



May 19, 2024

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# DeKalb

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

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

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# DeKalb



DeKalb County Courthouse

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# Chapter I - Administration

## Codes

### Incorporation by Reference

#### Private Acts of 1967-68 Chapter 436

**SECTION 1. Definitions.** That as used in this Act, the following terms shall have the meanings indicated;

(a) Governing Body. The Quarterly County Court, Board of Commissioners, County Council, or other body in which the general legislative powers of a county are vested.

(b) Code. Any published compilation of rules which have been prepared by technical trade associations or model code organizations including housing, regulating building construction, electrical wiring, plumbing and gas installation.

**SECTION 2. Adoption and Amendment of Code Reference.** That the governing body of any County may adopt or repeal a resolution which incorporates by reference the provisions of any code or portions of any code, or any amendment thereof, properly identified as to date and source, without setting forth the provisions of such code in full. At least three copies of such code, portion or amendment which is incorporated by reference shall be filed in the office of the County Court Clerk and there kept for public use, inspection and examination. The filing requirements herein prescribed shall not be deemed to be complied with unless the required copies of such code, portion, or amendment are filed with the Clerk for a period of ninety days before the adoption of the resolution which incorporates such code, portion or amendment by reference. No resolution incorporating a code, portion or amendment by reference shall be effective until published in a newspaper having a general circulation in the County.

**SECTION 3. Administration.** That the adopting resolution may also incorporate by reference the administrative provisions of any code, or may include in the adopting resolution any suggested administrative provisions found in a code. Should a code not contain administrative provisions, the administrative provisions of another code may be adopted by reference, or may be adapted and included in the adopting resolution. The powers and duties of enforcing the provisions of any code incorporated by reference may be conferred upon such officials within the existing framework of the county government as the governing body may determine, such as, but not limited to, officials administering zoning and planning regulations of the county.

**SECTION 4. Enforcement.** That the County Attorney or any official vested with the powers of enforcing the provisions of any code incorporated by reference may, in addition to any other remedies provided by law, institute injunction to prevent the violation of any provisions of such code.

**SECTION 5. Penalties.** That the authority of this Act shall not extend to the incorporation by reference of any penalty clause contained in a code. Any person, firm or corporation or agent who shall violate a provision of any code incorporated by reference or fail to comply therewith or with any of the provisions thereof, or violate a detailed statement or plans submitted and approved thereunder, shall be guilty of a misdemeanor. Each such person, firm or corporation or agent shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of a code is committed or continued, and upon conviction for any such violation shall be punished by a fine of not more than fifty dollars.

**SECTION 6. Applicability.** That the provisions of this Act shall apply only to the unincorporated area of a county adopting such a code resolution and to those incorporated cities and towns within the county which do not elect, now or hereafter, to adopt their own codes regulating the same subject areas.

**SECTION 7. Validity.** That if any section, sentence, clause or phrase of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Act.

**SECTION 8.** 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 DeKalb County within sixty (60) days after the sine die adjournment of the General Assembly of the State of Tennessee for the year, 1968. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve, or disapprove, and shall be certified by him to the Secretary of State.

**SECTION 9. Effect.** That this Act shall be effective from and after its passage, the public welfare requiring it.

Passed: April 2, 1968.

## County Register

## Recording of Deeds

## Private Acts of 1961 Chapter 356

**SECTION 1.** That in all counties of this State having a population of not less than 10,770, nor more than 10,800 according to the Federal Census of 1960 or any subsequent Federal Census, any purchaser of real estate located in such County or Counties is hereby required to record in the County Register's Office of such County, the deed conveying such property within one year after receipt thereof. Failure to record such deed as above provided shall constitute a misdemeanor punishable by a fine of not less than \$25.00 nor more than \$50.00.

**SECTION 2.** That this Act shall have no effect unless the same be approved by a two-thirds vote of the Quarterly County Court of any County to which this Act applies. The presiding officer of such body shall proclaim its approval or non-approval and certify the same to the Secretary of State.

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

Passed: March 17, 1961.

## Purchasing

## Private Acts of 1979 Chapter 63

**SECTION 1.** (a) A Purchasing Committee shall be established for DeKalb County. The Purchasing Committee shall consist of four (4) regular members and two (2) transient members. The County Judge or Executive and three (3) members of the Board of County Commissioners shall be regular members. The superintendent of county schools and the county supervisor of public roads shall be the transient members. A transient member shall serve on the Purchasing Committee only when requisitions, contracts, or other matters concerning the transient member's department are on the agenda of a meeting of the Purchasing Committee. While serving on the Purchasing Committee, the transient members shall be entitled to speak, vote and participate in decision making as fully as a regular member. The Board of County Commissioners shall select three (3) of its members to serve on the Purchasing Committee for terms to be specified by resolution of the Board of County Commissioners, not to exceed the remainder of the members' term on the Board of County Commissioners. The Board of County Commissioners may by resolution, remove any of its members serving on the Purchasing Committee. All other departments of county government shall be represented on the purchasing committee by the County Judge or Executive, and when such judge or executive is acting in this capacity, he shall be considered a regular member rather than a transient member.

(b) Four (4) members of the Purchasing Committee shall constitute a quorum when the superintendent of county schools or the county supervisor of public roads is serving as a transient member on the Purchasing Committee, otherwise three (3) members shall constitute a quorum of the Purchasing Committee. The assent of a majority of the members present, a quorum being present, shall be necessary for valid approval of any requisition, contract, or other matter requiring the approval of the Purchasing Committee. The County Judge or Executive shall serve as chairman of the Purchasing Committee. The Purchasing Committee shall elect from among its regular members a secretary who shall keep minutes of the actions of the committee.

(c) The heads of departments or agencies expending funds appropriated by the Board of County Commissioners of DeKalb County shall submit requisitions to the County Judge or Executive whenever an item or multiples of an item to be purchased or contract of services to be executed exceeds fifteen hundred dollars (\$1,500.00) in any fiscal year, except food items used by the various departments, textbooks and library books used in the county school system and emergency purchases made in accordance with the provisions of Section 8 of this Act.

(d) The term "item" as used in this Act shall mean all materials or services that are identical or nearly identical in nature. The Purchasing Committee may determine, if necessary, whether particular materials or services shall be considered as an identical or nearly identical "item".

As amended by: Private Acts of 1979, Chapter 115

**SECTION 2.** The DeKalb County Judge or Executive shall serve as purchasing agent for all purchases approved by the Purchasing Committee of DeKalb County, and he is authorized to issue or approve appropriate drafts or checks, provided the provisions of this Act are complied with. The County Judge or Executive shall receive a supplemental salary in the amount of five hundred dollars (\$500.00) annually, to be paid in equal monthly installments, for his services as purchasing agent for the DeKalb County Purchasing Committee.

As amended by: Private Acts of 1979, Chapter 115

**SECTION 3.** Purchases or contracts for the purchase or rental of supplies, equipment, or materials approved by the Purchasing Committee are to be executed by the County Judge or Executive. When the cost of an item or multiples of an item to be purchased or contract for services executed in any fiscal year is less than ten thousand dollars (\$10,000), competitive bidding shall not be required, nor notice or advertising required; but in making such purchases, the purchasing agent or department head shall be diligent in securing competition among dealers, persons, or manufacturers, who are offering such material, supplies, or equipment for sale, and the purchasing agent or department head shall always secure the lowest price possible with due consideration for the quality of the item or items purchased, and in no instance shall any supplies, materials, or equipment purchased under the authority of this Act be purchased at a price higher than the prevailing market price for such supplies, materials or equipment. All contracts for legal services, auditing services by certified public accountants, and similar services by professional persons or groups of high ethical standards, shall not be based upon competitive bids, but shall be awarded on the basis of recognized competence and integrity; provided further that bids shall not be required for services for which the rate of price is fixed by a public authority authorized by law to fix such rates or prices. The county may purchase materials, supplies, commodities, and equipment from any federal, state or local governmental units or agency, without conforming to the competitive bidding requirements of this Act.

As amended by: Private Acts of 1979, Chapter 115  
Private Acts of 1996, Chapter 157  
Private Acts of 2013, Chapter 7

**SECTION 4.** All purchases of an item or multiples of an item to be purchased in any fiscal year by a particular department or agency expending funds appropriated by the Board of County Commissioners of DeKalb County exceeding ten thousand dollars (\$10,000) shall be made in accordance with the following procedure:

- (a) The purchasing agent (County Judge or Executive) shall solicit sealed bids by public notice inserted in a newspaper of county-wide circulation five (5) days prior to the final date for submitting bids and by posting notices on a public bulletin board in the county courthouse. The purchasing agent shall also, when deemed necessary or desirable, solicit sealed bids by sending requests by mail to prospective suppliers. All such notices shall include a general description of the commodities or contractual services to be purchased or rented and shall state where bid blanks and specifications may be obtained and the time and place for opening bids.
- (b) At the time and place selected by the purchasing agent, and fixed in the advertisement the purchasing agent shall present the sealed bids to the Purchasing Committee.
- (c) The Purchasing Committee shall meet and publicly open the sealed bids at the time and place fixed in the advertisement. Each bid, with the name and address of the bidder, shall be entered on the record, and each bid with the names of the bidders, the amount of their bids, and the name of the successful bidder indicated thereon, shall after the award or contract, or order, be open for public inspection. The Purchasing Committee may accept or reject any bid or any portion of any bid.
- (d) The purchasing agent shall execute the contract or purchase order upon the approval of the Purchasing Committee.

As amended by: Private Acts of 1979, Chapter 115  
Private Acts of 1996, Chapter 157  
Private Acts of 2013, Chapter 7

**SECTION 5.** The Purchasing Committee shall prescribe regular purchase order forms. No purchase order shall be issued in an amount exceeding the unexpended balance of the amount appropriated by the Board of County Commissioners for the appropriation year in which the purchase is made, except where the Board of County Commissioners has found and declared an emergency impending or in existence, and has specifically authorized such excess expenditure.

As amended by: Private Acts of 1979, Chapter 115

**SECTION 6.** Each purchase order or contract issued or executed by the County Judge or Executive as purchasing agent shall be evidenced by a order signed by the County Judge or Executive, which shall give

all significant details respecting such order or contract. The Purchasing Committee shall prescribe the manner by which contracts and purchase orders shall be filed and maintained for each department or agency expending funds appropriated by the Board of County Commissioners of DeKalb County.

As amended by: Private Acts of 1979, Chapter 115

**SECTION 7.** Upon the approval of a requisition or contract by the Purchasing Committee, the County Judge or Executive, as purchasing agent, and as herein provided, shall forthwith arrange for, and purchase such materials, supplies, or equipment, in conformity with the provisions of this Act, and shall arrange for and purchase such necessary materials, supplies, and equipment when so requested by the proper authorities as this Act provides.

As amended by: Private Acts of 1979, Chapter 115

**SECTION 8.** The Purchasing Committee may authorize any department or agency of the county government to purchase in the open market, without filing requisition or estimate, any supplies, materials, or equipment for immediate delivery in actual emergencies arising from unforeseen causes, including delays by contractors, delays in transportation, and unanticipated volume of work; but such emergencies shall not include conditions arising from neglect or indifference in anticipating normal needs. Such direct emergency purchases, however, may only be made by department or agency heads at times when the office of the county purchasing agent is closed. At all other times, only the county purchasing agent shall make these purchases. A report of such emergency purchase, when made by a department or agency head, together with a record of the competitive bids secured and upon which it was based, shall be submitted in writing to the county purchasing agent before the close of the next working day following the date of such purchase, by the head of the county department or agency concerned, together with a full and complete account of the circumstances of such emergency. Such report shall be kept on file and shall be open to public inspection.

**SECTION 9.** The Purchasing Committee shall review each calendar quarter all purchase orders of each county department and any unsound purchasing practices shall be brought to the attention of the department head. If upon subsequent review, the Purchasing Committee finds that the department head continues in such unsound practices, the Purchasing Committee shall list these practices in a detailed report to the Board of County Commissioners.

**SECTION 10.** Notwithstanding any other provision of this Act, the Purchasing Committee may prescribe rules authorizing the heads of departments or agencies expending funds appropriated by the Board of County Commissioners of DeKalb County to repair equipment without complying with the provisions of Section 4 of this Act.

As amended by: Private Acts of 1979, Chapter 115

**SECTION 11.** No chief officer or buying agent of any department or agency of the county government shall devise or draft purchase orders for any purchase for the purpose of circumventing the provisions of this Act.

**SECTION 12.** The County Commissioner is authorized to create and establish by an appropriate resolution a public works committee to be composed of three (3) members from the county commission, the County Judge or Executive, and the chief officer of the appropriate department of county government for the purpose of supervising, overseeing, and negotiating public works' contracts.

**SECTION 13.** Chapter 161 of the Private Acts of 1971, is hereby repealed.

**SECTION 14.** In the event any section, sentence, or part of this Act shall be held to be unconstitutional, such invalidity or unconstitutionality shall not be held to affect or invalidate the remainder of the Act and that it is the intent of the General Assembly that every part of this Act be severable.

**SECTION 15.** This Act shall have no effect unless the same shall have been approved by a two-third (2/3) vote of the Board of County Commissioners of DeKalb County, Tennessee. Its approval or non-approval shall be proclaimed by the presiding officer of the Board of County Commissioners of DeKalb County and certified by him to the Secretary of State.

**SECTION 16.** This Act shall be effective for purposes of approval by the county legislative body upon becoming a law, the public welfare requiring it. For all other purposes this Act shall take effect upon being approved as provided in Section 15 of this Act.

Passed: April 11, 1979.

## Administration - Historical Notes

### County Attorney

The following act once affected the appointment, election, or office of the county attorney in DeKalb

County. This act is included for historical reference only. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1931, Chapter 29, created the office of County Attorney, naming P. C. Crowley to serve until September, 1932. At the regular August election of 1932, and every two years thereafter, the office would be filled by popular election. Compensation was set at \$600 per annum, payable monthly, out of the general funds of the county. This Act was repealed by Private Acts of 1935, Chapter 32.

### **County Clerk**

The following act once affected the office of county clerk in DeKalb County. It is included herein for historical purposes. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1919, Chapter 796, made it the duty of the Clerk of the County Court to prepare and publish, twice each year, in a newspaper published in the county, a statement showing the condition of the county's finances as of January 1 and June 1. This Act was repealed by Private Acts of 1921, Chapter 724.

