shall occur without the specific advice, consent, and approval of the County Commission of Jackson County. Storage of any chemical or material shall be in a manner so as to prevent the escape of such chemical or material and its particles, dust, odors, fumes, gases or liquids.

As amended by: Private Acts of 1988, Chapter 192  
Private Acts of 1992, Chapter 206

**SECTION 28.** That the Port Authority shall be operated in harmony and consistent with existing and proposed development of the Industrial Park so as to not impair, impede, or hamper existing or future location of industry in the Industrial Park for Jackson County.

As amended by: Private Acts of 1988, Chapter 192  
Private Acts of 1992, Chapter 206

**SECTION 29.** 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.

As amended by: Private Acts of 1988, Chapter 192  
Private Acts of 1992, Chapter 206

**SECTION 30.** That this Act is remedial in nature, and shall be liberally construed to effect its purposes of promoting navigation on the Cumberland River and its tributaries, the navigable Channel of the Cordell Hull Reservoir facilitating the movement and transfer of goods and merchandise to, from and through the county of Jackson encouraging utilization of the natural and recreational resources therein, and promoting the growth and development of commerce and industry in said county.

As amended by: Private Acts of 1988, Chapter 192  
Private Acts of 1992, Chapter 206

**SECTION 31.** That this Act shall have no effect unless the same shall have been approved by a two-thirds (2/3) vote of the Quarterly County Court of Jackson County and by a two-thirds (2/3) vote of the Board of

Mayor and Aldermen of the Town of Gainesboro. Its approval or non-approval shall be proclaimed and countersigned by the clerk of the Quarterly County Court of Jackson County and the Recorder for the Town of Gainesboro, and shall be duly certified by them to the Secretary of State of the State of Tennessee.

As amended by: Private Acts of 1988, Chapter 192  
Private Acts of 1992, Chapter 206

**SECTION 32.** That for the purpose of approving or rejecting this Act as provided in Section 22, it shall take effect on becoming a law, the public welfare requiring it, but for all other purposes, it shall be effective upon being approved as provided in Section 22.

As amended by: Private Acts of 1988, Chapter 192  
Private Acts of 1992, Chapter 206

Passed: March 20, 1974

## Administration - Historical Notes

### **County Clerk**

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

1. Acts of 1845-46, Chapter 75, enacted after the demise of the original Putnam County, directed the County Clerk to receive the records and papers of the County Court Clerk of Putnam County.

### **County Mayor**

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

1. Acts of 1855-56, Chapter 253, created the office of the County Judge for every County in the State who would be a person learned in the law and elected by the people for a four year term. He shall be commissioned and sworn as are other judges in the State. Quorum Courts were abolished and all their authority and jurisdiction were given to the County Judge. The County Judge would preside over the Quarterly Court in place of its Chairman whose duties he would assume. He would be paid \$5.00 per day during the sessions of the monthly and quarterly courts, and he was not precluded from practicing law in courts other than this own. This Act was repealed by Acts of 1857-58, Chapter 5.
2. Acts of 1875, Chapter 134, amended Section 316 of the Tennessee Code so as to provide for the election by the qualified voters of a county judge in Jackson and Cannon Counties who would be a citizen of the county, a person learned in the law, and hold office for an eight year term. He would be elected on the first Thursday in August, 1876, and he would have and exercise all the powers, rights, and jurisdiction as the county judges of Davidson, Knox, Montgomery, Sumner and Williamson Counties. His salary in Jackson County would be \$300 per year. This act was repealed by Acts of 1883, Chapter 127.
3. Acts of 1877, Chapter 146, amended Acts of 1875, Chapter 134, by increasing the salary of the Judge from \$300 to \$500 per year.
4. Acts of 1881, Chapter 153, specifically repealed the second section of Acts of 1877, Chapter 146, making the salary increase effective April 5, 1881, instead of at the next election for County Judge.
5. Acts of 1883, Chapter 127, expressly repealed Acts of 1875, Chapter 134, creating the office of County Judge in Jackson County and providing for his popular election. The County Court would perform all the duties heretofore prescribed by the Code for such Courts

### **County Legislative Body**

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

1. Acts of 1801, Chapter 48, which created Jackson County, provided that the Court of Pleas and Quarter Sessions would be held on the second Monday in December, March, June, and September, at the home of John Bowen on Roaring River.
2. Acts of 1803, Chapter 39, scheduled the terms for the county courts in the Mero District, the court for Jackson County to begin on the first Monday in December, March, June, and September.

3. Acts of 1806, Chapter 48, fixed court dates for the county courts in the Winchester and Robertson Districts. Jackson County's Court would meet on the fourth Monday in November, February, May, and August at the home of Benjamin Blackburn, in Jackson County, until the court decides to adjourn to a different location, or until the court house is completed.
4. Acts of 1807, Chapter 53, changed the terms of the county courts of Franklin, Warren, White, Overton, Smith, and Jackson Counties in the Winchester District. Jackson County would convene the court on the fourth Monday in February, May, August, and November.
5. Acts of 1809, Chapter 93, fixed the opening dates for the terms of every Court of Pleas and Quarter Sessions in the state. Jackson County's Court would continue to meet on the fourth Monday in February, May, August, and November. All process would be made to conform to these dates and each county court shall select 13 jurors to serve at the next succeeding term of court.
6. Acts of 1812 (Ex. Sess.), Chapter 68, Section 4, set the times for holding the county courts in several counties. In Jackson County, court would be held on the third Monday in March, June, September, and December.
7. Acts of 1813, Chapter 134, rescheduled the terms of the quarterly county courts in several of the counties in the mid-state area, including Jackson County whose courts would start on the first Monday in February, May, August, and November.
8. Acts of 1817, Chapter 138, set the times for holding the county courts in several middle Tennessee counties. In Jackson County, court would meet on the first Monday of February, May, August and November.
9. Acts of 1819, Chapter 5, authorized and required the county court of Jackson County to adjourn at the end of the November session to any house in Gainesboro which was available for that purpose. The clerk of the court would transfer all records and process and cases would be heard and determined under the same rules and regulations as previously observed.
10. Acts of 1819, Chapter 160, provided that the quarterly county court of Jackson County would be held at the place designated in Gainesboro for holding courts on the first Monday in February, May, August, and November.
11. Acts of 1829 (Ex. Sess.), Chapter 50, Section 6, authorized the county court of Jackson County to have the records of the court, or such part of them as might be apt to be lost, or destroyed, to be transcribed under the same regulations set up for Overton County in the preceding sections of this act. These regulations allowed the employment of a capable person to transcribe and index the county records into a well-bound book. Three other persons were to be appointed by the court as a committee to supervise the work. When the work was completed, the transcript was to be turned over to the county court clerk for safe keeping. The county court was allowed to make the scribe and the committee such compensation as they might consider proper.
12. Acts of 1825, Chapter 171, rescheduled the opening dates for the terms of the quarterly county court in several counties, including Jackson County whose quarterly court would meet on the first Monday in February and August and the second Monday in May and November.
13. Acts of 1827, Chapter 34, changed the meeting dates again for several counties in the mid-state area. Jackson County's Quarterly Court would convene on the second Monday in February, May, August, and November and sit for one week.
14. Acts of 1832, Chapter 20, changed the term of court for a few counties mentioned therein. Jackson County's Quarterly Court would meet on the second Monday in February, May, August, and November.
15. Acts of 1833, Chapter 205, stated that the county court of Jackson County would entertain jurisdiction and, if the court were of the opinion that it was in the best interests of the heirs of William Locke, the court shall order a sale of all the real estate of said Locke excepting one tract of 330 acres on the north side of the Cumberland River, opposite the mouth of the Roaring River, known as the "Home" tract, on such terms as they consider expedient, upon the petition of the Administrator to do so being filed, which cites the reasons for asking for the sale.
16. Acts of 1835-36, Chapter 6, provided that each county would have a county court, composed of the justices of the peace who shall meet on the first Monday in every month, and one-third, or twelve of whom shall constitute a quorum to do business. This act defines the jurisdiction of the court, especially in the matters of probate, executors and administrators, the procedures for three judge courts and their functions. The county court shall also cause to be summoned 25, or 37, jurors who would serve the circuit and chancery courts. The county court was authorized to levy a tax for county purposes.

17. Acts of 1868-69, Chapter 25, created the board of county commissioners for Hickman County, composed of five members who would be elected, or appointed, on the first Saturday in March, 1873, for four year terms. Any vacancy would be filled by the remaining members of the board until the next general election when a successor would be chosen by the people. All commissioners must be sworn and bonded up to \$500. All powers of the county court were vested in the commission and all magistrates were released from their duties and responsibilities. The commission would meet on the first Monday of each month to transact all the business of the county, and the appeals from their judicial decisions would go to the circuit court. The commission would also assess property for taxes. The president would be paid \$125 per month, and the members \$75 per month. Section 15 of this act extended all its terms and provisions to Jackson County except the president would be paid \$150 per year and the members \$100 per month. This act was repealed by Acts of 1869-70, Chapter 6, Section 4, as to Jackson County.
18. Acts of 1869-70, Chapter 6, Section 4, expressly repealed all acts which created a county commission or boards of county commissioners and restored all the quarterly courts, and the laws creating them, which might have been repealed, to active status.
19. Acts of 1869-70, Chapter 49, specifically repeals an 1869 act which created county commissioners for Madison County but also repealed all other acts establishing county commissioners in this state. All laws in effect before the passage of the act creating county commissioners which may have been repealed by it, are hereby restored and revived.
20. Acts of 1869-70, Chapter 70, authorized the county court to have transcribed to the minutes of the court all the official acts of William Morrow, performed as clerk of the said court under appointment of the governor of this state. Full faith and credit shall be given to the proceedings of the court as kept by the said William Morrow, and certified copies of these shall be as valid as any other copies of any other proceedings.
21. Private Acts of 1919, Chapter 324, stated that in Jackson County, each justice of the peace shall be entitled to receive as compensation for his services the sum of \$2.50 per day for each day's attendance at the meetings of the quarterly court plus all mileage and ferriage, and tolls as are now allowed by law.
22. Private Acts of 1951, Chapter 651, provided that justices of the peace in Jackson County shall be paid \$6 per day for their attendance at regular meetings of the quarterly court, but no justices of the peace would be paid for more than two days per session of the court.
23. Private Acts of 1959, Chapter 195, stated that, after the passage of this act, the justices of the peace in Jackson County shall receive \$10 per day for each day's attendance at the meetings of the quarterly court and ten cents a mile travel allowance for one way to the court. This act was not approved by the quarterly court and therefore never became effective.

### **County Register**

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

1. Acts of 1827, Chapter 4, Section 4, stated that, after the passage of this act, all land entered, or hereafter to be entered, in Franklin, Warren, Marion, Bledsoe, White, Overton, Fentress, and Jackson counties, and the plats and certificates not returned to any other Register's office, shall be returned to the Register's Office of the Mountain District. This act created the Register's Office at Sparta in White county and named it the "Register of the Mountain District".

**Purchasing** The following acts once affected the purchasing procedures of Jackson County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1923, Chapter 32, established a three member Purchasing Commission for Jackson County, provided for advertising and competitive bidding on purchases exceeding \$100. This act was repealed by Private Acts of 1984, Chapter 213.
2. Private Acts of 1945, Chapter 95, amended the Private Acts of 1923, Chapter 32, to increase the terms of members of the Purchasing Commission from one to three years. The act was repealed by the Private Acts of 1984, Chapter 213.
3. Private Acts of 1955, Chapter 167, amended the Private Acts of 1923, Chapter 32, by increasing the maximum compensation of members of the Purchasing Commission for attending meetings from \$3.50 per day to \$6 per day. The act was repealed by the Private Acts of 1984, Chapter 213.
4. Private Acts of 1961, Chapter 82, amended the Private Acts of 1923, Chapter 32, by striking "public road supply" and adding at the end of the first sentence in Section 2 the following, "except supplies, equipment, and materials to be used for the maintenance and construction of county

roads." This act was rejected by the Quarterly County Court of Jackson County and consequently, never became a law under the provisions of the Home Rule Amendment to the State Constitution. The act was also expressly repealed by Private Acts of 1984, Chapter 213.

### **General Reference**

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

1. Acts of 1801, Chapter 5, provided for warehouses for the inspection of commodities to be established as directed by the terms of this act. This act was designed to prevent the exportation of unmerchantable commodities and foodstuffs from one county to another and to other states. The warehouses in Jackson County would be located at the mouth of the Obed and Roaring Rivers,, and at Flint Creek. The justices of the peace were to appoint an inspector or inspectors to inspect the designated commodities.
2. Acts of 1806, Chapter 9, authorized James Armstrong to complete the mill he had begun on the Obeds River in Jackson County, and to raise and complete the dam which went with it, but he must furnish a passageway for fish to negotiate the dam. All who wish to build mills or dams must apply to the County Court of the county wherein they would be located, and the project be approved by a two-thirds vote of the court. A \$2,000 performance bond must be executed and a covenant entered into that the navigation of the stream involved would not be impeded and the dam would be completed.
3. Acts of 1827, Chapter 141, granted to one Abigail Nettles, of Jackson County, wife of Joseph Nettles, the privilege of making contracts in her own name and further enabling her to have and enjoy all the benefits of a feme sole.
4. Acts of 1829, Chapter 297, authorized Augustine Shephard to lay off a town on his land in Jackson County and when the town was thus laid off, it would be called by the name of Granville.
5. Acts of 1831, Chapter 43, named James W. Smith and Bailey Butler, Senior, of Jackson County; Alvin Cullom and William Dale, of Overton County, to constitute a Board of Internal Improvement for these two counties. They would have, exercise, and enjoy all the powers given to other Boards of Internal Improvement in this Act. They were required to invest \$1,479 out of the \$3,233 available in the improvement of the navigation of the Obed's River in Overton County and the remainder of that sum in such improvements in Jackson County as their County Court may determine and direct. These funds may be drawn from the office of the President of the Bank of the State of Tennessee.
6. Acts of 1831, Chapter 62, named Isham Perkins and John Cain of Warren County; William Simpson, Isaac Taylor, and Samuel Johnson of White County; and Richard F. Cook, and David Apple of Jackson County to examine the center of Overton County as soon as it was determined, and if it was a suitable place for a town to so notify the Overton County Court. If no, they were to select another location as near the center as practical.
7. Acts of 1832, Chapter 21, appointed Bailey Butler and Henry Sadler as a Board of Internal Improvement in Jackson County. The County Court was given the power to direct the Board of Internal Improvement to pay over to the School Commissioners, for the benefit of the schools in the county, all the funds which were appropriated for purposes of internal improvement. This act amended Acts of 1831, Chapter 43.
8. Acts of 1833, Chapter 177, stated in the preamble that it appeared that John Wilson was appointed Entry Taker for Jackson County, and William Scandland, John Graham, Amos Kirkpatrick, and David Rose became his securities, and that when the Entry Taker received most of the money wherewith he stands charged, there was no agent for the said county to receive the same, and the parties named have been sued on their bond without any fault of their own. This act stated that no court could render judgment against them for interest but they would be liable for the principal and their note to the school officials of the county will be treated as good and valid security for the principal.
9. Acts of 1833, Chapter 234, was the authority for Alfred Pursel of Jackson County, to hawk and peddle in that county without paying any tax therefor, provided he make an affidavit before some Justice of the Peace, stating that the goods, wares, and merchandise he proposes to sell belong to him and the same are being sold solely for his benefit.
10. Acts of 1837-38, Chapter 77, incorporates the citizens of the town of Granville, heretofore laid off by Augustus Shepard, under the same rules and regulations as were passed for Rogersville.

11. Acts of 1837-38, Chapter 81, authorized the County Court, a majority of the Justices being present and voting in the affirmative, to expend the funds of the Internal Improvement Board derived from every source as the court might consider to be right. Anyone having these funds were directed to pay them to the county upon demand.
12. Acts of 1843-44, Chapter 148, required the Sheriff of Jackson County to hold an election on the first Saturday in March, 1844, to ascertain if the majority of the people wanted to move the county seat. If the vote were in the affirmative, the Sheriff would notify Alexander Keith, Thomas Maury, David Myers, Henry Crowder, and Broadis Gaines who would proceed to select a site, and then the people would choose in another election whether to move there or not.
13. Acts of 1845-46, Chapter 75, recited that Putnam County, after being created, had held court at White Plains, according to the requirements of the law, and judgments had been rendered in cases heard, and, the Honorable Bromfield L. Ridley, Chancellor, at Livingston had issued a decree quashing the creation of the said county because it reduced Jackson and Overton counties below the Constitutional limits of 625 square miles, therefore, all court records of the County and Circuit Courts, generated by the above litigation, are to be transferred to the clerks of those courts in Jackson County.
14. Acts of 1897, Chapter 124, was an act which fixed the salaries of most county officials according to the population of the county in which they worked. All fees were declared to be the property of the counties. The officials being compensated under this act were required to furnish certain reports under specified conditions. It was tested and declared unconstitutional in the case of Weaver v. Davidson County, 104 Tenn. 315, 59 SW 1105 (1900).
15. Private Acts of 1933, Chapter 847, released Mrs. Lena Davidson, of Jackson County, from any and all further liability for a secured fine of \$50 assessed against her and payable to the State of Tennessee at the November, 1932, term. The said fine is hereby canceled and released. The act does not state the reason for the fine being levied.
16. Private Acts of 1975, Chapter 90, was the authority for Jackson County to adopt by reference the provisions of any code, or portions of any code, and to provide for the administration and enforcement of the same. The codes were housing, electrical, building, plumbing, and gas codes. The manner in which such action could be accomplished by Resolution is specified in the act along with some administrative details. This Act did not receive local approval and consequently never became operative law.
17. Private Acts of 1988, Chapter 192, which amended the Private Acts of 1974, Chapter 320, was repealed by the Private Acts of 1992, Chapter 206.

## Chapter II - Animals and Fish

### Livestock Inspectors

### Private Acts of 1951 Chapter 234

**SECTION 1.** That in counties of this State with a population of not less than 15,000, nor more than 15,100, by the Federal Census of 1940, or any subsequent Federal Census, the Quarterly County Court is hereby authorized to elect for a term of one year, not exceeding two animal inspectors. In case a licensed veterinarian or licensed veterinarians shall be located in said county, then the Quarterly County Court shall be under the obligation to elect such inspectors from such licensed veterinarians to the extent of the number in said county. 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 to reduce the danger of infectious or contagious diseases. Such animal inspectors may contract with the owner or owners of any diseased 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 to 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 and the person so elected shall hold office for a period of one year from the date of such election. The said County shall not be liable for the default or negligence of any such livestock inspectors where such 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.

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

Passed: February 19, 1951.

## Wild Foxes

### Private Acts of 1978 Chapter 177

**SECTION 1.** It is unlawful to trap or capture wild foxes of any kind in Jackson County by the use of a baited hook or hooks. Violation of this Act is a misdemeanor, punishable by a fine not to exceed fifty dollars (\$50.00) for each fox so trapped or captured.

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

Passed: January 23, 1978.

## 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 Jackson County. They are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1901, Chapter 322, made it unlawful for any person to take fish, except minnows for bait, from the Roaring River, or its tributaries, in Jackson County, by any means other than angling with hook and line, and with trot lines. The fines to be assessed for violations ranged from \$10 to \$50, and a jail sentence, in addition, was placed within the discretion of the Judge.
2. Acts of 1909, Chapter 266, amended Acts of 1907, Chapter 489, by allowing seines with meshes not smaller than one and one-fourth inches in Jackson and several other counties except for the Roaring River and its tributaries in Jackson County.
3. Acts of 1909, Chapter 511, amended Section 7, Acts of 1907, Chapter 489, for Jackson County only, by providing that any resident of that County may fish in the Cumberland River in that County with lines, nets, and baskets, for sale to the residents of the county thereof, without being required to take out a license or pay a license fee of any sort to the State Game and Fish Commission, or to anyone else, Jackson County being hereby exempted from the provisions of Section 7.
4. Private Acts of 1913 (Ex. Sess.), Chapter 6, made it unlawful for any livestock, such as horses, mules, asses, cattle, sheep, goats, and hogs, to be allowed to run at large by the owner, or the custodian, on any public road or on any enclosed or unenclosed land, in Jackson County. Anyone doing so is guilty of a misdemeanor and may be fined from \$2 to \$10 for each offense. Any person so damaged by trespassing livestock has a lien upon the stock for his damages. He may take up, feed, and care for the invading livestock and add the cost of the same to his lien.
5. Private Acts of 1915, Chapter 531, declared it to be unlawful to take and catch fish by means of traps or nets, in the Cumberland River, and all its tributaries, running in Jackson County, if the river is rising at the rate of more than six inches per day. Violators could be fined from \$1 to \$25. This Act does not apply when the river is on a stand or falling.
6. Private Acts of 1917, Chapter 119, made it lawful for any bona fide citizen of Jackson County to hunt on any of the territory within Jackson County, or to catch, capture, or kill any animal recognized as game, or any birds defined by law as game birds, without having to procure a hunting license therefor, as now required by the law, provided, however, that no one shall hunt on the enclosed lands of another without first obtaining permission, and no animals or birds shall be hunted except in open season.
7. Private Acts of 1917, Chapter 137, made it legal for any bona fide resident of Jackson County to catch, capture, or kill fish in any manner and in any of the streams of the county for individual consumption except by the use of dynamite, or other explosives, or by stretching nets or seines across the said streams so as to prevent fish from passing up and down the stream.
8. Private Acts of 1917, Chapter 401, declared it to be lawful for all resident citizens of Pickett, Fentress, Overton, Clay, Jackson, and Macon Counties to hunt and kill squirrels at any season of the year on all unenclosed lands in the county, and on all enclosed lands with the written or verbal permission of the owner, without the necessity of procuring a license to do so.
9. Private Acts of 1919, Chapter 38, provided for an election to be held on Saturday, March 1, 1919, to ascertain the will of the people on whether or not livestock shall be allowed to run at large in Jackson County. The details of the manner in which said election shall be conducted are contained

in the Act.

