



April 25, 2024

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# Jefferson

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## Jefferson



Jefferson County Courthouse

**Compiled and Edited by:** William C. McIntyre, 1983

**Revised by:** Ron Fults, 1998

**Updated by:** Elaine Turner, 2007

## Chapter I - Administration

### Budget System

#### Private Acts of 1937 (2nd Extra. Sess.) Chapter 38

**SECTION 1.** That it shall be the duty of the Jefferson County Board of Highway Commissioners on or before the first Monday in April of each year, to prepare and file with the County Court Clerk an itemized statement or budget of the funds which said Commission estimates to be necessary for the construction, maintenance, upkeep, and operation of the roads, bridges and county workhouse in Jefferson County, and expenses incident thereto, for the year commencing on the first day of September following the making of said report; the said budget shall show in detail and in separate items the estimated amounts necessary for salaries and office expenses, new equipment, maintenance or repair of old equipment, bridges, lumber, gravel, maintenance of the County Workhouse, etc., the said budget shall likewise show in parallel columns the amount expended the previous year for the respective purposes.

That it shall likewise be the duty of the Jefferson County Board of Education on or before the first Monday in April of each year to prepare and file with the County Court Clerk of Jefferson County an itemized statement or budget of the funds which said Board of Education estimates to be necessary for the maintenance and operation of the schools of Jefferson County, and expenses incident thereto, for the year commencing the first day of September following the making of said report; the said budget shall show in detail and in separate items the estimated amounts necessary for the office expenses and salaries of the County Superintendent and his assistant, salaries for the different County Schools, the aggregate of the salaries for each individual school, being shown, for the purchase of new equipment; for the maintenance and repair of old equipment and school buildings, janitor service, bus service, insurance, and all other expenses of said department. The said budget shall likewise show in parallel columns the amounts expended the previous year for the respective purposes.

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

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

That it shall be the duty of all other County agencies and parties not hereinbefore specifically mentioned, having authority to expend or expending County funds to file with said Clerk each year on or before the first Monday in April an itemized statement of the budget of the funds estimated to be necessary to be expended by said agencies or departments for the year commencing on the first day of September following.

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

**SECTION 2.** That a committee composed of Harry Vance, F.W. Rankin and Paul Taylor, shall be and constitute the Budget Committee of Jefferson County, Tennessee, to serve until their successors are appointed as hereinafter provided. That it shall be the duty of the County Judge and/or Chairman with the approval and confirmation of the Quarterly Court of Jefferson County, Tennessee, at its July term, 1937, and each year thereafter at its April term, to appoint a Committee of three persons who shall be and constitute the Budget Commission of Jefferson County, Tennessee. That no member of said Budget Commission, with the exception of a member of the Quarterly Court, shall have an official connection with the County of Jefferson, or be related by affinity or consanguinity to any official or employee of Jefferson County within the third degree by the civil law. That the Quarterly Court may in its discretion allow the members of said Commission such compensation for their services as said Court may deem right and proper.

That immediately upon their selection said Budget Commission shall constitute a quorum for the transaction of business. The County Court Clerk or one of his duly authorized deputies, at the option of the said Commission, shall act as the Secretary of said Commission but shall have no voice or vote in the deliberations of said Commission. That the duties of the Secretary shall be to keep all records of the Commission, including a complete record of the proceedings thereof, assist in the compilation of the data necessary for the Commission to prepare the budget herein provided for and to assist in the preparation of said budget, and he shall perform such other duties as shall be prescribed by said Commissioner. That the County Court in its discretion may compensate said Secretary for services rendered in said capacity but in no event shall such compensation exceed \$4.00 per day for every day actually required to perform his duties as Secretary to said Commission; and said Commission shall certify to the Quarterly Court at the time it submits a budget as hereinafter provided for, the number of days the said Secretary has been actually engaged in the performance of his said duties.

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

That immediately upon its organization, said Budget Commission shall cause to be prepared appropriate printed forms on which the budget of the various Departments of the County referred to in Section 1 hereof are to be submitted by said Commission. That said forms shall be of such nature as to enable said Commission to submit to the Quarterly Court as hereinafter provided a complete itemized budget and financial statement of the County in simple, intelligible form, to the end that the Quarterly Court shall have before it in said budget all of the data necessary to enable it to intelligently determine the proper amount to be allowed the various Departments of the County during the year for which the budget is proposed and the amount of revenue that will be available to pay the amounts so allowed. That the Budget Committee of Jefferson County, may require the heads or other responsible representative of all departments, divisions, boards, commissions, agencies, or offices of said County to furnish such information as may be deemed advisable and in such form as may be required in relation to their respective affairs and activities. And in determining the nature and kind of said forms, said Budget Commission shall seek such expert advice in respect to this matter as will enable it to accomplish the desired end.

That such budget, when prepared by said Budget Commission, shall be filed with the County Court Clerk and by him recorded along with the budgets prepared by the several departments of the County, as hereinabove provided for, in a well-bound book and kept as a permanent record in the office of the County Court Clerk; and shall be submitted by the Chairman of the Commission each year to the July term of the Quarterly Court of Jefferson County in open court; and it shall be the duty of said Court before fixing the tax rate for the current year to fully consider in open Court said budget prepared by Budget Commission, but the same shall not be in any way binding on said Court. That said Court shall have full right and power to alter, vary or change in any way it deems right and proper said budget so submitted by said Budget Commission or any part thereof, but it shall be the positive duty of said Court at its July term each year, to fix, establish and adopt a complete, itemized budget of the amounts to be expended by each Department of the County government during the year beginning on the first day of September following, and no warrants drawn against County funds after September 1,

1937, shall be binding on the County unless the items or expense for which said warrant is issued shall have been included in a budget adopted by said Court as herein provided for; and no warrant shall be valid or binding on the Court after the aggregate amount of warrants theretofore drawn during the fiscal year by or on behalf of any Department of the County government, shall equal the amount allowed said Department in the budget adopted for that year.

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

That as nearly as may be practicable, said Commission shall show in its budget the amount of actual expenditures of each Department of the County government during the preceding year to be shown in a column parallel to that containing the amounts proposed for the ensuing year, but the actual expenditures under each head for the preceding year.

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

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

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

That the secretary of said Commission shall mail a full and complete copy of the report and budget prepared by said Commission to each member of the Quarterly Court at least ten days before the July term of said Court, a newspaper published in Jefferson County, or having a general circulation in the county, said publication to be at least ten days before each July term of said Court.

**SECTION 3.** That in the event that said Budget Commission fails, refuses or neglects to prepare and submit the budget herein provided for to the said Quarterly Court at its July term, then it shall be the duty of said Quarterly Court, at said term of said court to establish and adopt an itemized budget covering the amounts to be expended by each Department of the County government for the year beginning on the first day of the following September, said budget to be of the same kind and form as that herein required to be prepared by said Budget Commission, and it shall be a misdemeanor of office for any official of Jefferson County from and after September 1, 1937, to draw, sign, or issue the warrant of Jefferson County against any fund of Jefferson County unless a budget has been adopted by said Quarterly Court as herein provided for; and no warrant shall be valid or binding on the County of Jefferson unless the item of expense for which said warrant is drawn shall have been included in budget adopted according to the provisions hereof.

That the budget as finally adopted by the Quarterly Court at its July term each year shall be spread on the minutes of said Court, and from and after September 1, 1937, no warrants shall be drawn against any funds of Jefferson County by any official of said County unless and until a budget has been adopted by said quarterly Court as herein required; provided that warrants may be issued prior to September 1, 1937, covering any obligation or indebtedness of said County actually incurred prior to said date.

**SECTION 4.** That it shall be the duty of each department of the County government that disburses public funds, including the Jefferson County Board of Education, Jefferson County Board of Highway Commissioners, and the County Court Clerk, and County Judge, and/or Chairman in regard to the fund designated as the "General County Fund" to keep all such books and records as will enable them to fully and specifically comply with the provisions of this Act. Each of said departments and officials shall close the books kept by it or him as of the 31st day

of August each year, showing the balance to its or his credit, said balance to represent the difference between the amount allowed said department or fund in the budget for the year ending on that date and the aggregate amount of the warrants issued and chargeable against said amount allowed in said budget, regardless of whether said warrants have been paid or not; and it shall likewise be the duty of each

of said departments and said officials to open its or his books on the first day of September of each year bringing forward the balance, if any, arrived at in the manner herein provided for, remaining to the credit of said department or fund from the previous year, to which shall be added the amount allowed said department or fund in the budget adopted by the Quarterly Court at its July term next preceding.