### **County Executive**

The references below are of acts which once applied to the office of county judge, or county executive in DeKalb 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 1871, Chapter 133, created the office of County Judge for DeKalb County and Carroll County. A person, learned in the law, would be elected by the voters for an eight year term. The Quorum Courts were abolished and their jurisdiction was transferred to the County Judge. They would have the same jurisdiction as the Chairman of the County Court over which they would now preside. The County Judge would be the accounting officer and general agent of the county. The compensation was set at \$5 per day during the sitting of the Monthly and Quarterly Courts. The Quarterly Court was authorized to make additional compensation to the Judges out of the county treasuries.
2. Acts of 1872 (Ex. Sess.), Chapter 1, amended Acts of 1871, Chapter 133, by authorizing the County Court to elect a qualified person as a County Judge on a temporary basis until the regular August election of 1872. The County Judge was given the same authority to maintain order that the Circuit Judge possessed.
3. Acts of 1883, Chapter 15, amended Acts of 1871, Chapter 133, to abolish the office of County Judge for DeKalb County.
4. Acts of 1893, Chapter 49, created the office of County Judge in DeKalb County. He would be popularly elected and would serve an 8 year term. He would possess all the jurisdiction of the Chairman of the County Court whose office was abolished. The act set the compensation at \$350 annually.
5. Acts of 1911, Chapter 599, set the compensation of the County Judge for his services as accounting officer and financial agent of the county at \$250 per annum.
6. Private Acts of 1921, Chapter 301, raised the salary of the County Judge to \$1,000 per year. The County Judge was granted concurrent jurisdiction with Chancellors and Circuit Judges to grant fiats in the Circuit and Chancery Courts.
7. Private Acts of 1933, Chapter 201, allowed the County Judge to grant fiats while stating the Judge was not required to have any greater qualifications than required for the office of County Judge.
8. Private Acts of 1949, Chapter 668, amended Private Acts of 1921, Chapter 301, to increase the compensation of the County Judge to \$2,400 per annum. The County Judge would also serve as fiscal and purchasing agent of the county, but would not receive additional compensation for these duties.
9. Private Acts of 1949, Chapter 669, stated that the compensation of the County Judge, for his services as accounting officer and financial agent of the county, would be \$900 per annum.
10. Private Acts of 1953, Chapter 547, amended Private Acts of 1949, Chapter 669, to raise the compensation from \$900 to \$1,500 per annum.

### **County Legislative Body**

The following acts once applied to the quarterly court or the county legislative body of DeKalb County and are included herein for historical purposes.

1. Acts of 1839-40, Chapter 2, validated the Act passed on December 11, 1837, which was never published, that created DeKalb County. The County Court was established and given the power to nominate locations for the seat of justice. The County Court would appoint five commissioners to purchase the land for the county seat and lay off a town.
2. Acts of 1872 (Ex. Sess.), Chapter 1, ratified all the Acts done by the Quorum Court of DeKalb County. The County Court was empowered to elect a County Judge.
3. Acts of 1875, Chapter 42, authorized \$1.50 per diem for Justices of the Peace attending Quarterly Court.
4. Acts of 1889, Chapter 246, authorized mileage at the rate of five cents a mile to Justices of the Peace attending Quarterly Court. Certain limitations were included.
5. Private Acts of 1917, Chapter 631, amended Acts of 1875, Chapter 42, to increase the per diem to \$2.50, and Acts of 1889, Chapter 246, to allow all Justices to receive the same rate of mileage.
6. Private Acts of 1921, Chapter 341, raised the per diem to \$3, and the mileage to 25 cents per mile for Justices of the Peace.
7. Private Acts of 1923, Chapter 23, amended Private Acts of 1921, Chapter 341, by reducing the per diem to \$2, and the mileage to five cents per mile.
8. Private Acts of 1955, Chapter 245, would have raised the per diem to \$5 and the mileage to ten cents per mile, one way, but this Act was never ratified by the Quarterly County Court.
9. Private Acts of 1961, Chapter 28, would have raised the per diem to \$5 and the mileage to ten cents per mile, one way, but this Act was never ratified by the Quarterly County Court.

### **County Trustee**

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

1. Private Acts of 1945, Chapter 512, required the County Trustee to enter into a bond in a penalty equal in amount to the County taxes to be collected for the ensuing year. The Trustee shall pay the premiums out of the emoluments of his office.

### **Purchasing**

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

1. Private Acts of 1919, Chapter 526, authorized the appointment by the Quarterly County Court of a three member Purchasing Commission, whose duty was to buy all supplies needed by the County. They would hold office for one year and be paid \$25 per annum. This was repealed by Private Acts of 1921, Chapter 327.
2. Private Acts of 1943, Chapter 156, provided that the DeKalb County Judge would act as Purchasing Agent for the county and would have sole authority to purchase all materials, supplies, and equipment used by the County. This Act was repealed by Private Acts of 1971, Chapter 160.
3. Private Acts of 1971, Chapter 161, provided that the County Judge of DeKalb County would serve as the purchasing agent for the county. The Road Supervisor and the Superintendent of Schools had authority to purchase items of \$500 or less, but for all other county departments the County Judge was the sole purchasing agent. This Act was repealed by Private Acts of 1979, Chapter 63.

### **General Reference**

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

1. Acts of 1843-44, Chapter 10, attached the 141st Regiment of Tennessee Militia, in the county of DeKalb, to the 9th Brigade. This Act was repealed by Acts of 1849-50, Chapter 3, and Acts of 1845-46, Chapter 205.
2. Acts of 1849-50, Chapter 3, attached the 141st Regiment of Tennessee Militia, in DeKalb County, to the 8th Brigade.
3. Acts of 1857-58, Chapter 126, abolished the office of Entrytaker, placing his duties with the office of County Surveyor.
4. Acts of 1903, Chapter 371, authorized DeKalb County to become a stockholder in a railroad from Smithville to Watertown or Lebanon or Brush Creek, up to the amount of \$150,000.

5. Private Acts of 1917, Chapter 574, authorized the Quarterly County Court to extend the time within which the Nashville and Eastern Electric Railway Co. could construct and put into operation a railway from Smithville to Lebanon.
6. Private Acts of 1927, Chapter 620, required county officials to make their bonds with a valid bonding company, and set the amount of those bonds. This Act would not apply to incumbents in office.

## Chapter II - Animals and Fish

### Fence Law

#### Private Acts of 1919 Chapter 795

**SECTION 1.** That in certain counties having a population of not less than 15,430 nor more than 15,440 inhabitants, under the Federal Census of 1910, or any subsequent Federal Census, Caney Fork River is hereby declared to be a lawful fence.

**SECTION 2.** That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

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

Passed: April 14, 1919.

### Gigging

#### Private Acts of 1955 Chapter 408

**SECTION 1.** That there shall be an open season each year in DeKalb County for the gigging of rough fish, during the months of May, between sunup and sundown, in all the streams in said County, except Pine Creek.

**SECTION 2.** That "rough fish" as contemplated by this Act shall be those fish defined as such by the State Division of Game and Fish.

**SECTION 3.** That all persons who gig fish under the provision of this Act shall have a valid fishing license issued by the State.

**SECTION 4.** That any person violating the provision of this Act shall be guilty of a misdemeanor and shall be fined not less than \$5.00 nor more than \$25.00 for each such violation.

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

Passed: March 10, 1955.

### 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 DeKalb 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 1893, Chapter 59, made it a misdemeanor to hunt, kill or capture wild deer in DeKalb County from December 1st to September 30th of each year.
2. Acts of 1897, Chapter 134, made it lawful to fish in DeKalb County by seine, trap, gig, gun, grabbing with hands or any matter, except poison or explosives, by exempting DeKalb County from the Acts of 1895, Chapter 127. This was repealed by Acts of 1899, Chapter 51.
3. Acts of 1899, Chapter 116, exempted DeKalb County from certain provisions of the Acts of 1895, Chapter 127, by making it lawful to catch fish with a gun, gig or by grabbing with hands.
4. Acts of 1911, Chapter 667, made it lawful to fish with traps, baskets, nets or seines in DeKalb County from May 15 to November 30, provided that the mesh of such devices were at least 1½" apart.
5. Private Acts of 1917, Chapter 627, created an open season for hunting quail and partridges from November 15 to February 1. This Act was repealed by Private Acts of 1921, Chapter 708.

6. Private Acts of 1917, Chapter 726, made it lawful to fish with traps or lines provided that their slats or meshes were at least 1½" apart and no trap occupied the width of a stream or was placed in such a way as to prevent the free passage up the stream. The season was from May 15 to November 30.
7. Private Acts of 1917, Chapter 750, made it a misdemeanor for any person knowingly to permit diseased hogs to run at large or have access to any running water or to fail to burn immediately the corpse of a diseased hog.
8. Private Acts of 1919, Chapter 36, authorized an election to determine the will of the voters on the question of a stock law in DeKalb County.
9. Private Acts of 1919, Chapter 501, created a zone in which stock could not run at large or trespass; the limits of the zone being a one-mile radius of the courthouse.
10. Private Acts of 1921, Chapter 405, exempted DeKalb County from the provisions of the general law (Public Acts of 1919, Chapter 61) regulating the ownership of dogs.
11. Private Acts of 1921, Chapter 708, set the open season on quail and squirrels in DeKalb County from December 1st to December 31st, inclusive.
12. Private Acts of 1923, Chapter 132, authorized an election to determine the will of the voters with reference to a stock law for DeKalb County.
13. Private Acts of 1925, Chapter 240, provided for an election on March 28, 1925 to determine the will of the voters with regard to a stock law.
14. Private Acts of 1925, Chapter 471, was a stock law for DeKalb County which was to take effect on May 31, 1925.
15. Private Acts of 1925 Chapter 519, made it lawful to use traps with slats 1½" apart, or baskets, nets and seines with meshes 1" apart to catch fish in DeKalb County between May 15 and November 15.
16. Private Acts of 1927, Chapter 615, amended Private Acts of 1925, Chapter 519, to change the season from April 15 to November 15.
17. Private Acts of 1929, Chapter 908, made it unlawful for any person, group, firm or corporation to take, ship, or transport more than fifty minnows per day out of DeKalb County.
18. Private Acts of 1939, Chapter 528, made it unlawful to fish from bridges or to kill fish by means of poison or explosives.
19. Private Acts of 1955, Chapter 407, set a daily bag limit of 4 squirrels during the open season of June 10th to June 20th. A valid state hunting license was required and possession of more than eight squirrels was unlawful. This was repealed by Private Acts of 1961, Chapter 136.
20. Private Acts of 1955, Chapter 419, made it lawful to seine for rough fish during July and August in all the streams of DeKalb County, except Pine Creek, Center Hill Lake and Caney Fork River. The mesh of the seine could be not less than 1½ inches. This Act was repealed by Private Acts of 1974, Chapter 332.
21. Private Acts of 1957, Chapter 412, amended Private Acts of 1955, Chapter 419, to decrease the size of the seine mesh to one inch. This Act was repealed by Private Acts of 1974, Chapter 332.
22. Private Acts of 1959, Chapter 314, was an act to protect minnows in DeKalb County by making it unlawful to catch or possess them for purpose of sale. This Act was repealed by Private Acts of 1974, Chapter 211.
23. Private Acts of 1974, Chapter 384, would have created an open season for seining fish during July and August in all the streams of DeKalb County, except Pine Creek, Center Hill Lake, and Caney Fork River, but this Act was not acted upon by the Quarterly County Court and did not become effective.

## Chapter III - Bond Issues

### Bond Issues - Historical Notes

A listing of the acts which authorized various bond issues for DeKalb County is included below for reference purposes, although these acts are no longer current.

**Bridges**

1. Acts of 1911, Chapter 278, authorized a bond issue of \$30,000 for bridges in DeKalb County, with a maximum interest rate of 5% per annum, to mature serially within thirty years. A Board of Bridge Commissioners was to be appointed to oversee construction of bridges from these bonds. The County Court would levy an annual tax upon all taxable property in the county sufficient to pay the interest and principal.
2. Acts of 1911, Chapter 589, authorized DeKalb, Putnam and Smith by a majority vote of their respective Quarterly County Courts to each issue bonds not exceeding \$6,000, payable within thirty years, maximum interest rate of 4½% per year; for the purpose of building a bridge across the Caney Fork River near the bridge of the Tennessee Central Railroad Company. An appropriate tax levy was prescribed.
3. Private Acts of 1919, Chapter 768, authorized a bond issue of up to \$100,000, maximum interest rate of 6% per year, to mature within thirty years - for the purpose of constructing not more than six steel, concrete or wood bridges in DeKalb County at the locations specified in the Act. A tax levy was authorized. A five member County Bridge Commission and the County Judge would carry out the provisions of this Act.
4. Private Acts of 1931 (Ex. Sess.), Chapter 82, authorized a bond issue of up to \$20,000 for the sole purpose of repairing the bridge over the Caney Fork River at the site of the present Holmes Creek Bridge, with a maximum interest rate of 6% per year, to mature in not less than ten years nor more than thirty. A tax levy was authorized.

**Buildings - Memorials**

1. Private Acts of 1919, Chapter 799, authorized a bond issue not to exceed \$100,000 for the construction and maintenance of a new courthouse in the town of Smithville, with a maximum interest rate of 6% per annum to mature within 30 years. A tax levy was authorized. A five member Court House Finance and Executive Committee, appointed by the Quarterly Court, would carry out the provisions of this Act. This Act was amended by Private Acts of 1949, Chapter 807, by requiring a referendum in the City of Smithville.
2. Private Acts of 1943, Chapter 200, authorized a bond issue by DeKalb County and the City of Smithville of \$50,000 each, maximum interest rate of 5% per year, to mature within thirty years, for the purpose of constructing a joint County-City Building. DeKalb County had the option of proceeding independently and erecting a county building.

**Debts**

1. Private Acts of 1927, Chapter 105, authorized a bond issue not to exceed \$180,000 for the purpose of paying outstanding elementary school warrants, outstanding court house warrants and outstanding pike and bridge warrants, and to pay for the erection of two bridges now being built. Of the \$180,000, \$30,000 would be allocated to the school warrants and \$50,000 to court house warrants with the remainder to the bridges and bridge warrants. A majority vote at an election for this purpose was required. A tax levy was authorized. These bonds were to have a maximum interest rate of 6% per annum.
2. Private Acts of 1935, Chapter 183, provided that the Finance Committee and County Judge would be authorized to issue coupon notes for \$32,000 to pay outstanding indebtedness. These bonds were not taxable by the state or by any county or city and had a maximum interest rate of 5%, to mature within five years. The Quarterly County Court was empowered to levy a special property tax.
3. Private Acts of 1937, Chapter 62, validated the issuance of \$20,000 worth of funding bonds, which had an interest rate of 3¼%, dated January 1, 1937, by the Quarterly County Court. A tax levy was authorized.

**Roads**

1. Private Acts of 1919, Chapter 751, authorized a bond issue of not more than \$150,000, to be used for road construction, purchase, and repair along routes designated in the Act and approved by the Tennessee State Highway Commission with a maximum interest rate of 6% per year, to mature in not less than ten years. A tax levy was authorized. The State would supervise the road construction. The State was required to contribute one-half the cost before bonds could be issued.
2. Private Acts of 1925, Chapter 333, authorized a bond issue of up to \$30,000 for the purpose of purchasing turnpikes or toll bridges for free public use. These bonds had a maximum interest rate of 6% and were due not later than ten years from the date of their issuance. A tax levy was

authorized.

3. Private Acts of 1945, Chapter 518, provided for the issuance of bonds in the amount of up to \$75,000 for the improvement and construction of roads, highways and bridges, and the erection and repair of public buildings, maximum interest rate of 4% per annum, to mature within twenty years. A tax levy was authorized. This authorization to issue bonds would expire on January 1, 1947.
4. Private Acts of 1953, Chapter 540, validated \$80,000 worth of bonds issued by the DeKalb County Quarterly Court for road purposes, dated November 1, 1952.