10. Private Acts of 1919, Chapter 449, declared it to be illegal for horses, mules, asses, cattle, sheep, goats, and hogs to be allowed to run at large by their owners, or custodians, on any public road, or the enclosed lands of another person, or on the unenclosed lands in the county. Any person willfully or negligently doing so, was subject to fines from \$2 to \$10 for each offense. The person damaged was given a lien for his damages against the stock trespassing which he could take up, feed, and care for, and add the cost of that to the lien, already granted.
11. Private Acts of 1935, Chapter 87, declared it to be unlawful in Jackson County, for any person, firm or corporation to set out traps unless said traps are legibly labeled with the name of the person so setting them out. Violations carried fines ranging from \$5 to \$25.
12. Private Acts of 1935, Chapter 443, was applicable to Jackson and Clay Counties, declaring it to be unlawful for any person to hunt and kill deer, wild turkeys, wild guineas, and pheasants. The fines mentioned were \$50 minimum for killing deer, \$25 and \$10 for killing the others.
13. Private Acts of 1945, Chapter 247, stated that L. G. Reed, of Jackson County, has acquired many years of experience and expert knowledge in veterinary medicine and surgery, anatomy, physiology, and chemistry, and the community in which he lives has a great need for a veterinarian, this Act authorized the said L. G. Reed to practice veterinary medicine and surgery in Jackson County, any general law to the contrary notwithstanding.
14. Private Acts of 1945, Chapter 510, was the authority for Z. H. Smith to practice veterinary surgery in Jackson County without the necessity of having to obtain a license to do so from the State Board of Veterinary Examiners, provided, however, that nothing herein shall authorize the said Smith to prescribe narcotics.
15. Private Acts of 1953, Chapter 480, provided that any person who is a resident of Jackson County, and possess a regular hunting and fishing license may take rough fish for his own use and his family's from the Cumberland River by use of nets having a mesh no smaller than two inches, and provided that all game fish taken in such fashion shall be immediately returned to the water. This Act was repealed by Private Acts of 1973, Chapter 82.
16. Private Acts of 1957, Chapter 131, fixed a closed season on red foxes at all time, but red foxes may be chased by dogs at any time of the year except during such periods as may be fixed by the State Game and Fish Commission for the protection of the species in Jackson County. However, anyone may lawfully kill red foxes when they are a menace to crops, poultry, domestic fowls, or homes. The Game and Fish Commission was given the authority to open the season at any time they consider reasonable. This Act was rejected at the local level and therefore did not become a law under the Home Rule provisions of the State Constitution.

## Chapter III - Bond Issues

### Bond Issues - Historical Notes

A listing of the acts which authorized various bond issues for Jackson 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.

#### **Courthouse**

1. Acts of 1903, Chapter 463, was the authority for the Quarterly County Court of Jackson County to issue \$17,500 in bonds, at an interest rate not to exceed 6%, and for a maturity period no longer than five years, to procure money with which to erect a new court house at Gainesboro. Interest coupons would be attached to the bonds, and all the essential details were incorporated in this Act, including the requirement of an additional tax levy to amortize the bonds. The Chairman of the County Court was required to keep the proper records.
2. Private Acts of 1927, Chapter 108, authorized the Chairman of the County Court to sell the interest-bearing warrants of the County in an amount up to \$40,000 for the purpose of building a courthouse. The warrants were at an interest rate of 6%, or less, and were payable over the next ten years at the Bank of Gainesboro. The proceeds were to be turned over to the County Trustee who would handle the funds and keep records, and be paid one half of one percent for so doing. The County Court was required to levy a special tax of six to sixteen cents per \$100 of property valuation until the warrants were paid off.

#### **Debts**

1. Private Acts of 1931, Chapter 190, stated in the preamble that Jackson County owed \$25,000 or

more, in obligations, and the court deems it advisable to issue bonds in order to pay the same, this Act allows the Court to issue up to \$25,000 of the interest-bearing coupon bonds, at an interest rate not to exceed 5½%, the principal and interest being paid semi-annually at some bank in Nashville, or New York City. The form of the bonds was described in the law, the essential details and the required tax levy were also included.

2. Private Acts of 1931, Chapter 596, cited in the preamble that Jackson County owed debts up to \$25,000 for roads and other purposes, and that a Resolution was adopted by the Quarterly County Court asserting the wisdom of paying off these debts, this Act then authorized the court to issue up to \$25,000 in coupon bonds and apply the proceeds to the payment of these debts. The Trustee will disburse the funds and keep the appropriate records. The maximum rate of interest to be paid was 5½%, and the bonds would mature as the court should determine but not exceeding thirty years from date of issuance. These bonds would be the legal and binding obligations of the County for which a tax must be levied to pay.
3. Private Acts of 1933, Chapter 286, allowed the quarterly county court of Jackson County to issue up to \$20,000 in 5%, 30 year, bonds which would be redeemable after 20 years. All essential details were present, a tax levy was ordered, and the County Trustee would apply the proceeds to the payment of outstanding debts, excepting school warrants.
4. Private Acts of 1937, Chapter 157, validated, confirmed, and legalized all the prior proceedings of the Jackson County Quarterly Court which occurred at the meeting of the court on January 5, 1937, authorizing the issuance of \$25,000 in 3½% funding bonds, maturing at the rate of \$2,500 in January, 1938, and continuing annually until paid. All the debts to be paid were said to be the lawful and just debts of the county and the bonds issued hereunder to be the valid and general obligations of the county. The county chairman and the county court clerk would execute the bonds and handle all transactions. An annual tax levy was included.
5. Private Acts of 1941, Chapter 378, permitted the quarterly court of Jackson County to issue its interest bearing coupon bonds, or warrants, up to \$20,000 to provide the funds to pay any deficit existing as of April 1, 1941, in the ordinary funds, the Poor House Fund, and the Courthouse Funds. The bonds would be at 5%, or less, interest and mature no later than twelve years after. All essential details of valid bond legislation were present.

### **Hospital**

1. Private Acts of 1947, Chapter 428, allowed the quarterly Court of Jackson County to issue up to \$150,000 in 4%, 20 year, bonds to construct and equip a hospital at or near the town of Gainesboro, all of the same being subject to the successful outcome in a public referendum held for that purpose under the general election laws of the State. If passed, the Court would then appoint a Hospital Construction Committee of five, or less, members, one of whom shall be a qualified physician. The Committee was vested with all the power and authority needed to accomplish this purpose. After the completion of the hospital the Court would appoint a Committee of three to operate the facility, one of them being a qualified physician.
2. Private Acts of 1949, Chapter 722, ratified and confirmed all the proceedings of the quarterly county court at its regular session in January, 1949, with reference to the issuance of up to \$25,000 in bonds, to be used to supplement the \$150,000 bond issue, authorized by Private Acts of 1947, Chapter 428. This \$25,000 supplement shall be treated as part of the original bond issue and be subject to the same limitations and conditions expressed in that act.
3. Private Acts of 1951, Chapter 136, amended Private Acts of 1947, Chapter 428, to authorize the quarterly county court of Jackson County to lease the hospital for up to 15 years and thereby relieve itself of the obligation and cost of the hospital during the period of the lease.

### **Roads**

1. Acts of 1909, Chapter 296, authorized an election after 20 days or within 10 years from the passage of this Act, upon the petition of at least 200 voters representing a minimum of \$100,000 in taxable property to ascertain the will of the people in issuing from \$60,000 to \$100,000 in interest-bearing coupon bonds, the specific amount to be stated in the petition, which would be used to locate, improve, drain, macadamize, change, and build public roads and bridges. If the outcome of the said election is favorable, the county court shall issue the bonds in accordance with the details specified in the Act, at interest rates from 4% to 6%, and for a maturity period not to exceed 30 years. There would be a five member Good Roads Commission, elected for two years, no two to be from the same Civil District, whose compensation would be fixed by the court and paid out of the bond funds. The commission would be sworn and bonded and select a chairman and secretary whose duties are specified. The county was divided into three road districts composed of whole civil districts, and not less than 25% of the money would be spent in

each district.

2. Private Acts of 1911, Chapter 633, amended Acts of 1909, Chapter 296, by striking \$100,000 wherever found in the act and inserting \$150,000 in its place, so as to raise the limit on the amount of bonds which could be issued.
3. Private Acts of 1913, Chapter 158, amended Acts of 1909, Chapter 296, Section 14, by raising the maximum limit on the taxes the Quarterly Court could levy for road purposes from 35 cents to 75 cents per \$100 property valuation. The Act further amended Section 5 to confer upon the commissioners the discretionary power to employ competent foremen and to superintend the work personally to make sure the laborers and foremen perform their work in a satisfactory manner.
4. Private Acts of 1913 (Ex. Sess.), Chapter 108, authorized an election upon a petition by 500, or more, taxpayers, to see whether the court should issue up to \$100,000 in 6%, 30 year bonds, to repair, grade, build, and improve roads, the results of the election to be certified to the County Court. There would be a five member Good Roads Commission elected by the County Court for two years as was provided in the Act who shall supervise the expenditure of the funds in accordance with the allocations of percentages of funds to certain named roads. The commissioners would be sworn, bonded, and get \$1 per day, and ferriage, and the secretary would get \$50 per month. The commissioner was allowed to employ an engineer or other experts, as needed and execute essential contracts, holding 20% of total amount due until the work was completed. The commission was given the power of eminent domain and would furnish general and complete supervision.
5. Private Acts of 1915, Chapter 322, amends Private Acts of 1913 (Ex. Sess.), Chapter 108, in Section 6, by changing some of the roads specified to be improved in that Act, specifically the 2½% allocated to the sector of road lying on the north side of the Cumberland River.
6. Private Acts of 1927, Chapter 681, authorized the Jackson County Quarterly Court to issue up to \$400,000, in 5%, 40 year bonds, all subject to the successful outcome of a referendum, conferring the authority to sell and appropriate any amount which shall not exceed the doubling of any offer made by the State of Tennessee concerning the roads and bridges of Jackson County, or to satisfy the county's obligation on any agreement made with the State. The proceeds shall be deposited with the Trustee who shall keep appropriate records. An annual tax levy was authorized.

### **Schools**

1. Private Acts of 1925, Chapter 111, called for an election to be held in Jackson County on April 25, 1925, to ascertain the will of the people concerning the issuance of \$35,000 in bonds to build a four year Central High School, the election to be held subject to the general election laws of the State. If approved, the Court will issue the bonds immediately at a maximum interest rate of 5%, and at a maturity schedule not to exceed 30 years, redeemable in 15. The Court would decide on the best location for the school and proceed from there.
2. Private Acts of 1937, Chapter 717, allowed the Jackson County Court to sell its bonds in an amount up to \$100,000, at an interest rate of 5%, or less, to mature over a period not to exceed thirty years to purchase ground for, erect, equip, and furnish an addition to the Jackson County High School. The Board of Education was constituted as a Building Committee to organize and supervise the work.

## **Chapter IV - Boundaries**

### **Creation of the County**

#### **Acts of 1801 Chapter 48**

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

**SECTION 2.** That a new county be established by the name of Jackson, to be contained with the following

described bounds, (viz) Beginning on the state line, at the north east corner of Smith county, thence east along the state line to where it intersects the Indian boundary, thence along the same to where it crosses the Caney Fork road, thence along the eastern boundary of Smith county to the beginning.

**SECTION 3.** That it shall and may be lawful for the sheriff of Smith county to collect the taxes for the present year and all arrearages of taxes, for every and any preceding year, in the same manner, and with as full authority as if this act had not been passed; and Smith county shall be liable for the payment of every demand that any of the citizens of Jackson county, theretofore a part of said county, may legally have for services rendered the said county of Smith; and it is moreover understood that the sheriff of Wilson county shall have the same power and authority as the sheriff of Smith, for the collection of the taxes of that part of Wilson county which is by this act annexed to Smith county.

**SECTION 4.** That the courts of pleas and quarter sessions of Jackson county shall be held on the second Mondays in December, March, June, and September, at the house of John Bowen on Roaring river, with the same power and authority as other courts of pleas and quarter sessions heretofore established by law.

**SECTION 5.** That Charles Cavanaugh, esquire, William Sullivan, senior, Andrew Greer, Thomas Smith, senior, and Thomas Draper, be, and are hereby appointed commissioner, who, or a majority of them, shall have full power and authority to procure by purchase, or otherwise, forty acres of land, for the purpose of erecting a court house, prison, and stocks, as near the centre of the county, as the situation will admit of, and to take a deed or deeds of conveyance for the same in their own names as commissioners, in trust for the county, which shall be good and valid in law, and shall vest in them and their successors in office, a complete title for the uses in this act expressed, and the said commissioners shall, by a majority, have full power to elect any suitable person or persons to fill any vacancies that may happen to their own body, by death, resignation or otherwise.

**SECTION 6.** That the said commissioners, or a majority of them, shall, as soon as may be, after purchasing and obtaining a title to forty acres of land as aforesaid, cause a town to be laid off thereon, to be called and known by the name of Smithfield, for county purposes, reserving one and an half acres near the centre thereof, on which shall be erected the court house, prison and stocks of the said county, which one acre and an half in the plan of the said town, shall be denominated the public square.

**SECTION 7.** That it shall be the duty of the commissioners to attend at the place of holding court in said county, on the first Monday in December next, to designate a place where the court house, prison and stocks shall be erected for said county, and the commissioners shall, before they proceed upon the duties of their appointment, take the following oath to wit: I, A.B. do solemnly swear or affirm (as the case may be,) that as a commissioner for Smith county, I will do equal and impartial justice to the people, and endeavor to fix the public buildings as near as possible to the requisition of this act. So help me GOD.

**SECTION 8.** That the said commissioners be, and they are hereby authorized to sell the lots of the said town at public sale, at a credit of six months, giving thirty days previous notice of such sale by advertisement, at four or more of the most public places in the said county, taking bond with sufficient security for the payment of the purchase money, to themselves and their successors in office; and the said commissioners, or a majority of them, are hereby authorized to execute in due form of law, deeds of conveyances in fee simple for the same to the purchasers, which shall be good and valid in law to all intents and purposes.

**SECTION 9.** That the money arising from the sale of the aforesaid lots, shall be by the said commissioners applied to the building the court house, prison and stocks, and they are authorized to contract with a suitable person or persons to erect the same, the court house to contain convenient rooms for the juries, and the prison to consist of two rooms at least.

**SECTION 10.** That the said commissioners shall keep a fair and regular account of all monies by them received and expended, which shall be laid before the court of said county when demanded, and the said court shall have full power and authority to levy a county tax for the purpose of defraying the expense of the public buildings: Provided, That the said tax shall not exceed six and one fourth cents on every white poll between the age of twenty one and fifty years, a tax not exceeding twelve and an half cents on every black poll between the age of twelve and fifty years, a tax not exceeding six and a fourth cents on each hundred acres of land in any one year, which shall be collected in the same manner, and by the same persons as public taxes are, & monies arising from said taxes, shall be paid by the collector thereof, first deducting the same per cent for collection, as is by law allowed for the collection of public taxes, into the hands of the aforesaid commissioners, or a majority of them, to be applied to the purposes aforesaid.

**SECTION 11.** That the said commissioners shall give bond with sufficient security, in the sum of five thousand dollars, payable to the chairman of the court of said county and his successors in office, conditioned for the faithful performance of the duties enjoined on them by this act.

**SECTION 12.** That the said commissioners, when the buildings are completed, shall lay before the court

of said county, a fair and just statement of the costs and expenses of said purchase and buildings, together with receipts, and shall be allowed a reasonable compensation for their services by the said court; Provided, five, or a majority of the acting justices of said court be present when such allowance is made.

**SECTION 13.** That elections for members to the general assembly, the governor, and member or members of congress, shall be held at the court house of Jackson county, on the days on which elections for such purposes are authorized to be held, and the sheriff of Jackson county shall meet the sheriff of Sumner county at the court house of said county, on the succeeding Monday, and with him examine the respective polls of election, and declare the persons duly elected members to the general assembly, and give certificates accordingly to the persons duly elected, and it shall be the duty of the said sheriff to transmit a statement of the poll of election for governor and member or members to congress, to the speaker of the senate, in the same manner as directed by law, as the duty of sheriffs of counties heretofore established.

**SECTION 14.** That it shall be the duty of the sheriff of the county of Jackson, to hold an election at the place of holding court in the county of Jackson, on the first Thursday of March and the succeeding day, for the purpose of electing one colonel and two majors for the county of Jackson, under the same rules, regulations and restrictions, as prescribed by law for the election of such officers.

**SECTION 15.** That the elections for company officers for the county of Jackson, shall be held at their respective company muster grounds on the last Saturday of May next, in the same manner and form as appointed by law for electing company militia officers.

**SECTION 16.** That the county of Jackson shall be in all cases whatsoever, considered as a part of the district of Mero.

**SECTION 17.** That Willis Jones is hereby appointed a surveyor to run the lines of Smith county as prescribed by this act, and that Lewis McFarland, is hereby appointed to mark the said line, and when completed, (sic) the said surveyor shall receive two dollars per day, and the marker one dollar per day, as full compensation for their services, to be paid by the said county of Smith.

**SECTION 18.** That it shall and may be lawful for Moses Fisk, esquire, or any other justice of Smith county, to attend at the time and place of holding the first court in Jackson county, and is hereby authorized and empowered to administer the oath of office to the justices of said county.

Passed: November 6, 1801.

## Change of Boundary Lines

### Acts of 1801 Chapter 37

**SECTION 1.** That the bounds of Jackson county shall be as follows. (viz) Beginning at the north east corner of said county, on the state line, thence east with said line to the north west corner of Anderson county, thence along the western boundary of the counties of Anderson and Roane, to the southern boundary of the state, thence westward with said line to a point, from which a due north line will strike the south east corner of said county; and that the counties of Smith, Wilson, Davidson, Williamson and Robertson, shall be extended from the southwest and southeastern corners due south to the southern boundary of the state, and that the county of Montgomery shall be extended from the north west corner, thence down the river Mississippi to the south west angle of this state, thence east, with the southern boundary line of the same, to the south west corner of Robertson county, thence north, with the western boundary line of Robertson county aforesaid, to the northern boundary of this state, thence west, to the beginning.

**SECTION 2.** That nothing in this act contained, shall be so construed as to authorize any person whatever, to violate the laws of the United States, as it relates to such parts of the said counties lying within the Indian boundary. Provided nevertheless, that nothing herein contained shall be so construed, as to authorize the sheriff of either of the aforesaid counties, to levy execution to sell any real property lying within the Indian boundary, until the same is extinguished, any law to the contrary notwithstanding.

Passed: November 14, 1801.

### Acts of 1806 Chapter 27

**SECTION 1.** That the county of Jackson shall be reduced to constitutional limits, to wit: Beginning at the north east corner of Smith county, running thence east with the northern boundary of the state, to the south bank of Cumberland river, being the north east corner of the military reservation; thence south with

the military line, twenty-one miles; thence south, twentythree degrees east, so far as is necessary to leave six hundred and twenty-five square miles in the county of Jackson; thence west to the eastern boundary of Smith county, and with the same to the beginning.

**SECTION 2.** That Thomas Draper, Henry M'Kinney, Ferdinand Hamilton, William Sullivan and John Dillingham, be, and are hereby appointed commissioners, who, or a majority of them, shall have full power and authority to purchase or procure sixty acres of land, as near the center of said county, as water and other conveniences will admit or is practicable, on some part of which shall be erected the court house, prison and stocks for the said county, upon the best terms it can be obtained, either by donation or otherwise, and to take a deed or deeds of conveyance for the same, in their own names, as commissioners in trust for the county, which shall be good or valid in law or equity, and shall vest in them and their successors in office, a complete title for the uses in this act expressed; and the said commissioners shall, by a majority, have full power and elect any person or persons to fill any vacancies that may happen in their own body.

**SECTION 3.** That the said commissioners, or a majority of them, shall, within one month after obtaining a title to sixty acres of land, as aforesaid, cause a town to be laid off thereon, to be called and known by the name of Williamsburg, for county purposes, reserving two acres as near the centre thereof, as may be convenient, on which shall be erected the court house, prison and stocks for said county, which two acres in the plan of said town, shall be denominated the public square.

**SECTION 4.** That the said commissioners, be, and are hereby authorized to sell the lots of said town at public sale, on a credit of twelve months, giving sixty days previous notice in the Tennessee Gazette, and by advertisement at six of the most public places in said county, and shall take bond and security for the payment of the purchase money, to themselves and successors in office; and the said commissioners, or a majority of them, are hereby authorized to execute in due form of law, deeds of conveyance in fee simple for the same, to each purchaser, which shall be good and valid in law to all intents and purposes, and the money arising from the sale of the aforesaid lots, shall be applied by the said commissioners to the building of the court house, prison and stocks; and they are authorized to contract with a suitable person or persons to erect the same, and the court house, to contain convenient rooms for juries, and the prison to consist of two rooms at least.

**SECTION 5.** That the said commissioners shall keep a fair and regular account of all monies by them received and expended, which shall be laid before the court of the said county, when demanded; and if the monies arising from the sale of said lots, shall not be sufficient to defray the expenses of sixty acres of land, and erecting the court house, prison and stocks thereon, the court shall have full power by a county tax to make up the deficiency: Provided, that two thirds of the acting justices are present when the taxes are laid: Any provided also, That the said tax shall not exceed twelve and one half cents on each white poll: not exceeding twenty-five cents on each black poll; not exceeding one dollar upon each stud horse kept for mares; not exceeding twelve and one half cents on every hundred acres of land; not exceeding five dollars on each merchant, peddler or hawker, in any one year; which tax shall be collected in the same manner, and by the same persons, as public taxes are; and the monies arising from the taxes shall be paid by the collector thereof, first deducting the same per cent as is by law allowed for the collection of public taxes, into the hands of the aforesaid commissioners, or a majority of them, to be applied to the purposes aforesaid.

**SECTION 6.** That the aforesaid commissioners shall give bond with sufficient security, in the sum of five thousand dollars, payable to the chairman of the court of said county, and his successors in office, conditioned for the faithful performance of the duties enjoined on them by this act.

**SECTION 7.** That the courts of pleas and quarter sessions for the county of Jackson, shall have power to compel the said commissioners to lay before them, as soon as said buildings are finished, a fair and regular statement of the costs and expenses of the said purchase and buildings, together with their receipts for disbursements, and shall allow them a reasonable compensation for their services: Provided, a majority of said court be present when said allowance is made, and shall have them a certificate for the same, signed by the clerk thereof, which shall be paid by the county as aforesaid.

**COMPILER'S NOTE:** The remainder of this act applied to Overton County, and therefore, was not included herein.

Passed: September 11, 1806.

## Acts of 1813 Chapter 97

WHEREAS it appears to this General Assembly that the citizens residing in the south east corner of the county of Jackson labor under great inconveniency in consequence of their remote situation from the seat of justice in said county; for remedy whereof,

**SECTION 1.** That all that part of Jackson lying east and south of the following lines to wit. Beginning where the eastern boundary line of Jackson county, and the northern boundary line of White county intersect each other on the Walton road at the White Plains, thence westwardly along the dividing ridge that divides the waters of Roaring river and Falling water, until it strikes the main branch of Cane creek, thence down said creek including the dwelling house of Smith Hutchins in White county, to where the dividing line between Jackson and White crosses the same, leaving said Walton's road and all the water of Roaring river in Jackson county, and that the same is hereby stricken off the county of Jackson, and is hereby attached to, and shall become a part of the county of White: Provided nothing herein contained shall deprive Jackson county of its constitutional limits.