That said books shall be kept in such a manner as to at all times show the amount allowed that department or fund in said budget adopted at the July Term of the Quarterly Court and the amount of all warrants drawn and chargeable against said fund, regardless of whether said warrants have been paid or not, said warrants to be posted in said books as the same are issued. That on the first day of each September hereafter the amount allowed each department or disbursing agency of the county government or county fund in said budget shall also be placed at an appropriate place on

the stubs remaining in said warrant books; and at the end of each month it shall be the duty of every official drawing warrants against any fund of Jefferson County to reconcile the balance to the credit of the fund drawn against as shown by the books required to be kept by said official; provided that for the fiscal year beginning the 1st day of September, 1937, the books of each department shall be opened by placing to the credit of each department the amount allowed it in the budget adopted at the July Term, 1937, of the Quarterly Court without regard to the number of warrants theretofore issued by said Department or the head thereof which have not been paid; and said amount so allowed said department for the fiscal year beginning September 1, 1937, shall also be placed at an appropriate place on the stubs of the warrant book used by said department before any warrants are drawn or issued by said department after the beginning of said fiscal year, and thereafter the balance from day to day shall be arrived at and carried in said warrant stubs as herein provided for. Provided, however, that the fiscal year of the Board of Education shall begin on July 1, 1937, and each year thereafter on July 1st but in all other respects conform to the provisions of this Act.

Provided further that the Quarterly County Court of Jefferson County shall have full power to amend the budget adopted by the Highway Commission to permit that body to expend all sums received by it from the State for road purposes whether included in the budget by the Quarterly County Court or not.

And provided, further, that the Quarterly County Court of Jefferson County shall have and possess full power to amend the budget adopted by it for educational purposes and the maintenance of the County system of schools, so as to permit the county board of education to expend all sums received or any part thereof were included in the budget for educational purposes adopted by the Quarterly County Court under the provisions of this Act. Such action by the Quarterly County Court may be taken at any regular session, or any session called for the purpose of amending such budget,

it being the intent of this amendment to permit the County Board of Education to expend all sums received from the state for educational purposes regardless of estimated receipts from the state.

And provided, further, that the Quarterly County Court of Jefferson County shall have and possess full power to amend the budget adopted by it for general county purposes, known as "General County Fund", so as to permit the County Court Clerk and County Judge and/or Chairman to expend all sums received for general county purposes, regardless of source, and regardless of whether or not such sums or any part thereof were included in the annual budget for general county purposes, regardless of source, and regardless of whether or not such sums or any part thereof were included in the annual budget for general county purposes adopted by the Quarterly County Court under the provisions of this Act. Such action by the Quarterly County Court may be taken at any regular session or any session called for the purpose of amending such budget, it being the intent of this amendment to permit the County Court Clerk, County Judge and/or Chairman to expend all sums received for general county purposes, regardless of estimated receipts for said account by the County Budget Committee, as long as such expenditures do not exceed the total funds credited to this account for any one year.

As amended by:

Private Acts of 1939, Chapter 127

Private Acts of 1949, Chapter 743

**SECTION 5.** That it shall be unlawful and a misdemeanor in office for any official or employee of Jefferson County to draw, sign, issue, deliver, or to authorize the drawing, signing,



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

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

**SECTION 6.** That it shall be a misdemeanor in office for any County Officer or agent or employee, including the members of the Jefferson County Board of Highway Commissioners, the members of the Jefferson County Board of Education, the County Superintendent of Education, the County Judge and/or Chairman, and the County Court Clerk, to violate any provisions of this Act or to fail or refuse to do so or perform any of the duties placed upon them or any of them by this Act, and any such officer or official failing to perform the duties imposed by this Act or otherwise violating this Act, or who procures, aids or abets in the violation of any provision of this Act, shall upon conviction thereof be subject to a fine of not less than \$100.00 nor more than \$500.00 or by imprisonment for a period of not exceeding one year, or both, in the discretion of the Court, provided further that any County Official convicted under this Act, shall be subject to removal from office under the ouster laws of the State of Tennessee, and it shall be mandatory upon the Quarterly County Court to appropriate the necessary funds for the prosecution of such cause.

**SECTION 7.** That a brief synopsis of the budget shall be published in a newspaper having general circulation in Jefferson County, and notice given of one or more public hearings at least fifteen days prior to the date set for hearing, at which any citizen of the said Jefferson County shall have the right to attend and state his views thereon.

**SECTION 8.** That the holding of any section or part thereof, or any subsection, sentence, clause or phrase of this Act, to be void or ineffective for any cause, shall not affect any other section or part thereof of this Act. It is hereby declared, and shall be conclusively presumed, that this Act and each section, subsection, sentence, clause, and phrase thereof would have been passed and enacted, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases thereof be declared unconstitutional or void or ineffective for any cause.

**SECTION 9.** That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed and this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: October 25, 1937.

## County Register

### Private Acts of 1943 Chapter 342

**SECTION 1.** The Register of Deeds of Jefferson County shall use and maintain in said office the Cott System of Indexing.

**SECTION 2.** Violation of the provisions of this Act shall be a misdemeanor in office, and shall be punishable by a fine of not less than \$100.00 nor more than \$500.00, the amount to be determined by the Court trying the case.

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

Passed: February 4, 1943.

## Administration - Historical Notes

### **Budget System**

The following acts once created a budgeting system for Jefferson County, but they have been specifically repealed or superseded by current law. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1937 (2nd Ex. Sess.), Chapter 38, established the current budget system in Jefferson County.
2. Private Acts of 1939, Chapter 137, amended Private Acts of 1937 (2nd Ex. Sess.), above, by adding the next to the last paragraph in Section 4 giving the Quarterly County Court full authority to amend the budget as the same appears in relation to schools.
3. Private Acts of 1949, Chapter 743, further amended Section 4 of Chapter 38, by adding the last paragraph appearing in that section.

### **County Clerk**

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

1. Private Acts of 1933, Chapter 766, set the annual salary of the County Court Clerk of Jefferson County at \$2,750, payable monthly on the warrant of the County Judge. The Clerk must file a sworn, itemized statement with the County Judge, or Chairman, showing the total amount of fees collected in the office. If the fees failed to reach the above amount, the Clerk would be entitled only to the fees collected as the salary, all over the stipulated amount becoming the property of the County. If the Clerk failed to collect any fees which by the exercise of reasonable diligence could have been collected, these would be charged against his salary. However, the costs of the bond would be paid by the County out of regular county funds.

### **County Legislative Body**

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

1. The Territorial Ordinance of June 11, 1792, signed by William Blount, Governor, in and over the Territory of the United States south of the Ohio River, created a Court of Pleas and Quarter Sessions in Jefferson County. This Court possessed both judicial and legislative powers for many years to come. The Court was held in 1792 in Jefferson County at the home of Jeremiah Matthews on the fourth Monday in January, April, July, and October.
2. The Territorial Ordinance dated February 16, 1793, changed the time of holding the Court of Pleas and Quarter Sessions in Jefferson County to the second Monday in February, May, August, and November, of each year.
3. The Territorial Ordinance dated March 21, 1793, changed the place for holding the Court of Pleas and Quarter Sessions in Jefferson County to the north side of the French Broad River, on the lands of Francis Dean, near the Rev. Mr. Henderson's lower meeting house, at such particular spot as the commissioners should fix upon.
4. Acts of 1794, Chapter 8, Section 3, rescheduled the opening dates of the Court of Pleas and Quarter Sessions in Jefferson County to the first Monday in February, May, August, and November.
5. Acts of 1797, Chapter 6, changed the dates for the terms of the Court of Pleas and Quarter Sessions in Jefferson County to the third Monday in January, April, July, and October.
6. Acts of 1809, Chapter 93, fixed the terms of court for every Court of Pleas and Quarter Sessions in the State. In Jefferson County the terms would begin on the second Monday in March, June, September, and December.

7. Acts of 1811, Chapter 72, repealed the original jurisdiction given to the Circuit Court by Acts of 1809, Chapter 49, which had formerly belonged to the Court of Pleas and Quarter Sessions and returned the same to that Court.
8. Acts of 1813, Chapter 77, returned concurrent jurisdiction with the Courts of Pleas and Quarter Sessions to the Circuit Court, gave the Circuit Court equity jurisdiction, and provided for appeals from the Court of Pleas and Quarter Session to go to either the Circuit Court or the Supreme Court of Errors and Appeals.
9. Acts of 1821, Chapter 123, authorized the Clerk of the Court of Pleas and Quarter Sessions to build a house for use as a Clerk's Office on some part of the Public Square in the city of Dandridge, upon the death, resignation, or removal of the Clerk, his successors would have the use of the house as his office when he paid the Clerk, or his heirs and representatives, the value of the said building as the same might be determined at that time.
10. Acts of 1835-36, Chapter 6, established a County Court in every County, pursuant to the 1835 Constitution, changed the name of the Court to the Quarterly County Court which would meet on the first Monday of every month as a "Quorum Court" and every three months as a Quarterly Court. This Court could select jurors for some of the other courts of equal jurisdiction, generally one from each of the 25 civil districts but could select more jurors if the need existed. Jurors would be paid \$1.00 per day for each day served for which purpose a tax could be levied if the funds were not available from other sources.
11. Acts of 1851-52, Chapter 279, Section 4, declared that the town of New Market in Jefferson County would be allowed a Justice of the Peace who must reside within the corporate limits of the town and be elected by the qualified resident voters thereof. This Justice would be in addition to all other Justices of the Peace and possess the same powers and authority conferred upon them.
12. Acts of 1855-56, Chapter 175, was the legal authority for the qualified voters residing in Dandridge, in Jefferson County to elect a Justice of the Peace for that city who must be a resident of the town and who would have all the authority and jurisdiction given to other Justices.
13. Private Acts of 1915, Chapter 58, fixed the compensation of the Justices of the Peace in the counties of Hamblen, Jefferson, and Williamson at \$2.50 per day for each day's attendance at a regular, or special, session of the Quarterly Court. The Justices would also be paid five cents per mile for each mile traveled going to and from their homes and the Court.
14. Private Acts of 1921, Chapter 513, is listed in some publications as being applicable to Jefferson County but the population figures of 1920 which are quoted in the Act would make it apply only to Loudon County. The Act set up a schedule of fees to be charged for certain services performed by county officials.
15. Private Acts of 1949, Chapter 519, established the per diem rate of pay for the Justices of the Peace in Jefferson County (identified by the use of 1940 Federal Census figures) at \$5.00 per day for each day's attendance at all regular and called sessions of the Quarterly Court, plus whatever mileage allowance which was permitted under the law