### **Schools**

1. Private Acts of 1921, Chapter 659, authorized the Smithville Special School District to issue bonds not to exceed \$55,000, maximum interest rate of 6%, payable semi-annually, and maturing within twenty years for the purpose of acquiring additional school lands and the erection of a new school building. A referendum was required to approve the issuance and the County Court was empowered to levy a tax on property within the District.
2. Private Acts of 1923, Chapter 130, authorized the Smithville School Tax District to issue coupon bonds in an amount not exceeding \$40,000 for the purpose of purchasing a site, erecting and equipping a school building within the school district. A five member Building Committee was created to carry out the purposes of this Act.
3. Private Acts of 1931, Chapter 202, authorized the Smithville Special School District to issue bonds in the sum of \$12,000 to retire existing indebtedness. These bonds had a maximum interest rate of 6% and matured within six years. A referendum was required and provisions for a 50 cents per \$100 tax levy were included.
4. Private Acts of 1953, Chapter 541, validated Public School Building and Library Bonds issued by the Quarterly County Court on August 1, 1952 in the amount of \$125,000.
5. Private Acts of 1957, Chapter 270, attempted to authorize a bond issue of \$550,000 for school building and repair purposes but this was rejected by the Quarterly County Court.

## Chapter IV - Boundaries

### Creation of County

#### Acts of 1837-38 Chapter 199

**COMPILER'S NOTE:** Sections 1, 2, and 4 of this Act did not concern DeKalb County and are not published herein.

**SECTION 3.** That the dividing line between the counties of DeKalb and White, running north from the four mile tree, on Dibrell's road, be so changed as to run with the line of the eighth district to the Jackson County line, leaving all the citizens residing in said eighth district in the county of White.

Passed: January 27, 1838.

### Change of Boundary Lines

#### Acts of 1839-40 Chapter 2

**SECTION 1.** That the act passed 11th day of December, 1837, established DeKalb county, but which was not published in the book purporting to contain all of the acts passed by the General Assembly of Tennessee during their regular session in 1837-38, is hereby declared to be in full force, and every thing done in accordance with the provisions of said act since its passage, is declared to be as valid and binding as if said act had been published in the book containing the acts passed in 1837-38.

**SECTION 2.** Said act is in the following words, viz: "An act to establish the county of DeKalb, in honor of Baron DeKalb, the friend of American liberty, who fell at the battle of Camden in the war of the Revolution."

"SECTION 1. That a new county is hereby established of parts of Cannon, Franklin, White and

Jackson counties, to be called DeKalb, in honor of Baron DeKalb, the friend of American liberty, who fell at the battle of Camden, in the war of the Revolution.

"SECTION 2. The county of DeKalb shall be bounded as follows, viz: beginning at the corner between Smith and Cannon counties, on the Wilson county line, near Alexandria, and running thence south twenty-three degrees east, with the old line between Smith and Wilson counties, eight miles to a point in said line; thence south forty-eight degrees east, eleven miles and three quarters, to the Warren county line at John Martin's; thence north eighty-three degrees east, seven miles to a point twelve miles north from M'Minnville; thence south eighty degrees east, four miles and three quarters, to Caney fork river, at the mouth of Barren creek; thence down said river with its meanders to the mouth of Townsend's creek; thence to an Oak on the road from Sparta to Dibrell's ferry, four miles from said ferry; thence north thirty-seven and a half degrees east, nine miles and three fourths, to a point on the stage-road from Sparta to Carthage; thence north two miles, to a corner between White and Jackson counties, on Cane creek; thence south seventy-five degrees west, sixteen miles and a half, so as to strike the north-west corner of Cannon county, on the Caney fork river; and thence with the line run by Thomas Durham, between Smith and Cannon counties, to the beginning.

"SECTION 3. For the due administration of justice in the said county of DeKalb, the different courts shall be holden at the house of Barnard Richardson until the seat of justice for said county shall be located, and a suitable house erected for that purpose. The county court shall, in the intermediate time, have full power to adjourn the courts to such other place in the said county as they may deem better suited for the holding of the same, and for the public convenience, and to adjourn to the seat of justice whenever, in their judgment, the necessary arrangements are made, and all writs and other precepts returnable to either place shall and may be returned to the place to which said courts may have been removed by the county court aforesaid, and the said courts to be holden in and for said county of DeKalb shall be under the same regulations and restrictions, and shall have, hold, exercise and possess the same powers and jurisdiction as are possessed by said courts in other counties in this state.

"SECTION 4. All civil and military officers in said county of DeKalb may hold their office, and discharge the duties of the same, during the time for which they were elected; and should there be vacancies in said county of DeKalb, such vacancies shall be filled as the law directs, and it shall be the duty of the sheriff of Cannon county to hold elections to fill the same until a sheriff shall be elected for DeKalb county; and if any civil district or districts should be divided, by the lines of the said county of DeKalb passing through them, it shall and may be lawful for the county court of said county, and the courts of the several counties from which said county has been taken, to attach the said fractions to other districts in their respective counties, or form a district or districts of one or more fractions, as said courts may think proper; and the said county of DeKalb shall be placed upon an equal footing, possess equal powers and privileges, in all respects, as other counties in this State: Provided, nothing in this act contained shall be so construed as to prevent the counties of Cannon, Warren, White and Jackson from entering up judgments, or the sheriffs of said counties from selling under such judgments any lands within the bounds of said county of DeKalb for taxes, cost and charges for the present or any preceding year, nor to prevent the sheriffs of either of said counties from collecting from the citizens of said county of DeKalb any taxes due for the present or any preceding year.

"SECTION 5. It shall be the duty of the sheriff of Cannon county, with the power to appoint as many deputies as may be necessary, to hold an election in all the precincts in said county of DeKalb, on the first Friday in February next, for the election of one sheriff and all other county officers to which other counties in this State are entitled, whose elections are required to be submitted to the voters of the whole county; and the said officers, when elected, shall be commissioned in the same manner, and have the same powers, duties and emoluments as other officers of the same grade and denomination in other counties in this State.

"SECTION 6. The first term of the county court in said county shall commence on the first Monday in March next, during which term said court shall put in nomination two or more places for the location of the seat of justice in said county; and the sheriff of said county, by himself and deputies, or such persons as he may appoint, shall open and hold an election between all places put in nomination, at each precinct in each civil district, on the third Friday in April next; and it shall be the duty of the said sheriff to advertise said election for a seat of justice, at least thirty days previous to the day of election, in at least two public places in each civil district in said county, which advertisement shall fully specify the places put in nomination by the county court, and if any citizen or citizens of said county may desire the seat of justice for said county to be at any place not put in nomination by the county court, any additional places may be put in nomination by any

citizen or citizens of said county, at any period previous to, or on the day of election; Provided, that the seat of justice shall not be more than two and a half miles from the centre of said county. In every thing pertaining to the opening and holding said election, the sheriff and his deputies, and all others assisting to hold the election in each of the districts, shall conform to, and be governed by the laws now in force, in relation to the holding of elections for members of the General Assembly of this State; and every man shall be entitled to vote in said election who shall be, at the time of voting, a citizen of said county of DeKalb, and twenty-one years of age. The votes polled in said election shall be compared by the sheriff on Saturday, the next day after the election, in the presence of the county and circuit court clerks, or any two justices of the peace for said county, at the house of Barnard Richardson, the place designated in this act for holding courts in said county; and if it shall appear that a majority of the votes have been given for any one place, that place shall be the county seat. But should it appear that no one place has been voted for by a majority of all voting in the election, then the sheriff, within thirty days thereafter, shall hold another election between the two places which received the highest number of votes, having given at least ten days notice, by advertisement, as required before the first election; and whenever it shall appear that a majority of all the votes given at either election hereby authorized were in favor of one place, that place shall be the seat of justice of said county of DeKalb, and shall be called Smithville.

"SECTION 7. At the first term of the county court after the seat of justice shall have been established, as required by this act, it shall be the duty of the county court to appoint five commissioners, whose duty it shall be to procure, by purchase or otherwise, at least fifty acres of land at said county seat, for which they shall cause a deed or deeds to be made to themselves, or their successors in office, by general warranty, and on said fifty acres of land said commissioners shall immediately proceed to lay off a town, with as many streets and of such width as they may deem necessary, reserving at least two acres for a public square, and a lot sufficient for building a jail.

"SECTION 8. The said commissioners, appointed by the county court, shall sell the lots in said town, on a credit of at least twelve months, first giving due notice thereof in one or more newspaper printed in this State, and shall take bonds, with approved security, for the purchase money, payable to themselves, and their successors in office, and shall make titles in fee simple, as commissioners, to the respective purchasers of said lots.

"SECTION 9. The proceeds of the sales of the lots aforesaid shall be a fund in the hands of said commissioners for defraying the expenses incurred in the purchase of the said tract of land on which the said county seat is located, and also for defraying the expenses of erecting public buildings.

"SECTION 10. The said commissioners shall superintend the building of the court house, jail, and other necessary public buildings, and shall let out such buildings as the county court in said county shall order to be built, upon such terms and conditions as the said court shall direct, and shall take bond, with sufficient securities, from the person or persons to whom the same is let, payable to themselves and their successors in office, in the sum of ten thousand dollars, conditioned for the faithful performance of his or their contracts.

"SECTION 11. The said commissioners, before they enter upon the duties of their office assigned them by this act, shall take an oath or affirmation that they will truly and faithfully execute and perform the different duties by this act enjoined on them, according to the best of their judgment; and moreover, shall enter into bond, with approved security, payable to the chairman of the county court of DeKalb county, and his successors in office, in the sum of five thousand dollars, conditioned for the due and faithful performance of the duties enjoined upon them by this act, which bond shall be deposited in the office of the county court clerk in said county, and shall not be so construed as to make one of the commissioners security for another.

"SECTION 12. The said commissioners shall keep a fair and regular statement of all the monies by them received and expended; which statement, when required, shall, from time to time, be laid before the county court. And when all the necessary public buildings are completed, the said commissioners shall, by order of the county court, pay over all surplus money to the county trustee for county purposes, and they shall be allowed by the county court a reasonable compensation for their services.

"SECTION 13. The said commissioners, in laying off the town, shall also reserve as many lots as they may deem necessary, to be given to the different religious denominations, on which to erect houses of public worship, and also a lot for a public burying ground; and said commissioners shall also reserve lots for a male and female academy, of such size as they may think necessary.

"SECTION 14. That the county of DeKalb be, and the same is hereby attached to the 13th Judicial

circuit, and the courts therefor shall be held by the Judge of said circuit on the first Mondays of January, May and September of every year.

"SECTION 15. That said county of DeKalb is hereby attached to the Chancery district composed of the county of Smith, and the courts therefor shall be holden at Carthage, as heretofore provided.

"SECTION 16. That the said county of DeKalb shall form one regiment, and that said regiment, in all its relations to the militia of this State, shall assume the place of the 141st regiment, at present in Cannon county, and shall take the number of said regiment in Cannon county.

"SECTION 17. That the field officers included in said county of DeKalb, shall meet at the house of Barnard Richardson, on the second Friday in February next, and divide said regiment into battalions and companies, and provide for electing all officers in said regiment, where there may be vacancies, in the manner pointed out, and as provided for by the militia laws of this State.

"SECTION 18. That it shall be the duty of the sheriffs for the counties of Cannon, Jackson, White and Warren, each, at the different precincts hereby stricken from his county, to open and hold an election on the second Friday in January next, in the same manner as herein provided for the election of a county seat for said county of DeKalb, and the votes given in each fraction of a county taken off in the formation of said county of DeKalb shall be compared by the sheriff holding said election, at the house of Barnard Richardson, on Saturday, the next day after said election, and if a majority voting in each fraction shall vote in favor of being attached to and included in said county of DeKalb, said county of DeKalb shall be considered as established; but if a majority in either fraction shall vote against being included in said county of DeKalb, this act establishing it shall then be void. In the formation of said county, no county from which a part may be taken shall be reduced below its constitutional amount of territory, and the voters stricken off from White county shall vote at Davis', Dibrell's, and Henry P. Burton's.

Passed: December 11th, 1837.

**SECTION 3.** The reenacting and republication of the act above recited shall not in any way be taken to invalidate any portion of a supplemental act or amendments to the same passed at the last session of the General Assembly of Tennessee.

**SECTION 4.** That the county of DeKalb, as organized under the act above recited, and the acts referred to, is hereby declared to be established as one of the lawful and constitutional counties of this State, according to the provisions of this and the aforesaid acts.

## Private Acts of 1855-56 Chapter 27

**SECTION 1.** That the County lines between DeKalb and Putnam be so changed as to commence where the DeKalb County line crossed the old line that divided Smith and Jackson, near Elijah Smith's, running north with the main direction of said old line so as to include Thomas and Abner Harper, and on to the top of the ridge between the Buffalo Valley and Wolf Creek; then with the main directions of said ridge to said creek just below Jesse Hale's; thence down said creek to its mouth; thence up the river with its meanders to the DeKalb County line, near James Jones's.

**SECTION 2.** That the first section of an act, Chapter 152, passed the 14th of February, 1854, be and the same is hereby, repealed.

**SECTION 3.** That this Act shall take effect from and after its passage.

Passed: November 20, 1855.

## Private Acts of 1857-58 Chapter 129

**COMPILER'S NOTE:** The first seven sections of this Act did not concern DeKalb County and are not published herein.

**SECTION 8.** That the county line between the counties of DeKalb and Putnam, be so changed as to run as follows, to wit: Beginning on the line between said counties, on the top of a large ridge, near Gordon Maxwell's; running with said ridge, a northwest direction, to the Caney Fork River below Joseph Mitchell's; thence up said river to the old line; and that the territory and citizens in said amended boundary be attached to the 16th Civil District of DeKalb county; and that said citizens have all the rights and privileges of other citizens of said county of DeKalb. That all the tax and revenue due from said citizens to the county of Putnam, for the year 1858, shall be paid to the revenue collector of Putnam county: Provided, the property of said persons, included in said portion detached from the county of Putnam and

attached to the county of DeKalb, shall be given in to the revenue Commissioner, of the county of Putnam, for and during the term of five years from this time, and the tax thereon shall be assessed against them in the county of Putnam; and the tax collector for said county of Putnam shall have the right to collect the same.

**SECTION 9.** That this act shall take effect from its passage.

Passed: March 15, 1858.

## Private Acts 1915 Chapter 542

**SECTION 1.** That the line between White and DeKalb Counties be changed by taking from DeKalb County and adding to White County a strip of land bounded and described as follows:

Beginning in the center of the Caney Fork River at a point where said river in its downward flow leaves the line between said Counties, runs thence down the center of said river to a point in the center of the river two miles below Sligo Ford, thence at right angles Easterly 350 feet to a point, thence, southerly and parallel with the meanders of the river to a point in the present White County line, thence Westerly 350 feet to the beginning.

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

Passed: May 17, 1915.