**SECTION 2.** That the sheriff of Jackson county shall collect all arrearages of taxes already laid by any order or orders of the county court of Jackson, and all state taxes already due and uncollected in the same manner and under the same rules and regulations as he could have done if this act had not passed.

**SECTION 3.** That this law shall take effect from and after the first day of December next.

Passed: November 16, 1813.

## Acts of 1815 Chapter 183

**SECTION 1.** That so soon as the boundary line shall be settled between this state, and the state of Kentucky, either by Congress or by an adjustment by the respective states, the county court of Jackson county shall appoint some good mathematician to run out said county, to make three fair and distinct plats of the same, according to the lines and courses thereof, which said mathematician or surveyor shall have two sworn chain carriers with him, and when the said county shall be so run on, and the plat are made out, if there should not be a sufficient extent of territory, to comply with the requisition of the constitution, then and in that case the said surveyor shall immediately proceed to detach, as much of that of the county of White lying most convenient, and which was taken from Jackson county, and add the same to Jackson, in order to make the same a county of constitutional limits, and when said plats are made of the whole county, which shall comprehend said detached part, if any, said surveyor shall designate the centre of said county in said plat, the water courses & c. whereon it lies, and return one of said plats to the county courts of Jackson, to be lodged in the clerk's office, one plat to be given to the commissioners hereafter to be appointed by this act, and the other shall be preserved by said surveyor, which said surveyor and chain carriers shall be allowed the following fees, for the compensation, viz: two dollars and a half per day to the surveyor, and one dollar per day to each claim carrier.

**SECTION 2.** That when the centre is so ascertained, it shall be the duty of the commissioners or a majority of them, as shall be hereafter appointed by this act, to select the most eligible situation, and as near the centre as practicable to get good water, to lay off a county town for the seat of justice in Jackson county, and when they shall ascertain in manner hereinafter pointed out, that a majority of the voters are in favor of moving said seat of justice, they shall immediately proceed to procure from any person or persons who own the land where the site of said town is so settled, a good and sufficient title for forth acres of land, for the purpose of laying off said town which said commissioners shall do accordingly.

**SECTION 3.** That when the town shall be thus laid off, the said commissioners shall advertise the same in the Carthage Gazette, the time when the lots shall be sold, at least thirty days before the sale shall take place, and shall proceed to sell said lots on a credit of twelve months, taking bond with good security for the purchase money, and shall make deeds to the purchasers in fee simple.

**SECTION 4.** That it shall be the duty of said commissioners or a majority of them, to contract with some suitable person, to build a court house, prison and stocks, and the money arising from the sale of lots, shall be applied to the payment of building the same, after paying for the purchase of the land, to be procured by said commissioners.

**SECTION 5.** That if the money arising from the sale of lots be insufficient to pay for the building said court house, prison and stocks, it shall and may be lawful for the county court of said county, provided a majority of the acting justices be present, to lay a county tax, not to exceed the state tax, which tax may be continued from year to year until a sufficient sum shall be raised, to pay for said public buildings, which tax shall be collected by the sheriff, under the same rules, regulations and restrictions as other taxes, and shall be paid by him to said commissioner for said purpose and if the sheriff shall fail to pay over the same, he shall be liable to judgment on motion against him, and securities in the name of said commissioners in the same manner as for failing to pay over other taxes.

**SECTION 6.** That before said commissioners shall proceed on the duties of their appointment, they shall enter into bond to the governor, for the time being and his successors in office, on the sum of six thousand dollars, conditioned for the faithful discharge of the duties of their office, which bond shall be filed with the county court clerk, and by him be recorded.

**SECTION 7.** That the sheriff of Jackson county is hereby authorized and expressly required on the first Thursday and Friday in August next to open and hold an election at all the places of holding elections in Jackson County, under the same rules, regulations and restrictions as he is bound by law to hold other elections for members to the General Assembly, Congress, President, Vice President, Governor, & c. and all persons allowed by law to vote for the above officers, shall be entitled to vote at said election and the said sheriff shall put Williamsburg the present place of holding court in said county and a new courthouse in nomination on the day of election, and the free electors of Jackson county, shall vote the said place so nominated and when the votes for the whole county are collected and counted out in the same manner as is provided for other elections, if a majority shall be in favor of moving the seat of justice by giving the greatest number of votes to the new courthouse, then and in that case the seat of justice shall be removed to the place designated by the commissioners and upon that event the commissioner shall immediately proceed to put the provisions of the second, third and fourth sections of this act into operation, and lay off a town on said land, as soon as purchased, which town when so laid off, shall be named Gainesborough, in honor of Maj. General Edmond P. Gaines of Fort Erie memory and said commissioner shall appoint a chairman to their body, whose duty it shall be to take bonds of all the purchasers of public lots in the town of Gainesborough in his name sake as chairman of the board of commissioners for the town of Gainesborough, who shall sue for and recover any money or monies arising from the sale of said lots.

**SECTION 8.** That Jacob Bennett, Philip Mully, William Scantling, James Terry, James W. Smith, James Vance, Joseph Hawkins, and Joseph Shaw shall be, and they are hereby appointed commissioners to carry this act into effect, and a majority of them shall be competent at all times to act, and before they enter upon the duties of their appointment, they shall take an oath or affirmation, to act to the best of their skill and judgment in all the duties imposed upon them.

**SECTION 9.** That as soon as said court-house shall be erected and received by said commissioners, the justices of the court for said county shall adjourn said court, and all the proceedings therein to the aid town of Gainesborough, at the court-house, and which place from thenceforth shall be the seat of justice, and place for holding courts for Jackson county, and all elections that are now directed by law, to be holden at Williamsburg shall be holden at Gainesborough forever after.

**SECTION 10.** That when the county is centered according to the provisions of this act of an eligible situation cannot be found nearer the centre than Williamsburg, then and in that case the seat of justice shall be, remain at Williamsburg.

**SECTION 11.** That all laws, and parts of laws which are contrary to the intent and meaning of this act shall be, and the same are hereby repealed.

**SECTION 12.** That if the Kentucky line should not be defined and established in time sufficient for the surveyor to run out the county and make out plats aforesaid, before the first Thursday and Friday in August next, then and in that case the election for and against the removal of the seat of Justice shall not take place until the first Thursday and Friday in April eighteen hundred and seventeen, when the sheriff is hereby required to hold the said election in the same manner prescribed by this act, as he was required to hold the same for the first Thursday and Friday in August next, which election on the 1st Thursday and Friday in April 1817, shall be as good to all intents and purposes as if the same had came on the days first prescribed in this act.

**SECTION 13.** That in case of death, resignation or removal of any of the commissioners appointed by this act, or in case of their refusal to act, then and in that case the balance of the commissioners may fill up such vacancy by ballot, and when so elected and sworn, shall possess the same privileges, powers, and capacities as the commissioners first appointed by this act.

**SECTION 14.** That if there are not constitutional limits in Jackson county when the surveyor undertakers to detach as much of that part of the county of White as was taken from Jackson – he shall do it in such a way as not to take that part which ran up in a point in White county, if he can get constitutional limits without, but take it along the broad side of that part of Jackson county as near as may be.

**SECTION 15.** That the county trustee of Jackson county, shall pay said chain carriers and surveyor, the amount of their services when finished and sworn to, out of any monies in his treasury, and their receipt shall be a sufficient voucher in the settlement of his accounts: provided nevertheless if there should be an overplus of monies in the hands of the commissioners, after paying for the public buildings, then and in that case, the said commissioners shall pay said surveyor, and chain carriers out of the same.

Passed: November 14, 1816.

## Acts of 1817 Chapter 26

WHEREAS, it is represented to this General Assembly, that the seat of Justice in the county of Jackson, is in a bend of Cumberland river, and a considerable distance from the centre, and many of the good citizens of said county have to labor under hardships, and inconvenience in attending the same, for remedy whereof:

**SECTION 1.** That the sheriff of Jackson County is hereby required, on the first Thursday and Friday in August next, to open and hold an election in Jackson County, at all the places now appointed by law to hold elections, when and where all persons who are entitled to vote for Governor, members of Congress, members to the General Assembly, &c. shall be entitled to a vote, and at said election the sheriff shall publish Williamsburg, the present place of holding courts in Jackson County, and the centre of said county, in nomination; which said election, shall be conducted under the directions of said sheriff and a sufficient number of inspectors, to be appointed by the county court for that purpose, and which election shall be conducted under the same rules, regulations and restrictions as other general elections are held; and if, upon counting out the votes and properly comparing them, a majority of the votes of said county shall be in favor of removing the seat of Justice to the CENTRE; it shall be moved accordingly, and if a majority of the votes shall be in favor of continuing the seat of Justice, it shall remain at WILLIAMSBURG.

**SECTION 2.** That when it is ascertained that a majority of the people of Jackson County, is in favor of removing their seat of Justice, by a comparison of the polls of said election, the commissioners hereafter to be appointed by this act, shall select the most eligible situation, and as near the centre as it is practicable to get good water, and lay off a county town in Jackson County, first having procured from any person or persons, who may own the land where the site is settled, a good and sufficient title for forty acres of land for that purpose.

**SECTION 3.** That when the town shall be so laid off, the said commissioners shall advertise the same in the Carthage Gazette, and Knoxville Register, the time and place of the sale of the town lots, which notice and advertisement shall be at least thirty days before the sale shall take place, and they shall proceed to sell the said lots at twelve months credit, taking bond and good security of the purchasers, and shall make deeds in fee simple to the purchasers.

**SECTION 4.** That it shall be the duty of said commissioners, or a majority of them to contract with some suitable person or persons to build a courthouse, prison and stocks, and the money arising from the sale of said lots, shall be appropriated to that purpose, after paying for the land purchased for said town, and if the money arising from the sale of the aforesaid lots is insufficient to pay for the land, and also for the court house, prison and stocks, it shall, and may be lawful for the county court of Jackson county, (a majority of the acting justices being present) to lay a county tax on every description of taxable property in their county, not exceeding the state tax, which may be continued from year to year, until a sufficient sum is collected to answer the purpose intended, and which tax shall be collected by the sheriff of Jackson County, under the same rules, regulations, &c. as he is bound to collect other taxes and public dues, and shall receive the same fees, and said monies when so collected, shall be paid by said sheriff to said commissioners, and upon failure thereof, he shall be liable to judgment upon motion, at the instance of the commissioners, in the same manner as judgments are taken against him in other cases.

**SECTION 5.** That before the said commissioners shall proceed on the duties of their appointment, they shall enter into bond to the Governor, and his successors in office, in the sum of six thousand dollars, conditioned for the faithful discharge of the duties of their office, which bond shall be filed with the clerk of the county court, and be by him recorded.

**SECTION 6.** That Philip Mulky, Thomas Butler, William Scantling, James Perry, Joseph Hawkins, James Vance, Alexander Keith, Esquire, James W. Smith, and William Rash, Esquire, shall be, and they are hereby appointed commissioners to carry this act into operation, and a majority of them, shall be competent at all times, to transact any business required by this act; and before they enter upon the duties of their appointment, they shall take an oath or affirmation, to act to the best of their skill and judgment, in all the duties required of them.

**SECTION 7.** That when said town is laid off and established, it shall be known by the name of Gainesboro', in honor of Major General Edmund P. Gaines, and as soon as the courthouse shall be erected and received by said commissioners, the justices of the county court for said county, shall adjourn said court and all proceeding therein, to the said town of Gainesboro, and from thenceforth, it shall be the seat of Justice for Jackson County, and all elections that are now holden by law, at the town of Williamsburg, shall be holden at the court house in Gainesboro'.

**SECTION 8.** That if the commissioners under this act, cannot correctly ascertain the centre of Jackson County in any other way, they are hereby authorized to employ some surveyor, and a sufficient number of chain carriers, to run out said county and ascertain the centre, and said surveyor shall make out three fair plats of said county, and deposit one in the clerks office of said county; one shall be for the use of the commissioners, and the surveyor shall preserve the other.

**SECTION 9.** That when the county is centred, if an eligible situation cannot be found nearer the centre than Williamsburg, than and in that case, Williamsburg shall continue to be the seat of Justice for said county.

**SECTION 10.** That in case of death, resignation, or removal of any of the commissioners appointed by this act, or if any of them shall refuse to act, it shall and may be lawful for the balance of said commissioners to proceed to elect one by ballot, to fill up such vacancy, and when so elected and sworn, they shall be as competent to act, as if they had been first appointed.

**SECTION 11.** That if it should become necessary to employ a surveyor and chain carriers to run out Jackson County, they shall receive the following compensation, to wit; the surveyor two dollars and fifty cents per day, each chain carrier one dollar per day, out of any monies in the hands of the commissioners, either by sales of lots, or by a tax laid by the county courts.

**SECTION 12.** That the commissioners shall receive such a compensation as the county court of Jackson may allow, out of the monies aforesaid.

**SECTION 13.** That the said commissioners shall appoint one of their own body as chairman of said commissioners, and shall take all notes, bonds, &c. in his name, as chairman aforesaid.

Passed: October 6, 1817

## Acts of 1819 Chapter 63

WHEREAS by an act of the General Assembly, passed 1813, a certain portion of Jackson county was attached to White county, which by actual admeasurement has been found to reduce Jackson county below her constitutional limits, for remedy whereof:

**SECTION 1.** That the dividing line between the counties of White and Jackson shall be as follows, to wit: beginning at or near the White Plains where the former line of Jackson county crosses the Cumberland road; thence south twenty three degrees east, about two miles to an Elm, black gum, hickory, and two dogwoods at a large sink hole, on a spur of Cumberland mountain; thence south forty two degrees west, five miles to three white oaks and two red oaks on the east bank of Hutchens' creek; thence west fourteen miles one hundred and sixty poles to the south west corner of Jackson county, which line as hereby designated shall be the true jurisdictional line between the said counties forever.

**SECTION 2.** That all civil officers as well as military, that now live in said territory intended to be re-attached to Jackson county, shall hold, occupy, exercise and adjoin said officers, in as full and ample a manner in the county of Jackson as they now enjoy the same in the county of White, provided nevertheless, if there be any constable, heretofore appointed, by the authority of White county whose term is not expired, he shall give new and additional security to the county court of Jackson for the faithful discharge of his duties for the time unexpired.

**SECTION 3.** That all judgments rendered and executions issued to, for or against any person or persons residing in said territory so attached, shall be proceeded upon and collected in the same manner they could or would have been, in case this act had never been passed; and nothing herein contained shall be so construed as to prevent the sheriff of White county, from collecting any taxes, public dues, or monies due upon executions in his hands against any person resident therein.

**SECTION 4.** That John Murry is appointed to run and mark that part of the southern boundary line of Jackson County, and the northern boundary of White county, in a plain and distinct manner, where the same has not been heretofore done, and the commissioners of the town of Gainesboro', shall allow the said Murry such compensation as they may think proper, out of any monies that may remain in their hands not otherwise appropriated. And for the prevention of disputes between the citizens of Morgan and Overton counties, in regard to their boundary:

**SECTION 5.** That the following shall be the dividing line between said counties until otherwise provided for by law, (to wit:) beginning at Johnsons stand on the great Cumberland Turnpike road; thence a direct course to the house now occupied by Joseph French on Piles' road; thence a direct course to the extreme height of the ridge, that divides the waters of wolf river from the waters of White Oak creek; thence a due north course to the Kentucky line. Which said lines shall be the jurisdictional lines, in all respects whatever.

**SECTION 6.** That this act shall be in force from and after the first day of January next.

Passed: November 11, 1819.

## Acts of 1833 Chapter 301

**SECTION 1.** That it shall be the duty of the surveyor of Jackson county, to run and mark a in beginning at the south east corner of Smith county, and running thence a direct line to the place where the county line of Jackson, run by William W. Woodfolk, crosses Cane creek, which line, when so run, shall be and constitute a part of the dividing line between the counties of White and Jackson; and all entries of land which may have been made in either of said counties, and which may by the establishment of said line be ascertained to lie in the county other than that in which the entry was made, shall be as good and valid as if the same had been made in the proper county; and all such entries are hereby directed to be surveyed by the surveyor of the county in which the land may have been entered, which survey shall be good and valid in law, although the land so surveyed may not lie in the county of which he is surveyor.

**SECTION 2.** That the county court of Jackson, shall make said surveyor a reasonable compensation for his services, out of any moneys in the hands of the treasurer of said county not otherwise appropriated.

Passed: November 4, 1833.

## Acts of 1849-50 Chapter 90

**SECTION 1.** That the line between the counties of Jackson and Macon be changed as follows: Beginning at a white oak at the north-west corner of Jackson county, in Walker's line; thence with said lines east one mile to two white oaks; thence south five and a half miles to a black oak; thence west one mile to a stake in the west boundary line of said county of Jackson; thence north to the beginning; Provided, That nothing herein contained shall reduce the said county of Jackson below her constitutional area; and provided that those living within the bounds proposed to be stricken off, shall pay the expenses of surveying the county of Jackson, in order to ascertain whether or not there is sufficient territory.

**COMPILER'S NOTE:** The remainder of the Act does not apply to Jackson County, and therefore, is not included in this publication.

Passed: February 9, 1850.

## Acts of 1870 (Ex. Sess.) Chapter 29

**SECTION 1.** That a new county be and the same is hereby established, to be composed of portions taken from the northern portion of Jackson and Overton Counties, to be known and designated by the name of County of Clay, and shall be bounded as hereinafter provided.

**SECTION 2.** That the general boundaries of said county shall be as follows, to-wit:

Beginning at the common corner of Jackson and Overton Counties, upon the State line between Kentucky and Tennessee, running thence with said line east to a point in said line on the northern boundary of Overton County, to be fixed by the Commissioners to be hereafter designated in this act; thence south or southwest to a point in Overton County, to be also fixed and established by the said Commissioners; thence in a westerly direction through Overton and Jackson counties to a point to be fixed by the Commissioners' thence north with said line to the State line; thence east with said line to the beginning; Provided, That no line of said new county shall approach the Court-houses of Jackson and Overton Counties nearer than ten miles in a direct line from the same.

**SECTION 3.** That R. P. Brooks, Jas. G. Cunningham and Job M. Morgan, of Jackson County, and W. H. Turner and Thomas Armstrong, of Overton County, be and they are hereby appointed Commissioners, with full power and authority to run out and designate the boundaries of said county by actual survey; and they are authorized to employ a competent person to survey the same; and if, upon finding that their territory and population are sufficient to meet the requirements of the Constitution without infringing the constitutional territory or population of the counties from which said County of Clay is to be taken, then said Commissioners shall have the lines of said County of Clay plainly marked, and cause a correct map of the same to be made out and transmitted to the Secretary of State, who shall file the same in his office; and the County of Clay is hereby established upon the following conditions:

**SECTION 4.** That it shall be the duty of said Commissioners, as soon as they shall ascertain that there is territory and population sufficient to establish a new county under the requirements of the second and third sections of this act, after giving twenty days' notice in three or more public places, of the time and place in each of the fractions proposed to be stricken off from the Counties of Jackson and Overton, to open and hold an election in each of the fractions proposed to be stricken off from the counties aforesaid, for the purpose of ascertaining whether two-thirds of the voters residing in those fractions, are in favor of or opposed to the establishment of said County of Clay; and all persons qualified to vote for members of the General Assembly who have resided in the fractions aforesaid six months immediately preceding the day of election, shall be entitle to vote; and each voters who desires the establishment of the new county,

shall have on his ballot "New County," and those opposed to the new county shall have on their ballots "Old County;" and if upon counting the ballots, the judges of the several elections shall return that two-thirds of each of the fractions have voted for the new county, then the County of Clay shall be and the same is hereby established, with all the powers, privileges and advantages, and subject to all the liabilities of other counties in this State.

**SECTION 5.** That all officers in said county shall continue to hold their offices and exercise all the powers and functions thereof, until others are elected and qualified according to law, and the said County of Clay shall elect her officers on the day and under the same rules and regulations as provided by law for the election of officers in other counties in this State.

**COMPILER'S NOTE:** The remainder of this act concerned Clay County, and is not included herein.

Passed: June 16, 1870.

## Private Acts of 1955 Chapter 414

**SECTION 1.** That the county line between Smith and Putnam Counties is hereby changed so as to take from the Twelfth Civil District of Jackson County and place in the Eighteenth Civil District of Putnam County the following prescribed land:

A certain tract or parcel of land in the Twelfth Civil District of Jackson County, State of Tennessee, belonging to Jess Rogers bound and described as follows, on the north by the land of Haskel Billingsley, on the south by the land of Haskel Billingsley on the east by Rid McHenry and on the west by the A. W. Flatt land, and containing by estimation 50 acres and known as the B. A. Julian land.

A certain tract or parcel of land in the Twelfth Civil District of Jackson County, State of Tennessee, belonging to Jess Rogers and described as follows: Beginning on a beech tree near the creek on Rid McHenry's line, thence with said line to the A. W. Flatt corner, thence eastward with the said Flatt line to the B. A. Julian line, thence with said line to Rid McHenry's corner, thence with aid McHenry's line to the creek, then with said creek to the beginning, containing 42 acres more or less. This is known as the Pink Pippin place.

A certain tract or parcel of land in the Twelfth Civil District of Jackson County, State of Tennessee as follows:

Beginning on a beech, James Goolsby's corner and running thence south 72 poles to a hickory and chestnut, thence north  $8\frac{1}{2}^\circ$  east 14 poles, thence north  $72^\circ$  east 16 poles thence south  $72\frac{1}{2}^\circ$  east 12 poles thence south  $62\frac{1}{2}^\circ$  east 32 poles to a beech and ash pointers thence south  $69^\circ$  east 8 poles thence south  $46^\circ$  east 14 poles to a chestnut in the scantland line thence north 19 poles to a buckeye and red bud pointers, thence north  $81\frac{1}{2}^\circ$  east 18 poles to a buckeye stump James Goolsby's corner thence north 16 poles to the creek thence north  $61^\circ$  west down the creek 77 poles to a beech near the bank of the creek thence north  $12^\circ$  east 36 poles to five maples thence east 52 poles to a beech in the scantland line, thence north 62 poles to a line and walnut thence west 80 poles to a sugar tree thence south  $7^\circ$  west 20 poles to a sugar tree thence south  $21^\circ$  west 14 poles to a beech, thence south  $26^\circ$  west 16 poles to a sugar tree thence south  $30^\circ$  west 20 poles to a walnut thence south  $25^\circ$  west 10 poles to an elm thence to a beech the beginning corner.