### **County Mayor**

The references below are of acts which once applied to the office of county judge, or county executive in Jefferson 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 1856, Chapter 253, provided for a County Judge in every County in the State who would be learned in the law, elected by popular vote for four year terms, and who would be sworn and commissioned as all other Judges were. Quorum Courts were abolished, and the County Judge would assume all the responsibilities of the County Chairman. The Court would meet on the first Monday in every month. The Court would have jurisdictional authority over the administration of estates and related matters, as well as over those questions mentioned in this Act. The Judge would also be the accounting officer and general agent for the County and discharge all the duties stipulated by the Act in this respect. County Court Clerk would continue to be the clerk of the court but the circuit court clerk would keep the dockets. The Judge was not precluded from the practice of law except in the court over which he presided. This Act was short lived, being repealed by the one below.
2. Acts of 1857-58, Chapter 5, repealed Acts of 1856, Chapter 253, above, and restored both the Quorum Courts and the County Chairman to their former status.
3. Acts of 1885, Chapter 105, created the office of County Judge in Jefferson County who would be elected for a term of eight years at the same time as other county officials, and who would be sworn into office and commissioned as were other Judges, and be bonded in the amount of

\$20,000. Quorum Courts were abolished and the duties of that court given to the County Judge who would continue to convene it and preside over it on the first Monday in each month. The jurisdiction of the court was specifically enumerated and the Judge would also be the Financial Agent for the County exercising the responsibilities set up in this Act. The Judge was allowed to practice law in any court but his own. His salary would be \$500 per year plus any supplement granted to him by the Quarterly Court. This Act was repealed by the one following.

4. Acts of 1893, Chapter 167, expressly repealed Acts of 1885, Chapter 105, and abolished the office of county judge. The office of chairman was specifically provided in this Act who would be clothed with all the power and jurisdiction formerly conferred upon the County Judge and that office. The Judge would serve until the first Monday in October, 1894, when the members of the Jefferson County Quarterly Court would proceed to elect a chairman to replace him.

### **County Register**

The following acts once affected the office of county register in Jefferson County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1826, Chapter 12, validated and made legal certain marriages and entries on land made for citizens residing in portions of Knox County and Jefferson County which were issued by the Clerk of those respective counties when in reality the area from whence they came was in Sevier County.
2. Acts of 1831, Chapter 162, validated and legalized all deeds of conveyance and other written instruments heretofore registered in the Counties of Greene, Sevier, Cocke, Washington, Hawkins, Carter, Grainger, Claiborne, Campbell, Jefferson, Blount, Monroe, McMinn, Morgan, Roane, and Sullivan, although the certificates on the same might not have recited an acknowledgment by the Grantor, or were not approved by subscribing witnesses, all of which would be as good and valid at law as all others which had been properly certified and acknowledged in the most formal manner. They would be as acceptable in any Court as evidence of the transactions but nothing herein would affect any suit then pending in Court.
3. Private Acts of 1919, Chapter 197, stated that hereafter in Jefferson County females over the age of 21 years would be eligible for the office of Register. Said females, if and when elected would execute the same bond and subscribe to same oath as all the others. The same duties and the same penalties would apply to the females in office as to their male counterparts.
4. Private Acts of 1921, Chapter 231, required that the Register of Deeds in Jefferson County to make an index of all deeds and instruments pertaining to land in alphabetical order according to the Grantor and Grantee, giving the book and page number of the registrations. The Register was further obligated to keep a separate index for releases and other instruments.
5. Private Acts of 1943, Chapter 342, declared that the Register of Jefferson County would keep and maintain the Cott System of indexing or pay the penalties prescribed herein for his failure to do so.
6. Private Acts of 1951, Chapter 400, prohibited the Register of Jefferson County from recording any deed of conveyance of real estate unless the deed bore the stamp of the Tax Assessor certifying that the Assessor had copied the names of the Vendors and Vendees, or his Deputy, to be on duty during office hours in order to stamp the certification on the deeds and other instruments. (See copy under

### **County Trustee**

The following acts once affected the office of county trustee in Jefferson County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1927, Chapter 632, stated that the County Trustee of Jefferson County (identified by quoting population figures of 1920) must make one bond with the State of Tennessee for the same amount as the taxes collected during the prior year, and also make another bond to the State for the use and benefit of the County in the amount of one-third of the taxes collected in the County during the year immediately preceding the one in which the bond was being made.
2. Private Acts of 1933, Chapter 766, set the annual salary of the County Trustee of Jefferson County at \$2,750 payable monthly on the warrant of the County Judge, or Chairman, showing the total amount of fees collected in the office. If the fees failed to reach the amount of the salary, the Trustee would be entitled only to the fees collected. If the Trustee failed to collect fees which by the exercise of ordinary diligence could have been collected, these would be charged against him.

The costs of the Trustee's surety bond, however, would be paid out of the county treasury.

### **General Reference**

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

1. Acts of 1794, Chapter 2, established a schedule of fees which could be charged by the clerks of the various courts, the Clerk and Master of the chancery court, the Sheriff, the Register, the Justices of the Peace, and the Constables. Anyone convicted of failure to comply with this law could be fined and, in addition, forfeit the office.
2. Acts of 1796, Chapter 6, set up a Treasurer for the Districts of Washington and Hamilton who would have his office at Knoxville, and another for the District of Mero who would be headquartered at Nashville. The Treasurer was primarily charged with keeping accounts of all transactions concerning the Districts including the receipt and disbursement of funds.
3. Acts of 1799, Chapter 38, fixed the county seat of Jefferson County at Dandridge.
4. Acts of 1801, Chapter 5, promulgated regulations for the inspection of pork, beef, hog lard, butter, hemp, and kiln dried flour before the same could be sold in counties, or between the States. Warehouses were to be erected and kept at the points specified in the Act to which goods could be brought to be stored and inspected. In Jefferson County the warehouses to be used for these purposes would be located in Dandridge, at the Mossy Creek Iron Works, and at Colonel Alexander Outlaw's boat on the Nollichucky River.
5. Acts of 1801, Chapter 69, in its preamble pointed to the necessity of navigable streams if the State and counties were to continue to grow, therefore, this Act made it lawful for the citizens of Washington County, Greene County, and Jefferson County to clear and remove every obstruction in the bed or channel of the Nollichucky River which flowed through their boundaries. For this purpose one thousand shares of stock could be sold at \$10.00 per share in the above named counties to produce the funds to accomplish the purpose stated.
6. Acts of 1806, Chapter 28, stated that five commissioner's would be chosen in and for the towns of Dandridge, Gallatin, and Rogersville on the day appointed by the Quarterly Courts of those respective counties. The Sheriff of the county was directed to hold the election on the day selected.
7. Acts of 1811, Chapter 79, established a Bank at Knoxville with an authorized capital of \$400,000 with the authority to set up branch banks in various counties. There would be a Branch of this Bank in Jefferson County under the directorship of Hugh Martin, David Morrow, and Henry Bradford.
8. Acts of 1813, Chapter 90, incorporated Joseph Hamilton, Baldwin Harle, and Augustine F. Fore, all of Jefferson County, plus other citizens from Washington County and Greene County, as the Nollichucky Navigation Company, which had the obligation to improve the navigation of the said river from Sluice Hill in Washington County to the mouth of the river located in Jefferson County. If certain conditions were strictly observed, the incorporators could publish a lottery to help raise funds.
9. Acts of 1820, Chapter 37, stated that it had been represented to the General Assembly that navigation of the south sluice of the Nollichucky, near George Gordon's paper mill, would be greatly improved for boats going up and down the river if a dam were to be constructed at that place. This Act authorized Gordon to build the dam with a bridge on the top of it so travel by road could continue. Gordon was allowed to charge the usual toll rates when the work was completed.
10. Acts of 1821, Chapter 94, authorized the Treasurer of East Tennessee to pay to John Northern of Jefferson County, the sum of \$18.00 for the value of arms he owned being pressed into the service of the State and Country during the recent war.
11. Acts of 1821, Chapter 183, appointed Jacob Peek, of Jefferson County, John Glass, of Greene County, and John Blair, of Washington County, as commissioners to execute a final settlement with the Nollichucky Navigation Company which would be made at Greenville and reported to the Quarterly Courts of the counties mentioned.
12. Acts of 1823, Chapter 93, enabled John Potter to build a mill and erect a milldam across the south sluice of the French Broad River in Jefferson County, opposite to Hamston's large island. The mill-dam would extend from the south bank of the River to an island in the sluice.
13. Acts of 1823, Chapter 123, permitted James A. Turnly, of McMinn County, the further time of nine