## Boundaries - Historical Notes

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

1. Acts of 1837-38, Chapter 61, appointed Guilford Jones, the county surveyor of Smith County, to ascertain the center of DeKalb County. This act also set his compensation, oath, responsibilities, and provisions for another surveyor should he fail to perform his duties.
2. Acts of 1843-44, Chapter 57, altered the boundary line between Cannon and DeKalb Counties as to include the dwelling house of Alfred Hancock in Cannon County.
3. Acts of 1847-48, Chapter 99, placed the farms of John Reynolds and Jesse D. Allen in DeKalb, taking them out of Smith County.
4. Acts of 1849-50, Chapter 139, changed the boundaries between Smith and DeKalb Counties to include the farms of Nicholas Smith, Andrew Vantreece, John Robinson, and John F. Goodner in DeKalb.
5. Acts of 1851-52, Chapter 262, made two changes in DeKalb County lines. The boundary with Smith County was changed to include in DeKalb the dwelling houses of H. H. Sullivan, John Corley and William H. Christian. The south boundary of J. N. Murphey's farm was made the dividing line between DeKalb and Warren County, thus placing the entire farm in DeKalb County.
6. Acts of 1851-52, Chapter 304, placed the farm of John Martin, Jr. in DeKalb County out of Cannon County. This Act was repealed by Acts of 1853-54, Chapter 152, and the repealing clause was later repealed by Acts of 1855-56, Chapter 27, Page 29.
7. Acts of 1853-54, Chapter 118, changed the boundary line between Cannon and DeKalb counties so as to include the lands of Thomas Martin and the widow Kersey in DeKalb County.
8. Acts of 1853-54, Chapter 181, placed the lands of Charles Denney in the County of White, out of DeKalb County. This was repealed by Acts of 1859-60, Chapter 211, Page 596.
9. Acts of 1855-56, Chapter 122, Section 23, placed the residence of John Martin, Jr., in DeKalb County, rather than in Warren County.
10. Acts of 1855-56, Chapter 165, changed the county lines between DeKalb and Putnam to place the lands of Bird Sexton, Willis Coggins and Loyd P. Coggins in DeKalb County.
11. Acts of 1859-60, Chapter 196, Section 10, changed the County line between DeKalb and Cannon Counties, but it was repealed by Acts of 1870, Chapter 118, Page 181.
12. Acts of 1879, Chapter 61, detached the land of J. W. Wood from Smith and DeKalb Counties, placing it in Wilson County.
13. Acts of 1881, Chapter 164, changed the boundaries between Smith and DeKalb to include all the lands of John Rollins and Thomas Oakley in DeKalb County.
14. Acts of 1881, Chapter 165, placed the land of Herd Cope in the County of DeKalb out of White County.

15. Acts of 1883, Chapter 66, detached the land of S. G. Hawkins from DeKalb County and placed all of it in Warren County.
16. Acts of 1887, Chapter 53, changed the line between DeKalb and Smith counties so as to include the lands of John Rollin in the First Civil District of DeKalb.
17. Acts of 1887, Chapter 192, changed the county lines of DeKalb and Putnam Counties to place the portion of the lands of F. H. Smith lying in Putnam County in the 16th Civil District of DeKalb.
18. Acts of 1887, Chapter 193, took the land of John Eldridge out of DeKalb County and placed them in White County.
19. Acts of 1887, Chapter 228, removed seventeen acres of J. C. Jones' land from DeKalb County and placed them in Cannon.
20. Acts of 1889, Chapter 141, changed the county line between Putnam and DeKalb to include the lands of Capt. Purtaman Jones and that of John H. Gamer in Putnam County, removing them from DeKalb County.
21. Acts of 1889, Chapter 264, took the lands of F. Rigsby and William Stratten out of White County and placed them in DeKalb County.
22. Acts of 1893, Chapter 20, detached the lands of H. S. Gill from Smith County and placed it in DeKalb County.
23. Acts of 1893, Chapter 73, changed the boundary between DeKalb and Smith Counties as described in the Act, and included the farm of H. S. Gill in DeKalb County.
24. Acts of 1897, Chapter 136, changed the boundary lines between Warren and DeKalb Counties so as to include the land of Mrs. Laura Northcut in DeKalb County.
25. Acts of 1897, Chapter 263, detached the balance of the lands of C. A. Malone from DeKalb and placed it in Smith County.
26. Acts of 1899, Chapter 143, changed the line between Smith and DeKalb Counties so as to include all the lands of J. M. Bates in Smith County.
27. Acts of 1899, Chapter 179, detached the lands of William Oakley from the County of Smith and placed them in DeKalb County.
28. Acts of 1899, Chapter 342, placed the land of James Roller in DeKalb County, out of Warren County.
29. Acts of 1899, Chapter 344, changed the boundary line between Warren and DeKalb to include all the lands of H. G. Stevens in Warren County.
30. Acts of 1903, Chapter 213, provided that the line between Cannon and DeKalb be changed to include all of the lands of E. T. Haley, Mrs. M. J. Turner, W. J. Vandergroft, George Hancock, James Kirby, J. D. Vandergroft and W. R. Watson in Cannon County. Acts of 1903, Chapter 387, was substantially identical to this Act, changing the name Vandergroft to Vandergraft.
31. Acts of 1903, Chapter 221, placed the land of Lycurgus Kelley in DeKalb County, out of Smith County.
32. Acts of 1905, Chapter 36, detached the lands of V. M. Weaver from DeKalb County and attach them to Putnam County.
33. Acts of 1905, Chapter 88, removed the land of J. B. Williams from the Seventeenth Civil District of DeKalb County and attached it to the Seventh Civil District of Smith County.
34. Acts of 1905, Chapter 95, changed the boundaries between Smith and DeKalb Counties to place the land of Daniel Driver in DeKalb County.
35. Acts of 1905, Chapter 156, altered the line between Putnam and DeKalb so as to include all of the land of Richard Herron in DeKalb County.
36. Acts of 1907, Chapter 291, placed all the land of Jessie Pullum in Putnam County, thereby changing the boundary with DeKalb.
37. Acts of 1907, Chapter 503, detached the land of W. L. Foster from Putnam County and placed them in DeKalb County.
38. Acts of 1911, Chapter 415, changed the line between Wilson and DeKalb to place all the land of J. S. Barry in Wilson County.
39. Private Acts of 1915, Chapter 260, moved the farms of Shelia Jennings, T. R. Jennings and T. D. Fite from the Thirteenth Civil District of DeKalb to the Thirteenth Civil District of Wilson County.

40. Private Acts of 1915, Chapter 528, placed the lands of W. A. Huggins in Wilson County, out of DeKalb County.
41. Private Acts of 1915, Chapter 541, changed the county line between Putnam and DeKalb to remove the portion of Joseph Bozarth's land in the Thirteenth Civil District of Putnam County and placed it in the Eighth Civil District of DeKalb County.
42. Private Acts of 1915, Chapter 556, changed the line between the Counties of DeKalb and Cannon so that all the land John Sadler purchased from Will Hancock in the Tenth Civil District of Cannon was placed in the Third Civil District of DeKalb County.
43. Private Acts of 1915, Chapter 558, detached the lands of Mrs. J. T. Qualls from Wilson County and placed them in DeKalb County.
44. Private Acts of 1915, Chapter 662, changed the line between the Counties of DeKalb and Cannon to remove A. J. Smithson's land from the Third Civil District of DeKalb County and place it in Cannon County.
45. Private Acts of 1925, Chapter 530, detached the lands of R. P. Kirby from the Twenty-first Civil District of DeKalb and placed them in the Sixteenth Civil District of Warren County.
46. Private Acts of 1927, Chapter 82, changed the boundary line between DeKalb and White Counties to place the lands of F. C. Henderson in White County. Private Acts of 1927, Chapter 147, is identical to this Act.
47. Private Acts of 1927, Chapter 785, changed the boundary lines between DeKalb and Wilson Counties to place the farm of Mrs. M. C. Saddler in the Thirteenth District of Wilson.
48. Private Acts of 1929, Chapter 412, detached the land of Albert Ashburn from the Eighth Civil District of DeKalb County and placed it in Putnam County.
49. Private Acts of 1933, Chapter 227, placed the lands of Grover Foutch and Andrew M. Foutch in Wilson County, out of DeKalb County.
50. Private Acts of 1933, Chapter 270, detached from DeKalb the land of A. J. Smithson which he purchased from Claude Lefevers and placed such land in Cannon County.
51. Private Acts of 1935, Chapter 93, detached the 40 acre farm of W. A. Fite from DeKalb County and placed it in Wilson County.
52. Private Acts of 1939, Chapter 524, detached the farm of James Underhill from the Fifth Civil District of DeKalb County and placed it in the Ninth Civil District of Cannon County.
53. Private Acts of 1941, Chapter 426, changed the county line between DeKalb and Putnam so as to include in DeKalb the land of John Agee.
54. Private Acts of 1941, Chapter 434, placed the entire tract of Rhoda McGuffey's land in Putnam County, thereby changing the boundary with DeKalb County.
55. Private Acts of 1971, Chapter 65, detached the land of Vennie Snyder from the Ninth Civil District of Cannon County and placed it in the Fifth Civil District of DeKalb. Public Acts of 1972, Chapter 548, placed the Snyder land back in Cannon County.
56. Public Acts of 1975, Chapter 161, moved the land described in the Act which was owned by Vennie H. Snyder and was located in the Ninth Civil District of Cannon County out of Cannon County and into the Fifth Civil District of DeKalb County. The land transferred consisted of 15 acres more or less. This act was repealed by Public Acts of 1976, Chapter 422, Page 91.
57. Public Acts of 1976, Chapter 487, transferred ten acres, more or less, as the same was described in the act, which belonged to Mr. and Mrs. Willie Curtis, out of the Fifth Civil District of DeKalb County and into the Ninth Civil District of Cannon County, so that all the Curtis property would be within the boundaries of Cannon County.
58. Public Acts of 1978, Chapter 774, detached the lands of Mr. and Mrs. Willie Curtis from the Ninth Civil District of Cannon County and placed them in the Fifth Civil District of DeKalb County.
59. Public Acts of 1981, Chapter 81, altered the boundary lines between DeKalb County and Cannon County to move about one acre of land, as the same was described, out of the Second Civil District of DeKalb County and attaching the same to the Fourth Civil District of Cannon County.

## Chapter V - Court System

# Circuit Court

## Clerk

### Private Acts of 1980 Chapter 190

**SECTION 1.** The Clerk of the Circuit Court of DeKalb County shall serve as Clerk for the Juvenile Court of DeKalb County. Such Clerk shall maintain a separate docket, a separate book and separate files for the Juvenile Court of DeKalb County. Such Clerk shall be vested with the authority and powers and shall perform all duties and functions necessary and incidental to serving as Clerk of the Juvenile Court of DeKalb County. The additional duties and functions imposed shall not be construed to entitle the Circuit Court Clerk to additional compensation.

**SECTION 2.** All other Private Acts, or portions thereof, which conflict with the provisions of this Act, are hereby expressly repealed, in whole or in part.

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

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

Passed: February 14, 1980.

# General Sessions Court

## Creation

### Private Acts of 1949 Chapter 727

**SECTION 1.** That there is hereby created and established a Court in and for DeKalb County, Tennessee, which shall be designated Court of General Sessions of DeKalb County, Tennessee.

Said County shall provide a courtroom in the Town of Smithville, Tennessee, dockets, furnishings and necessary supplies for the equipment and maintenance of said Court, and pay for same out of the general funds of said County.

The Judge of the Court of General Sessions of DeKalb County, Tennessee, shall hold said Court in the courtroom so provided; and in his discretion the Judge of said Court may hold Court at such other places in said County and as often as is necessary to expedite the business of the Court.

**SECTION 2.** That the Court of General Sessions of DeKalb County, Tennessee, shall be and is hereby vested with all of the jurisdiction and shall exercise all of the authority conferred by the General Assembly of Tennessee upon Justices of the Peace in civil and criminal cases, suits and actions; and the Justices of the Peace of said County are hereby divested of all such jurisdiction and authority, but any Justice of the Peace of said County may issue criminal and search warrants against and accept appearance bonds from any person charged with an offense in said County and shall be entitled to the legal fee authorized for said service under the Code of Tennessee. But all process issued by Justices of the Peace shall be returnable to the Court of General Sessions of DeKalb County, Tennessee.

The authority of said Justices of the Peace of DeKalb County, Tennessee, in their capacity as members of the Quarterly County Court or in the performance of the rites of matrimony, is in no wise affected by this Act.

**SECTION 3.** That before the issuance of any warrant in any civil case, the plaintiff shall secure the costs by executing a cost bond with good security in a sum not less than \$25.00, or by making a cash cost deposit of not less than \$5.00 or more than \$25.00, or shall take the oath prescribed for poor persons, and on motion, the Court may increase the amount of such bond or deposit.

**SECTION 4.** That the rules of pleading and practice, form of writs and process and stay of and appeals from judgments in civil cases of said Court shall be the same as of Justices of the Peace.

**SECTION 5.** That when any defendant is brought before the Court of General Sessions of DeKalb County, Tennessee, charged with any crime or misdemeanor, it shall be the mandatory duty of the Judge of said

Court to inform said defendant of his constitutional rights, and to advise him as to his right to employ and be represented by counsel and his right to make a statement or decline to make any statement, and to aid said defendant, insofar as it is necessary and reasonable, in contacting counsel and relatives or friends, and in procuring the attendance of his witnesses.

**COMPILER'S NOTE:** There was no Section 6 in the original act.

**SECTION 7.** That the Court of General Sessions for DeKalb County, Tennessee, is hereby vested with jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before said court by warrant or information wherein the person charged with such misdemeanor offenses enters a plea of guilty or requests a trial upon the merits, and expressly waives an indictment, presentment and a Grand Jury investigation, and a jury trial. In such cases the trial shall proceed before the Judge and without a jury. The final judgment of such Court may be appealed to the Circuit Court of DeKalb County, where such appeal shall be tried by a Judge of such Court without a jury, and without indictment or presentment.

That the jurisdiction of said Court shall be limited to that of a Justice of the Peace as now prescribed and fixed by law. Said Court shall not have authority to hear or entertain any matter beyond the scope or jurisdiction of a Justice of the Peace.

As amended by: Private Acts of 1953, Chapter 502

**SECTION 8.** That it shall be the mandatory duty of the Judge of the Court of General Sessions when a defendant is brought before such Court upon arraignment or trial, to advise such defendant of his constitutional right to the aid of counsel, the right to be tried only upon presentment or indictment by a Grand Jury, the right to make a statement in reference to the accusation or the right to waive such statement, and the right to a trial by jury. Upon the defendant agreeing in writing to waive the right to be put to trial only by presentment or indictment by a Grand Jury and the right to be tried by a jury of his peers, such Court may proceed to hear and determine said case as is provided in Section 7 hereof. Said waiver shall be written or attached to the warrant substantially in words and figures as follows:

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

**SECTION 9.** That no warrant or information charging a person with an offense against the laws of the State shall be delivered to any peace officer for the arrest of such persons, except those issued by a Justice of the Peace as provided for in this Act, until after an entry in the Criminal Docket has been made by the Clerk, or the Judge, showing the names of the person or persons accused, the prosecutor, the officer to whom delivered, and his signature upon said docket showing receipt of such process. All of such warrants, information, dockets and other records of said Court of General Sessions shall be available to the District Attorney General for any legal purpose.

**SECTION 10.** That there shall be one Judge for said Court, and he shall be a resident of DeKalb County, Tennessee, and shall take the same oath as that prescribed for Circuit Judges and Chancellors. Nothing contained in this Act is to be construed as preventing the Judge of the Court of General Sessions, if a lawyer, from practicing in other Courts, but he may not appear as counsel in cases arising in his own Court.