Also an adjoining tract of land as follows beginning on a rock 2 poles south of the northeast corner of Goolsby's 25 acre tract of which this is a part and running  $1\frac{1}{2}''$  west 11 poles to a stake in Martins Creek thence down the same south  $70^\circ$  west 16 poles to a stake at the mouth of a branch thence north  $22^\circ$  west 10 poles to a black walnut thence north  $57^\circ$  east 8 poles to a hickory thence north  $65^\circ$  east to the beginning.

Consisting of 142 acres and 97 square rods known as the Alvin V. Goolsby tract located about  $11\frac{1}{2}$  miles southwest of Gainesboro, Tennessee, on the public road leading from Martins Creek to Bloomington Springs, Tennessee in the Twelfth Civil District.

Beginning on two black oaks down to the right of Ellison Goolsby's on a ridge at Ben Green's land, and running as follows: south  $16\frac{1}{2}^\circ$  west 20 poles to a bunch of chestnuts; thence south  $12^\circ$  east 18 poles to a bunch of chestnut stumps; thence south  $27\frac{1}{2}^\circ$  west 20 poles to a stake near oak stump; thence south  $14\frac{1}{2}^\circ$  west 20 poles to stake; thence south  $36^\circ$  east 6 poles to an oak; thence south  $39^\circ$  east  $10\frac{2}{5}$  poles to a chestnut; thence south  $26^\circ$  east  $17\frac{1}{5}$  poles to a hickory; thence south  $10^\circ$  east  $6\frac{4}{5}$  poles to a little beech thence south  $12^\circ$  east  $24\frac{2}{5}$  poles to a stone corner at Clabbords Branch; thence south  $49^\circ$  west  $9\frac{1}{5}$  poles to stake in the edge of Martins Creek; thence up the said creek south  $30\frac{1}{2}^\circ$  east  $20\frac{2}{5}$  poles to stake in edge of creek; thence south  $56^\circ$  east  $12\frac{2}{5}$  poles to stake at the edge of creek Jack Holloway's corner; thence south  $40^\circ$  west  $18\frac{2}{5}$  poles to stake; thence south  $9^\circ$  east 12 poles to stake in wire fence; thence south  $5\frac{1}{2}^\circ$  west  $7\frac{1}{5}$  poles to a stake near a sassafras; thence south  $2^\circ$  east 9 poles

to a dogwood on top of the hill near a maple; thence north  $88^{\circ}$  west  $31 \frac{3}{5}$  poles to a stake; thence north  $80^{\circ}$  west  $10 \frac{4}{5}$  poles to a stake at the top of the big falls; thence north  $84^{\circ}$  west 21 poles to a hornbeam on the edge of the branch; thence down said branch north  $28^{\circ}$  west  $17 \frac{4}{5}$  poles to a willow in the branch; thence south  $61 \frac{1}{2}^{\circ}$  west  $21 \frac{1}{5}$  poles to a poplar on top of the hill known as a corner; thence north  $39^{\circ}$  west 22 poles to a poplar; thence north  $31^{\circ}$  west 8 poles to a black walnut; thence north  $53 \frac{1}{2}^{\circ}$  west 11 poles to a poplar; thence north  $25^{\circ}$  west 10 poles to a maple; thence west  $6 \frac{3}{5}$  poles to an oak tree; thence south  $78^{\circ}$  west 8 poles to a beech; thence south  $80^{\circ}$  west  $7 \frac{2}{5}$  poles to a stake Jack Holloway's and Wade Walter corner; thence north  $4^{\circ}$  east 27 poles down the wire fence to a stake; thence north  $48 \frac{1}{2}^{\circ}$  west 7 poles to a stake at the edge of Martins Creek; thence north  $43 \frac{1}{2}^{\circ}$  east 12 poles to stake at the mouth of the hollow where B. A. Julian lives; thence up the branch north  $16 \frac{1}{2}^{\circ}$  west  $8 \frac{2}{5}$  poles to stump; thence north  $5^{\circ}$  west  $8 \frac{4}{5}$  poles to stake in the branch; thence north  $11^{\circ}$  east  $16 \frac{4}{5}$  poles to a stake in the B. A. Julian Hollow; thence north  $13 \frac{1}{2}^{\circ}$  east  $7 \frac{1}{5}$  poles to B. A. Julian's line; thence up the hill south  $83^{\circ}$  east  $9 \frac{3}{5}$  poles to a black walnut tree; thence south  $86 \frac{1}{2}^{\circ}$  east 12 poles to stake on top of the point; thence north  $33^{\circ}$  east 8 poles to chestnut stump; thence north  $10 \frac{1}{2}^{\circ}$  east 8 poles to a black oak, thence north  $14^{\circ}$  east 7 poles to a small chestnut; thence north  $22 \frac{1}{2}^{\circ}$  east  $13 \frac{1}{5}$  poles to a stake at the double white walnut; thence north  $44^{\circ}$  east 19 poles to an oak stump thence north  $46^{\circ}$  east  $9 \frac{3}{5}$  poles to an oak; thence north  $40^{\circ}$  east 11 poles to a stake B. A. Julian and Alvin V. Goolsby's corner; in Ellison Goolsby's line; thence north  $71^{\circ}$  east 10 poles to an ash; thence  $45 \frac{1}{2}^{\circ}$  east 20 poles to a stake in the edge of the road; thence south  $74^{\circ}$  east  $15 \frac{4}{5}$  poles to a chestnut, Cowen Loftis corner; thence south  $34 \frac{1}{2}^{\circ}$  east 4 poles to a small chestnut at a large stump; thence south  $1^{\circ}$  west  $7 \frac{3}{5}$  poles to a stake; thence south  $40 \frac{1}{2}^{\circ}$  east 19 poles to the beginning containing 142 acres, 97 square rods.

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

Passed: March 18, 1955.

## Private Acts of 1963 Chapter 131

**SECTION 1.** That the line between the counties of Jackson and Putnam be and the same is hereby changed as follows: The tracts of land now owned by Walter Loftis and L. E. Judd lying in the 10th Civil District of Jackson County will now and hereafter be located in the 15th Civil District of Putnam County and said tracts of land consist of approximately 75 acres described as follows:

"Beginning on a small black oak in J. H. Garrison east boundary line; thence north 111 poles to stone in a hollow; thence south  $76 \frac{1}{2}$  degrees east 51 poles to a stone, Owens corner; thence east  $74 \frac{2}{3}$  poles to a rock near an old road; thence south 14 poles to a rock near Lee Hicks house; thence south 80 poles to a dogwood; thence west 116 poles to the beginning, containing 75 acres more or less."

It is the intent and meaning of this Act that the boundary line between Jackson and Putnam Counties be so changed that the above-described lands now owned by Walter Loftis and L. E. Judd lying within Jackson County shall become a part of Putnam County, and included therein as a part of the 15th District of said County.

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

Passed: March 12, 1963.

## Private Acts of 1965 Chapter 147

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

Beginning at a pin in the center of State Highway 85, where the same is intersected by the eastern boundary of Smith County and running from there as follows: North 5 degrees 12 minutes East a distance of 1274 feet with the Smith-Jackson County line the same being the east boundary of the Cook and Collier farms to an elm in fence; thence South 80 degrees 44 minutes East a distance of 765 feet with the fence (Hudson south boundary) to an iron pin in fence corner; thence North 85 degrees ten minutes East a distance of 659 feet with the fence (Hudson south boundary) to an iron pin in fence corner at the west boundary of Martin farm; thence South 17 degrees 35 minutes West a distance of 200 feet with the fence (Martin West boundary) to an iron pin in fence; thence South 3 degrees 00 minutes West a distance of 907 feet with the fence (Martin West boundary) to an iron pin in center of Salt Lick Creek; thence North 74 degrees 00 minutes East a distance of 342 feet down the creek with Martin line to an iron pin in center of creek; thence South 19 degrees 10 minutes East a distance of 220 feet with the fence (Martin line) to a hackberry south of highway 85; thence South 70 degrees 15 minutes East a distance of 128 feet with the fence (Martin line) to fence corner; thence South 11 degrees 00 minutes East a distance of 188 feet with

the fence (Martin line) to a hackberry in fence; thence South 3 degrees 50 minutes West a distance of 821 feet with the fence (Martin line) to fence corner; thence South 79 degrees 50 minutes East a distance of 336 feet with the fence (Martin line) to an iron pin in fence corner at Browns line; thence South 4 degrees 10 minutes West a distance of 687 feet with the fence (Brown line) to fence corner; thence North 78 degrees 30 minutes West a distance of 232 feet with the fence (Brown and Williams line) to an elm in fence in lowgap; thence North 43 degrees 00 minutes West a distance of 341 feet with the fence (Williams line) to fence corner; thence South 76 degrees 15 minutes West for a distance of 738 feet with the fence (Williams line) to fence corner; thence South 25 degrees 40 minutes West for a distance of 581 feet with the fence (Williams line) to fence corner; thence South 48 degrees 55 minutes West for a distance of 938 feet with the fence (Williams and Franklin line) to fence corner; thence North 58 degrees 45 minutes West for a distance of 628 feet with the fence (Franklin line) to an iron pin in the present Smith-Jackson line; thence North 12 degrees 57 minutes East for a distance of 2,559 feet severing the Butler Farm with the Smith-Jackson County line to the point of beginning; and containing 143.44 acres, more or less.

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

Passed: March 16, 1965.

## Boundaries - Historical Notes

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

1. Acts of 1805, Chapter 67, in reducing Smith County to its constitutional limits, caused all that part of Smith County lying east of the upper boundary of said county to be annexed to Jackson County.
2. Acts of 1806, Chapter 36, established a new county by the name of White County from the area south of and adjoining the counties of Wilson, Smith, Jackson, and Overton, and the sheriff of White County would meet with the sheriff of Jackson County to compare polls.
3. Acts of 1806, Chapter 50, authorized James Chissum, of Overton County, to work and run the lines between Jackson County and Overton County and Jackson County and White County, and to employ two chain carriers and two markers to assist. He was to be paid \$2 per day and the others \$1 for their services, which expense would be borne equally by the counties.
4. Acts of 1819, Chapter 15, authorized the commissioners of the town of Gainesboro to make such further allowance to James Hancocke and Thomas Murry, who were employed as chain carriers in running the lines of Jackson County, as they may think it proper and to appropriate the funds out of any monies remaining in the hands of the commissioners.
5. Acts of 1820 (Ex. Sess.), Chapter 28, was enacted for the relief of the inhabitants of the town of Williamsburg following the removal of the county seat to Gainesboro. The owners or holders of lots in Williamsburg were exempted from the payment of the state and county taxes. They would still be liable for other taxes and the taxes for the year 1820.
6. Acts of 1825, Chapter 281, made it the duty of the surveyor of Jackson County to run and mark the line between Jackson County and White County and to complete the same by next January 20, as herein directed, "beginning at three white oaks and two red oaks on the east bank of Hutchins Creek, one of the corners on the line running west, 14 miles and 160 poles to the southwest corner of Jackson County which line is hereby designated as the line between the two counties for jurisdictional and all other purposes. The county court shall compensate the surveyor for this work as they may consider it reasonable.
7. Acts of 1829, Chapter 257, required the Jackson County Surveyor to run and mark the line with White County, beginning at the southeast corner of Smith County and running then a direct line to the place where the county line of Jackson County as run by William W. Woodfork, crosses Cane Creek, which line, when so run shall be a constitute a part of the dividing line between White and Jackson counties. All entries of land which may have been made in either county, and which may, by the establishment of said line, be ascertained to lie in some county other than where the entry was made shall be as good and valid as if the entry had been made in the proper county to begin.
8. Acts of 1833, Chapter 206, annexed to Jackson County the plantation and house belonging to Ann Quarles which was adjacent to the line, same to be effective from and after January 1, 1834.
9. Acts of 1847-48, Chapter 36, directed that the dividing line between Jackson and Overton Counties be so changed as to run with the Cumberland River from where the said line first strikes the river above Celina, to the Kentucky line.
10. Acts of 1849-50, Chapter 80, changed the line between Jackson and Smith County from the point where the said line now crosses Hurricane Creek, the same shall run with the said Creek to

- Cumberland River, thence with the river northward to where the county line crosses said river and from thence north as the line now runs.
11. Acts of 1859-60, Chapter 100, Section 8, moved the house and lands belonging to Matthew M. Brewington from Putnam County into Jackson County.
  12. Acts of 1865-66, Chapter 104, detached the land and residence of Andrew Conn from Jackson County and attached the same to Macon County.
  13. Acts of 1866-67, Chapter 23, amended Acts of 1865-66, Chapter 104, to change the name of the person whose property was affected from Andrew Conn to Andrew Comer.
  14. Acts of 1868-69, Chapter 43, Section 3, transferred all that portion of the lands of H. B. Clark which now are located in Jackson County into Smith County so as to have the entire property in one county.
  15. Acts of 1870 (Ex. Sess.), Chapter 62, changed the lines between Jackson and Overton Counties so as to include wholly within Jackson County all the lands upon which George Kinnaird now lives, but he shall continue to pay taxes on the Overton County portion for the next three years.
  16. Acts of 1873, Chapter 76, Section 3, moved the entire farms belonging to Elmore Carrington, William Sadle, Charles M. Sadler, M. M. Jaquess, and M.M. Owen out of Jackson County and into Putnam County.
  17. Acts of 1877, Chapter 148, provided that the lands of W. W. Pippin, Reuben Whitson, and W. C. Rector, which are now in Jackson County, are hereby attached to Putnam County and the boundaries between the two counties are changed accordingly. All taxes owing to Jackson County must still be paid.
  18. Acts of 1883, Chapter 42, moved all the lands belonging to Nathan Davidson out of Putnam County and into Jackson County.
  19. Acts of 1883, Chapter 47, changed the line between Jackson and Putnam Counties so as to include wholly within Putnam County the lands of Nancy Owen, J. M. Mabry, J. G. Smith, the heirs of John Smith, which were all formerly in the 10th Civil District, and the property of W. J. Lewis formerly in the 7th Civil District of Jackson County.
  20. Acts of 1883, Chapter 175, moved all the lands of W. P. Lewis out of Putnam County and into Jackson County.
  21. Acts of 1887, Chapter 102, provided that there would be included in Clay County a certain island, or so much thereof as might belong to B. K. Biggerstaff, lying in the Cumberland River, now situated partly in both counties, and known widely as Brimstone Island.
  22. Acts of 1889, Chapter 109, transferred all the properties belonging to T. L. Maddux from Putnam County into Jackson County; the lands of R. L. Maddux and T. J. Lee from Jackson County into Putnam County; and the lands of J. P. Whitefield from Putnam into Jackson County.
  23. Acts of 1893, Chapter 102, moved all the lands of W. J. Bartlett out of Jackson County and into Putnam County, being bounded on the north by C. P. Lewis, on the south by J. E. Anderson, on the west by Nancy Owen, and on the east by J. M. Mabry.
  24. Acts of 1895, Chapter 116, detached the lands belonging to Sidney Sutton from Jackson County and attached them to Putnam County.
  25. Acts of 1901, Chapter 242, changed the lines between Jackson and Putnam so as to include all the lands of H. F. Sadler in the 12th Civil District of Putnam County, and to make Martin's Creek the boundary line between the two counties along the entire length of the said H. F. Sadler's northeast boundary line.
  26. Acts of 1901, Chapter 262, changed the lines between Jackson and Putnam and between Putnam and Overton Counties so as to include wholly within the 15th Civil District of Putnam County all the lands of Sampson Bartlett.
  27. Acts of 1903, Chapter 23, transferred all the lands of William C. Ashburn, on which he now lives into the First Civil District of Putnam County, from Jackson County.
  28. Acts of 1905, Chapter 9, took the lands belonging to F. P. Jared out of Jackson County and placed them in Putnam County.
  29. Acts of 1905, Chapter 197, changed the Putnam and Jackson County line as follows: "beginning in the Putnam and Jackson County line at Carrell Pippin's northeast corner; thence with his north boundary line to Henry Netherton's northeast corner; thence with his north boundary line to J. W. Atkins' northeast corner; thence with his north boundary line to G. W. Brown's southeast corner; thence west with the said line to the Putnam County line" so as to detach all that area from

Jackson County and attach the same to Putnam County.

30. Acts of 1905, Chapter 198, changed the lines between Jackson and Putnam counties, with a partial description, so as to detach all the lands belonging to J. L. Sadler, included within the description from Jackson County and attach the same to Putnam County.
31. Acts of 1905, Chapter 199, moved the lands of Sam Henby out of Jackson County and into Putnam County as described in the Act.
32. Acts of 1905, Chapter 238, transferred the lands of Norrell Chaffin out of the 12th Civil District of Putnam County and into the 5th Civil District of Jackson County.
33. Act of 1905, Chapter 239, moved a portion of the land as described generally in the act, of M. J. Julian out of Jackson County and into Putnam County.
34. Acts of 1905, Chapter 505, changed the boundary lines between Jackson and Smith Counties so as to include all the properties of Elisha Canter in Smith County.
35. Acts of 1909, Chapter 167, detached the lands of Esibious Rich from Clay County and attached the same to Jackson County.
36. Acts of 1909 Chapter 306, accomplishes the same purpose as Acts of 1909, Chapter 167, except the name is spelled Eribous Rich, instead of Esibious Rich.
37. Private Acts of 1911, Chapter 530, detached from Clay County and attached to Jackson County all the lands belonging to C. B. Jenkins, Elizabeth Crabtree, William Kemp, R. W. Allen, and G. S. McCain, effective on March 1, 1909.
38. Private Acts of 1933, Chapter 711, removed the lands, as they were generally described therein, belonging to J. M. Lee from Putnam County and added them to Jackson County.
39. Private Acts of 1933, Chapter 712, altered the boundary lines between Jackson and Putnam Counties so as to include two tracts, measuring about 280 acres, which belonged to L. A. Fuqua wholly within Putnam County.
40. Private Acts of 1939, Chapter 152, moved the farm of L. A. Fuqua into Jackson County from Putnam County.
41. Private Acts of 1943, Chapter 449, changed the boundaries between Jackson and Clay Counties so that the land belonging to Frank Rogers, consisting of about 100 acres, more or less, and known as the Moore and Brown farm be included in Jackson County.
42. Private Acts of 1949, Chapter 710, transferred all the lands of Hite Garrison, being a tract of 70 acres, more or less, known as part of the Sam Myers farm, out of the 1st Civil District of Putnam County, and into Jackson County.
43. Private Acts of 1951, Chapter 522, provided that all the tract of land belonging to Herman Smith, containing 40 acres, more or less, would be taken out of Putnam County and

## Chapter V - Court System

### Circuit Court

### Clerk

### Private Acts of 1975 Chapter 148

**SECTION 1.** Tennessee Code Annotated, Section 8-2404, is amended by adding the following:

However, circuit court clerks in those counties having a population of not less than 8,100 nor more than 8,200, according to the Federal Census of 1970, or any subsequent Federal Census, shall be paid the maximum salary required by Section 8-2403 [8-24-102] regardless of the amount of fees collected by the circuit court clerk.

**SECTION 2.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of any county to which it applies before September 1, 1975. Its approval or non-approval shall be proclaimed by the presiding officer of the county court and certified by him to the Secretary of State.

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

Passed: May 14, 1975.

## Court of Common Pleas

### Private Acts of 1975 Chapter 28

**SECTION 1.** A court is created, effective September 1, 1975, for Jackson County having the powers and jurisdictions hereinafter set forth, coextensive with the boundary lines of the county, and to be known as the Court of Common Pleas of Jackson County.

**SECTION 2.** The Judge of the Court of General Sessions of Jackson County, upon his being elected and qualified as Judge of the Court of General Sessions, shall also be the Judge of the Court of Common Pleas. The present general sessions judge shall serve as Judge of the Court of Common Pleas until his successor is duly elected and qualified.

**SECTION 3.** The terms of the Court of Common Pleas of Jackson County shall be monthly, commencing on the first Monday of each month, and the procedure shall conform to the rules of civil procedure applicable to the circuit and chancery courts.

**SECTION 4.** The Court of Common Pleas of Jackson County shall have concurrent jurisdiction with the circuit and chancery courts in the county in workmen's compensation, habeas corpus, and those powers conferred by Tennessee Code Annotated, Section 23-1201, to remove the disabilities of a minor and by Tennessee Code Annotated, Section 36-105, to permit adoptions. In addition to these powers and duties the Judge of the Court of Common Pleas, may sit by interchange with the circuit and criminal judges and the chancellor, and they with him, in Jackson County.

**SECTION 5.** The Circuit Court Clerk of Jackson County shall be the Clerk of the Court of Common Pleas, and all fees received by him as Clerk of the Court of Common Pleas shall be a part of the fees of his office.

**SECTION 6.** The Court of Common Pleas shall be a court of record, the records to be kept and preserved as required by law for circuit and chancery courts.

**SECTION 7.** After this Act becomes law the judge of the Court of Common Pleas shall receive a salary of five thousand dollars (\$5,000.00) a year, payable monthly from the county treasury, in addition to the salary received by him as general sessions judge.

**SECTION 8.** The Judge of the Court of Common Pleas of Jackson County shall take and subscribe to the same oath provided by law for circuit judges and chancellors and shall possess the same qualifications.

**SECTION 9.** If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to that end the provisions of this Act are declared to be severable.

**SECTION 10.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Jackson County before September 1, 1975. Its approval or nonapproval shall be proclaimed by the presiding officer of the Jackson County Quarterly Court and certified by him to the Secretary of State.

**SECTION 11.** 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 10.

Passed: April 2, 1975.

## General Sessions Court

### Private Acts of 1949 Chapter 460

**SECTION 1.** That there is hereby created and established a Court in and for Jackson County, Tennessee, which shall be designated the Court of General Sessions of Jackson County, Tennessee. The Court shall be held in Gainesboro and Jackson County shall provide a courtroom, dockets, furnishings and necessary supplies for the equipment and maintenance of said court, and shall pay for same out of the general funds of the County, and the jurisdiction of said Court shall be coextensive within the boundaries of Jackson County, Tennessee, and the Judge of said Court shall have power and authority to hear and try all cases at the courtroom established therefor, or at such other place or places in Jackson County as he may determine to be more feasible and convenient for the parties.