- months to procure a survey of an entry in the 5th Surveyor's District of three acres of land lying in Jefferson County, and to secure the issue of a grant for the same.
14. Acts of 1825, Chapter 91, Section 2, was the enabling legislation for William Graham to keep up a mill-dam and race which had previously been erected by him on the north side of the French Broad River in Jefferson County, provided the dam would in no wise obstruct the free navigation of the said river.
  15. Acts of 1826, Chapter 34, named commissioners from the counties of Cocke, Sevier, Knox, Blount, and William Hill, from Jefferson County, who would perform the duties of earlier commissioners specified in a prior Act in the settlement of land claims in certain areas for which they would be compensated as was provided in this Act.
  16. Acts of 1826, Chapter 187, declared that a town heretofore laid out by James Roddy and William Deadrick in Jefferson County would hereafter be known as Russellville for which John Potter, William Felts, James Phagan, James L. Neal, John Cox, and Joseph Austin were named as Commissioners.
  17. Acts of 1833, Chapter 278, made it lawful for the county court of Jefferson County, upon the petition of Elisha Hamner of that county, stating that he desired to emancipate his female slave, Sally, to do so accordingly, provided that Hamner gave bond with good security, payable to the Chairman of the Court, in a sum equal to the value of the slave conditioned to indemnify anyone injured by the misbehavior of the said slave.
  18. Acts of 1841-42, Chapter 86, declared that all marriage licenses heretofore issued by any person, or persons, by permission of the Clerk of the County Court of Jefferson County would be as good, valid, and effective in law as if they had been issued by the Clerk in person and all marriages taking place and performed under their authority were likewise declared to be valid and binding in all respects.
  19. Acts of 1843-44, Chapter 2, was the incorporation of Dandridge under the Mayor-Alderman form of municipal government with grants of specific powers under which the corporation would operate. The Sheriff, after giving ten days notice, would hold an election on the first Saturday in January, 1844, to elect seven Aldermen to two year terms who would then select one of their own number to serve as Mayor of the city, and appoint a Constable and a Recorder. If the Sheriff could not hold the election, one of his Deputies was authorized to do so.
  20. Acts of 1845-46, Chapter 35, was the legal authority for the Jefferson County Quarterly Court to appoint a Revenue Collector to collect the 1844 taxes, who would have the same power as the Sheriff, and his Deputies, to do so and would be subject to the same regulations including the making of proper reports. All who had paid their 1844 taxes, or a part thereof, were exempted from the provisions of this Act.
  21. Acts of 1845-46, Chapter 208, Section 23, extended the limits of the City of Dandridge south to the opposite side of the French Broad River, and north to the distance of one-half mile from the court house and also one-half mile from the court house on the east and on the west.
  22. Acts of 1847-48, Chapter 111, Section 17, provided that the limits of the city of Dandridge would be extended only one-quarter of a mile in each direction from the court house instead of the one-half mile previously allowed.
  23. Acts of 1853-54, Chapter 47, Section 2, extended the city limits of Dandridge so as to embrace the French Broad River commencing at a point 40 poles above Faine's Warehouse and continuing along the route described in the Act which area would be added to the town.
  24. Acts of 1855-56, Chapter 11, Section 5, incorporated John S. GoForth, William Dick, and Patton Howell as the New Market Building and Loan Association, and Daniel Gass, James Cox, and James Mitchell were established as the Dandridge Building and Loan Association.
  25. Acts of 1855-56, Chapter 106, Section 2, gave the counties of Jefferson, Washington, and Claiborne the right for their county court to direct that the sums raised by taxation in their counties as a sinking fund to discharge their bonded indebtedness invested in railroads, be invested in State, or County, bonds when they could be purchased in the market place.
  26. Acts of 1855-56, Chapter 223, was the legal authority for Jefferson County to purchase its own bonds which were issued under any Act for internal improvement purposes and to cancel them rather than to invest them in State bonds as the former Act required. All of the above authority to act would be under the control of the county court.
  27. Acts of 1857-58, Chapter 67, formed a corporation to be named the Marshland Cemetery with the authority to buy, hold, develop, improve, and dispose of a lot suitable for burying the dead near

- the St. Paul Presbyterian Church in Jefferson County. The Board of Trustees were allowed to enact rules and regulations. The Act named Augustus Rice, William McFarland, Harris E. Dewitt, William McClister, David McClister, John W. Moser, Augustus F. Moser and Joseph Hamilton as the first Board of Trustees.
28. Acts of 1865-66, Chapter 32, was the legal authority for William Harris and J.M. Thornburg, of Jefferson County, to open books and subscribe stock up to \$500,000 to organize, operate, and manage under the stipulated limitations a bank which would be located at Dandridge. The Bank was required to pay one-half of one percent of its capital stock to schools.
  29. Acts of 1868-69, Chapter 9, Section 3, moved the Branch of the Bank of discount and deposit formerly located in Dandridge to Knoxville.
  30. Acts of 1869-70, Chapter 47, Section 91, incorporated James H. Carson, William H. Eckel, Temple Harris, John Smith, and William Dean, and their successors in office, as the Board of Trustees of the Dandridge Baptist Church in Jefferson County which would have all the rights, privileges, and powers incidental to religious corporate institutions.
  31. Acts of 1877, Chapter 144, specifically repealed Section 25, Chapter 67, Acts of 1867, which incorporated the Dandridge Railroad Company.
  32. Acts of 1879, Chapter 233, repealed the 1843 Act, which incorporated the town of Dandridge, and its amendments, and the town was abolished. All the books and records of the town were to be turned over immediately to the County Court Clerk.
  33. Acts of 1893, Chapter 46, incorporated the City of White Pine under the Mayor- Alderman system of government, describing the area encompassed by the city and directing the Sheriff, or Deputy, to hold an election to choose five Aldermen and a Mayor, a Constable, and a Magistrate, all of whom would be sworn into office, and some of them were to be bonded for performance of their duties. This Act was repealed by the one following.
  34. Acts of 1895, Chapter 45, repealed Chapter 46, Acts of 1893, above which incorporated the city of White Pine in Jefferson County, and abolished its charter. The records were to be delivered to the Magistrate of that Civil District and any money on hand would be applied to unpaid debts.
  35. Acts of 1897, Chapter 124, set the annual salaries of the county officials according to the population class of the county in which they operated. The officials were deprived of all their fees which were to be paid over to the Trustee. Itemized and sworn statements showing the amount of fees collected were to be filed periodically with the County Judge, or Chairman, but in no case would the salary exceed the amount of fees paid in. This Act was declared unconstitutional in "Weaver v. Davidson County" (1900), 104 Tenn. 315, 59 SW 1105, but it and those to follow became the harbingers of the salary statutes under which the State of Tennessee now operates.
  36. Private Acts of 1907, Chapter 419, incorporated the Mayor and Aldermen of the city of Dandridge as the limits were specifically described in the Act. The Mayor and six aldermen were to be elected by popular vote and then they would appoint a Recorder and the police for one year terms. The city was further entitled to a Justice of the Peace in addition to the other Justices. The Mayor and Aldermen must be resident property owners of the city. The remainder of the Act contained the usual provisions found in corporate municipal charters.
  37. Private Acts of 1929, Chapter 337, authorized Jefferson County, acting by and through its Quarterly Court to levy a special tax for the employment of an Industrial Agent whose salary would not exceed \$3,600 annually and the tax levied could not produce any more than that amount. The agent's duties were to develop the natural resources of the county by correspondence, or advertisement, or by inviting agents of industrial concerns to see the minerals, timber, farms, or other county resources.
  38. Private Acts of 1933, Chapter 769, was applicable only to Jefferson County. This Act amended Section 10731 of the Tennessee Code to provide that any petition to a court to increase the salaries or the numbers of assistants, or deputies, must first be approved by a majority of the Quarterly Court before being filed and Section 10732 of the Tennessee Code was amended to provide that the Quarterly Court could adopt a Resolution in normal form and manner citing the need for salary decreases in the positions of assistants, or deputies, and then file a proper petition in the appropriate court reflecting the contents of the Resolution whereupon the court could hear proof accordingly.
  39. Private Acts of 1937, Chapter 422, removed the disability of infancy from Mrs. Ruth Blazer Ailey of Jefferson County, conferring upon her all the rights, privileges, and obligations of an adult.

## Chapter II - Animals and Fish

### Coon Dog Training

#### Public Acts of 1982 Chapter 923

**SECTION 1.** Tennessee Code Annotated, Section 51-441, is amended by deleting the word and punctuation "Jefferson," in the first and second paragraphs of the section.

**SECTION 2.** Tennessee Code Annotated, Section 51-441, is further amended by adding the following language immediately after the third paragraph: Provided, however, it shall be lawful in Jefferson County to have a jump-out training season during the period each year from October 9 through November 1, and notwithstanding other provisions of this section, it shall be lawful to train coon dogs in Jefferson County at any time of the year except during the period each year from March 1 to May 15, so long as coons are not taken except during open season thereon.