As amended by: Private Acts of 1963, Chapter 83

**SECTION 11.** That the compensation of the Judge of the Court of General Sessions of DeKalb County shall be Twenty Four Hundred (\$2400.00) Dollars per annum, payable in equal monthly installments. Said salary shall be paid out of the general funds of the said County.

The salary of said Judge shall be paid from the fees reserved by law to the Judge of said Court.

As amended by: Private Acts of 1953, Chapter 502

**COMPILER'S NOTE:** See Tennessee Code Annotated Section 16-15-5003 for the current minimum compensation of General Sessions Judges.

**SECTION 12.** That for the purpose of carrying out the provisions of this Act, R. R. Fredeking of Smithville, Tennessee, is hereby appointed the first Judge of said Court and he shall serve until the next regular August election, 1950, at which time his successor shall be elected for a term of four years from and after September 1, 1950, and every eight years thereafter. Said Judge shall take the same oath of office as other Judges of the Courts in the State as provided for by the Constitution.

As amended by: Private Acts of 1953, Chapter 502

**SECTION 13.** That if the Judge of said Court fails to attend, cannot preside in a pending case or for any reason hold Court, a majority of the attorneys present in such court may elect one of their number, who has the qualifications of such Judge, and when elected he shall take the same oath and have the same

authority as the regular Judge of said Court, to hold the Court and perform all of the duties of such Judge for the occasion.

**SECTION 14.** That in the case of vacancy for any cause, the Governor shall have the power to appoint some qualified person to fill such vacancy until the first day of September following the next biennial August election occurring more than thirty days after the vacancy occurs, or until his successor is qualified.

**SECTION 15.** That the Clerk of the Circuit Court of said County shall act as Clerk of the General Sessions Court and when acting as Clerk of said Court shall be designated "Clerk of the Court of General Sessions of DeKalb County, Tennessee." The Clerk of said Court shall receive as compensation for his services an amount not to exceed the sum of \$720.00 per annum, payable monthly out of the fees, commissions and emoluments of said Court. All fees in excess of \$60.00 per month, or \$720.00 per annum, shall be paid into the General Fund of said County. Provided, however, in order for said Clerk to receive his full compensation hereunder the fees, commissions and emoluments of said Court must be sufficient to pay the same.

The fees to be collected by the Clerk of this Court shall be the same as collected by the Justices of the Peace under Section 10707 of the Code of Tennessee.

Provided further, however, in the event said Clerk has not received his full compensation for the year but has paid into the General Fund of the County certain funds in excess of the amount to which he would be entitled to in any one month, said County shall refund to said Clerk such funds as to allow him his full compensation or part thereof.

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

Before entering upon the duties of his office the clerk of said General Sessions Court (Circuit Court Clerk) shall execute a good and solvent bond in the penal sum of Five Thousand (\$5,000.00) Dollars and upon his failure to execute such bond, to be approved by the General Sessions Judge, or to otherwise qualify for said office the Judge of the General Sessions Court is authorized and empowered to name and appoint some other and satisfactory person to perform the duties of the Clerk of General Sessions Court, and upon his appointment and qualifications, by executing the bond and otherwise qualifying, the person so named and appointed shall be vested with all the powers and authority now vested in the General Sessions Court Clerk.

**SECTION 16.** That separate dockets shall be kept in said Court for civil and criminal cases. Upon the civil dockets shall be entered the style of each case, the date of issuance of the warrant or process, and the return of the process, in brief form, action of the Court on the case, both interlocutory and final orders, judgments, executions, garnishments, lists of the fees of the Court, the Sheriff his deputies constables game wardens and State highway patrolmen for their services fees of witnesses for attendance et cetera and credits for payments upon judgment and upon the costs. All cases shall be indexed and the dockets shall be substantially in the form of those of Justices of the Peace.

The Criminal Docket shall be kept in like manner.

**SECTION 17.** That the Sheriff of said County, or any deputy sheriff or constable thereof, shall serve legal process, writs and papers issued from said Court with the same authority as provided by law in regard to Justices of the Peace Courts.

**SECTION 18.** That this Act shall in no wise impair the right, title or interest of any Justice of the Peace of said County to any unpaid fees or funds in which he had a right or interest, in any proceedings, judgment or suit, whether said cause is disposed of or pending when this Act becomes effective.

**SECTION 19.** That all of the official dockets, records and papers in cases that are undisposed of or pending in the offices of Justices of the Peace of said County at the time this Act becomes effective shall be delivered to said Court of General Sessions. The official dockets, records and papers in possession of Justices of the Peace of said County in cases that have been completed shall be turned over to said County, as provided by law.

**SECTION 20.** That said Court shall have authority to hear and determine all undisposed of cases arising in the courts of Justices of the Peace of said County as if such cases had originated in said Court of General Sessions.

**SECTION 21.** That none of the provisions contained in this Act shall be construed to prohibit the Judge of the Court of General Sessions of DeKalb County, Tennessee, from practicing law in the Chancery Courts, 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 DeKalb County, Tennessee.

**SECTION 22.** That the General Assembly of the State of Tennessee expressly declares that each section, subsection, paragraph and provision of this Act is severable, and that should any portion of this Act be held unconstitutional or invalid, the same shall not affect the remainder of this Act, but such unconstitutional or invalid portion shall be elided, and the General Assembly of the State of Tennessee declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

**SECTION 23.** That this Act shall take effect from and after April 15, 1949, the public welfare requiring it.

Passed: April 13, 1949.

## Safety Program

### Private Acts of 1989 Chapter 121

**SECTION 1.** There is hereby created in DeKalb County a court of General Sessions Court administered safety program. The court administered safety program shall include but not be limited to a traffic school.

**SECTION 2.** The Judge of the Court of General Sessions is authorized and empowered to oversee the administration of the court administered safety program. There shall be established such financial accounts as are necessary to administer this program. Complete books and records of all fees received and all expenditures made shall be kept monthly.

**SECTION 3.** There is established a fee of ten dollars (\$10.00) for persons to enroll in the traffic school. Fees shall be collected by the DeKalb County Circuit Court Clerk or deputy clerk and paid directly to the county general fund within the time provided by statute. Such fees may be increased by resolution of the county commission.

**SECTION 4.** A budget for the court administered safety program shall be compiled annually and submitted to the budget and finance committee and the county commission for approval at the appropriate time.

**SECTION 5.** All funds collected pursuant to this act shall be allocated to the court administered safety program and may only be expended for purposes reasonably related to the effectuation of this act.

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

**SECTION 7.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of DeKalb 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 8.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective and retroactive to June 1, 1989.

Passed: May 25, 1989.

## Court System - Historical Notes

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

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

1. Private Acts of 1915, Chapter 605, was the first act creating a Board of Jury Commissioners for DeKalb County. A three member Board would be appointed by the Circuit Judge for a one year term. The Board would select jurors from the tax books of the county.
2. Private Acts of 1919, Chapter 800, set the compensation of jurors at \$2.50 per day. This was amended by Private Acts of 1921, Chapter 340, to raise the compensation of jurors to \$3 per day plus mileage at the rate of \$.05 per mile.
3. Private Acts of 1921, Chapter 366, provided that the Quarterly County Court would appoint the jurors to serve at the next succeeding Court.

4. Private Acts of 1923, Chapter 218, created a Board of Jury Commissioners for DeKalb County. A three member Board would be appointed by the Circuit Judge for a two year term.
5. Private Acts of 1925, Chapter 171, provided that the County Court would appoint the jurors who served in Circuit Court and that no person could be appointed who had served in the past two years.
6. Private Acts of 1925, Chapter 641, exempted DeKalb County from the general law provision regarding the appointment of grand jury foremen by Criminal and Circuit Judges having criminal jurisdiction.
7. Private Acts of 1927, Chapter 200, provided that the Circuit Court Clerk would select the names from each civil district from which the names would be drawn by a blindfolded person to form the necessary jurors.
8. Private Acts of 1931 (Ex. Sess.), Chapter 69, set the daily compensation of jurors at two dollars per day served.
9. Private Acts of 1933, Chapter 575, authorized the County Judge to appoint a three member Jury Commission who would supervise the selection of jurors in DeKalb County for a period of two years. This was repealed by Private Acts of 1941, Chapter 534.
10. Private Acts of 1941, Chapter 533, created a three member Board of Jury Commissioners, appointed by the County Judge, to hold office for two years. The Board would select from the tax rolls, five men, one from each civil district in the county. A child would draw from the selected names 40 names to serve as jurors. This Act was of questionable validity as DeKalb County did not fall into the enumerated population class. However, the Act was attributed to DeKalb County.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in DeKalb 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 1839-40, Chapter 2, in establishing DeKalb County attached the county to the Chancery district composed of Smith County. The court would be held at Carthage.
2. Acts of 1839-40, Chapter 66, Section 2, provided that the citizens of DeKalb County could file their bills in chancery or be sued in the Chancery Courts at Carthage or McMinville.
3. Acts of 1843-44, Chapter 151, established a Chancery Court in DeKalb County which would be held in the court house in Smithville on the third Mondays of March and September.
4. Acts of 1853-54, Chapter 123, set the term of the DeKalb County Chancery Court for the fourth Monday in March and September, at Smithville.
5. Acts of 1857-58, Chapter 88, set the times for holding Chancery Courts throughout the State. In the Fourth Division, which contained DeKalb County, court would be held on Thursdays after the third Monday of March and September, at Smithville.
6. Acts of 1859-60, Chapter 116, changed the time for holding Chancery Court at Smithville to the third Mondays in March and September.
7. Acts of 1885 (Ex. Sess.), Chapter 20, placed DeKalb County in the Fifth Chancery Division and set the dates for holding court on the third Mondays in February and August.
8. Acts of 1891 (Ex. Sess.), Chapter 11, changed the time for holding Chancery Court in the Fifth Chancery Division. DeKalb County would hold court on the first Tuesday after the second Mondays in February and August.
9. Acts of 1897, Chapter 294, changed the time of holding Chancery Court to the second Monday after the fourth Monday in April and October.
10. Acts of 1903, Chapter 97, changed the times for holding Chancery Court in the Fourth Chancery Division. DeKalb County, which was now in the Fourth Division, would hold court on the second Monday in May and fourth Monday in November.
11. Acts of 1905, Chapter 120, changed the times for holding Chancery Court in the Fourth Chancery Division. DeKalb County remained on the second Monday in May and fourth Monday in November.
12. Acts of 1911, Chapter 507, changed the times for holding Chancery Court in the Fourth Chancery Division. DeKalb County remained on the second Monday in May and the fourth Monday in November.

**Chancery Court - Clerk and Master**

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

1. Private Acts of 1917, Chapter 590, set the salary of the Clerk and Master at \$1,000 per year with the provision that if the fees of his office did not amount to this sum, the county would pay the difference. If the fees exceeded the salary, they would be retained by the Clerk and Master.

**Circuit Court**

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

1. Acts of 1837-38, Chapter 116, set the time of holding Circuit Court in DeKalb County on the second Mondays of April, August and December. DeKalb County was made a part of the Thirteenth Circuit.
2. Acts of 1839-40, Chapter 2, which re-enacted the establishment of DeKalb County, placed DeKalb County in the 13th Judicial Circuit which would hold court on the first Mondays of January, May and September.
3. Acts of 1839-40, Chapter 21, attached DeKalb County to the Fourth Judicial Circuit, with court to be held on the second Mondays in April, August and December.
4. Acts of 1841-42, Chapter 8, provided that Circuit Court in DeKalb County be held on the first Mondays in April, August and December.
5. Acts of 1845-46, Chapter 82, changed the time for holding Circuit Court to the first Mondays in February, June and October.
6. Acts of 1849-50, Chapter 213, provided that the Circuit Court in DeKalb County be held on the third Mondays in April, August and December. The Circuit Court would be held by the Judge of the Criminal Court of Davidson County. DeKalb County would remain part of the 4th Solicitorial District.
7. Acts of 1851-52, Chapter 40, provided that the Judge of the Fourth Judicial Circuit rather than the Judge of the Criminal Court of Davidson County should conduct Circuit Court in DeKalb County.
8. Acts of 1872 (Ex. Sess.), Chapter 15, set the time for holding court in DeKalb County on the second Mondays of March, July and November. DeKalb County was now part of the Fifth Judicial Circuit.
9. Acts of 1877, Chapter 116, changed the time of the November term of Circuit Court from the second Monday to the first Monday of that month.
10. Acts of 1879, Chapter 130, set the time for holding Circuit Court of DeKalb County on the second Mondays of March, July and November.
11. Acts of 1885 (Ex. Sess.), Chapter 20, placed DeKalb County in the Sixth Judicial Circuit, with court to meet on the first Tuesdays after the second Mondays in March, July and November. This was amended by Acts of 1887, Chapter 8, to provide that Circuit Court meet on the third Mondays in March, July and November.
12. Acts of 1889, Chapter 214, changed the time for holding Circuit Court in DeKalb County to the second Monday in March and November.
13. Acts of 1891, Chapter 208, set the meeting time of Circuit Court on the second Mondays of March, July and November, so as to provide for three Circuit Courts in DeKalb County.
14. Acts of 1895, Chapter 97, changed the time for holding Circuit Court to the third Mondays in March, July and November.
15. Acts of 1903, Chapter 580, provided that Circuit Court in DeKalb County was to be held on the first Tuesdays after the second Mondays in March, July and November. DeKalb County was now part of the Seventh Judicial Circuit.
16. Acts of 1905, Chapter 269, set the time for Circuit Court meeting on the first Tuesdays after the second Mondays in April, August and November.

**Circuit Court - Clerk**

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

1. Acts of 1911, Chapter 626, set the salary of the Circuit Court Clerk at \$1,000 per year with the

County to pay the difference between this sum and a lesser amount collected in fees. Any fees in excess of the salary could be retained by the Clerk.

2. Private Acts of 1927, Chapter 691, provided that the Circuit Court Clerk receive all the fees from their office with additional compensation from the County, if necessary, to make a total of \$1,000 per year. This Act was repealed by Private Acts of 1933, Chapter 273.

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

The following acts once affecting DeKalb County are no longer in effect but are listed here for historical purposes.

1. Public Acts of 1975, Chapter 221, Public Acts of 1976, Chapter 510, and Public Acts of 1978, Chapter 768, created additional positions for assistant district attorneys general and criminal investigators for the Seventh Judicial Circuit. DeKalb County is now part of the Thirteenth Judicial Circuit according to T.C.A. 16-2-506, which also provides the number of judges, assistant district attorneys general and investigators for the district.

## Chapter VI - Education/Schools

### Board of Education

#### Private Acts of 1937 Chapter 616

**SECTION 1.** That this Act shall apply to all counties of the State of Tennessee having a population of not less than 14,540 and not more than 14,560 according to the Federal Census of 1940 of any subsequent Federal Census.

As amended by:

Private Acts of 1941, Chapter 536

**SECTION 2.** That there is hereby created a Board of Education in all counties to which this Act applies, to be composed of seven (7) members, one (1) from each of the Districts or Zones as set out and provided in Section 4, of Chapter 616, Private Acts of 1937. The five (5) members of the Board shall be residents and citizens of his or her respective Districts or Zone. One (1) of the members shall be a bona fide resident and citizen of the Town of Smithville and one (1) shall be a bona fide resident and citizen of the Town of Alexandria. The seven (7) members shall be qualified voters of the County above the age of Twenty-One (21) years and each shall possess a practical education.