**SECTION 2.** That the said Court of General Sessions is hereby vested with all the jurisdiction and shall

exercise the authority conferred by the General Assembly of Tennessee upon Justices of the Peace, in civil and criminal cases, suits and actions; and the Justices of the Peace for said county are hereby divested of all such jurisdiction and authority, but any Justice of the Peace of said county may issue criminal and search warrants against and accept appearance bonds from any person charged with an offense, and may issue civil warrants and process on any cause heretofore triable by a Justice of the Peace, such warrants process to be returnable and triable by said Court of General Sessions. The authority of said Justices of the Peace in their capacity as members of the Quarterly Court or in performance of the rites of matrimony, or to administer oaths is in no wise affected by this Act.

**SECTION 3.** That the laws now regulating pleading and practice; stay of and appeals from judgments, writs and processes in civil cases in Courts of Justices of the Peace, shall apply to and govern said Court; and all of the statutes regulating the conduct of Justices of the Peace in civil and criminal cases shall apply to the Judge of said Court.

**SECTION 4.** That the Judge of said Court shall adopt such rules as may be necessary to expedite the trial and disposition of cases and the manner, time, and place of which process shall be returnable, and the time and place in which cases shall be heard and such other rules as will enable the Court to function properly.

**SECTION 5.** That in order to facilitate the business of the Court, all cases set for hearing upon the trial docket may be called, heard and disposed of on the designated day and hour set without the waiting period of one hour thereafter as provided for either party for cases before Justices of the Peace.

**SECTION 6.** That before the issuance of any warrants in civil cases, the plaintiff shall execute a cost bond with good security in the sum of Twenty-five (\$25.00) Dollars, or in lieu thereof make a cash deposit with the Clerk of not less than Three (\$3.00) Dollars, nor more than Twenty-five (\$25.00) Dollars, to secure the costs, provided this sum shall not apply to cases where specific sums are now set out by law, or take the oath prescribed for poor persons, and on motion, the Court may increase the security. When Court is not in session and the Judge is not available, the Sheriff shall have the right to take bond for the appearance of a person charged with crime, but such bonds may be taken only at the county jail and a record made thereof, if such offense is bailable. This provision shall in no wise abridge the authority of the Sheriff to take bonds as now provided by law.

**SECTION 7.** That in all matters the costs and fees of said Court of General Sessions, including the service of the Clerks of this Court, shall be the same as those provided by law for Justices of the Peace.

The fees and other compensation of Sheriff, his Deputies, Constables, Game Wardens and State Highway patrolmen for execution of writs and process of said Court and for the attendance and mileage of witnesses shall be the same in said Court as those provided by law of the Courts of Justices of the Peace.

The fees and compensation due for services rendered by said Court of General Sessions shall be paid to the Clerk, or to some one of his Deputy Clerks, and by him and his deputies accounted for as hereinafter provided. Such costs, fees and mileage of witnesses and fees, commissions and emoluments of the Sheriff, his Deputies and Constables, State Highway Patrolmen, Game Wardens, and other officers, for services in said Court shall be accounted for and disbursed as required by law.

**SECTION 8.** That separate dockets shall be kept in said Court for civil and criminal cases. Upon the civil docket shall be entered the style of each case, the date of issuance of the warrant or process and return on the process in brief form, action of the Court on the case, both interlocutory and final orders, judgments, executions, garnishments, lists of the fees of the Court, the Sheriff, his Deputies, Constables, Game Wardens and State Highway Patrolmen for their services, fees of witnesses for attendance, etc., and credits for payments upon the judgment and upon the costs. All cases shall be indexed and the dockets shall be substantially in the form of those of Justices of the Peace. The criminal docket shall be kept in like manner. All of the official dockets, records and papers in cases that are undisposed of or pending in offices of Justices of the Peace of said County at the time this Act becomes effective shall be delivered to said Court of General Sessions. The official dockets, records and papers in possession of Justices of the Peace of said County in cases which have been completed shall be turned over to said County, as provided by law.

**SECTION 9.** That there shall be one Judge for said Court, who shall be learned in the law, a resident of Jackson County, Tennessee, and with the same qualifications and term of office as provided by the Constitution of the State of Tennessee for Judges of inferior courts; and the oath shall be the same as prescribed for Circuit Judges and Chancellors.

**SECTION 10.** That the Court herein provided is hereby vested with full jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before said Court upon warrant wherein the person charged with such misdemeanor offense enters a plea of guilty or requests trial upon the merits and expressly waives in writing an indictment, presentment, grand jury investigation and jury trial. In

such cases, the trial shall proceed before the Court without the intervention of a jury, and the Court shall enter such judgment and as an incident thereto, may inflict such punishment within the limits provided by law for the particular offense, as he may deem proper under the peculiar circumstances of such case, but nothing herein shall be construed as undertaking to grant such Judge the power to impose a fine in excess of Fifty (\$50.00) Dollars upon any citizen of this State; and provided further, that the Court herein created shall have no jurisdiction of the trial of misdemeanors for which the minimum punishment is a fine of more than Fifty (\$50.00) Dollars.

Any person aggrieved by the judgment of the Court of General Sessions have criminal jurisdiction rendered under the provisions of this section may appeal such judgment to the next term of the Circuit Court of Jackson County upon executing an appearance bond and likewise executing bond for the amount of fine and costs, or in lieu thereof, taking the oath prescribed by law for paupers. Such appeals, when properly taken to the Circuit Court of Jackson County, shall be tried by the Judge of the Circuit Court without a jury and without indictment and presentment, and upon the original warrant issued against such person.

The Judge of the Court of General Sessions herein created is expressly authorized to issue any and all process in connection with criminal cases disposed of by him under the provisions of this section necessary to effectuate the carrying out of the judgment rendered by him in such case.

**SECTION 11.** That the Clerk of the Circuit Court of said County shall act as Clerk of said Court of General Sessions, and when so acting as Clerk of said Court shall be designated "Clerk of Court of General Sessions of Jackson County." The fees, commissions and emoluments of said Court of General Sessions shall accrue to said County. The Clerk of said Court shall receive as compensation for his services the sum of Three Hundred (\$300.00) Dollars per annum, payable in equal monthly installments out of the ordinary funds of said County, and such compensation shall be in addition to all other compensation received by said Clerk, and he shall pay to said County monthly all fees, commissions and emoluments of said Court of General Sessions.

The Clerk of said Court and his Deputies shall have concurrent authority with the Judge thereof to issue warrants and other process and writs, other than those which the law requires shall be issued only by a judicial office.

It shall be the express duty of the Clerk of said Court to keep all dockets required by this Act; to write all minute entries required herein, and to promptly make any and all entries necessitated by this statute. In case of the failure or dereliction of the Clerk so to do, he shall be subject to ouster proceedings as now provided by general statute.

**SECTION 12.** That the compensation of said Judge shall be Twenty-four Hundred (\$2,400.00) Dollars per annum, payable in equal monthly installments on the first day of each month, out of ordinary funds of the County, and shall not be increased or diminished during the term for which he is appointed or elected.

**SECTION 13.** That for the purpose of filling the vacancy occasioned by the creation of such judgeship, Garland D. Anderson is hereby designated and appointed as such Judge, who shall serve until the August election of 1950, or until his successor shall be elected and qualified.

At the August election, 1950, there shall be elected a Judge who shall possess the qualifications required, who shall hold office for a term of eight years from September 1, 1950, next following his election; and the Judge of said Court of General Sessions shall thereafter be elected by the qualified voters of Jackson County each eight (8) years at the General August Election.

In event of a vacancy in the office of the Judge of said Court of General Sessions, other than the original vacancy created by this Act, the Governor of the State of Tennessee shall appoint a Judge with the qualifications prescribed by this Act, to serve until the next general election held in the County of Jackson, at which time a successor shall be elected to fill out the unexpired term of such Judge.

**SECTION 14.** That none of the provisions contained in this Act shall be construed to prohibit the Judge of the Court of General Sessions of Jackson County, Tennessee, from practicing law in Chancery Court, Circuit Courts, County Courts, and Appellate Courts of the State of Tennessee, except in cases having their origin in said Court of General Sessions of Jackson County, Tennessee.

**SECTION 15.** That the said Court of General Sessions shall have authority to hear and determine all undisposed of cases arising before said Justices of the Peace of said County as if said cases had originated in said Court of General Sessions, and to issue executions on unsatisfied judgments on the dockets of said Justices of the Peace, and to certify to said judgment of judgments.

**SECTION 16.** That if the Judge of said Court of General Sessions for any reason fails to hold Court, a majority of the attorneys present in such Court may elect one of their number who has the qualifications of such a Judge, and when elected shall have the same authority as a regular Judge to hold the Court for

the occasion. The Clerk of said Court shall preside at such elections and shall keep in his office a record of the election of such special Judges. Such special judges shall not be entitled to compensation for their services. The County Judge or Chairman, or Circuit Judge or Chancellor shall preside by interchange.

**SECTION 17.** That the Judge of the Court of General Sessions shall also possess the power to issue fiats for extraordinary process returnable to the appropriate Court in which such suit is to be filed. The Judge of the Court of General Sessions shall have the same power and authority and to the same extent to punish for contempt as now provided for the Circuit, Chancery and Appellate Courts.

The Judge of the said Court of General Sessions shall have the same power and authority as the different judges of our Circuit and Criminal Courts have in suspending fines and jail sentences in Criminal cases.

As amended by: Private Acts of 1957, Chapter 389

**SECTION 18.** That the General Assembly expressly declares that each section, subsection, paragraph and provision of this Act is severable, and that should any portion of this Act be held unconstitutional or invalid, the same shall not affect the remainder of the Act, and such constitutional or invalid portion shall be elided, and the General Assembly declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

**SECTION 19.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 31, 1949.

## Court System - Historical Notes

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

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

1. Acts of 1803, Chapter 73, apportioned the number of jurors to be returned by the counties of the Mero District. Jackson County was required to return two jurors.
2. Acts of 1805, Chapter 36, provided that from and after the passage of this Act any householder, or any person holding land by bond or by entry, shall be competent in all respects whatsoever to serve as jurors in Jackson and Stewart Counties as if they were freeholders, any law to the contrary notwithstanding.
3. Acts of 1806 (Ex. Sess.), Chapter 24, apportioned the number of jurors to be returned by the counties of the Winchester District. Jackson County was required to send twelve jurors.
4. Acts of 1817, Chapter 128, authorized the Justices of the Peace to annually levy a tax for the purpose of providing additional compensation to the jurors attending the county and circuit courts. The additional compensation was limited to fifty cents per day.
5. Acts of 1831, Chapter 14, authorized William Locke, William Gilbreath and John McArver, three of the Justices of the Peace, in Jackson County, to designate a jury for the next term of the County Court in consequence of a failure on the part of the County Court at its last term to do so.
6. Private Acts of 1927, Chapter 427, created a Board of Jury Commissioners for Jackson County which would consist of three discreet men of the county who were not attorneys nor county officials, and who had no suit pending in court. They would be appointed by the Judge of the Criminal Court to serve terms of two years, the first members serving until the first Monday in July, 1929. The Clerk of the Court would notify the members of their selection within ten days of their appointment. They would meet at the courthouse within 10 days and take the oath specified in the act and select a chairman and a secretary. On the first Monday of the month preceding the month in which the regular term of the criminal court is held, they would meet at the courthouse and select from the tax books and other sources a list of 36 names for the Criminal Court and 18 names for the Circuit Court. The Clerk would enter the names of those chosen on a book especially set aside for that purpose and would place the initials of the board member selecting that person beside his name. All members of the board were required to approve the entire list when it was completed. These people selected would make up the grand and petit jurors for that term of court, the criminal court coming out of the 36. Provision was made for special terms of court. The board members would be paid \$3.00 for making out the jury lists. The list would be given to the clerk who would pass it on to the sheriff to summon the jurors at the proper time. The judge who could appoint the board members could also remove them for several reasons. This act was repealed by Private Acts of 1933, Chapter 539.
7. Private Acts of 1929, Chapter 32, amended Private Acts of 1927, Chapter 427, by directing the Board to select 50 names for the criminal court instead of 36.

8. Private Acts of 1933, Chapter 539, expressly repealed Private Acts of 1927, Chapter 427, which created a Board of Jury Commissioners for Jackson County. After the effective date of this act the quarterly county court will appoint the jurors, as provided by general law, and those appointed shall begin to serve after the term of the present jurors who were appointed by the Board under Chapter 427, ends.
9. Private Acts of 1941, Chapter 446, created a new three member Board of Jury Commissioners for Jackson County who would be appointed by the Judge of the Criminal Court for two year terms. This Board was required to select 45 names from the tax rolls, or other public sources of information from which list the grand and petit juries would be selected. Provisions for the selection of special panels or juries, were included in the act. The members of the Board would be paid \$5.00 for making out each list. Provision was expressly made that substantial compliance with the terms of this act would be sufficient. This act was repealed by Private Acts of 1949, Chapter 45.

### **Chancery Court**

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

1. Acts of 1806, Chapter 19, subdivided the Mero District into three districts of Mero, Winchester, and Robertson. Jackson, Smith, and Wilson Counties went into the Winchester District. There would be two superior courts and a court of equity, to be held every year at Carthage. The superior courts would meet on the third Monday in April and October of each year and continue for twelve judicial days. All jurisdiction possessed by the former courts was granted unto the new courts.
2. Acts of 1822 (Ex. Sess.), Chapter 13, provided that the Justices of the Supreme Court of Errors and Appeals shall hold the Chancery Court at the places where the Supreme Court is held in each circuit at least once each year.
3. Acts of 1824 (Ex. Sess.), Chapter 14, added two new Judges to the Tennessee Supreme Court which would thereafter be held at Knoxville, Sparta, and Nashville. The Judges would arrange among themselves to hold the Chancery Court twice a year. The court at Carthage would hear equity cases from Overton, Fentress, Jackson, Smith, Sumner, and Wilson Counties on the third Monday in May and November.
4. Acts of 1827, Chapter 79, divided Tennessee into two Chancery Divisions, the Eastern and the Western. The Eastern Division would consist of the courts conducted in the cities of Rogersville, Greenville, Kingston, Carthage (which would include Jackson County), and McMinnville. A Chancellor would be appointed by the General Assembly for each Division and the Judges of the Supreme Court would no longer exercise original Chancery jurisdiction.
5. Acts of 1827, Chapter 88, provided that the Chancellors are Chancellors of the State, that they may interchange among themselves, and that they would arrange to hear cases at least twice each year at the places designated. The court at Carthage would hear causes from Overton, Fentress, Jackson, Smith, Sumner, and Wilson counties on the third Monday in January and July. This act amends Acts of 1827, Chapter 79.
6. Acts of 1832, Chapter 19, changed the dates for holding the Chancery Courts in the Eastern Chancery Division which now contained the courts of Rogersville, Greeneville, Madisonville, Kingston, Monroe, Knoxville, McMinnville, and Carthage where court would open on the third Monday in January and July, and continue in session for two weeks if required.
7. Acts of 1832, Chapter 21, changed the schedule for the Chancery Court at Carthage to the second Monday in January and July.
8. Acts of 1835-36, Chapter 4, provided for the appointment of three Chancellors for the State, one to preside in each of the three Chancery divisions, who could also interchange with each other. Fentress, Overton, and Jackson counties were assigned to the First District of the Middle Division whose court would meet in Livingston on the first Monday in January and July. The Chancellor would appoint a Clerk and Master for each place and all process would be made to conform to the new system.
9. Acts of 1837-38, Chapter 116, rescheduled the opening dates of the chancery court at Livingston to the first Monday in March and September, but these changes would not begin until the second term in this year.
10. Acts of 1837-38, Chapter 184, provided that all suits in Chancery originating in Jackson County may be brought either in the court at Livingston, or in the court at Carthage, at the election of the

complainant.

11. Acts of 1839-40, Chapter 21, established a Chancery Court for Jackson County. The court would be held at Gainesboro on the first Monday in May and November.
12. Acts of 1839-40, Chapter 33, divided Tennessee into four Chancery divisions, the new division being made up of the courts which meet in the cities of Livingston, Carthage, McMinnville, Winchester, Lebanon, Murfreesboro, and Shelbyville. All courts would continue to observe their regular terms.
13. Acts of 1845-46, Chapter 82, changed the court terms for the Chancery Courts in the Fourth Division with the court at Gainesboro meeting on the Wednesday after the fourth Monday in January and July. This division now held the courts which met at Lafayette, Winchester, Sparta, Livingston, Smithville, McMinnville, Woodbury, and Gainesboro.
14. Acts of 1849-50, Chapter 213, changed the starting dates for the Chancery Court at Gainesboro in Jackson County to the Wednesday after the second Monday in January and July.
15. Acts of 1851-52, Chapter 331, amended Acts of 1849-50, Chapter 213, to require the Chancellor of the Fourth Division to hold the court at Gainesboro so that the court shall open on the first Wednesday after the first Monday in February and on the first Wednesday after the second Monday in July.
16. Acts of 1857-58, Chapter 88, divided the State into the Eastern, Middle, Western, Fourth, Fifth, and Sixth Chancery Divisions. Jackson County was in the Fourth Division with Wilson, Macon, Putnam, Smith, Coffee, Franklin, Lincoln, Bedford, Sumner, DeKalb, Warren, Van Buren, Grundy, Cannon, and Rutherford. Court would open at Gainesboro on the first Monday in February and the second Monday in July.
17. Acts of 1859-60, Chapter 14, created a Seventh Chancery Division which contained the counties of Overton, Jackson, Macon, Sumner, Robertson, Montgomery, Smith, and Stewart. The Chancellor of this Division would also hold the Circuit Courts for Sumner County. The Court at Gainesboro would commence on the second Monday of February and August.
18. Acts of 1866-67, Chapter 25, changed the opening dates for the Chancery Court at Gainesboro in Jackson County from the second Monday to the first Monday in February and August.
19. Acts of 1868-69, Chapter 18, set up the schedule for some of the Chancery Courts of the Seventh Chancery Division but left the Jackson County Chancery Court to meet at Gainesboro on the first Monday of February and August.
20. Acts of 1870, Chapter 32, reorganized the lower equity courts in Tennessee into twelve Chancery Districts. The Fifth District was composed of the counties of Van Buren, White, Putnam, Overton, Jackson, Macon, Smith, DeKalb, and Clay.
21. Acts of 1870, Chapter 47, scheduled the terms of the Chancery Courts for every county in the state assigning Jackson County to the fourth Monday in April and October.
22. Acts of 1875, Chapter 137, provided that the Chancery Court of Jackson County would hereafter be held on the second Monday in March and the fourth Monday in September.
23. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the entire lower judicial system of the State, creating eleven Chancery Divisions of which the Fifth Division was made up of the counties of Cumberland, Fentress, Pickett, Overton, Clay, Jackson, Putnam, White, DeKalb, Smith, and Macon. Court terms in Jackson County would begin on the first Monday in March and September. This statute was considered in the case of Flynn v. State, 203 Tenn. 337, 313 S.W.2d 248 (1958), although only the Criminal Court in Memphis was involved.
24. Acts of 1887, Chapter 129, stated that hereafter the Chancery Court of Jackson County would be held on the first Monday in February and September, all other laws to the contrary notwithstanding.
25. Acts of 1890 (Ex. Sess.), Chapter 19, amended Acts of 1885 (Ex. Sess.), Chapter 20, to change the starting dates of the Chancery Court terms of some of the counties in the Fifth Chancery Division but did not change Jackson County.
26. Acts of 1891 (Ex. Sess.), Chapter 11, amended Acts of 1885 (Ex. Sess.), Chapter 20, by changing the Chancery Court terms for all the counties in the Fifth Chancery Division shifting Jackson County to the third Monday in March and September.
27. Acts of 1895, Chapter 15, changed some of the Chancery Court terms of the counties in the Fifth Chancery Division but left Jackson County's terms on the third Monday in March and September.
28. Acts of 1897, Chapter 43, amended Acts of 1885 (Ex. Sess.), Chapter 20, by making it the duty of

the Chancellor of the Fifth Chancery Division to hear any nonjury civil cases in the circuit courts of Jackson County which were not tried by the Circuit Judge at the first term. The Chancery Court would be held on the third Monday in March and September.

29. Acts of 1897, Chapter 294, amended Acts of 1897, Chapter 43, by changing chancery court terms for some of the counties but did not change Jackson County.
30. Acts of 1899, Chapter 427, rescheduled and rearranged all the courts in the lower judicial system of Tennessee, creating a total of ten Chancery Divisions. The Fourth Division contained the counties of Cumberland, Pickett, Overton, Clay, Jackson, Putnam, White, DeKalb, Smith, Macon, Van Buren, Cannon, and Trousdale. Chancery Court would begin in Jackson County on the third Monday in March and September.
31. Acts of 1903, Chapter 97, rearranged the court terms for the counties in the Fourth Chancery Division switching Jackson County to start its Chancery Court terms on the second Monday in June and December.
32. Acts of 1905, Chapter 120, changed all the Chancery Court terms in the Fourth Division. Jackson County would start on the first Wednesday after the third Monday in March and September.
33. Private Acts of 1911, Chapter 507, changed all the court terms of the Chancery Courts in the Fourth Chancery Division. The division consisted of the counties of Cannon, Trousdale, Overton, Cumberland, Smith, Macon, Fentress, Pickett, Van Buren, DeKalb, Morgan, White, Putnam, and Jackson which was scheduled for the third Monday in April and October.
34. Private Acts of 1927, Chapter 40, altered the starting dates for several counties in the Fourth Chancery Division but did not affect Jackson County.
35. Private Acts of 1927, Chapter 406, adjusted the terms of two of the counties in the Fourth Chancery Division but did not affect Jackson County.