**SECTION 3.** Tennessee Code Annotated, Section 51-441, is amended by deleting the following language:

It shall be unlawful for any person to train coon dogs by chasing coons in Cocke County, except that it shall be lawful for licensed kennel clubs in Cocke County to conduct an unlimited number of field trials and all-night hunts for raccoons in Cocke County during the training season specified herein. The training season shall be each Friday and Saturday night of each week from sunset to sunrise on each night. The field trials and all-night hunts shall be chase only and no coons shall be taken except during open season in such county. and inserting instead the following new language:

Provided, however, it shall be lawful in Cocke County to have a jump-out training season during the period each year from October 9 through November 1, and notwithstanding other provisions of this section, it shall be lawful to train coon dogs in Cocke County at any time of the year except during the period each year from March 1 to May 15, so long as coons are not taken except during open season thereon.

**SECTION 4.** This Act shall take effect upon becoming a law, the public welfare requiring it.

Passed: May 6, 1982.

### Livestock Inspectors

#### Private Acts of 1951 Chapter 208

**SECTION 1.** That in counties of this State with a population of not less than 18,615, nor more than 18,630, by the Federal Census of 1940, or any subsequent Federal Census, the Quarterly County Court is hereby authorized to elect for a term of four years, not exceeding four animal inspectors.

It shall be the duty of such livestock inspectors to make an inspection and examination of the livestock in said counties and to treat such as may be found ailing or sick with the view to promoting the spread of health among such stock and to reduce the danger of infectious or contagious diseases. Such animal inspectors may contract with the owner or owners of any diseased livestock found by them for the treatment thereof by such inspectors, the compensation therefor to be mutually agreed upon between the parties. Such livestock inspectors may be compensated by the Quarterly County Court of such counties to which this Act applies in any amount not to exceed \$10.00 per annum for each inspector so appointed. Elections thereof may be made by the Quarterly County Court at any regular term or called session and the person or persons so elected shall hold office for a period of four (4) years from the date of such election and until their successor shall be duly elected and qualified. The said County shall not be liable for the default or negligence of any such livestock inspectors where the County Court has used care and caution in the selection thereof but nothing herein shall exempt such inspectors personally for the negligence in the performance of their duties.

Passed: February 15, 1951.

### Red Fox Season

#### Private Acts of 1955 Chapter 337

**SECTION 1.** There shall be a closed season upon red foxes at all times, and that red foxes may be chased with dogs at any time of the year except during such periods as may be fixed by the Game and Fish Commission for the protection of the species in all counties of this State having a population of not less



than 19,665 and not more than 19,670 inhabitants, according to the Federal Census of 1950, or any subsequent Federal Census.

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

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

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

1. Private Acts of 1899, Chapter 355, made it lawful to catch fish in baskets and nets in any of the streams of Jefferson County. All laws in conflict were repealed.
2. Private Acts of 1901, Chapter 209, was the legal authority for anyone in Jefferson County to fish in any of the streams of that County with gigs. It would be lawful for anyone owning both banks on any stream, or sluice, in Jefferson County to place traps in the stream but the slats in the traps had to be at least two inches apart and their positions were not to obstruct the navigation of the stream in any manner.
3. Private Acts of 1903, Chapter 246, declared it to be unlawful for livestock to run at large in Jefferson County but unfenced lands could be used lawfully for summer range without violating the terms of this Act. Fines imposed for non-compliance ranged from \$2.00 to \$10.00 for each offense. The damages done would be a lien on the trespassing stock which could also be taken up and cared for by third parties or the injured party and the cost of their care and keeping could be added to the amount of the lien. Nothing herein in this Act would affect any Act concerning the liability of railroads on this subject.
4. Private Acts of 1909, Chapter 187, made it unlawful for stock to run at large in Jefferson and Monroe Counties. The terms of this Act were the same as those in the 1903 Act above. There may be some doubt as to whether the General Assembly intended this Act to apply to Jefferson County since one similar to it in all respects was already in force.
5. Private Acts of 1911, Chapter 9, which in effect repeals the 1909 Act above if it did apply to Jefferson County, plus the 1903 Act, made it unlawful for any person owning, or controlling geese, horses, mules, cattle, sheep, goats, swine, or other livestock, to permit the same to run at large in Hamblen County and Jefferson County. The owner of these invading animals would be responsible in damages to anyone injured by them and the damaged parties would have a lien upon the trespassing beasts to that extent which could be enforced as any other lien. The damaged party could also impound the animals and add that cost to his damages and to the lien.
6. Private Acts of 1915, Chapter 651, required all the landowners in Jefferson County (identified by the quotation of the 1910 Federal Census figures) to construct and maintain a three wire fence around all their cultivated fields lying along a public highway unless these fields were otherwise fenced. In the event the fence was not built and maintained as specified, the owner could not recover for any damages done to those areas. There was nothing in this Act which would allow the owner of the stock to let their animals run at large in the County without a herder.
7. Private Acts of 1917, Chapter 658, declared it to be legal for residents of Jefferson County to fish in the Holston River and the French Broad River within the limits of the County with nets and baskets, provided, however, that the mesh on the nets and the slats on the baskets were no less than one and one-half inches apart.
8. Private Acts of 1921, Chapter 405, amended Public Acts of 1919, Chapter 61, which was a very restrictive general law of the State on the ownership, care and keeping of dogs, so as to remove Jefferson County and many other counties from the provisions of that law.
9. Private Acts of 1927, Chapter 257, was the legal authority for any person in counties other than Jefferson County, and nine other counties, to hunt, take, trap, snare, shoot, or kill by any means, rabbits, or hares, at all seasons and times of the year, but nothing herein would allow anyone to hunt upon the land of another without permission. It was also lawful to transport, sell, and ship

rabbits, or hares, out of each of the Counties and State.

10. Private Acts of 1929, Chapter 4, amended Private Acts of 1927, Chapter 257, so as to remove Jefferson County from the provisions of the 1927 act with reference to the hunting and killing of rabbits, or hares. (According to our reading of the 1927 Act Jefferson County was exempted at that time. This Act might have been used to remove all doubt).
11. Private Acts of 1935, Chapter 627, applied to Jefferson County, and three other counties, and amended the general law to allow any person to catch fish, except large mouth and smallmouth bass, or Jack, from the streams, of the said counties by baskets, or traps, where the slats were at least 2 inches apart and the trap, or basket, was not placed so as to obstruct the stream. Only the people living alongside the stream could use the baskets, or traps. Any person doing so could use the fish caught only for family consumption, or to give to the poor, and they could not be lawfully sold. No game fish were to be caught and all closed seasons set up by the Game and Fish Department were to be observed. Fines for violators ranged from \$10.00 to \$25.00.
12. Private Acts of 1951, Chapter 208, established the position of livestock inspector in Jefferson County.
13. Private Acts of 1955, Chapter 337, set up a season when red foxes could be killed in Jefferson County.

## Chapter III - Bond Issues

### Bond Issues - Historical Notes

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

#### **Bridges**

1. Private Acts of 1913, Chapter 88, was the authority for the Jefferson County Quarterly Court, a majority of the Justices being present and voting therefor, to issue up to \$25,000 in bonds, at an interest rate not to exceed 5%, and which could mature no later than 20 years from the date of issue, to provide funds to construct a bridge across the French Broad River at Dandridge near the present ferry. All the details essential to a valid bond issue were contained in the act and a mandatory tax levy was required to be made as long as the bonds were due and unpaid.
2. Private Acts of 1917, Chapter 393, authorized the Quarterly Court of Jefferson County to issue no more than \$50,000 in bonds, at a maximum rate of interest of 5%, and to mature according to the schedule formed by the Court, to construct public bridges in the county as might be desirable and practical, all to be made of concrete wherever feasible. The Quarterly Court must appoint three commissioners to supervise and execute the program who could employ an engineer, execute and negotiate contracts, and solicit and award bids who were to be compensated as the Quarterly Court determined.

#### **Courthouse**

1. Private Acts of 1935, Chapter 487, allowed the Quarterly Court of Jefferson County to issue up to \$10,000 in bonds at an interest rate not to exceed 5%, and to mature no later than 20 years from the date of issue to improve the present courthouse and jail. All the essential details were present and the general tax levy to amortize the bonds according to schedule was required.

#### **Debts**

1. Private Acts of 1921, Chapter 532, gave to the Jefferson County Quarterly Court the power to use the proceeds of the \$185,000 bond issue authorized previously under Public Acts of 1919, Chapter 175, to retire outstanding bonds of the county, provided a majority of the Quarterly Court agreed to do so. (This Public Act is now codified as Section 54-801, and following, Tennessee Code Annotated.)
2. Private Acts of 1923, Chapter 564, amended Private Acts of 1921, Chapter 532, above, by broadening the purposes for which the above funds could be spent to "other outstanding interest bearing indebtedness" as well as bonds.
3. Private Acts of 1927, Chapter 482, was the enabling legislation for the Quarterly Court of Jefferson County, a majority being present and voting to so do to issue up to \$118,000 in bonds at a maximum rate of interest of 5%, which would mature no later than 15 years from the date of issue, to provide the funds with which to pay off the debts heretofore incurred by the road

department, the school system, and to further share up and strengthen the sinking fund account.