That the two (2) members of the Board coming from within the municipalities shall be elected by the qualified voters of the County at the General Election in August, 1946 for a term of two (2) years and until their successors are elected and qualified. Thereafter the said two (2) members shall be elected at the General Election by the qualified voters of the County-at-large in August, 1948 and every four years thereafter for a term of four (4) years and until their successors are elected and qualified. Said two (2) members shall take office on September 1st following their election.

That the two (2) members of the Board coming from the Towns of Smithville and Alexandria shall have all the powers, be entitled to the same compensation and perform the same services, have a part in the deliberations of the Board, entitled to a vote equal to and with the five (5) members of the Board elected from the Districts or Zones as now constituted and as is provided by Chapter 616, Private Acts of 1937, as amended.

That nothing herein shall effect the term of office in the five (5) members of the Board as now constituted, and they and each of them shall hold their office as is now provided by Chapter 616, Private Acts of 1937 as amended.

That until September 1, 1946 and until their successors are elected and qualified, the following citizens and residents of the County who possess all of the qualifications as provided for herein, are designated as the two (2) members from the two (2) municipalities for the County Board of Education, to wit: L. H. Givens and Rob Roy.

As amended by:

Private Acts of 1941, Chapter 536

Private Acts of 1945, Chapter 515

**SECTION 3.** That until September 1, 1938, and until their successors are elected and qualified, as hereinafter stated, the following citizens and residents of the respective educational districts or zones are hereby designated as members of said County Board of Education, to-wit:

In educational district or zone No. 1, Mrs. E. L. Puckett, Mrs. Sallie Love, and Mrs. S. S. Lafener, No. 2, C.

D. House, Hobart Christian, and W. W. Nixon, No. 3, Chas. F. Dearman, O. E. Yeargain, and Toy J. Fuson, No. 4, Jim Grady Reynolds, Pitt Rowland, and Frank Truett and No. 5, John Robert Turner, Bud Williams, and Wilson Hobson.

At the regular August Election in 1942 there shall be elected a Board of Education of five members, one from each of the zones hereinafter provided for. Said members of the County Board of Education shall take office on September 1, 1942, and serve for a term of two years, and until their successors are duly elected and qualified. Thereafter at the regular August Election for County Officers every four years there shall be elected a County Board of Education, one member from each zone, who shall serve for a term of four years and until their successors are duly elected and qualified. The voters in each district or zone qualified to vote for members of the General Assembly shall be entitled to vote in such district for one person who shall be a resident of such district or zone.

As amended by: Private Acts of 1939, Chapter 311  
Private Acts of 1941, Chapter 536

**SECTION 4.** That the following districts shall constitute the districts or zones under this Act, to-wit:

The first District or Zone shall be composed of the 8, 14, 7, 18, 23, and 25 Civil District of the county to which this Act applies, said districts as they are now laid off; that districts or zone No. 2 shall consist of Civil Districts, Nos. 10, 15, 16, 17, and 22; that the third district or zone shall consist of Civil District Nos. 5, 6, 9, and 21; that the fourth district or zone shall consist of Civil Districts 11, 12, 13, 19, and 1; and the fifth district or zone shall consist of Civil Districts Nos. 2, 3, 4, 20, and 24. This Act applies to the Civil Districts as now laid out, or as may hereafter be changed.

**SECTION 5.** That within twenty days (20) after the passage of this Act said members of said board shall meet at the courthouse in the county to which this Act applies, and organize by the election of one member of the Board as Chairman, who shall preside at all meetings of the board, and a majority of the members of said board shall constitute a quorum for the transaction of business, and no matter shall be passed upon or contracts made unless a majority of the board vote in the affirmative on such questions. Each member of the board shall qualify by taking an oath to faithfully and impartially perform the duties of the office, and shall be inducted into office by the County Judge. The members of the board shall also elect one member as vice chairman and one member as assistant secretary.

As amended by: Private Acts of 1974, Chapter 238  
Private Acts of 1977, Chapter 61

**SECTION 6.** That the County Superintendent of Public Instruction is hereby designated Secretary of said Board, who shall keep an accurate minute of all transactions of said board, and shall keep complete records of the actions of the board.

That all warrants drawn on the school fund of the county to which this Act applies shall be signed by the Chairman of the Board and the Secretary.

Upon the temporary absence or incompetence of the Chairman and/or the Secretary of the Board and upon majority vote of the Board, the Vice Chairman and the Assistant Secretary may act in the capacity of the Chairman and the Secretary, respectively.

As amended by: Private Acts of 1974, Chapter 238

**SECTION 7.** That said Board of Education shall meet at the County seat of the Counties to which this Act applies at such times as it may deem necessary, or upon call of the Chairman for the transaction of any and all business of the Board, but no oftener, and shall receive for their compensation, fifteen dollars (\$15.00) per meeting and ten cents per mile one way as their compensation, except the Chairman of the Board shall receive a salary of twenty-five dollars (\$25.00) per meeting, for twelve (12) regular meetings, out of the general school funds of the county. Provided that the members of said Board shall be paid per diem and mileage only for twelve (12) regular meetings per year and special meetings called at the request of the County Superintendent of Education.

As amended by: Private Acts of 1939, Chapter 311  
Private Acts of 1941, Chapter 536  
Private Acts of 1976, Chapter 232  
Private Acts of 1977, Chapter 55

**SECTION 8.** That said Board of Education of any county to which this act applies, shall have supervision and control of all the public schools of the county, both elementary and high schools, and of all other schools maintained in whole or in part by public funds, and they shall select all teachers for said schools and fix their salaries, and make necessary written contracts with all teachers for their services. They shall have power to discharge any and all teachers for inefficiency, inattention, or neglect of duty, or any immoral conduct, on notice in writing to such teacher or teachers, and only then after a public hearing of the charges brought against such teacher. The County Superintendent shall have the power and it shall be his duty to discharge any teacher found to be guilty of drunkenness or immoral conduct, and any teacher so discharged shall not be reinstated except by the affirmative vote of at least twelve members of

the County Board of Education. Said board shall have power to acquire and hold all school property, either by purchase or gift, to purchase school lands and equipment, and to erect, repair and maintain all suitable buildings necessary for the purpose of carrying out the provisions of this Act, and to purchase all supplies, equipment required by said schools.

Said Board shall also, in addition to the powers and duties herein fixed and imposed on said board, perform all duties now required by the General Educational Bill of the State of Tennessee, or any that may be enacted, affecting the school system of the State of Tennessee. Said board shall have the exclusive possession and control of all public school property in the county to which this Act applies, both real and personal, now or hereafter belonging to or in the custody of the Board of Education of the respective counties.

As amended by: Private Acts of 1939, Chapter 311

**SECTION 9.** That said Board of Education herein created shall have power to enter into contract in writing for the erection, purchase, repair, preservation and maintenance of all school property, including buildings, and grounds, it being the intention of this Act to confer all necessary power and authority on said board to carry out the provisions of this Act and of the general laws applying to public schools or the funds thereof.

**SECTION 10.** That the Board of Education, with the assistance and help of the County Superintendent, shall report their budget for school purpose to the County Quarterly Court, and shall keep their expenditures within said budget so adopted by the County Court, and within the funds allotted by the State of Tennessee, and raised by taxation in the counties to which this Act applies, the funds deprived from and allotted by the State of Tennessee to the respective counties of the State to be paid to the county to which this Act applies, as to other counties of the State.

**SECTION 11.** That in the event the board shall employ any teacher who is unable by reason of inattention to duty, or inefficiency, or lack of other necessary qualification to maintain a reasonable attendance, and if the attendance shall fall below an average of ten for two weeks, unless caused by epidemic, or other unusual conditions, the board shall have the right to remove said teacher and place another in his or her place and this section shall be deemed as written into every contract with a teacher hereafter made by said board.

**SECTION 12.** That said Board shall elect all principals, supervisors, teachers, attendant officers, janitors, care takers, transportation officers, and all other employees of said Board, and fix their salaries or compensation, and make written contracts with all said employees, which shall be signed by the party or parties with which it is made, and by the Chairman and Secretary of the Board, and no one shall begin teaching until the contract is executed, and the County Superintendent shall recommend to the County Board of Education, Supervisors, Teachers, Clerical Assistants, and other employees in the County Schools, provided that this Act shall in nowise affect the powers, duties and responsibilities of the County Superintendent as now prescribed by the General Statutes of the State of Tennessee, it being the intention of this Amendment that the powers, duties and responsibilities of the County Superintendent and the powers, duties and responsibilities of the County Board of Education shall be in all respects in conformity with the general laws of the State of Tennessee unless in this Act otherwise provided.

As amended by: Private Acts of 1939, Chapter 311

Private Acts of 1941, Chapter 536

Private Acts of 1943, Chapter 315

**SECTION 13.** That said board shall keep all school buildings in the county insured against fire and lightning in some reliable fire insurance company or companies, and shall pay the premiums out of the funds belonging to the county.

**SECTION 14.** That said Board of Education shall cause a scholastic enumeration of the pupils in the county, and for the respective districts or zones, every two years as now provided by law, and shall pay the compensation of said enumerators out of the general school funds.

**SECTION 15.** That said board shall provide itself with all necessary record books, warrant books, and other records and stationery and equipment as may be necessary for the faithful carrying out of the provisions of this Act.

**SECTION 16.** That in addition to the duties imposed upon said board by the provisions of this Act, they shall perform all the duties enjoined upon them by general laws of the State of Tennessee as to public schools, or that shall be hereafter prescribed by laws passed by the General Assembly.

**SECTION 17.** That if any section of this Act shall be declared unconstitutional, it shall not effect any other section of the Act.

**SECTION 18.** That all laws, and parts of laws, in conflict with this Act, be and the same are hereby repealed, and this Act take effect from and after its passage, the public welfare requiring it.

Passed: May 18, 1937.

## Superintendent of Public Instruction

### Private Acts of 1945 Chapter 514

**SECTION 1.** That hereafter the County Superintendent of Public Instruction in all counties having a population of not more than 14,600 and not less than 14,550 according to the Federal Census of 1940, or any subsequent Federal Census, shall be elected by the qualified voters of such counties at the regular election to be held in August, 1946, and every four (4) years there-after. That at all future elections by popular vote the term of office of Superintendent shall begin on September 1st following his or her election and shall continue for four (4) years and until his or her successor shall have been elected and qualified.

**SECTION 2.** That until September 1, 1946 and until his successor is elected and qualified, M. M. Harney is hereby appointed as County Superintendent of Public Instruction, he now possessing all of the appropriate qualifications to serve as County Superintendent of Public Instruction, and he shall be subject to all of the provisions set forth and hereinafter provided. The said Harney and his successor shall execute a good and solvent bond in the sum of Five Thousand (\$5,000.00) Dollars, conditioned upon his faithful performance of the office created hereunder, and he and his successor shall take an oath to faithfully discharge the duties of said office, the same to be filed with the Clerk of the County Court.

**SECTION 3.** [Deleted by Private Acts of 1947, Chapter 408]

**SECTION 4.** [Deleted by Private Acts of 1947, Chapter 408]

**SECTION 5.** [Deleted by Private Acts of 1951, Chapter 281]

**SECTION 6.** [Deleted by Private Acts of 1947, Chapter 408]

**SECTION 7.** [Deleted by Private Acts of 1947, Chapter 408]

**SECTION 8.** That all Acts or parts of Acts, General or Special, so far as they are inconsistent with this Act, be, and the same are hereby repealed.

**SECTION 9.** That if any Section, provision or sentence of this Act be held to be unconstitutional or invalid, the same shall not affect the validity of this Act as a whole or any part thereof other than the part so held to be unconstitutional or invalid.

**SECTION 10.** That if in the event by death or resignation, or removal from office, of the Superintendent of Public Instruction, during the term for which he is elected, then the Quarterly County Court will fill said vacancy for the unexpired term until the first regular August Election thereafter.

**SECTION 11.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 27, 1945.

## Education/Schools - Historical Notes

### Board of Education

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

1. Acts of 1909, Chapter 302, established a County Board of Education composed of one member from each civil district, the Judge or Chairman of the County Court, and the County Superintendent of Public Instruction. This Act was amended by Acts of 1911, Chapter 100, to make the provisions of the 1909 Act apply only to DeKalb County.
2. Private Acts of 1915, Chapter 41, amended Acts of 1909, Chapter 302, to add a representative from the Town of Alexandria to the County Board of Education.
3. Private Acts of 1917, Chapter 466, amended Acts of 1909, Chapter 302, to add a representative from the Smithville Special School District to the County Board of Education.
4. Public Acts of 1975, Chapter 161, provided that the Board of Education would meet at the county seat at such times as were necessary, or where called by the Chairman for which meetings the members would be paid \$15 each, plus ten cents per mile for travel one way. The Chairman of the Board would be paid the same mileage and \$25 per meeting. All meetings being limited to 16 per year for which compensation would be paid. This Act was rejected by the DeKalb Quarterly Court and consequently never became effective.

## **General Reference**

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

1. Acts of 1837-38, Chapter 298, incorporated Fulton Academy in DeKalb County, named its Board of Trustees and prescribed their powers.
2. Acts of 1857-58, Chapter 113, incorporated the Turner M. Lawrence College at Alexandria, in DeKalb County. Mr. Lawrence had constructed the building and desired to donate it to the public.
3. Acts of 1899, Chapter 192, divided DeKalb County into independent school districts and provided for the election of three free school directors from each district for a one year term.
4. Private Acts of 1915, Chapter 227, created a special school district out of the Second Civil District and parts of the Third and Thirteenth Civil Districts of DeKalb County, to be known as the "Liberty High School District." An elected five member Board of School Trustees would govern schools in the District. This Act was repealed by Private Acts of 1923, Chapter 285.
5. Private Acts of 1915, Chapter 293, created the Smithville Special School District out of parts of the Ninth Civil District. An elected five member Board of School Trustees would govern schools in the District. This was amended by Private Acts of 1917, Chapter 785, to provide that taxes derived from the property and polls of Negroes in that school district be used exclusively for the Negro school. Private Acts of 1919, Chapter 478, amended the original act to provide that the Smithville Special School District be governed by a Board of High School Directors to be appointed by the Quarterly County Court for a two year term. Private Acts of 1919, Chapter 479, removed the farm of W. B. Tramel from the district. Private Acts of 1923, Chapter 76, repealed Private Acts of 1915, Chapter 293.
6. Private Acts of 1915, Chapter 499, provided for the establishment and maintenance of two county high schools in DeKalb County, to be open to every pupil in the County and directed by a High School Board of Education. Three members of the Board each would be from the Smithville and Liberty Special School Districts.
7. Private Acts of 1915, Chapter 523, created the Cottage Home School District No. 45, out of parts Wilson and DeKalb Counties.
8. Private Acts of 1917, Chapter 677, created the Dowelltown Special School District out of the 20th Civil District of DeKalb County. An elected, five member, Board of Trustees would govern the schools in the district. This Act was repealed by Private Acts of 1931, Chapter 580.
9. Private Acts of 1919, Chapter 502, amended the general law found in Acts of 1899, Chapter 279, to provide that DeKalb County maintain three county high schools. One school to be at the county seat and the others in the next two largest towns. A six member Board, elected by the County Court, would govern these schools.
10. Private Acts of 1919, Chapter 590, created the Four Corner School District out of a portion of the Thirteenth Civil District and certain lands from the Liberty High School District. A four member Board of Directors would be elected biennially. The Board of Directors was authorized to levy a property tax.
11. Private Acts of 1919, Chapter 666, created a seven member Board of Rural School Administration, giving it power and control of all schools in DeKalb County, exclusive of those in special school districts. The Quarterly Court was instructed to divide the county into five school districts. One member would be selected from each district, with two seats being at-large. The County Board of Education would continue to exist but would have advisory power only. This board was amended by Private Acts of 1921, Chapter 633, and was abolished by Private Acts of 1921, Chapter 477, which provided for the appointment of three District School Commissioners from each Civil District by the County Superintendent of Public Instruction until successors could be elected for two year terms at the regular August election.
12. Private Acts of 1919, Chapter 750, created a special and independent school district out of part of the Twentieth Civil District of DeKalb County to be known as the Dowelltown High School District. A five member Board of School Trustees, elected for three year terms, would govern the schools of the district. The district would have representation on the County Board of Education.
13. Private Acts of 1923, Chapter 76, created the Smithville School Taxing District, an independent school district, out of part of the Ninth Civil District of DeKalb County. An elected five member

Board of Trustees would govern the schools in the district. Private Acts of 1925, Chapter 674, raised the authorized taxing limit from twenty to thirty cents per hundred dollars valuation. Private Acts of 1931, Chapter 386, abolished the Smithville Special School District.