### **Circuit Court**

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

1. Acts of 1809, Chapter 49, divided Tennessee into 5 Judicial Circuits. The Third Circuit was made up of the counties of Smith, Warren, Franklin, Sumner, Overton, White, and Jackson. Court terms would be twice each year at the courthouse in Jackson County on the third Monday in March and September. The Judge would appoint a clerk for the court of each county over whose court he presides. The Superior Courts of Law and Equity were abolished.
2. Acts of 1812, Chapter 68, Section 3, changed the terms of the circuit courts in several of the counties, including Jackson where the terms of the court would begin on the third Monday in February and August of each year.
3. Acts of 1813, Chapter 134, rescheduled the terms of several counties' Court of Pleas and Quarter Sessions and changed the circuit court terms of Jackson County to the third Monday in March and September.
4. Acts of 1817, Chapter 138, reset the terms of the circuit courts for several counties, mentioning Jackson but left the circuit court to start on the third Monday in March and September.
5. Acts of 1819, Chapter 5, authorized and required the county court of Jackson County at the end of the November session to adjourn the circuit court to any house in Gainesboro which might be available for that purpose and to make all process conform to the change. Cases will be heard and determined under same rules of law and evidence as applied when the court met at Williamsburg.
6. Acts of 1819, Chapter 160, provided that the circuit court of Jackson County would meet at Gainesboro on the third Monday in February and August. Jackson County was part of the Third Judicial Circuit along with Overton, White, Warren and Smith counties.
7. Acts of 1820 (Ex. Sess.), Chapter 98, changed the starting dates for the circuit court at Gainesboro in Jackson County to the second Monday in February and August.
8. Acts of 1821, Chapter 172, changed the opening dates for the circuit courts of several counties in the Third Judicial Circuit. Circuit Court of Jackson County would begin on the fourth Monday in March and September at the courthouse in Gainesboro and continue for two weeks unless the docket was finished earlier, all process would be made to conform to these changes.
9. Acts of 1832, Chapter 20, set the dates for the circuit court of Jackson County to begin on the third Monday in March and September.

10. Acts of 1835-36, Chapter 5, reorganized the entire lower court system of the State, providing for the Circuit Courts to be held three times a year instead of twice. Eleven Judicial Circuits were formed of which the Fourth was made up of the counties of Smith, Overton, White, Fentress, Warren, and Jackson whose Circuit Court would meet on the second Monday in March, July, and November.
11. Acts of 1835-36, Chapter 94, stated that, after March 1, 1836, the Circuit Courts for Jackson County would be held on the third Monday in March, July, and November, all process being made to conform.
12. Acts of 1845-46, Chapter 82, changed court terms in the Fourth Judicial Circuit composed of the counties of DeKalb, White, Fentress, Overton, Macon, Smith, and Jackson, whose courts would begin on the first Monday in March, July, and November.
13. Acts of 1847-48, Chapter 125, declared that hereafter two weeks shall be allowed for holding the Circuit Courts of Jackson County instead of one.
14. Acts of 1857-58, Chapter 98, rearranged all the Circuit Courts of Tennessee into sixteen Judicial Circuits. The 6th Judicial Circuit contained the counties of Jackson, Macon, Smith, Putnam, and DeKalb. Jackson County Circuit Courts would start on the fourth Monday in February, June, and October.
15. Acts of 1859-60, Chapter 62, changed the days on which the terms of the Circuit Court of Jackson County would commence to the first Monday in March, July, and November.
16. Acts of 1870 (Ex. Sess.), Chapter 31, rearranged the counties of Tennessee into fifteen regular and one special Judicial District. The Fifth Judicial Circuit contained DeKalb, Overton, Putnam, White, Smith, Jackson, Macon, and Clay Counties.
17. Acts of 1870 (Ex. Sess.), Chapter 46, set the terms of the Circuit Courts for every county in the State. Jackson County would begin the terms on the third Monday in January, May, and September.
18. Acts of 1872 (Ex. Sess.), Chapter 15, amended Acts of 1870 (Ex. Sess.), Chapter 46, rescheduling all the terms of the Circuit Courts in the Fifth Judicial Circuit and shifting Jackson County to the second Monday in January, May, and September.
19. Acts of 1881, Chapter 92, changed all the court terms of the counties in the Fifth Judicial Circuit. The Circuit Courts of Jackson County shall begin on the first Tuesday after the second Monday in January, May, and September. 20. Acts of 1885 (Ex. Sess.), Chapter 20, divided Tennessee into fourteen regular and one special Judicial Circuit. The Fifth Judicial Circuit contained the counties of Pickett, Fentress, Cumberland, Putnam, Overton, Clay, Jackson, Smith, Macon, and Trousdale. Circuit Courts would start at Gainesboro on the first Tuesday after the second Monday in March, July, and November.
20. Acts of 1887, Chapter 12, changed terms for the Circuit Courts of the counties in the Fifth Judicial Circuit. Jackson County would begin the terms on the first Monday in March, July, and November.
21. Acts of 1897, Chapter 43, set the terms for the courts of the Fifth Judicial Circuit. In Jackson County, the Circuit Court would meet on the second Monday in March, July and November.
22. Acts of 1897, Chapter 294, amended Acts of 1897, Chapter 43, by changing same court terms but did not disturb Jackson County.
23. Acts of 1899, Chapter 427, reorganized the entire lower judicial system of the State, dividing Tennessee into fourteen judicial circuits. The Fifth Circuit was composed of the counties of Pickett, Cumberland, Putnam, Overton, Clay, Smith, Trousdale, White, Macon, and Jackson whose Circuit Court would meet on the first Monday in March, July, and November.
24. Acts of 1901, Chapter 324, changed the terms of court for some of the counties in the Fifth Judicial Circuit but left Jackson to meet on the first Monday in March, July, and November.
25. Acts of 1903, Chapter 457, also rearranged Circuit Court terms in the Fifth Judicial Circuit but did not change Jackson County.
26. Acts of 1907, Chapter 122, changed the starting dates for the Circuit Courts of all the counties in the Fifth Judicial Circuit switching Jackson to the third Monday in March, July, and November.
27. Public Acts of 1967, Chapter 10, transferred Jackson, Smith, Macon, Trousdale and Wilson Counties from the Fifth Judicial Circuit to create a new Twenty-Fifth Judicial Circuit for civil jurisdiction. The act provided for a new judge for this circuit.
28. Private Acts of 1978, Chapter 164, would have repealed that portion of Acts of 1859-60, Chapter 62, pertaining to the time of holding the Circuit Court. This Act was not acted upon by the Jackson

County Quarterly Court thus not becoming operative law.

29. Private Acts of 1985, Chapter 47, would have repealed Private Acts of 1975, Chapter 148, which is reprinted herein, but never became operative law as it was disapproved by the county legislative body on July 1, 1985.

### **Circuit Court - Clerk**

The following act has no current effect, but once applied to the Jackson County Circuit Court Clerk. It was repealed, superseded, or never received local approval.

1. Acts of 1903, Chapter 255, was a salary act which pertained to the Circuit Court Clerks alone all across the state. The Act specified a salary for the clerks which was determined by the population of the county which they served. This population grouping was based on the 1900 Federal Census which showed Jackson County to have a population of 15,039. This figure would entitle the Clerk of the Circuit Court to receive \$750 per annum under the terms of this Act. The county was required to pay any shortage between the fees collected and the salary, but the Clerk could retain any fees in excess of the salary.

### **Criminal Court**

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

1. Acts of 1907, Chapter 85, created the Criminal Court for the Fifth Judicial Circuit in the following counties: White, Putnam, Cumberland, Overton, Pickett, Clay, Jackson, Macon, Trousdale and Smith. In Jackson County, court would be held on the first Monday in March, July and November.
2. Public Acts of 1977, Chapter 444, divided the Criminal Court for the Fifth Judicial Circuit into two divisions. Jackson County was placed into Division II along with Macon, Trousdale, Smith and Wilson Counties. The act provided for a new criminal court judge for Division II.
3. Public Acts of 1978, Chapter 798, designated all judges, district attorneys and other court officials and employees of the criminal court, Division II of the Fifth Judicial Circuit as officials of the criminal court of the Twenty-Fifth Judicial Circuit.

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

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

1. Acts of 1817, Chapter 65, organized the state into ten solicitorial districts assigning Bledsoe, Warren, White, Overton and Jackson to the 5th Solicitorial District. The General Assembly would appoint an Attorney General to prosecute on behalf of the state for each district.
2. Acts of 1819, Chapter 4, placed the counties of Macon, Bledsoe, Warren, White, Overton and Jackson in the Eleventh Solicitorial District.
3. Acts of 1907, Chapter 381, created the office of Assistant Attorney General for the 5th Judicial Circuit. The Attorney General of that circuit would appoint a suitable and qualified person to serve at his pleasure and direction at a salary of \$1,800 per year which would be paid out of the state treasury. This act was repealed by Private Acts of 1919, Chapter 166.
4. Public Acts of 1967, Chapter 100, created an additional Assistant District Attorney for the Fifth Judicial Circuit.
5. Public Acts of 1967, Chapter 537, created an additional Assistant District Attorney for the Fifth Judicial Circuit.
6. Public Acts of 1976, Chapter 563, created two additional full time Assistant District Attorneys for the Fifth Judicial Circuit.

### **General Sessions Court**

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

1. Private Acts of 1965, Chapter 99, amended Private Acts of 1949, Chapter 460, by increasing the salary of the Judge of the General Sessions Court from \$2,400 to \$3,600 per year. This act was not approved by the quarterly county court of Jackson County and therefore never became an effective law.

## **Chapter VI - Education/Schools**

## Board of Education

### Private Acts of 1953 Chapter 44

**SECTION 1.** That in Counties of this State having a population of not less than 12,300, nor more than 12,400, by the Federal Census of 1950, or any subsequent Federal Census, members of the County Board of Education shall be paid at the rate of \$250.00 per annum, with the exception of the Chairman, who shall be paid the sum of \$300.00 per annum, such salary to be paid from September 1, 1952, and for the duration of the term of office of such members. All of such sums shall be paid to the members in equal monthly installments from school funds in the hands of the County Trustee except that so much thereof as shall have accrued prior to the effective date of this Act shall be paid in one lump sum to the members entitled thereto. The receipt of the members to the County Trustee for their compensation shall be conclusive credit to him in his settlement with the County Superintendent of Education and County Judge for education funds.

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

Passed: February 23, 1953.

### Private Acts of 1992 Chapter 209

**SECTION 1.** Chapter 46 of the Private Acts of 1933, as amended by Chapter 88 of the Private Acts of 1935, are repealed.

**SECTION 2.** The members constituting the Jackson County Board of Education on the effective date of this act remain the legally constituted Board of Education for Jackson County and each member of the board shall hold office until his or her respective term of office expires, and any vacancies existing on the board on the effective date of this act or thereafter may be filled according to law by the county legislative body. Until September 1, 1992, the Jackson County Board of Education shall consist of five (5) members.

**SECTION 3.** Beginning September 1, 1992, the Jackson County Board of Education shall consist of fix (6) members. Each member elected pursuant to this act shall reside in the district he or she represents.

**SECTION 4.** Jackson County is divided into six (6) school districts. These school districts are identical to the six (6) county commissioner districts established by the county legislative body pursuant to statute, and the boundaries of the school board districts shall be modified when the county commissioners districts are modified.

**SECTION 5.** Members of the Jackson County Board of Education elected pursuant to this act shall serve for a term of six (6) years and until a successor is elected and qualified. The term of each member begins on September 1 of the year of the member's election. The election commission of Jackson County shall issue to the persons elected pursuant to this act a certificate of election in the same manner as other county officers.

**SECTION 6.**

(a) One (1) member shall be elected from School District Number 5 (same as County Commissioner District Number 5), and one (1) member shall be elected from School District Number 6 (same as County Commissioner District Number 6) in the 1992 August General Election and every six (6) years thereafter.

(b) One (1) member shall be elected from School District Number 2 (same as County Commissioner District Number 2), and one (1) member shall be elected from School District Number 3 (same as County Commissioner District Number 3) in the August 1994 General Election and every six (6) years thereafter.

(c) One (1) member shall be elected from School District Number 1 (same as County Commissioner District Number 1), and one (1) member shall be elected from School District Number 4 (same as County Commissioner District Number 4) in the August 1996 General Election and every six (6) years thereafter.

(d) In the event there is a vacancy on the school board, any person appointed by the county legislative body or elected to fill the vacancy after the effective date of this act shall be a resident of the newly created school board districts as set forth in this section. The person elected shall serve for the unexpired term of the office that the vacancy occurs so that future elections of the member from the district with the vacancy shall be filled according to the schedule outlined in this section.

**SECTION 7.** On September 1 of the year of their election, or as soon thereafter as is practical, the newly elected members of the Jackson County Board of Education shall meet at the county courthouse and take

an oath of office administered by a person authorized to administer oaths.

**SECTION 8.** The qualifications, duties, and compensation of members of the Jackson County Board of Education shall be as prescribed by general law.

**SECTION 9.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application and to that end the provisions of this act are declared to be severable.

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

**SECTION 11.** 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 10.

Passed: April 16, 1992.

## Superintendent of Public Instruction

### Private Acts of 1929 Chapter 92

**COMPILER'S NOTE:** See T.C.A. Title 49, Chapter 2 for provisions of the general law on this subject.

**SECTION 1.** That in all counties of this State having a population of not less than 14,950, nor more than 14,975 according to the Federal Census of 1920, or any subsequent Federal Census, the County Superintendents of Public Instruction shall be elected by the qualified voters of said counties for a term of four years; that said County Superintendents of Public Instruction shall be elected at the regular August election; that their term of office shall begin with the first day of September following; provided, that the first election held under this Act shall be held on the regular election day in August, 1930, and that the Superintendent, when elected shall not be qualified, nor enter upon the duties of said office until the expiration of the time of the incumbent in office, at the time, under the election as now provided by law, and shall serve only until the qualification of his successor, to be elected under the next regular election, as herein provided for, to wit: in the year 1934.

**SECTION 2.** That this Act shall in no way affect the duties or qualifications of the County Superintendent in said Counties; that the same shall be, and remain as now fixed by law, except that certificate of qualification shall be filed with the Chairman of the Election Commission not later than thirty days preceding any regular election.

**SECTION 3.** That the compensation of the present County Superintendent shall be the sum of One Thousand (\$1,000.00) Dollars per annum, payable by the County, and such other compensation as may be provided by the State of Tennessee. After the expiration of the term of office of the present incumbent, the Quarterly County Court shall fix the amount of compensation to be paid the County Superintendent and shall take into consideration such compensation as may be provided by the State of Tennessee. For the purpose of fixing the compensation of the County Superintendent, the Quarterly County Court shall, at the April Term preceding the regular August election, fix the compensation of such County Superintendent effective on the following September 1, which compensation shall not thereafter be increased or diminished for four years.

As amended by: Private Acts of 1933, Chapter 724  
Private Acts of 1933, Chapter 850

**SECTION 4.** 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: February 1, 1920.

## Education/Schools - Historical Notes

### **Board of Education**

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

1. Acts of 1907, Chapter 236, created a County Board of Education for every county in the state and a district board of advisors, while abolishing the office of district directors of the schools as they

existed at that time. The county court of the county would divide it into five, or less, school districts, composed of whole civil districts, from each of which one member of the Board of Education would be elected. The duties of the chairman, the secretary, and the member of the board are all enumerated in the Act, with a provision that the Superintendent of Public Instruction in the county would be the ex-officio secretary to the board. They would fundamentally have the control and management of the entire school system including personnel. Each civil district could elect three advisory board members to serve two year terms, beginning on the first Thursday in August, 1908. The powers and duties of the advisory boards were also specified in the act. Some counties exempted themselves from the operation of this act but Jackson County was not among them.

2. Acts of 1907, Chapter 523, authorized and empowered the Board of School Directors of the Gainesboro High School to convey in fee simple by deed all school property now held by them to the town of Gainesboro. The board was also granted the authority to employ teachers for the said school and to enforce all the rules devised for its control and management.
3. Private Acts of 1933, Chapter 46, was repealed by Private Acts of 1992, Chapter 209.
4. Private Acts of 1945, Chapter 43, provided that the nomination of teachers in the elementary schools of Jackson County shall be made only by each member of the County Board of Education and for that particular civil district, or division, from which the member of the school board was elected and the board of education would contract with the teacher so nominated. The act would not apply to high school teachers. This act was repealed by Private Acts of 1951, Chapter 354.
5. Private Acts of 1949, Chapter 455, stated that, from and after the passage of this act, the members of the board of education in Jackson County would receive \$6.00 per day for their services, which payments would not exceed \$150 a year. The chairman would get an additional \$50 per year for the extra services he performs, all to be paid out of regular school funds

### **General Reference**

The following acts constitute part of the administrative and political heritage of the educational structure of Jackson County but are no longer operative since they have either been superseded, repealed, or failed to receive local approval.

1. Acts of 1806, Chapter 8, established county academies in several of the counties existing at that time. This Act incorporated Thomas Draper, Nathaniel Ridley, John H. Bowen, Sampson Williams, and Ferdinand Hamilton as the Trustees for Montpelier Academy in Jackson County with the power to hold and convey land and to exercise all other powers incidental to corporate institutions. The Trustees were empowered to select and purchase a site for their institution.
2. Acts of 1811, Chapter 29, named additional Trustees for several of the county academies across the State, including Montpelier Academy in Jackson County to whose Board of Trustees James Rolston, James W. Smith, James Vanoe, Jonas Bedford, and Nathan Haggard were named.
3. Acts of 1811, Chapter 97, appointed Jacob Baker, Patrick Fitzgerald, Pleasant Kearby, Matthew Rogers, and George White as the Trustees for a lottery to benefit Montpelier Academy in Jackson County. The Trustees named would draft a scheme to raise an amount not to exceed \$5,000. The Trustees must enter into bond in double that amount to guarantee payment of the lottery prize when the same were drawn.
4. Acts of 1837-38, Chapter 33, was the authority for the County Court of Jackson County to increase the number of Trustees for Montpelier Academy to 13, if they deem the same proper and in the best interests of the academy. The duties of the President and Treasurer, whom the Trustees would select from their own number, were enumerated in the statute. The Trustees may select a site for the academy at or near Gainesboro which would be most convenient for the whole County and, when found, to purchase the site. The Trustees were permitted to sell the old Academy and apply the proceeds to the new one, or they may lend the money out on good security when the loans are approved by the trustees. This Act amended Acts of 1806, Chapter 8.
5. Acts of 1839-40, Chapter 102, named the official county academies in all the counties of the State. In Jackson County, it was the Montpelier Academy. All the funds in the state treasury which are available as Academy funds will be distributed accordingly. The County Courts would appoint trustees for the academies for two year terms.
6. Acts of 1841-42, Chapter 78, amended Acts of 1839-40, Chapter 102, by requiring the County Court on the first Monday in January in each and every year to appoint Trustees for the County Academy who shall hold office for one year and have the same powers as are mentioned in the amended act.
7. Acts of 1843-44, Chapter 94, incorporated Christopher Clemens, James Kirkpatrick, Amos

Kirkpatrick, Scott S. McGlasson, John Tinsley, Robert Montgomery, Mounce Gore, R. P. Brooks, Samuel Dewitt, Alexander Montgomery, J. T. Quarles, William Armonette, and W. M. Cooke, as the Trustees of Jackson Seminary who would have succession for 500 years. The Trustees may meet at any time when called by the President but at least five must be present to transact business. The Board shall fill all vacancies as they may occur.

8. Acts of 1845-46, Chapter 71, provided that, when the County Court Clerk shall make returns of the scholastic population in the fractions of White, Overton, and Jackson Counties, formerly composing part of Putnam County, for the years of 1844 and 1845, to the Comptroller of the State, that, if it appears they did not receive the school funds due them for those years, it shall be the duty of the Comptroller to pay to the Trustees of those counties the amount of school funds justly due them.
9. Acts of 1845-46, Chapter 185, stated that the Trustees of the counties of Overton, Jackson, and White were required to settle with the former school commissioners of the school districts in the said counties, and, if it is ascertained that the Commissioners have paid out more money than they have on hand, they shall be personally refunded for the difference.
10. Acts of 1847-48, Chapter 31, provided that the balance of the school fund allotted to Putnam County for 1844, and remaining undrawn from the Treasury shall be paid to the Trustees of White, Overton, and Jackson Counties according to the pro rata share of the scholastic population of each county and the same be applied exclusively to the benefit of the fraction of those counties which went to make up Putnam County, and the school funds for the year 1845 shall be applied and divided the same way.
11. Acts 1849-50, Chapter 171, incorporated Granville Seminary with all the rights pertinent and incidental to corporate institutions whose trustees are empowered to promulgate regulations for the orderly conduct of the school's affairs. The Board of Trustees would have eleven members who shall first be elected by the Granville Division of the Sons of Temperance #167.
12. Acts of 1877, Chapter 54, recited that the Montpelier Academy in Jackson County was destroyed by fire but that some of the assets are still available to Trustees, and that there is a lot in Gainesboro which is owned by the Academy, this Act then allows the Trustees to use a sufficiency of the said funds to rebuild the Academy on the said lot, to be used exclusively for school purposes and no other except as permitted by the Trustees.
13. Acts of 1881, Chapter 7, amended Acts of 1877, Chapter 54, so that the present or future Trustees of Montpelier Academy shall have power to sell the lot where the academy formerly stood when destroyed by fire and appropriate the proceeds of the sale with a sufficiency of funds already on hand, to purchase another suitable lot and to rebuild the said academy thereon, same to be within one-half mile of the County House of Jackson County.
14. Acts of 1901, Chapter 246, authorized the Trustees of Montpelier Academy to advertise and sell, and to transfer and convey on such terms as they deem best, together with the lost on which the said Academy stands in Gainesboro, and the proceeds on the sale shall be applied first to the amount due Jackson County for rebuilding the said Academy and the remainder, if any, to the County Trustee for the use of the First School District.
15. Private Acts of 1915, Chapter 609, amended Public Acts of 1913, Chapter 9, by changing the number of days for compulsory school attendance from 80 consecutive days to 90 out of the scheduled 120, or, if the school term is shorter than 120 days, to three-fourths of the number of days in the term. The Act loosened up the rules on excusing absences from school by permitting the teachers and the principal the authority to do so provided accurate reports were made and submitted on this question to the County Superintendent.
16. Private Acts of 1917, Chapter 630, gave the power to the Directors of the public schools of the various school districts in Jackson County to establish in their districts primary and secondary public schools in which may be taught the first ten grades of the public school curriculum.
17. Private Acts of 1939, Chapter 153, stated that in 1937 the Quarterly County Court of Jackson County authorized the issue of \$75,000 in bonds to build and equip a high school in or near Gainesboro, and it now appears that not all of this money will be needed, or used for said school and a considerable surplus remains, this Act authorized the Quarterly County Court at a regular term of the Court only, to transfer the balance of these funds after the above school purpose has been completed, to any other fund, or school account, which might need it.
18. Private Acts of 1949, Chapter 577, made it lawful in Jackson County for the Commissioner of Education to issue a limited teacher's certificate to persons who satisfactorily establish the fact they have taught in said county for as long as ten years on permits or certificates which have

lapsed. The certificate issued will permit the person to teach only in the schools in Jackson County and only for a period of two years, but the certificate may be renewed if the person has taught for as long as 15 months during the two year period.