4. Private Acts of 1929 (Ex. Sess.), Chapter 26, declared that under existing law taxes do not become delinquent until the year following their due date and counties were often without funds with which to pay current expenses. This Act was the authority for Jefferson County's Quarterly Court to negotiate loans and borrow money, the aggregate of which could not exceed \$100,000 which could be used to pay the current debts of the county in anticipation of the collection of taxes but the aggregate could never exceed 90% of the uncollected taxes. The interest rate could not exceed 6% nor the due date of the notes be later than six months from their execution. (This Act is superseded by Section 5-1035, T.C.A.)
5. Private Acts of 1931, Chapter 169, allowed the quarterly court to issue not over \$66,000 in bonds, at an interest rate of 5%, or less, and to mature no later than 20 years from issue to provide the funds with which to pay off and liquidate the floating indebtedness of the County School Board. The Trustee must keep the proper records, the details were incorporated and the general tax levy for the sinking fund was mandated.
6. Private Acts of 1931, Chapter 170, enabled the Quarterly Court to issue up to \$25,000, in 5%, 20 year bonds, which money would be used to refund a like amount of bonds issued pursuant to Private Acts of 1913, Chapter 88, to build bridges in the county. The Quarterly Court was allowed to set up a maturity schedule for the bonds. The Trustee was obligated to keep the records of all transactions.
7. Private Acts of 1933, Chapter 132, ratified, confirmed, and validated all the prior proceedings of the Jefferson County Quarterly Court taken in regard to the issue and sale of \$32,500 in refunding bonds set to mature in the amounts and at the times stipulated in the act, and bearing interest rates according to the times at which they would be paid but none could exceed a 5% rate. Some details were present in this confirming act which were not in the Court's Resolution and a tax levy was required to amortize the bonds in accordance with the schedule of maturity dates.
8. Private Acts of 1935 (Ex. Sess.), Chapter 145, permitted the Jefferson County Quarterly Court to issue at an interest rate not to exceed the current rate at the time, the proceeds of which would be used to pay off and retire other bonds then due and unpaid in both the road department and the school system.
9. Private Acts of 1937, Chapter 547, allowed Jefferson County, acting through the Quarterly Court, to issue and sell no more than \$60,000 in 6%, 20 year, bonds, to retire and pay the outstanding debts of the county, as evidenced by warrants and notes, or other documents of debt, all the disbursements to be by and with the consent and approval of the County Judge, or Chairman. All essential details were incorporated and the tax levy required.
10. Private Acts of 1937, Chapter 548, was the legal authority for the Jefferson County Quarterly Court to issue up to \$1,101,000 in bonds, at an interest rate of no more than 6%, which would mature no longer than 25 years from the date of issue, to retire or refund in whole or in part any of the County's outstanding funded debts, all of which were officially declared to be the legitimate debts of the county. None of the above could be issued, however, unless and until a like amount of bonds were cancelled. The bonds could be issued in the whole amount, or in blocks of a size to be determined by the Quarterly Court.
11. Private Acts of 1939, Chapter 122, provided that all the prior proceedings of the Jefferson County Quarterly Court connected with the issue and sale of \$72,000 in bonds, at an interest rate of 3 1/2%, payable semi-annually through the year 1952, were validated, confirmed, approved, and legalized in all respects. These bonds would be general obligation bonds for which the Court was required to levy a general tax to amortize. These were to be refunding bonds for older ones which were to be paid and cancelled.
12. Private Acts of 1939, Chapter 128, ratified, confirmed, validated and legalized in all respects a Resolution of the Jefferson County Quarterly Court, adopted on April 18, 1938, which authorized the issuance of \$353,500 in refunding bonds, and all other proceedings of the Court and county officials in relation thereto were likewise confirmed and validated, and declared to be legally binding on the County. No interest rate nor maturity schedule were mentioned in this act but they were undoubtedly a part of the Resolution adopted, fixing the details of the bond issue.
13. Private Acts of 1941, Chapter 391, also ratified and confirmed a Resolution adopted by the Jefferson County Quarterly Court at its adjourned session on January 13, 1941, which was the authority to issue up to \$200,000 in Refunding Bonds, and all the details incorporated therein were validated and legalized as the binding obligations of the County. A general tax was to be levied for the sinking fund in order to amortize the bonds.

14. Private Acts of 1943, Chapter 104, also ratified, confirmed, and validated all the prior proceedings of the Jefferson County Quarterly Court held in connection with the issue of \$110,000 in refunding bonds, at 2 1/2% interest, said bonds being recognized and declared to be the general obligations of the County. All proceeds were to be paid to the Trustee who would pay the principal and interest of those bonds to be retired.

### **Jail**

1. Private Acts of 1929, Chapter 554, was the legal authority for the Jefferson County Quarterly Court, without having to hold a referendum, to issue and sell up to \$40,000 in bonds at 5% interest, or less, and to mature no later than 20 years from the date of issue, to construct a county jail for the county. Details could be fixed by Resolution of the Quarterly Court in accordance with this Act. A building committee would be selected by the Quarterly Court to supervise the program, making interim reports on the status of the same.
2. Private Acts of 1935, Chapter 83, validated and approved all the proceedings of the Quarterly Court of Jefferson County taken in relation to the issue and sale of \$4,000 in bonds, at a 6% interest rate, payable semi-annually on January 1 and July 1 at the office of the Trustee in Dandridge, running through 1943. All of the bonds were made the general obligations of the county for which a tax must be levied until they were paid. All acts in conflict with this one were repealed. The funds were to be used to repair the county jail.

### **Roads**

1. Private Acts of 1891, Chapter 145, authorized the Quarterly Court of Jefferson County to issue bonds at such times and places as might be deemed proper at an interest rate not to exceed 4% and the aggregate amount of which had to be \$100,000, or less, which money would be used exclusively to construct public highways and bridges across the streams of the County. None could be issued without being approved in a referendum vote of the people. All the details of a valid bond issue were included and a tax levy was ordered for the sinking fund.
2. Private Acts of 1901, Chapter 244, was enabling legislation for the Quarterly Court to submit to the voters of Jefferson County at a time to be set by the Court the question of issuing and selling bonds up to \$300,000, to lay out, grade, build, and macadamize public roads in the county. Upon approval by two-thirds of the voters, the bonds would be issued according to the details publicized and accepted. They would mature in specified blocks at five year intervals beginning after ten years from the date of issue. The interest rate to be paid would be decided by the Quarterly Court. Three county citizens would be selected by the Court as Pike Commissioners who would supervise the program. All the essential details were incorporated.
3. Private Acts of 1903, Chapter 7, amended Chapter 244, Private Acts of 1901, above, by changing the requirement that the proposed bond issue be approved by a two-thirds vote of the people to approval by a simple majority of the voters.
4. Private Acts of 1905, Chapter 225, was the enabling act for the Jefferson County Quarterly Court to issue up to \$20,000 in 5%, 20 year bonds, in order to macadamize a road leading from Dandridge to Jefferson City, which bonds would be issued according to the directional details in the act. The Court was obligated to levy a tax for the sinking fund and the county court clerk to keep adequate records of all the transactions. The project would be overseen by the county chairman and two citizens to be appointed, one from Dandridge, and one from Jefferson City.
5. Private Acts of 1909, Chapter 184, allowed the Quarterly Court to issue bonds not to exceed \$100,000, at an interest rate of 5%, or less, and to mature no later than 30 years from issue, to build, grade, and macadamize county roads, the six roads mentioned in the act to have priority over others. The act named W. R. Manard, S. Harris, and A. C. Parrott, as commissioners, to supervise the program, to employ an engineer, and to otherwise exercise all the powers granted in the act. The Quarterly Court would set the compensation to be paid to the commissioners.
6. Private Acts of 1909, Chapter 233, permitted the issue of bonds in Jefferson County not to exceed \$75,000, at 5% interest, or less, and to mature within 30 years from the date of issue, with all the essential details contained therein, to build, grade, or macadamize the list of sections on 17 roads in the county. The same commissioners named in the above act were renominated in this one. Their powers were the same except the power to condemn land was added in this act. The commission was to solicit bids and award contracts.
7. Private Acts of 1913, Chapter 94, enabled the Jefferson County Quarterly Court, a majority being present and voting for it, to issue and sell up to \$125,000 in bonds, at 5% interest, or less, to mature no longer than 30 years from the issue date, to macadamize the public roads of the county which were graded. Any money in hand from former bond issues could be used in this

program, also. A general road tax of 30 cents per \$100 property valuation was to be levied by the court and collected by the Trustee. Arthur Holtsinger, S. H. Rankin, and A. C. Parrott, were designated as commissioners to oversee the program, employ an engineer and other people who might be needed, and be compensated by the quarterly court.