14. Private Acts of 1923, Chapter 285, created a special and independent school taxing district out of the Second, Nineteenth, and part of the Third and Thirteenth Civil Districts of DeKalb County. A five member Board of Trustees would be elected for two year terms to govern the schools in the district. A thirty cent per \$100 valuation tax was authorized. Private Acts of 1925, Chapter 664, raised the tax limit to forty cents. Private Acts of 1931, Chapter 385, abolished the Liberty Special School District.
15. Private Acts of 1923, Chapter 287, created the Laurel Hill Special School District out of the Sixteenth and part of the Eighteenth Civil District of DeKalb County. A three member Board of Trustees, elected for two year terms, would govern the schools of the district.
16. Private Acts of 1929, Chapter 910, authorized the Trustees of the Smithville Special School District, the Dowelltown Special School District, the Liberty Special School District and the Alexandria City Corporation to sell or lease their school buildings and property to DeKalb County. The Quarterly County Court was empowered to levy a tax to pay for the rent or purchase of the buildings.
17. Private Acts of 1931, Chapter 48, provided for the maintenance of at least two four-year high schools in DeKalb County, one near Smithville and one near Liberty. Control of the schools would be vested in the County Board of Education. This measure was amended by Private Acts of 1937, Chapter 837, to required three, four-year, high schools.
18. Private Acts of 1933, Chapter 35, created a five member County Board of School Supervisors and divided the county into five zones, each comprising the civil districts enumerated in the Act. The Board would have authority over all public schools in the county. The County Board of Education was abolished. This Act was repealed by Private Acts of 1937, Chapter 617.
19. Private Acts of 1945, Chapter 596, authorized the County Board of Education to appoint a secretary for the County Board of Education and for the Superintendent of Public Instruction. A salary of up to \$840 per annum was authorized. This Act was repealed by Private Acts of 1947, Chapter 409.

## Chapter VII - Elections

### Multi-Purpose Recreational Facility

#### Private Acts of 2000 Chapter 111

**SECTION 1.** The County Legislative Body of DeKalb County may direct the county election commission to place the following questions on the ballot for the general election on November 7, 2000 to be submitted to the voters of DeKalb County, Tennessee, for the purpose of determining the will and wishes of a majority of qualified voters of DeKalb County, participating in such election on the question of whether or not the county should construct a multi-purpose recreational facility:

(1) Do you support plans to construct a multi-purpose recreational facility for DeKalb County using public funds?

YES\_\_\_\_\_ NO\_\_\_\_\_

(2) Would you support an increase in the county property tax rate if it were necessary in order to fund the construction of the proposed recreational facility?

YES\_\_\_\_\_ NO\_\_\_\_\_

Any such referendum shall be advisory and nonbinding.

**SECTION 2.** The planning committee of DeKalb County is directed to perform a study and enter the approximate cost of the project to construct a multi-purpose recreational facility in the minutes of such committee's meetings. The planning committee is further directed to publish such cost of the project in a newspaper of general circulation in DeKalb County once a week for four (4) consecutive weeks prior to the November general election.

**SECTION 3.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the

Legislative Body of DeKalb County. Its approval or nonapproval shall be proclaimed by the presiding officer of DeKalb County and certified 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 as provided in Section 3.

Passed: May 15, 2000.

## Elections - Historical Notes

The following is a listing of acts for DeKalb 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 is an act which repeals prior law without providing new substantive provisions.

1. Acts of 1847-48, Chapter 111, provided that on the second Monday in February, 1848 and each following year, the Sheriff of DeKalb County should hold and supervise an election in Alexandria for the purpose of electing town officers.
2. Acts of 1849-50, Chapter 1, was passed in order to remedy some confusion as to when elections for county officials should be held in DeKalb County. It provided that elections should be held as they were in other counties of the state.
3. Acts of 1893, Chapter 67, provided for redistricting and divided DeKalb County into five civil districts. This was repealed by Acts of 1897, Chapter 218.
4. Acts of 1905, Chapter 170, established the Twenty-Third Civil District of DeKalb County and provided that two Justices of the Peace be elected from that district.
5. Private Acts of 1919, Chapter 525, made the general registration and election law of the state not applicable to DeKalb County.
6. Private Acts of 1923, Chapter 355, amended the general law regulating absentee voting as it applied to DeKalb County.
7. Private Acts of 1945, Chapter 513, provided that in all primary, general, and special elections, the polls in the Ninth Civil District of DeKalb County should remain open until 5:00 p.m.
8. Private Acts of 1947, Chapter 795, authorized the Quarterly County Court of DeKalb County to attach and detach Civil Districts Nos. 10, 18 and 26 by proper resolution and attach them to other Civil Districts.
9. Private Acts of 1961, Chapter 111, provided that primary elections for county offices, if held, would be held by the County Primary Election Commissioners and provided that the costs of such elections were to be paid by the political parties. This was superseded by general law found in T.C.A. 2-12-109 (Expenses of county election commission) and 2-13-203 (Methods of nominations for other offices).
10. Private Acts of 1949, Chapter 771, created the Democratic Party executive committee in DeKalb County. This act was repealed by Private Acts of 2014, Chapter 50.

## Chapter VIII - Health

### County Health Officer

#### Private Acts of 1919 Chapter 670

**SECTION 1.** That hereafter in counties having a population of not less than 15,430 and not more than 15,440 inhabitants according to the Federal Census of 1910 or any subsequent Federal Census it shall be the duty of the county health officer to open and maintain an office in the county site and shall post or have posted on the windows or doors thereof, in conspicuous letters, his name, followed by the words "County Health Officer" and it shall be his duty, upon the relation or complaint of two or more citizens of said county, alleging or suggesting the presence of dangerous, contagious or communicable diseases in any community within said county; to visit the scene or place of such contagion within twenty-four hours after such information has been communicated to him and if same is found to be true, to treat or dispose of same as is now provided for by law.

**SECTION 2.** That failure or refusal of any health officer to comply with the provisions of this Act shall be punishable by a fine of not more than fifty dollars and not less than twenty-five dollars within the

discretion of the court, upon the indictment and conviction of same.

**SECTION 3.** That this Act take effect from and after January 1, 1920, the public welfare requiring it.

Passed: April 14, 1919.

## Chapter IX - Highways and Roads

### Road Law

#### Private Acts of 1945 Chapter 511

**SECTION 1.** That in Counties of this State having a population of not more than 14,600 and not less than 14,550, according to the Federal Census of 1940, or any subsequent Federal Census, such County shall constitute one entire District to be in charge of a Road Supervisor who shall be the principal executive official thereof. At the August election, 1946, and biennially thereafter, there shall be elected by the qualified voters of the Counties to which this Act applies, some capable, experienced man as Supervisor of Roads who shall hold office for a period of four (4) years from September 1st next following his election and until his successor shall be elected and qualified. Upon assuming the office said Road Supervisor shall take oath to fairly and faithfully discharge the duties of his office and shall execute a bond in a sum not to exceed Five Thousand (\$5,000.00) Dollars, the amount thereof to be fixed by the County Judge or Chairman and also approved by the County Judge and Chairman. The Road Supervisor shall be paid a salary of nine thousand five hundred dollars (\$9,500) a year, payable in equal monthly installments out of the county road fund. The said Road Supervisor shall also be entitled to maintain and have for his use a pick-up truck belonging to the County and entitled to the necessary gasoline and oil for the use of his duties as Road Supervisor. The Road Supervisor is authorized to employ a Secretary and Bookkeeper and to fix the salary for such position, which shall be paid in equal monthly installments out of the county road fund. Until September 1, 1946, Wilson Hobson, a citizen and resident of DeKalb County, one of the counties coming within the Supervision of this Act, who possesses the qualifications to be Supervisor of said roads, is hereby appointed as Road Supervisor, and he shall hold said office until his successor is duly elected and qualified.

The County Judge of said county is hereby designated as Chairman of Roads for said County, and as such, the Chairman of Roads is hereby authorized and directed to approve all work, repair, construction and maintenance of any of the roads in said County before any of said construction, maintenance or repair on said roads is performed. The Chairman of Roads shall receive the sum of Six Hundred (\$600.00) Dollars per annum, payable monthly out of the County Highway Funds, in addition to all other compensation which he now receives.

As amended by:

Private Acts of 1949, Chapter 808

Private Acts of 1951, Chapter 107

Private Acts of 1953, Chapter 503

Private Acts of 1957, Chapter 350

Private Acts of 1957, Chapter 390

Private Acts of 1973, Chapter 92

**SECTION 2.** That it shall be the duty of the Supervisor in Counties to which this Act applies, to efficiently construct, maintain and operate the road system in such Counties; and it shall be his duty as early as weather conditions permit and funds available will allow, to begin the work of maintenance and repair of the roads in his County and to continue the same as long as necessary and permitted by available funds. Said Road Supervisor shall have full and complete authority to employ all necessary skilled mechanics, assistant supervisors, timekeepers, and labor as he may deem necessary, but the compensation payable to those employed shall not exceed the compensation paid by the State Highway Department in Counties coming within the provisions of this Act for similar services. Said Supervisor shall keep a record in his office of the hours of labor worked by each person so employed by him and for the purpose of paying such persons for labor and services performed. He shall keep a detailed account of all expenditures made and will issue warrants drawn upon the Road Fund of said County for all labor employed and for all expenditures made, and will issue warrants drawn upon the Road Fund of the County for same, which warrants shall be drawn on the County Trustee but no warrant will be valid or become a charge against the County unless the same is countersigned in advance of presentation for payment by the County Judge or Chairman of the Counties to which this Act applies. No warrant shall be issued for any labor or for the purchase of any materials unless there are funds to meet said warrant upon presentation for payment to the Trustee of the County. Any Road Supervisor who issues any warrant for the payment of any labor or makes any expenditure without said funds being available for the payment of said warrant, or any

Supervisor who issues any fraudulent warrant, shall be guilty of a misdemeanor and upon conviction shall be fined not less than Ten (\$10.00) Dollars nor more than Fifty (\$50.00) Dollars and imprisoned for not less than sixty (60) days nor more than six (6) months in the County Jail and shall also be subject to removal from office.

That all items including supplies, materials or road machinery purchased under the provisions of this Act shall be purchased in accordance and in conformity with the provisions of Chapter 156 of the Private Acts of 1943.

The County Road Supervisor herein named and his successor shall make and file with the County Judge a full and complete report of all disbursements made during the preceding quarter. The Supervisor here named shall, on or before April 1, 1945, file with the County Judge a full and complete inventory showing all materials taken into his possession as Road Supervisor and the amount of all funds coming into his hands as Supervisor. The said Supervisor shall also show in said inventory and report the indebtedness against the Road Department or County at the time he assumed office. The inventory and report made by the Supervisor appointed and the reports hereinafter made quarterly will be preserved by the County Judge as a part of his official record and the same will be available for inspection by any interested citizen of the County under such rules and regulations as the County Judge may prescribe.

As amended by: Private Acts of 1951, Chapter 107

**SECTION 3.** That all applications to open, discontinue and change roads shall be made to the Road Supervisor and in addition thereto, such Supervisor, with the approval of the County Judge in writing, shall have power to do the same. For the purpose of more effectively making practicable such changes in the roads, the County, acting through the Supervisor, shall have and possess the power of eminent domain which shall be exercised in the following manner:

Whenever the Road Supervisor and by the approval of the County Judge shall be of the opinion that a change or alteration in the present system of roads shall be necessary, he shall give notice to the landowner affected of the location of such proposed change and of the date upon which a jury of view will be summoned to view the proposed change and to award damages. He shall likewise file a copy of such notice in writing with the Sheriff of Counties to which this Act applies and thereupon the Sheriff shall appoint a jury of view of five (5) members to go upon and examine the premises and to assess the damages occasioned to the landowner by such change. The award of such jury of view shall be made in writing and filed with the County Court Clerk and all damages and costs awarded under this Act shall be and become a charge against the general funds of Counties to which this Act applies. Any person aggrieved by the action of the jury of view herein provided may within ten (10) days after the filing of said report by the jury of view with the County Court Clerk, appeal therefrom to the next term of the County Court of said County by giving security or executing the pauper's oath as required by law; and from the action of the Quarterly County Court an appeal lies to the next term of the Circuit Court of said County, either party being entitled to get a jury upon his or her application at the hearing in such Circuit Court.

In addition to the right to condemn land for the purpose of changes in existing roads, such County is given the power of eminent domain with respect to borrow pits, gravel pits, sand banks, and other material deemed necessary as essential in the construction of roads. The procedure in case of condemnation thereof shall be the same as that provided above; but nothing herein shall deny to such County the right to proceed to condemn such property under the procedure now provided by the General Statutes of Tennessee for the exercise of eminent domain of public corporations, the procedure herein provided being merely alternative rather than exclusive. The Road Supervisor herein named shall have and exercise full and complete control over all bridges forming a part of the County Highway System and such bridges shall be treated as a part of the road system for the purposes of this Act.

**SECTION 4.** That the Legislature hereby declares that the provisions of this Act are severable and if any part thereof be unconstitutional, the Legislature expressly declares that it would have enacted this Act with such unconstitutional Section elided therefrom; and that all laws and parts of laws in conflict herewith, be and the same are hereby repealed.

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

Passed: February 27, 1945.

## Highways and Roads - Historical Notes

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

1. Acts of 1909, Chapter 271, was a general road law for DeKalb County. It provided that the

Quarterly County Court would elect for a two year term a Road Commissioner from each Civil District (road district) of the county, to have supervision over the roads in his District. Road Overseers were to be appointed by each Road Commissioner to supervise road duty to which all male residents of the county between the ages of twenty-one and fifty-five were subject. A County Road Commissioner, appointed by the County Court, was to have general supervision of the District Commissioners and Overseers. Procedures for opening and closing roads were enumerated.