## Chapter VII - Elections

### Elections - Historical Notes

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

1. Acts of 1803, Chapter 24, set up the electoral districts in Tennessee for the election of the President and Vice-President of the United States. Jackson, Smith, Wilson, and Sumner were in the Fourth Electoral District to choose one elector between them.
2. Acts of 1803, Chapter 76, made it lawful for the inhabitants living above the ridge which divides the Obeds and Roaring Rivers in Jackson County to meet and hold elections for Governor, the General Assembly, the U.S. Congress, and the President and Vice-President of the country at the house of Jacob Meeks.
3. Acts of 1807, Chapter 69, authorized the people of Jackson County to hold two elections to be conducted by the Sheriff of the county, one at the house of William Shaw and the other at Peterson's Ferry on the south side of the Cumberland River, both to take part in all the elections. It would also be lawful for the militia companies in southeast Jackson County to meet on election days at William Shaw's and select their field officers. It was lawful for all living above Roaring River on the south side of the Cumberland River, and all the inhabitants of Jinnings Creek, and above, on the north side of the Cumberland River to meet at Peterson's Ferry to vote for the various offices.
4. Acts of 1807, Chapter 74, established the electoral districts for the Presidential election to be held on the second Thursday in November, 1808, the sheriffs of the various counties to hold the same in the places mentioned. The Fourth Electoral District contained the counties of Smith, Jackson, Overton, White, Sumner, Wilson, Warren, and Franklin. The votes would be counted at Carthage and, if a tie resulted, the Sheriff would decide who was elected. The Sheriff was prohibited from voting in his county.
5. Acts of 1809, Chapter 1, stated that elections would be held on the last Thursday and Friday in April, 1809, to elect 3 Representatives to the U.S. Congress from Tennessee, one from the Washington District, one from Hamilton District, and one from the combined Winchester, Robertson, and Mero Districts. The polls in the Winchester District would be counted in Carthage on the first Monday in May.
6. Acts of 1811, Chapter 57, stated that the separate election, formerly held at the house of William Shaw, in Jackson County, shall hereafter be held at the house of Joseph Shaw, and the election formerly held at Peterson's Ferry, shall hereafter be held at Bennett's Ferry, and the second section of the Acts of 1807, Chapter 69, which authorized these elections is hereby specifically repealed.
7. Acts of 1812, Chapter 5, set up eight Electoral Districts for the election of the President to be held on the first Thursday in November, 1812. The Fourth Electoral District was composed of the counties of Rhea, Bledsoe, Overton, White, Warren, Franklin, and Jackson, and their votes would be counted at Sparta. The electors would get \$2.50 per day and two dollars and fifty cents for each twenty-five miles travel expenses. The Sheriff would appoint three impartial citizens to be judges of the election.
8. Acts of 1812, Chapter 27, divided Tennessee into six U.S. Congressional Districts. The 4th District has in it the counties of Smith, Sumner, Wilson, and Jackson and would elect one representative.
9. Acts of 1812, Chapter 57, apportioned the State for the General Assembly into twenty Senatorial Districts and forty Representative Districts. Overton, Jackson, and White Counties would elect one Senator between them and the polls would be counted at White Plains in White County. Every county would elect one Representative except those named in the act to elect two of which Jackson was not one.
10. Acts of 1813, Chapter 12, Section 5, declared that an election would be held at the house of David Johnson, at or near the mouth of Blackburn's Fork of the Roaring River on those days appointed

- for the election of President, the General Assembly, the Governor, the U.S. Congress, and the field officers of certain companies as described in the Act. This Act was repealed by Acts of 1820 (Ex. Sess.), Chapter 32.
11. Acts of 1815, Chapter 31, divided the state into eight electoral districts for the election of electors of President and Vice-President. The districts were to be the same as enumerated in Acts of 1812, Chapter 5.
  12. Acts of 1815, Chapter 78, provided that a separate precinct election be conducted at the home of Lemuel Cherry in the bounds of the First Battalion of the 48th Regiment of the militia for all elections from President of the United States down.
  13. Acts of 1819, Chapter 5, provided that elections be held in Gainesboro but a new precinct be opened also at the house of George White in Williamsburg for the voters of the former county seat.
  14. Acts of 1819, Chapter 69, apportioned Tennessee into 20 Senatorial and 40 Representative Districts. White, Overton, and Jackson counties would elect one senator between them and Jackson was given one representative alone.
  15. Acts of 1822 (Ex. Sess.), Chapter 1, divided the State into eight U.S. Congressional Districts. The Fourth District was composed of the counties of Franklin, Warren, White, Overton, and Jackson.
  16. Acts of 1823, Chapter 47, formed eleven Presidential Electoral District in Tennessee assigning Franklin, Warren, White, Overton, and Jackson Counties to the 5th District with all the votes being counted at Sparta, in White County.
  17. Acts of 1823, Chapter 12, established a voting precinct at the house of William Rash in Jackson County making it the duty of the Sheriff to hold separate elections there at all regular election times.
  18. Acts of 1824 (Ex. Sess.), Chapter 1, set up eleven Presidential Electoral Districts in the state making the Fifth District consist of the counties of Franklin, Warren, White, Overton, Fentress, and Jackson Counties, specifying that the polls for that District be compared at Sparta.
  19. Acts of 1826, Chapter 3, apportioned the State for the General Assembly. Of the 20 Senators, White Overton, Jackson, and Fentress counties would elect one jointly and Overton and Jackson Counties would share one of the 40 Representatives, counting polls at White Plains.
  20. Acts of 1827, Chapter 17, established eleven Presidential Electoral Districts making no changes in the 5th District which had the same counties in it as set by Acts of 1824 (Ex. Sess.), Chapter 1.
  21. Acts of 1827, Chapter 22, provided that hereafter in all elections where the Sheriff, or other officer was required to make a return and compare the polls of the elections at White Plains for White, Overton, Fentress, and Jackson counties, they shall meet at the home of William Burton in Jackson County and count the polls under the same rules and regulations.
  22. Acts of 1832, Chapter 4, divided Tennessee into thirteen U.S. Congressional Districts of which the 6th District contained the counties of Jackson, Smith, and Sumner.
  23. Acts of 1832, Chapter 9, set up fifteen Presidential Electoral Districts in the same allotting the counties of Jackson, White, Overton, Fentress, and Warren to the 6th District.
  24. Acts of 1833, Chapter 71, reapportioned the General Assembly of the State retaining the twenty senators and forty representatives. White, Overton, Fentress, and Jackson Counties would elect one Senator jointly comparing polls at McKinney's in Overton County. Overton and Jackson would share a representative.
  25. Acts of 1833, Chapter 76, organized the membership of the forthcoming Constitutional Convention at 60 members, the same number as was then in the General Assembly. The delegates would be elected on the first Thursday and Friday in March, 1834, and meet in Nashville on the third Monday in May, following. Jackson County would elect one delegate to the convention.
  26. Acts of 1835-36, Chapter 39, divided the State into 15 Presidential Electoral Districts assigning Jackson, White, Overton, Fentress, and Warren Counties to the 6th District.
  27. Acts of 1839-40, Chapter 79, made each U.S. Congressional District into a Presidential Electoral District, providing also that two of the electors would be selected at-large, and the Act also prescribed the procedures to be followed when votes were to be counted and reported.
  28. Acts of 1842 (Ex. Sess.), Chapter 1, apportioned the general assembly of the State into 25 Senatorial Districts and 50 Representative Districts. Fentress, Overton, Jackson, White, and Van Buren Counties composed the 9th Senatorial District and Jackson County was given one representative alone.

29. Acts of 1842 (Ex. Sess.), Chapter 7, set up 11 U.S. Congressional Districts. The 4th District contained the counties of Fentress, Overton, Jackson, White, DeKalb, Van Buren, Warren, and Coffee.
30. Acts of 1845-46, Chapter 171, provided that the qualified voters in Civil District #15, of Jackson County, the same being a district in which an incorporated city was located, may elect an additional Justice of the Peace who shall reside in Granville, wh shall be commissioned as other Justices of the Peace are commissioned, and have the same power, jurisdiction, and compensations.
31. Acts of 1851-52, Chapter 196, formed Tennessee into 10 U.S. Congressional Districts. The 4th District was made up of the counties of Jackson, Macon, Smith, DeKalb, White, Warren, Coffee, Grundy, and Van Buren.
32. Acts of 1851-52, Chapter 197, apportioned Tennessee for the General Assembly. Jackson County would elect one representative alone, and, along with White and Macon Counties composed one Senatorial District whose polls would be counted at Gainesboro.
33. Acts of 1865, Chapter 34, was the first apportionment of the state after the Civil War, being divided into eight U.S. Congressional Districts. The Third District contained the counties of Meigs, Rhea, Hamilton, Marion, Grundy, Bledsoe, Van Buren, Sequatchie, Warren, White, Smith, Cumberland, Putnam, Jackson, Macon, Overton, DeKalb, and Fentress.
34. Acts of 1865-66, House Resolution No. 59, declared that at the election held on March 4, 1865, Jackson County elected Brigadier General A. C. Gillem as its Representative in the General Assembly. This was alleged to be in violation of the Tennessee Constitution and therefore the seat had been declared vacant. The Governor was requested to call an election to fill the vacancy.
35. Acts of 1871, Chapter 146, reapportioned the general assembly according to the figures of the 1870 census. Macon, Smith, Clay, Trousdale, Sumner, and Jackson Counties made up the 9th State Senatorial District and Jackson, Macon, and Clay Counties would elect one Representative between them.
36. Acts of 1872 (Ex. Sess.), Chapter 7, gave Tennessee 9 U. S. Congressional Districts. The 2nd District consisted of the counties of Sevier, Knox, Jefferson, Anderson, Campbell, Scott, Morgan, Fentress, Cumberland, White, Putnam, Overton, Jackson, Smith, Macon, and Clay.
37. Acts of 1873, Chapter 27, added another U.S. Congressional District to Tennessee, making 10 in all. The 4th District was composed of the counties of Fentress, Overton, Putnam, Jackson, Clay, Macon, Smith, Trousdale, Wilson, Sumner, and Robertson.
38. Acts of 1881 (Ex. Sess.), Chapter 6, was the first apportionment of the general assembly based on the 1880 census. Jackson, Macon, Overton, Pickett, and Fentress Counties shared one State Senator and the 11th District and Jackson would elect one representative alone.
39. Acts of 1882 (2nd Ex. Sess.), Chapter 27, divided Tennessee into 10 U. S. Congressional Districts. The 4th District contained Sumner, Macon, Wilson, Trousdale, Smith, DeKalb, Clay, Jackson, Putnam, Overton, Fentress, and Pickett Counties.
40. Acts of 1891 (Ex. Sess.), Chapter 10, brought on another apportionment of the General Assembly because of the 1890 Census. Jackson was given one Representative alone and was assigned to the 10th State Senatorial District with Scott, Fentress, Pickett, Overton, Clay, and Putnam Counties.
41. Acts of 1901, Chapter 109, set up 10 U.S. Congressional Districts in the state. Jackson County stayed in the 4th District with the counties of Sumner, Trousdale, Wilson, Putnam, Clay, Overton, Smith, Macon, Pickett, Fentress, Morgan, Cumberland, and Rhea.
42. Acts of 1901, Chapter 122, reapportioned the State which now had 33 Senators and 99 Representatives. Jackson, Morgan, Fentress, Pickett, Clay, Overton, and Putnam Counties composed the 10th State Senatorial District and Jackson would continue to elect a single representative.
43. Private Acts of 1949, Chapter 233, stated that in Jackson County, election officials shall be paid \$3.00 per day for one day only for their services in any general or legalized primary election.

## Chapter VIII - Health

### Hospitals

## Private Acts of 1947 Chapter 428

**SECTION 1.** That Jackson County is hereby authorized to erect, equip, maintain and operate a hospital at or near the Town of Gainesboro in said County and to this end, it is granted all the necessary powers in connection therewith and may appropriate therefor a sum not to exceed \$150,000.00 for the construction and equipment thereof and may further appropriate, after said hospital shall have been completed, such sums from year to year as may be found necessary to insure the efficient operation thereof.

**SECTION 2.** That for the purpose of providing funds for the construction and equipment of said hospital, said County, acting through its Quarterly County Court, is hereby authorized to issue its general obligation bonds in an amount not to exceed \$150,000.00, such issuance to be subject to the limitations hereinafter set forth with reference to a referendum. The form, denominations, rate of interest and other details in connection with the issuance of said bonds shall be as determined by resolution of the Quarterly County Court of said County, adopted at any regular session or sessions called expressly for the purpose of issuing said bonds, except that such bonds shall mature in not more than 20 years from that date, may mature serially or all at one time as in the judgment of said Quarterly County Court may be advisable, shall not bear a rate of interest in excess of 4% per annum and shall not be sold for less than par and accrued interest. Said bonds shall be executed by the signatures of the County Judge or Chairman and the County Court Clerk and shall have the seal of said County attached, but the signatures of said officials to the interest coupons thereon may be lithographed. The proceeds of said bonds if and when sold shall be paid into the hands of the County Trustee, whose official bond shall be liable therefor and shall be disbursed only as hereinafter provided.

For the full and prompt payment of both principal and interest of said bonds, there is hereby pledged the full faith and credit of said County and the Quarterly County Court of said County is hereby authorized, empowered and directed to levy a sufficient tax upon all taxable property in said County, in an amount sufficient to promptly meet all payments of principal and interest as the same shall fall due.

**SECTION 3.** That before any bonds shall be issued under this Act, the same shall be approved by a majority of the qualified voters of said County voting in an election to be called for that purpose. Upon the adoption by the Quarterly County Court by a resolution calling an election to be held for this purpose and receipt thereof by the County Board of Election Commissioners of said County, it shall be the duty of such Board of Election Commissioners to call an election not less than 60 nor more than 90 days from the date of receipt by them of such resolution. Such election shall be held in all voting precincts in said County under the same requirements as are now provided by law for general elections and any offense made criminal by the general laws of the State when committed in connection with the holding of a general election is hereby made a like offense if committed in connection with the holding of a special election herein provided. The ballots to be used in said election shall contain the legends "For the Issuance of \$150,000 Hospital Bonds" and "Against the Issuance of \$150,000 Hospital Bonds". The County Board of Election Commissioners shall meet on the Monday next following the date of said election and canvass the returns thereof and certify the result to the County Judge or Chairman. If a majority of those voting in said election favor the issuance of said bonds, then the County Court may proceed to issue the same, but if a majority of those voting in said election oppose such issuance, no bonds shall be issued until there shall have been a favorable vote. The expenses of the holding of said election shall be defrayed by the County of Jackson and in case of a vote unfavorable to the issuance of said bonds, no other election upon said subject shall be held until the expiration of one year from the date of such election.

**SECTION 4.** That if such bonds shall be issued as herein provided, it shall be the duty of the Quarterly County Court of said County to appoint a Hospital Construction Committee composed of not more than five members, one of whom shall be a qualified and licensed physician. Said Hospital Committee or majority thereof shall have full and complete power to purchase or condemn a site for said hospital, to employ architects and engineers in connection with the plans and construction thereof, to let all necessary and proper contracts or the erection and equipment of such hospital and in general to do all other things necessary therefor. The proceeds of said bond issue, together with any other funds which may be available to said County for the construction and equipment of said hospital, shall be drawn from the hands of the County Trustee upon warrants or vouchers signed by the Committee or its duly authorized representative and in no other manner. Said Committee is also authorized to avail itself of such expert and technical advice as may be furnished to it in connection therewith.

**SECTION 5.** That Jackson County be and it is hereby expressly authorized to enter into any and all cooperative agreements with the State or Federal Governments touching the construction and/or equipment of said hospital, expressly including the right to accept grants and aid for such purposes from either of said governmental bodies and to enter into all necessary contracts and perform all necessary conditions precedent to the obtaining of said grants to aid and to comply with such requirements therefor as may be imposed.

**SECTION 6.** That after the completion of said hospital it shall be the duty of the Quarterly County Court to appoint a committee of not to exceed three persons, one of whom shall be a licensed physician, who shall have complete charge of the operation and maintenance of said hospital. Said committee shall have the right but not without being limited thereto, to set the scale of rates to be charged by said hospital, to prescribe the conditions for admission thereto, to allocate between the white and colored races the various wards and rooms thereof and to make all necessary funds and regulations deemed needful for the successful operation of such.

The Quarterly County Court of Jackson County may be a majority vote of all the members to which court is entitled, lease said hospital for period of time not to exceed 15 years from the date of such lease to any person, firm or corporation upon such terms as may be mutually agreed upon between the parties. In the event such hospital be so leased as aforesaid, the County of Jackson shall be under no further obligation to operate the same during the existence of such lease and shall not be responsible for any of the operating costs thereof.

As amended by:

Private Acts of 1951, Chapter 136

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

Passed: February 26, 1947.

## Health - Historical Notes

The following summaries are included herein for reference purposes.

1. Private Acts of 1945, Chapter 510, authorized Z. H. Smith to practice veterinary surgery in Jackson County without the necessity of obtaining a license from the State Board of Veterinary Examiners. The Act did not authorize him to prescribe narcotics.

## Chapter IX - Highways and Roads

### Road Law

### Private Acts of 1951 Chapter 111

**SECTION 1.** That in counties of this State having a population of not less than 15,000 nor more than 15,100, by the Federal Census of 1940, or any subsequent Federal Census, there is hereby created the office of County Highway Commissioner. Such County Highway Commissioner shall be paid a salary of eight hundred dollars (\$800) a month, payable in equal monthly installments out of the County Highway funds. He shall be a man of practical experience in the upkeep and maintenance of roads. His term of office shall be for two years from September 1 next following his election and until his successor shall be elected and qualified. The County Highway Commissioner is hereby authorized to employ a Supervisor of Roads at a salary not to exceed five hundred dollars (\$500.00) a month, and a bookkeeper at a salary not to exceed four hundred dollars (\$400.00) a month, such compensation in each case to be paid in monthly installments from County Highway Funds. To fill the vacancy occasioned by the creation of this office, Jordan Hanna is named as such Commissioner until September 1, 1952.

At the August Election 1952 such Commissioner shall be elected by the qualified voters of counties to which this Act applies and biennially thereafter. He shall qualify by taking oath to faithfully execute the duties of his office and shall execute bond in such sum as may be required by the Quarterly County Court for the faithful performance of his duties and for the safe-keeping of materials which may come into his care and custody.

As amended by:

Private Acts of 1967-68, Chapter 151

Private Acts of 1969, Chapter 16

Private Acts of 1974, Chapter 182

**SECTION 2.** That the County Highway Commissioner as herein created shall have general supervision over the construction, repair and maintenance of all roads, bridges, ferries, gravel pits and other like structures which form a part of the County Highway System. The County Highway Commissioner shall submit to each January Term of the Quarterly County Court a road budget covering all the roads in the County Highway System. This budget shall contain the name of each road, a number thereto which may be assigned by the Commissioner, a general description of the termini of such road, the number of miles embraced therein and the amount of money allocated by the Commissioner to such road for the ensuing calendar year.

The Commissioner is hereby prohibited from transferring funds allocated to one road to any other road

and is likewise prohibited from spending any road funds allocated to another road. Any funds allocated to any road during any calendar year and not expended such calendar year shall not revert but may be expended upon said road, in addition to the succeeding year's appropriation during such succeeding calendar year. Such road budget shall be published by the Commissioner in some newspaper of general circulation in counties to which this Act applies, the expense thereof defrayed from highway funds. He shall have the care and custody of all road equipment belonging to said County, shall have charge of the storage and repair of the same and shall employ such labor as may be needed at a rate of pay to be fixed by him. All applications to open, close or change roads in the County Highway System shall be made to said County Highway Commissioner, who shall act upon the same. Condemnation proceedings may be instituted by said County Highway Commissioner for the purpose of opening new roads or changing existing roads, in which case the procedure shall be as that now provided by general law.

At each January term of the Quarterly County Court, the Commissioner shall make a report showing the expenditures for the entire year, which report shall detail the expenditure upon each road by quarters and such report shall likewise show the balance due to each road on the County Highway System. Such report shall likewise be published at once in some newspaper of general circulation in the County to which this Act applies, the expense thereof to be paid out of County Highway Funds. All disbursements from highway funds shall be made upon warrant of the County Highway Commissioner.

It shall be unlawful for any commissioner to expend more during any calendar year than he received during the previous calendar year and for any such over expenditure, he shall be liable upon his official bond and it shall be no defense to an action thereon that the County received the benefit of such other expenditure.

The commissioner shall, before assuming office, execute bond in the sum of \$25,000, payable to the County and conditioned for the faithful performance of duty upon his part and also conditioned to reimburse the County for any and all expenditures in excess of those permitted by law.

At least five days prior to each regular session of the Quarterly County Court, the commissioner shall report to that body in detailed itemized form his receipts and disbursements for the quarter ending 20 days prior to the time upon which such Quarterly County Court is scheduled to meet, which report shall also show a balance due to each road of the county highway system. Such report shall be filed with the county court clerk and open for inspection by any taxpayer of the county.

As amended by:

Private Acts of 1957, Chapter 57

Private Acts of 1989, Chapter 80

Private Acts of 2016, Chapter 64

**SECTION 3.** That Chapter 60, Private Acts of 1949, the title to which is as follows: "An ACT to regulate and provide for the working of the public roads, including public ferries, in counties of this State with a population of not less than 15,000, nor more than 15,100, by the Federal Census of 1940, or any subsequent Federal Census, and to provide a Commissioner of Highways for such counties and to define and set forth his powers, obligations, duties, and right," be and the same is hereby repealed.

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

Passed: January 31, 1951.

## Highways and Roads - Historical Notes

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

1. Acts of 1806, Chapter 31, appointed Joseph Hawkins Windle, Thomas Faris, and William Evans as commissioners to view the most eligible way to open a public road from the waters of Poplar Creek in Roane County over the Cumberland Mountain between the heads of the Wolf and Obeds Rivers as far as the commissioners think proper towards Jackson County. When the way was decided upon, the work could be let to some fit person to build a turnpike on which he would be permitted to set up gates and charge the amounts of tolls specified in the act when the road was completed.
2. Acts of 1821, Chapter 6, required the Courts of Pleas and Quarter Sessions of all the counties to classify and index the roads in their respective domains. Three classes of roads were prescribed being distinguished primarily by width and type of use and requiring progressively higher degrees of maintenance. Third class roads would be wide enough to pass a horse and rider. The Court would assign hands to keep the roads in repair.