8. Private Acts of 1915, Chapter 689, was the authority for a bond issue in Jefferson County up to \$15,000, at an interest rate not to exceed 6%, and to mature as the Quarterly Court directed, to grade and macadamize a road beginning at the pike near Professor J. I. McDaniel's and running substantially with the River Road by way of the Henderson Farm to Harrison's Ferry, the route to be laid off by the Pike Commissioners. All the details were present and the tax levy required.
9. Private Acts of 1917, Chapter 286, allowed the Jefferson County Quarterly Court, a majority being present and approving the same, to issue and sell no more than \$200,000 in 5%, 30 year bonds, to macadamize the graded roads, and the new roads being built in the county, and to improve and repair roads already built. The bonds would be sold by the Pike Commissioners, Arthur Holtsinger, S. H. Rankin, and J. B. Hill who were to be in charge of the project, who could acquire rights of way by condemnation, and be paid as the Court directed. Some 30 projects were listed involving several different county roads. Anything left over after completion could be devoted to other road projects.
10. Private Acts of 1921, Chapter 217, was the enabling act for the Quarterly Court, a majority being present and approving, to issue the interest bearing warrants of the county up to \$10,000 to grade all or any part of a road beginning at the pike near the residence of what was formerly known as the Sam Ferguson farm thence by the steel bridge over Muddy Creek, thence by Ailey's Chapel, and then over the most practical route to intersect the River Pike near the James Gaddis' farm which route would be laid out by the Pike Commissioners. These funds could be used for no other purpose and the warrants would be issued as were other warrants. The interest rate would be determined by the Quarterly Court.
11. Private Acts of 1921, Chapter 384, allowed the Quarterly Court of Jefferson County to issue its interest bearing warrants in amounts not to exceed \$5,000 with which to grade a road beginning at the end of the pike at the Thula Fox farm by way of the James McMahan farm to the Sevier County line. These warrants were to be issued as other warrants at an interest rate to be decided by the Court. A tax could be levied, if necessary, to repay them.
12. Private Acts of 1921, Chapter 395, permitted the Quarterly Court of the county to negotiate its interest bearing warrants up to \$10,000 to grade and macadamize a road starting at the Pike near Hill's Store, running substantially with the old dirt road known as Indian Creek Road to intersect the Dandridge-Chestnut Hill Pike at or near the V.M. Gaddis' farm, the exact route of the said road to be decided by the Pike Commissioners. Warrants would be issued in the normal way at interest rates decided by the Court. A tax was authorized to be levied if needed to pay the warrants.
13. Private Acts of 1921, Chapter 511, enabled the Quarterly Court to issue up to \$10,000 in 5% bonds, or less, to mature no later than 25 years from issue, to grade, macadamize, and build a road from the Dandridge and Newport road which crosses the river at Hays Ferry near the Ferry at the most convenient point, running through Beaver Dam to the Newport and Dandridge Road which passes over the French Broad River at Elliott's Ferry. The Court would appoint a three member Road Commission to supervise this work.
14. Private Acts of 1921, Chapter 529, was the legal authority for the Jefferson County Quarterly Court to issue interest bearing warrants in an amount up to \$15,000, at an interest rate determined by the court, to grade and macadamize two roads, one beginning at Reynold's Ferry and running via a point near William Arnold's and the Pleasant Grove Church to the New Market and Nance's Ferry Pike, and the other running by way of Fielder's Store to Millspring, both of which would be laid out by three citizens from the 7th Civil District to be named by the Court.
15. Private Acts of 1923, Chapter 567, permitted the Quarterly Court to issue its interest bearing warrants up to \$15,000 to grade and macadamize the road which was the dividing line between the Seventh Civil District and the Fourth Civil District which began at the underpass of the Southern Railroad in New Market and to finish the grading and paving to Millspring and from Millspring to Will Arnold's, a point in the Reynold's Ferry Road. The warrants would be issued in the normal manner at an interest rate determined by the court.
16. Private Acts of 1931, Chapter 205, enabled the Quarterly Court to issue and sell up to \$95,600 in bonds, at an interest rate of 5%, or less, to mature no later than 20 years from the date of issue, to provide funds with which to grade and macadamize 36 sections of roads as the same were enumerated in the Act. The County Trustee would be responsible for keeping the records.
17. Private Acts of 1947, Chapter 214, was the authority for a bond issue not to exceed \$60,000 in

highway bonds to purchase rights of way and other incidentals in connection with the construction of a section of State Highway #34 running through Jefferson County in cooperation with the State and Federal Governments. These were to be tax exempt general obligation bonds, issued at an interest rate no greater than 3%, over a maturity schedule no longer than 40 years from the issue date. The Budget Committee of the Quarterly Court would see to the sale of the bonds. All essential details were incorporated.

18. Private Acts of 1947, Chapter 215, ratified, confirmed, validated, and legalized all the previous actions of the Quarterly Court taken in relation to the issue and sale of \$30,000 in bonds to acquire rights of way for the construction of a section of State Highway #34 in Jefferson County. Interest was at 1 3/4%, and the maturity schedule ran through 1956. These were tax exempt, general obligation bonds for which a tax levy must be made every year until paid.

### **Schools**

1. Private Acts of 1919, Chapter 299, authorized Jefferson County to issue up to \$30,000 in bonds, at an interest rate of 6%, or less, maturing as the Quarterly Court directed, to enlarge the existing high school, or to build a new one. The issue was subject to approval in a referendum to be held under the general election laws and the requirements of this Act. A tax levy must be made to liquidate the bonds according to schedule if they were issued.
2. Private Acts of 1921, Chapter 385, was the enabling legislation for the Jefferson County Quarterly Court to issue no more than \$200,000 in bonds, at 6% interest, or less, maturing no later than 25 years from the date of issue, to be used for the erection of Elementary and High Schools. The Act appointed A. R. Swann, R. C. Bell, Arthur Holtsinger, J. B. Hill, A. C. Parrott, A. J. Huggins, and Dr. D.J. McCarter, as a Building Committee to superintend the overall program along with the Board of Education. High Schools were to be located at Dandridge, White Pine, Jefferson City, and, New Market.
3. Private Acts of 1925, Chapter 128, amended Chapter 533, Private Acts of 1921, to allow the County Court of Jefferson County to use any funds not spent in the bond issue authorized by that act for High School purposes. These funds, if any, would be transferred by the Trustee to the credit of the High School Building Account.
4. Private Acts of 1925, Chapter 501, authorized the Quarterly Court to issue no more than \$165,000 in bonds, at 5%, or less, interest, and to mature over a period not to exceed 25 years, in order to return the principal and interest on school bonds which had been expended on roads. The bonds were to be called the "Jefferson County High School Bonds", and involved schools to be located in the four cities named in the Act above. All essential details were recorded and the tax levy ordered.
5. Private Acts of 1925, Chapter 792, allowed the city of Dandridge to issue \$15,000 in bonds to aid the Jefferson County Board of Education in erecting school buildings in Dandridge. The bonds were not to exceed 6% in interest rates, nor mature longer than 20 years from the issue date. All this was subject to approval by the people in a referendum election in Dandridge.
6. Private Acts of 1935, Chapter 82, validated the actions of the Jefferson County Quarterly Court taken in connection with the issue and sale of \$6,000 in School Bonds, dated October 15, 1934, at 6% interest and maturing semi-annually on January 1 and July 1 of each year through 1946, all being declared as the legal and binding obligations of the County. A general tax for the sinking fund must be levied until all the bonds were paid.
7. Private Acts of 1935, Chapter 486, permitted the issuance by the Jefferson County Quarterly Court of up to \$30,000 in bonds, at 5% interest, or less, maturing over a period not to exceed 25 years, to improve schools at Strawberry Plains, New Market, Jefferson City, and White Pine, at Dandridge, Talbott, Chestnut Hill, and such other schools as the court might direct. The Finance Committee would sell the bonds, the Trustee would keep the records, and the Board of Education would supervise the work.
8. Private Acts of 1941, Chapter 544, authorized the County Court to issue no more than \$100,000 in bonds with which to set up vocational and educational schools in cooperation with the National Defense Training Program to train men and women for work therein. \$10,000 would be used for the building and quarters and \$100,000 for the machinery and the equipment. No referendum would be necessary prior to the issue of these bonds.
9. Private Acts of 1947, Chapter 331, was the enabling legislation for the Quarterly court to issue and sell up to \$300,000 in bonds, at an interest rate not to exceed 3%, over a maturity schedule no longer than 40 years from the date of issue, to repair, improve, or build elementary and high schools in Jefferson County, and to furnish and equip the same. The bonds were to be general

obligation bonds with the mandatory tax levy for the sinking fund and the proceeds could be mingled with those from the State and Federal Governments. All the essential details could be embodied in a Resolution to be adopted by the Court, and the County could join with a city to effectuate the program

## Chapter IV - Boundaries

### Creation of the County

#### Territorial Ordinance of June 11th, 1792

Be it ordained that from and after the fifteenth day of the present month of June, the counties of Greene and Hawkins shall be circumscribed by a line beginning on Nolachucky river at the place where the ridge which divides the waters of Bent and Lick creek strikes it, thence with that ridge to Bull's Gap of Bay's mountain, thence a direct line to the place where the road that leads from Dodson's ford to Perkin's iron works crosses the watery fork of Bent creek, thence down that road to the head of Panther creek, down the meanders of that creek to the river Holston, thence a northwest course to the river Clinch. Again, from Nolachucky river where the ridge that dividesthe waters of Bent and Lick creek strikes it a direct course to Peter Fine's ferry on French Broad, then south to the ridge that divides the waters of French Broad and Big Pigeon and with that ridge to the eastern boundary of the territory.