2. Acts of 1911, Chapter 116, was also a general road law for DeKalb County, with provisions similar to those in the 1909 Act.
3. Private Acts of 1919, Chapter 492, placed control of the roads in a Road Commission of three members, who were to be appointed by the Quarterly County Court biennially. Public bridges remained under the control of the County Court. The Commission would appoint District Commissioners who would appoint Road Overseers. This Act was repealed by Private Acts of 1921, Chapter 364, Page 1111.
4. Private Acts of 1921, Chapter 364, provided for the election by the Quarterly County Court of a three member Central Road Commission. They would have general supervision over the changing, opening and closing of public roads, and control the expenditures of the central fund. The Central Road Commission would elect a Road Commissioner for each Civil District who would in turn select a Road Overseer. This Act was amended by Private Acts of 1923, Chapter 550, to provide provisions for persons failing to report for road duty and to authorize the Central Road Commission to expend central road funds for making bridge repairs.
5. Private Acts of 1921, Chapter 711, required every person over 21 years old owning a wagon and team to work on the district roads, as they were designated to do so by their District's Justice of the Peace.
6. Private Acts of 1921, Chapter 883, set the toll rates which could be charged automobiles, motorcycles, trucks and trailers by persons or corporations operating a turnpike in DeKalb County.
7. Private Acts of 1927, Chapter 458, created a Central Road Commission for DeKalb County of five members, to have supervision of the construction and maintenance of all county roads and of the funds to be expended for these roads. The County Court Clerk would be an ex-officio member and serve as Secretary.
8. Private Acts of 1927, Chapter 613, created a Bridge Committee of seven members to have control over the location and construction of all county bridges in DeKalb County.
9. Private Acts of 1931, Chapter 207, created a Department of County Roads for DeKalb County. The control and management of the Department would be vested in a five member County Road Commission and a County Road Supervisor. Commission members would be elected by the County Court and the Road Supervisor would be elected by the Commission.
10. Private Acts of 1931, Chapter 558, created a Department of County Roads, headed by a County Road Commission of five members, who would appoint a County Road Supervisor. The County was divided into five zones and the voters would elect one member from each zone for a two year term. A constitutional challenge to this Act was rejected by the Tennessee Supreme Court in Loring v. McGinness, 44 SW<sup>2d</sup> 314 (1931), and the Act was repealed by Private Acts of 1933, Chapter 11.
11. Private Acts of 1933, Chapter 45, established a County Highway Department and created a Central Highway Commission of three members elected by the voters, one member from each of the three zones into which the county was divided. The office of District Supervisor was established in each civil district who would be elected for a two year term by the voters of the district. This Act was repealed by Private Acts of 1937, Chapter 179.
12. Private Acts of 1937, Chapter 222, created a three member County Road Commission who would serve a two year term. It divided the county into three road districts, provided for the election of Road Commissioners from each District, gave the Commission power to employ a County Road Supervisor and Assistant Supervisor, as well as foremen and employers. It had the power of condemnation and could appoint as many road foremen as may be necessary. This Act was repealed by Private Acts of 1939, Chapter 174.
13. Private Acts of 1939, Chapter 194, divided the county into five road districts, with a member of the County Road Commission elected from each District, such Commission to have complete control over the road system of the county. They were empowered to employ a County Road Supervisor to supervise the construction of roads and the other employees of the county highway department. This Act was amended by Private Acts of 1939, Chapter 484; Private Acts of 1943,

Chapter 353; Private Acts of 1943, Chapter 316; and repealed by Private Acts of 1945, Chapter 516.

14. There were three attempted amendments to the current road law, Private Acts of 1945, Chapter 511, which were rejected or not acted upon by the Quarterly County Court. All of these dealt with the salary of the County Road Supervisor. These acts are Private Acts of 1955, Chapter 246, Private Acts of 1965, Chapter 136, and Private Acts of 1970, Chapter 200.

## Chapter X - Law Enforcement

### Offenses

### Fireworks

### Private Acts of 1939 Chapter 365

**SECTION 1.** That in all counties of the State of Tennessee having a population of not less than 14,200 and not more than 14,300 inhabitants, according to the Federal Census of 1930 or any subsequent Federal Census, no person, firm or corporation shall have, keep, store, use, manufacture, sell, handle or transport within the limits of said county, any pyrotechnics; and the word "Pyrotechnics" whenever used in this Act shall be held to mean any sparkler, squib, rocket, fire cracker, roman candle or fireworks.

Provided, however, nothing in this Act shall be held to apply to the possession or use of signaling devices by railroads, vessels, and others requiring them, and that nothing in this Act shall be held to apply to the possession, sale or use of normal stocks of flashlight compositions by photographers or dealers in photostatic supplies; and,

Provided, further, nothing in this Act shall be held to apply to the possession, sale, or use of ammunition, of fire arms, of blasting powder or dynamite, or other explosives used or to be used for commercial purposes.

**SECTION 2.** That the County Trustee of any said county may, upon due application, issue a permit to a properly qualified person for giving a Pyrotechnic display of fire works in the public parks or other places within the said county. Such permits shall impose such restrictions as in the opinion of the County Trustee of said County may be necessary to properly safeguard life and property in each case, and the holder of such a permit shall be entitled to store, use, or transport Pyrotechnics in strict accordance with the terms of said permit, this Act to the contrary notwithstanding.

**SECTION 3.** That any violation of any provision of this Act shall be deemed a misdemeanor and the offender shall upon conviction be fined not less than Five or more than Five Hundred Dollars for every such violation.

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

Passed: February 25, 1939.

### Sheriff

### Private Acts of 1949 Chapter 693

**SECTION 1.** That in addition to the regular duties now prescribed by law, it shall be the additional duty of the Sheriff of DeKalb County, Tennessee, to patrol all roads and highways in said County regularly and on account of this additional duty he shall receive the sum of \$2,400.00 per annum, payable in equal monthly installments, out of the General Fund of said County. This compensation shall be in addition to that which he now receives as Sheriff. In the event said Sheriff fails or refuses to comply with the provisions of this Act, he shall forfeit all compensation as provided for under this Act. Provided, however, that the aforesaid compensation shall be in lieu of all ex officio fees allowed by the Quarterly County Court of DeKalb County and whatever ex officio fees that may now or hereafter be allowed by said Quarterly Court same shall be a credit on the Twenty-Four Hundred (\$2,400.00) Dollar compensation hereby fixed.

As amended by: Private Acts of 1951, Chapter 134

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

Passed: April 7, 1949.

## Law Enforcement - Historical Notes

### **Sheriff**

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

1. Acts of 1847-48, Chapter 111, directed the Sheriff of DeKalb County to annually open and hold an election for electing officers of the Town of Alexandria. This provision was amended by Acts of 1857-58, Chapter 39, Page 56, to remove any penalty against the Sheriff for not holding the required election.
2. Private Acts of 1919, Chapter 794, set the salary of the Sheriff at a minimum of \$2,000 per year, provided that the fees from his office were not equal to or in excess of that amount. This was repealed by Private Acts of 1921, Chapter 365, Page 1128.
3. Private Acts of 1949, Chapter 442, authorized the Quarterly County Court to appropriate \$1,200 per year for a special deputy sheriff.

## Chapter XI - Taxation

### Gasoline Tax Apportionment

#### Private Acts of 1945 Chapter 601

**SECTION 1.** That out of the Two-Cent Gasoline Tax fund now received by DeKalb County from the State of Tennessee that one-twelfth of said Fund paid to the Trustee of said County for the year 1945 shall be paid by said Trustee to the Governing Bodies of Smithville and Alexandria, two Municipalities in said County, on the following basis to-wit: Smithville, eighty (80%) per cent of one-twelfth (1/12) and Alexandria, twenty (20%) percent of the one-twelfth (1/12).

**SECTION 2.** That for the year 1945 and for each year thereafter the Trustee of the County will take as a basis of arriving at the one-twelfth (1/12) of the Gasoline Fund going to the said Municipalities the sum received by the County from the State for the preceding year and shall set up on the books of the Trustee's Office one-twelfth (1/12) of said sum for the year 1945 and for each year thereafter and pay the same as herein provided to the governing Bodies of Smithville and Alexandria.

**SECTION 3.** That the Governing Bodies of said Municipalities shall each year lay out and designate the streets, roads and bridges within said Municipalities where said Fund shall be expended and the Governing Bodies of said Municipalities will cause to be made a record of all funds received under the provisions of this Act, same to be opened to inspection to any party interested.

**SECTION 4.** That the Trustee of DeKalb County will make the division of this fund as herein provided and pay the same over to the Municipalities on or before June 1st of each year, first payment shall be made on or before June 1, 1945.

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

Passed: March 2, 1945.

### Tax Assessor

### Duties

#### Private Acts of 1949 Chapter 667

**SECTION 1.** That it shall be the duty of the Tax Assessor of DeKalb County, Tennessee, to keep an accurate account of all real estate transfers placed on record in the County Register's office, and make the records in his office conform and comply with the real estate transfers as reflected in the Register's office. It being the intent and purpose of this Act that the records in the Tax Assessor's office shall at all times be

current with realty transfers of property in said County. It shall be the further duty of the said Tax Assessor to check the records of the realty transfers in the County Register's office at least twice a month.

That the tax books and records of the Tax Assessor shall at all times be kept and remain in the County Trustee's office in order that the same may be available for inspection by the public.

That for the period beginning January 10th and until the 1st day of May of each year, it shall be the further duty of the Tax Assessor or his designated representatives to be present at the County Trustee's office during regular office hours on each Saturday during this period in order that he may be contacted or consulted by any property owners of said County.

**SECTION 2.** That for the additional duties imposed hereunder said Tax Assessor shall receive the sum of \$500.00 per annum, payable in equal quarterly installments out of the General Fund of the County. This compensation shall be in addition to the compensation which he now receives as Tax Assessor. However, it being the further intent and purpose of the Legislature that should said Tax Assessor fail or refuse to comply with the provisions of this Act, he shall forfeit all compensation as provided for hereunder.

**SECTION 3.** That this Act shall take effect from and after April 15, 1949, the public welfare requiring it.

Passed: April 7, 1949.

## Private Acts of 1961 Chapter 29

**SECTION 1.** That the County Register of the County of DeKalb, State of Tennessee, shall not record any deed conveying real estate, in said County unless same bears the stamp of the Tax Assessor of said County, certifying that said Tax Assessor has copied the names of the vendor and vendees in said deed of conveyance for the purpose of making proper corrections on his roll of assessments.

**SECTION 2.** That it shall be the duty of the Tax Assessor of DeKalb County to be available during office hours. It shall be the further duty of the Tax Assessor to stamp or to cause to be stamped all deeds presented to him, with a stamp showing that he has copied the name of the vendor and vendee in said deed or conveyance for the purpose of making proper corrections on his roll of assessments. It shall be the duty of the Tax Assessor to correct his tax rolls in all such cases so that the tax rolls of DeKalb County will be kept up to date and will show the correct owners of real estate to the end that property may be assessed in the name of the true owners thereof. Failure of the Tax Assessor of DeKalb County to comply with the provisions of this Act shall constitute misconduct in office and subject him to removal from office under Tennessee Code Annotated, Section 8-2701, et sequa.

**SECTION 3.** That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of the Quarterly County Court of DeKalb County, Tennessee. Its approval or disapproval shall be proclaimed by the Judge of the Quarterly County Court of DeKalb County, Tennessee, and shall be certified by him to the Secretary of State.

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

Passed: February 7, 1961.

## Litigation Tax

### Private Acts of 1971 Chapter 162

**SECTION 1.** That a litigation tax of Five Dollars (\$5.00) shall be taxed as part of the costs in all civil and criminal actions in the General Sessions Court, the Circuit Court and the Chancery Court of DeKalb County, Tennessee.

As amended by: Private Acts of 1978, Chapter 239

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

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

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

jurisdiction to approve or the reverse, and shall be certified by him to the Secretary of State.

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

Passed: May 17, 1971.

## Hotel/Motel Tax

### Private Acts of 1995 Chapter 118

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

- (1) "Clerk" means the County Clerk of DeKalb County, Tennessee.
- (2) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.
- (3) "County" means DeKalb County, Tennessee.
- (4) "Hotel" means any structure or space, or any portion thereof, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist camp, tourist court, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.
- (5) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.
- (6) "Operator" means the person operating the hotel whether as owner, lessee or otherwise.
- (7) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, governmental unit other than the United States or any of its agencies, or any other group or combination acting as a unit.
- (8) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodations in a hotel for a period of less than thirty (30) continuous days.

As amended by: Private Acts of 1996, Chapter 142.

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

**SECTION 3.** The proceeds received by the county from the tax shall be designated and used for the General Fund.

**SECTION 4.** Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of the hotel and given directly or transmitted to the transient. Such tax shall be collected by such operator from the transient and remitted to the county clerk as provided in Section 5.

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

**SECTION 5.**

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

(b) For the purpose of compensating the operator for remitting the tax levied by this act, the operator shall be allowed two percent (2%) of the amount of the tax due and remitted to the clerk in the form of a

deduction in submitting the report and paying the amount due by such operator, provided the amount due was not delinquent at the time of payment.

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

The County Legislative Body is authorized to adopt resolutions to provide reasonable rules and regulations for the implementation of the provisions of this act, including the form for such reports.

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

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

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

**SECTION 10.** The clerk in administering and enforcing the provisions of this act has as additional powers, those powers and duties with respect to collecting taxes as provided in Title 67 of Tennessee Code Annotated or otherwise provided by law.

For services in administering and enforcing the provisions of this act, the clerk is entitled to 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 is the intent of this act that the provisions of law which apply to the recovery of state taxes illegally assessed and collected shall also apply to the tax levied under the authority of this act. The provisions of Tennessee Code Annotated, Section 67-1-707, shall be applicable to adjustments and refunds of such tax.

With respect to the adjustment and settlement with taxpayers, all errors of county taxes collected by the clerk under authority of this act shall be refunded by the clerk.

**SECTION 11.** The proceeds of the tax authorized by this act shall be allocated to and placed in the General Fund of DeKalb County to be used for the purposes stated in Section 3 of this act.

**SECTION 12.** The tax levied pursuant to the provisions of this act shall only apply in accordance with the provisions of Tennessee Code Annotated, Section 67-4-1425.

**SECTION 13.** 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 14.** This act shall have no effect unless it is approved by a two thirds (2/3) vote of the County Legislative Body of DeKalb County. Its approval or nonapproval shall be proclaimed by the presiding officer of the County Legislative Body and shall be certified by such presiding officer to the Secretary of State.

**SECTION 15.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect upon being approved as provided in Section 14.

Passed: May 18, 1995.

## Taxation - Historical Notes

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

1. Private Acts of 1857-58, Chapter 129, Section 8, required citizens of DeKalb County in a section removed by this Act from Putnam County to list and pay taxes in Putnam County for the next five years. This was repealed by Acts of 1859-60, Chapter 121.
2. Private Acts of 1921, Chapter 218, set the salary of the Tax Assessor at \$1,000 per year.
3. Private Acts of 1925, Chapter 791, amended Acts of 1907, Chapter 602, which provided for more equitable assessment of taxes, by making it applicable to DeKalb County.
4. Private Acts of 1989, Chapter 74, authorized the county legislative body to levy a hotel-motel tax. This act did not receive local approval and therefore did not become law.

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