3. Acts of 1831, Chapter 54, granted permission to James McKinley and Lewis Fletcher to build a turnpike road between White Plains and Allen's Ferry on the Cumberland River. Simon Carlisle and Matthew Cowen of Jackson County, and Elijah Toney of Smith County were appointed as commissioners to lay off the road during and after its construction. Specifications required the road to be 25 feet wide where the ground was level and 20 feet wide where it wasn't. The commissioners would draw \$1 per day from McKinley and Fletcher for each day spent on their assignment. When the road was completed and accepted, the builders could charge the tolls specified in the act for the use of the road but no charge would be made to the citizens of White, Overton, Jackson, and Smith counties. This charter would be in effect for 20 years if the road were kept in good repair.
4. Acts of 1855-56, Chapter 186, named Thomas D. Cassetty and Peter G. Cox of Gainesboro, among several others who were appointed as commissioners to open books at Gainesboro, at Flynn's Lick, and at Fort Blount for the purpose of receiving subscriptions up to \$30,000 to complete a turnpike road from Defeated Creek, near William Young's in Smith County by way of Flynn's Lick to Gainesboro, in Jackson County. The builders were allowed to set up toll gates only when completed and to charge only authorized toll rates. The company would be styled the "Gainesboro and Defeated Creek Turnpike Company."
5. Acts of 1859-60, Chapter 145, incorporated Hugh B. Smith, T. M. Goolsby, Elijah Holleman, Gideon B. Mahan, John Hughes, D. G. Shepherd, James McClarin, and John J. Keely to build a turnpike road to intersect with the one heretofore chartered from Chestnut Mound to Gainesboro which is to start at Granville and intersect with the Gainesboro and Defeated Creek Turnpike at the most practical point on Salt Lick Creek in Jackson County.
6. Acts of 1901, Chapter 136, was a road law for every county in the State under 70,000 in population, according to the 1900 Census. The County Court would elect one Road Commissioner for each road district, which were co-extensive with the civil districts, for two year terms who would be in charge of the roads, bridges, and overseers in the District. His duties and authority were specified in the act. The duties of the county court, the county judge, or chairman, and trustee were also catalogued in the act. A special road tax of two cents per \$100 property valuation could be levied. The commissioners would appoint the overseers for each section of road who would be in immediate charge. All male residents outside cities were required to work on the roads if between the ages of 21 and 45 or pay seventy-five cents per day as a commutation fee. Some road specifications were expressly mentioned, provisions for the working of prisoners on the roads were made and the authority to contract for roads was made available to the commissioner. An engineer could be employed and paid at the specified compensation rate. The act was involved in the case of Carroll v. Griffith, 117 Tenn. 500, 97 S.W. 66 (1906).
7. Acts of 1905, Chapter 478, amended Public Acts of 1901, Chapter 136, in several minor particulars, but primarily in the procedures to hear and dispose of the petitions to open, close, or change a road.
8. Private Acts of 1917, Chapter 312, declared the Roaring River in Jackson County to be unnavigable for a distance of one mile from the mouth of the same, where the river empties into the Cumberland River.
9. Private Acts of 1939, Chapter 138, declared that in Jackson County no person shall be required to perform manual labor on the public roads nor to pay commutation fees in the place thereof. The county court was stripped of the authority to levy taxes for road purposes, and no person shall be appointed to serve as foreman, or district overseer, after the passage of this act.
10. Private Acts of 1939, Chapter 139, stated that in Jackson County the chairman of the county court and the county highway commissioner are hereby authorized to operate ferries over any and all navigable rivers and, for this purpose to contract for the building and operation of ferry boats, but compensation of such ferries shall not exceed \$600 per year. The cost of all this shall be first paid out of the gasoline tax funds in the county or out of the rental fund if the county possesses one. This act was repealed by Private Acts of 1941, Chapter 367.
11. Private Acts of 1941, Chapter 366, amended Private Acts of 1939, Chapter 138, Section 2, by adding a provision at the end of the section which stated that the quarterly county court was hereby authorized to expend such district road funds as may now be on hand or which may hereafter be collected as delinquent taxes to retire any outstanding warrants properly drawn against the said funds, and to use the remainder of such funds for general highway purposes.
12. Private Acts of 1941, Chapter 368, provided that in Jackson County the county highway commissioner is authorized, subject to the approval of the county court, to contract with and employ operators of public ferries, such contracts to be taken by bid, and, provided further, that

- the sum of the aggregate amount of funds to be spent does not exceed \$2,500 annually which would all be paid out of the gasoline tax monies coming to the county.
13. Private Acts of 1945, Chapter 96, amended Private Acts of 1941, Chapter 368, by increasing the maximum amount to be paid to the operators of public ferries in Jackson County as an aggregate sum from \$2,500 to \$3,000 per year.
  14. Private Acts of 1947, Chapter 703, amended Private Acts of 1941, Chapter 368, by increasing the top aggregate amount which could be lawfully paid to the operators of public ferries from \$2,500 to \$3,000 per year.
  15. Private Acts of 1949, Chapter 60, created the position of commissioner of highways who would supervise the working and maintenance of county roads, be of lawful age and competent to control and manage the county road department. The commissioner could be elected by popular vote to two year terms. Garry W. Lynch was named by the act to serve as commissioner until the general election in August, 1950. The commissioner must be sworn and bonded for \$10,000. Among his duties was the employment of a road supervisor, and a bookkeeper-clerk, at annual salaries of \$2,400 and \$1,200 respectively. Roads would be classified into three classes according to the standards expressed in this law. Purchasing procedures were established and the procedures set up which were to be observed in the hearing and disposition of petitions to open, close, or change roads. Allocation of money to improve or repair a road depended upon the classification of the road \$300 being the amount per mile of first class road and scaled down to comparable amounts for second and third class. The county trustee would handle funds and keep records as this law required him to do. This act was repealed by Private Acts of 1951, Chapter 111.
  16. Private Acts of 1949, Chapter 325, amended Private Acts of 1949, Chapter 60, to the effect that the road supervisor and the clerk would be paid out of the general funds of the county instead of the road funds.
  17. Private Acts of 1955, Chapter 45, amended Private Acts of 1949, Chapter 60, (although this act had been repealed in 1951) by increasing the salary of the clerk from \$1,200 to \$2,400 per year. This act was properly ratified by the quarterly county court of the county.
  18. Private Acts of 1961, Chapter 80, would have created a purchasing committee for the county highway department in Jackson County which would be composed of the county highway commissioner, the chairman of the county court and a member of the county court who would be elected by the entire court for one year term. The committee was authorized to make all purchases for the county highway department, requiring that bidding procedures be observed on all purchases over \$100. The members would draw no compensation but could be reimbursed for their actual expenses and be paid seven cents per mile as travel allowance for their personal cars, or for public transportation outside the county. This act was rejected by the quarterly county court and, consequently, never became operative.
  19. Private Acts of 1961, Chapter 81, purported to amend Private Acts of 1951, Chapter 111, by raising the salary of the highway commissioner from \$2,400 to \$3,000 per year, the salary of the road supervisor from \$1,800 to \$2,400 per year, and the salary of the bookkeeper from \$1,200 to \$2,100 per year, but this act was rejected by the quarterly county court and never became effective under the Home Rules provisions of the Tennessee Constitution.
  20. Private Acts of 1961, Chapter 342, amended Private Acts of 1949, Chapter 60, by removing the authority of the commissioner of highways to make purchases for the road department. This act was rejected by the quarterly county court and, consequently, never became operative.

## Chapter X - Law Enforcement

### Constables

### Private Acts of 1992 Chapter 240

**SECTION 1.** Tennessee Code Annotated, Section 8-10-101, is amended by adding the following new subsection:

( ) The office of constable is abolished in any county having a population of not less than nine thousand two hundred seventy-five (9,275) nor more than nine thousand four hundred (9,400) according to the 1990 Federal Census or any subsequent Federal Census.

**SECTION 2.** 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 3.** This act shall have no effect unless it is approved by a two-third (2/3) vote of the legislative body of Jackson County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Jackson County 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 [sic] 3.

Passed: April 30, 1992.

## Law Enforcement - Historical Notes

### Jails and Prisoners

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

1. Private Acts of 1915, Chapter 423, stated that hereafter all jailors in Jackson County who shall furnish pure water, a wholesome diet, and clean bedding in their jails shall be entitled to receive fifty cents per day per prisoner for keeping and feeding the said inmate.
2. Private Acts of 1923, Chapter 296, amended Public Laws of 1919, Chapter 75, by reducing the amount allowed for board for public prisoners from seventy-five cents per day, as required in the public law, to sixty cents per day as it applied only to Jackson County. This Act was repealed by Private Acts of 1925, Chapter 56.

### Militia

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

1. Acts of 1803, Chapter 1, was a general militia law for the State. The militia of Jackson County would compose the 18th Regiment of the 4th Brigade. The annual regimental muster would be held at the courthouse on the third Thursday in October.
2. Acts of 1809, Chapter 89, amended the State Militia Law by assigning the militia of Sumner, Wilson, Smith and Jackson counties to the 4th Brigade.
3. Acts of 1811, Chapter 93, amended the State Militia Law by transferring Jackson County out of the 4th Brigade and into the 7th Brigade. The 18th Regiment would now hold its regimental musters on the first Thursday in September.
4. Acts of 1815, Chapter 119, provided that all free men and indentured servants between the ages of eighteen and forty-five years would compose the militia of the state. Jackson County's units would be designated the 18th and 48th Regiments and would be a part of the 8th Brigade.
5. Acts of 1819, Chapter 68, was a general militia law for the state. All free men and indentured servants between eighteen and forty-five years of age would be required to serve in the militia subject to several occupations which were exempt. Jackson County would comprise the 18th and 48th Regiments. Regimental muster for the 18th would be held on the first Thursday in September, and for the 48th on the second Thursday in September.
6. Acts of 1825, Chapter 69, revised the militia law for the state. Jackson County formed the 18th and 48th Regiments which were part of the 8th Brigade and the 2nd Division. The 18th Regiment held its regimental muster on the first Thursday of September and the 48th on the second Thursday of September, annually.
7. Acts of 1826, Chapter 36, made it lawful for all elections for field officers of the militia in Dickson, Jackson, Campbell, Claiborne, Stewart, Marion, Humphreys, and Hardin Counties to be held at the same places as have been designated for the election of Governor, General Assembly, and member of Congress.
8. Acts of 1837-38, Chapter 157, amended the militia laws to require an annual county drill at the county seat in September. Jackson County was in the 8th Brigade with Fentress, Overton, and White Counties. Jackson County would drill on Monday and Tuesday following the second Thursday and Friday of September. A regimental must was also held annually in October.
9. Acts of 1849-50, Chapter 229, declared that the militia of the Second Civil District of Jackson County was exempt from attending the county's regimental and battalion musters. They would

instead hold a company muster within the district on the same days. The captain would report the strength and condition of his company annually to the colonel of the regiment

### **Offenses**

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

1. Acts of 1820 (Ex. Sess.), Chapter 11, directed the Sheriff of Jackson County to hold an election at the courthouse in the town of Gainesboro on the first Monday in January, 1821, and every succeeding year, for the purpose of electing nine persons to serve as aldermen for the town of Gainesboro.
2. Acts of 1820 (Ex. Sess.), Chapter 117, authorized the sheriff and rangers of the counties of Warren, Jackson, Bledsoe, and Marion, at their discretion, to advertise all lands, and strays, to be sold by them under execution, or for taxes in the Sparta Gazette, a newspaper published in that city in White County.
3. Acts of 1821, Chapter 180, amended Acts of 1820 (Ex. Sess.), Chapter 117, and made it lawful for the Sheriffs of Warren, Jackson, Bledsoe, and Marion Counties in their discretion to advertise all lands to be sold under execution or for taxes in some newspaper in Sparta, and the Rangers, at their discretion, may advertise the stays they propose to sell under the law in the same way and in the same place.
4. Acts of 1831, Chapter 123, authorized the Sheriffs of Jackson, Cocke, Monroe, Knox, and Lawrence Counties to appoint three additional deputies who shall be subject to the same rules, regulations, and law as are the other deputy sheriffs.
5. Acts of 1837-38, Chapter 61, prohibited the county courts of Cannon, White, Warren, and Jackson Counties to levy a tax for the year 1838 on DeKalb County which was formed from portions of these counties. The Sheriff, if he failed to hold the election as required by the Act creating DeKalb County in the fraction of his county taken for reason of accident, or otherwise, shall proceed to hold the same on Tuesday, January 30, 1838, and make proper returns on the same. In Jackson County the election would be held at the home of Robert Allcorn.
6. Private Acts of 1921, Chapter 236, stated that in Jackson County and Macon County the sheriff shall receive as compensation \$720 per annum, payable monthly, out of the county treasury on the warrant of the county judge, or chairman. The sheriff was not required to account for or to pay over his fees, this salary being in addition to them.
7. Private Acts of 1921, Chapter 693, amended Private Acts of 1921, Chapter 236, so as to remove Jackson County from its provisions.
8. Private Acts of 1949, Chapter 578, recited in the preamble that the fees and the salaries of the sheriff of Jackson County were insufficient to meet the expense of patrolling roads, visiting eating and drinking places to keep order, and visiting public assemblies, and that the county needs these things to be done, therefore, this act grants to the sheriff of this county up to \$75 per month to accomplish the purposes being neglected above, to be paid on the warrant of the county chairman or judge to the sheriff when he files an affidavit of his expenses. This act was repealed by Private Acts of 1951, Chapter 110.
9. Private Acts of 1978, Chapter 166, would have repealed Acts of 1831, Chapter 123, however, it could not be ratified in the time stated in the act and therefor never became effective.
10. Private Acts of 1978, Chapter 248, would have repealed Acts of 1831, Chapter 123, but it was not approved by the quarterly county court.

## **Chapter XI - Taxation**

### **Assessor of Property**

#### **Private Acts of 1974 Chapter 189**

**SECTION 1.** Any conveyance of property vesting or divesting title or interest in or to any real property located in Jackson County, shall be recorded in the office of the county tax assessor before any such instrument may be registered and stamped in the office of the county register of deeds. The county tax

assessor shall:

- (I) receive such instruments for recording;
- (II) make a permanent record of the instrument for this office, which shall show (1) the date of the instrument, (2) the consideration for the transfer, (3) the name and address of the grantor and grantee or trustee, (4) the location of the property, and (5) a sufficient description of the property; and
- (III) stamp on such instruments a notation of his endorsement signifying compliance with the requirements of this section.

**SECTION 2.** Any such instrument specified in Section 1 of this Act shall bear the name and the address, as of the date of the recording or registration, of the grantor, and grantee or trustee, before such instrument shall be received for registration by the county register of deeds.

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

**SECTION 4.** For the purpose of approving this Act as provided in Section 1, it shall take effect on becoming a law, the public welfare requiring it, but for all other purposes, it shall take effect July 1, 1974.

Passed: February 14, 1974.

## Hotel/Motel Tax

### Private Acts of 2019 Chapter 31

SECTION 1. For the purposes of this act:

- (a) "Clerk" means the county clerk of Jackson County, Tennessee;
- (b) "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. This definition does not 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;
- (c) "County" means Jackson County, Tennessee;
- (d) "Hotel" means any structure or space, or any portion thereof, which is occupied or intended or designed for occupancy by transients for dwelling, lodging, or sleeping purposes, and includes any hotel, inn, campground, tourist camp, tourist court, tourist cabin, motel, or any place in which rooms, lodgings, or accommodations are furnished to transients for a consideration;
- (e) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings, or accommodations in any hotel;
- (f) "Operator" means the person operating the hotel whether as owner, lessee, or otherwise, and includes governmental entities;
- (g) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, governmental unit other than the United States or any of its agencies, or any other group or combination acting as a unit; and
- (h) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings, or accommodations in a hotel for a period of less than thirty (30) continuous days.

**SECTION 2.** The legislative body of Jackson County may levy a privilege tax upon the privilege of occupancy in any hotel of each transient, in the amount of five percent (5%) of the rate charged by the operator. The tax imposed is a privilege tax upon the transient occupying such room or other accommodation and is to be collected and distributed as provided in this act. The rate of the tax may be modified by the county legislative body; provided, that the rate must not exceed five percent (5%). Such tax is in addition to all other taxes levied or authorized to be levied, whether in the form of excise, license, or privilege taxes, and is in addition to all other fees and taxes now levied or authorized to be levied.

**SECTION 3.** The proceeds received by the county from the tax are allocated to and placed in the county general fund, and designated and used for such purposes as specified by resolution of the county legislative body.

#### SECTION 4.

(a) Each operator shall:

- (1) Add the occupancy tax to each invoice prepared by the operator for the occupancy of the hotel, which must be given directly or transmitted to the transient;
- (2) Collect such tax from the transient; and
- (3) Remit such tax to the clerk.

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

#### SECTION 5.

(a) Each operator that leases, rents, or charges for rooms or spaces in hotels within the county shall remit the tax levied pursuant to this act to the clerk, or such other officer, as may by resolution, be charged with the duty of collection of the tax, not later than the twentieth day of each month for the preceding month. The operator shall collect the tax from the transient at the time of the presentation of the invoice for the occupancy as may be the custom of the operator.

(b) For the purpose of compensating the operator in accounting for remitting the tax levied by this act, the operator is entitled to retain two percent (2%) from the amount of the tax due by including such a deduction in the operator's report and paying the remaining amount due by the operator, so long as the amount due was not delinquent at the time of payment.

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

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

#### SECTION 8.

(a) Taxes collected by an operator that are not remitted to the county clerk on or before the due dates are delinquent. An operator is liable for interest on delinquent taxes from the due date at the rate of twelve percent (12%) per annum and, in addition, for a penalty of one percent (1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty become a part of the tax herein required to be remitted.

(b) Each occurrence of willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is an offense and constitutes a misdemeanor punishable upon conviction of a fine not in excess of fifty dollars (\$50.00).

(c) This section does not prevent the clerk or other authorized collector of the tax from pursuing any civil remedy available to the collector by law, including issuing distress warrants and the seizure of assets, to collect any taxes due or delinquent under this act.

SECTION 9. Each operator shall keep and preserve for a period of three (3) years all records as may be necessary to determine the amount of such tax as the operator may have been liable for the collection of and payment to the county. The clerk may inspect, and the operator shall provide access to, the operator's occupancy tax records at reasonable times at the request of the clerk.

SECTION 10. The clerk, in administering and enforcing this act, may exercise the powers and duties with respect to collecting taxes as provided in Tennessee Code Annotated, Title 67, or otherwise provided by law for the county clerks. For the clerk's services in administering and enforcing this act, the clerk may retain, as a commission, five percent (5%) of the taxes collected. Upon any claim of illegal assessment and collection, the taxpayer has the remedies provided in Tennessee Code Annotated, Title 67, it being the intent of this act that the provisions of law that apply to the recovery of state taxes illegally assessed and collected also apply to the tax levied under the authority of this act. The clerk has the powers and duties provided in Tennessee Code Annotated, § 67-1-707, for the county clerks, With respect to the

adjustment and settlement with taxpayers, all errors of county taxes collected by the clerk under the authority of this act must be refunded by the county clerk. Notice of any tax paid under protest must be given to the county clerk, and the resolution authorizing levy of the tax must designate a county officer against whom suit may be brought for recovery.

SECTION 11. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

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

SECTION 13. For the purpose of approving or rejecting the provisions of this act, it shall become effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall take effect on the first day of the second month following approval as provided in Section 12, the public welfare requiring it.

Passed: May 24, 2019.

## Taxation - Historical Notes

### **Assessor of Property**

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

1. Private Acts of 1915, Chapter 441, stated that the salary of the Tax Assessor in Jackson County shall be \$500 per year to be drawn from the regular county funds in the treasury upon the warrant of the County Chairman, or Judge, on the first Monday in July of each year.
2. Private Acts of 1929 (Ex. Sess.), Chapter 65, fixed the salary of the Tax Assessor in Jackson County at \$1,000 per year, payable on July 1 of each year upon the warrant of the County Chairman or Judge drawn on the regular county general funds.
3. Private Acts of 1931, Chapter 713, provided that the Tax Assessor of Jackson County shall receive as compensation for his services the sum of \$800 per year, payable on July 1, 1931, and on that day thereafter out of the county treasury on a warrant from the County Judge, or Chairman.
4. Private Acts of 1941, Chapter 478, amended Private Acts of 1931, Chapter 713, by increasing the annual salary of the Tax Assessor of Jackson County from \$800 to \$1,200 per year.

### **Taxation**

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

1. Acts of 1805, Chapter 67, Section 3, made it lawful for the Sheriff of Smith County to collect the taxes for the present year, and all arrearages, in that portion of Smith County which was annexed to Jackson County, to be accomplished under the same rules and regulations as if the annexation Act had not been passed.
2. Acts of 1809, Chapter 23, granted to Robert Armstrong the time until January 1, 1811, to finish up his collection of taxes and he is further empowered to collect any tax from any citizen of Jackson County who had listed his, her or their property in White County.
3. Acts of 1817, Chapter 128, authorized the county clerks of several counties, Jackson being among them, to lay a tax at their first session each year for the purpose of making an additional compensation to jurors attending the circuit or the county court, provided a majority of the justices are present and voted for the tax, and, provided further, that the additional compensation to the jurors shall not exceed fifty cents per day.
4. Acts of 1820 (Ex. Sess.), Chapter 28, cited in the preamble that the seat of justice in Jackson County had been moved from Williamsburg and a great number of the inhabitants had moved with it; that the lots of the said town were owned by the people of Jackson County who are presently greatly oppressed by the amount of taxes accruing on these lots, therefore, this Act exempts these properties, and their owners, from the payment of any state and county taxes on them, and prohibits any justice of the peace from making them a part of any tax list.
5. Acts of 1857-58, Chapter 127, stated that the Tax Assessor of Jackson County in 1857 neglected to add to the tax rate the 4% tax for the common schools and the lunatic asylum and he is therefore 4% short in the amount collected. This act permits the tax assessor to add the 4% to

the 1858 taxes which he shall pay to the treasurer of the state and thereupon be relieved of liability for the same, but his sureties will remain liable for any 1858 deficiency in payment.

6. Acts of 1870-71, Chapter 50, provided that all counties and cities could levy taxes for county and municipal purposes in the following manner, (1) that all taxable property shall be taxed according to its value upon principles established for state taxation, and (2) that the credit of no county, or city, could be given or loaned to any person, firm, or corporation, unless a majority of the quarterly county court agree and that the voters approve the same in the referendum by a three-fourths majority. Several counties, including Jackson, exempted themselves from the second requirement of three-fourths majority for the next ten years saying a simple majority would suffice.

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