And be it ordained that two new counties be laid out and established below the aforesaid line, that is to the southward and westward of it, to be distinguished from and after the said fifteenth day of June instant by the names of Jefferson county and Knox county. The county of Jefferson to be butted and bounded by the above described line from the eastern boundary of the territory to the river Holston, and down the river Holston to the mouth of Breswell's mill creek, thence a direct line to the mouth of Dumplin creek on French-Broad, thence up the meanders of French-Broad to the mouth of Boyd's creek, thence south twenty five degrees east to the ridge which divides the waters of Little Pigeon and Boyd's creek and with the said ridge to the indian boundary or the eastern boundary of the territory as the case may be, and by the eastern boundary: And Knox county to be butted and bounded by the line of Jefferson county to the mouth of Creswell's mill creek to the indian boundary or eastern boundary of the territory as the case may be: Again from the mouth of the said creek up the meanders of the river Holston to the mouth of Panther creek, thence northwest to the river Clinch, thence by the river Clinch to the place where the line that shall cross Holston at the ridge that divides the waters of Tennessee and Little rivers according to the treaty of Holston shall strike it, and by that line.

And be it ordained that Charles McClung and James Mabrey be appointed Commissioners to run and mark the northwest line from the mouth of Panther creek to the river Clinch, and the line from the mouth of Creswell's mill creek to the mouth of Dumplin: And Alexander Outlaw and Joseph Hamilton that from Bull's Gap to the watery fork of Bent creek and from Nolachucky river to Fine's ferry on French-Broad, and the south line to the dividing ridge between French-Broad and Big-Pigeon.

And be it ordained that Courts of Pleas and Quarter Sessions shall be held in and for the said counties for the due administration of Justice for the county of Knox on the third Monday of January, April, July and October--for the county of Jefferson on the fourth Mondays of the same months and may be continued by adjournments from day to day not exceeding six days.

And be it ordained that the court of Pleas and Quarter Sessions shall be held for the county of Knox at Knoxville, and for the county of Jefferson at the house of Jeremiah Matthews.

Done at Knoxville the 11th day of June in the year of our Lord 1792

### County Seat

#### Acts of 1799 Chapter 38

AN ACT TO ESTABLISH A TOWN BY THE NAME OF DANDRIDGE, IN JEFFERSON COUNTY.

WHEREAS FRANCIS DEAN OF THE COUNTY OF JEFFERSON, IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND NINETY TWO, CONVEYED FIFTY ACRES OF LAND TO ALEXANDER OUTLAW, HUGH KELSEA, JARED FITZGERALD, ANDREW HENDERSON, AND GEORGE DOHERTY, AS COMMISSIONERS FOR ERECTING A COURT HOUSE, PRISON AND STOCKS IN AND FOR SAID COUNTY, TO BE LAID OUT INTO A TOWN FOR THE BENEFIT OF THE COUNTY: AND WHEREAS THE SAID ALEXANDER OUTLAW, HUGH KELSEA, JARED FITZGERALD, ANDREW HENDERSON AND GEORGE DOHERTY HAVE CAUSED THE SAID FIFTY ACRES OF LAND TO BE LAID OUT INTO A TOWN BY THE NAME OF DANDRIDGE, AND DISPOSED OF



SUNDRY OF THE LOTS ACCORDING TO THE INTENTION OF THE DONOR:

**SECTION 1.** BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, That the said fifty acres of land shall continue to be a town agreeably to the plan of the said Alexander Outlaw, Hugh Kelsea, Jared Fitzgerald, Andrew Henderson and George Doherty, by the name of Dandridge, and that the deed of conveyance from the said Francis Dean, to the said Alexander Outlaw, Hugh Kelsea, Jared Fitzgerald, Andrew Henderson and George Doherty, for the said fifty acres of land, although made without value received, shall be good and valid in law to them and their successors, for the purpose for which the said Francis Dean conveyed the same.

AND WHEREAS JARED FITZGERALD, ONE OF THE ABOVE COMMISSIONERS, HATH REMOVED FROM THE COUNTY OF JEFFERSON: AND WHEREAS IT IS REQUISITE THAT HIS PLACE SHOULD BE SUPPLIED, AND AN ADDITIONAL NUMBER OF COMMISSIONERS BE APPOINTED:

**SECTION 2.** BE IT THEREFORE ENACTED, That in addition to the said Alexander Outlaw, Hugh Kelsea, Andrew Henderson and George Doherty, who are hereby declared to be continued commissioners, James Doherty shall be a commissioner in the place and stead of Jared Fitzgerald, and Edward George be appointed in addition, with full power and authority, as commissioner, vested with the said fifty acres of land laid off as aforesaid, in a town, to regulate the said town, and dispose of such lots as have not already been sold, and apply the money arising from the sale, for the purposes for which the said fifty acres were originally given and conveyed by the said Francis Dean.

**SECTION 3.** BE IT ENACTED, That the said Alexander Outlaw, Hugh Kelsea, Andrew Henderson, George Doherty, James Doherty and Edward George, commissioners as aforesaid, shall also be commissioners for completing and keeping in repair the courthouse, prison and stocks of the said county of Jefferson, and be held accountable to the court of the said county, in the manner as other commissioners for erecting public buildings are held accountable for all monies by them received and expended.

Passed: October 26, 1799.

## Change County Lines

### Acts of 1794 Chapter 11

WHEREAS THE INHABITANTS OF JEFFERSON COUNTY, WHO LIVE ON THE SOUTH SIDE OF FRENCH BROAD RIVER, LABOUR UNDER DIFFICULTIES IN ATTENDING AT COURTS AND MUSTERS, IN HAVING THE RIVER TO CROSS, AND OTHER INCONVENIENCES ATTENDING THE PRESENT EXTENSIVE BOUNDARIES OF SAID COUNTY:

**SECTION 1.** BE IT ENACTED BY THE GOVERNOR, LEGISLATIVE COUNCIL, AND HOUSE OF REPRESENTATIVES OF THE TERRITORY OF THE UNITED STATES OF AMERICA SOUTH OF THE RIVER OHIO, That the county of Jefferson be divided by a line as follows, to wit. Beginning on the Eastern boundary of this territory; from thence a direct line to the ridge that divides the waters of Little Pigeon from the waters of Big Pigeon river; thence along the same to the head of Muddy Creek; thence a direct line to the lower end of an island in French Broad river, formerly known by the name of Hubbert's island; thence a direct line to the mouth of Cresswell's mill creek; thence with the Knox county line to the top of Bay's mountain; thence along the said mountain to where French Broad river runs through the same; thence along the said mountain, and with the extreme height thereof, to the place where the dividing ridge that divides the waters of French Broad from those of Little river intersects the same; thence with said ridge to the Pigeon mountain; thence along said mountain to the Indian boundary, and with the same to the Eastern boundary of the Territory; thence to the beginning. And all that part contained in the said boundaries, shall thenceforth be erected into a new and distinct county, by the name of SEVIER.

**SECTION 2.** AND BE IT ENACTED, That Joseph Wilson, Robert Polk, Samuel Magahee, Samuel Newell, and Thomas Buckenham are hereby appointed commissioners; and authorized to lay off, and appoint a place the most central and convenient in said county, for the purposes of erecting a court house, prison, and stocks.

**SECTION 3.** And for the due administration of justice in said county, BE IT ENACTED, That the court for the said county of Sevier shall be held constantly by the justices of said county on the last Mondays in January, April, July, and October in every year; and the justices for said county of Sevier are hereby authorized and empowered to hold the first court for the same at the house of Isaac Thomas, and all subsequent courts for said county, on the days above mentioned for holding courts therein, at any place to which the said justices shall from court to court adjourn themselves, until a court house be built for the said county of Sevier; and then all causes, matters, and things depending in the said court, and all manner of process returnable to the same, shall be adjourned to such court house; and all courts held in



and for said county of Sevier, shall be held by commission to the said justices in the same manner, and under the same rules and restrictions, and shall have and exercise the same powers and jurisdiction as are or shall be prescribed for other courts held for theseveral counties in this Territory.

Passed: September 27, 1794

## Acts of 1795 Chapter 14

BE IT ENACTED BY THE GOVERNOR, LEGISLATIVE COUNCIL AND HOUSE OF REPRESENTATIVES OF THE TERRITORY OF THE UNITED STATES OF AMERICA SOUTH OF THE RIVER OHIO, That from and after passing of this act, the line that divides the aforesaid counties of Jefferson and Sevier, on the south side of French Broad River, shall begin on said river at the lower end of Hubbard's island, thence a direct line to where the dividing ridge that divides the waters of Flat creek from the waters of Peerey's creek intersects said river, thence with said ridge to the ridge that divides the waters of Flat creek from the waters of Muddy creek, thence with that ridge to the ridge that divides the waters of Little Pigeon from the waters of French Broad and Big Pigeon, to the eastern boundary of this Territory.

Passed: July 11, 1795.

## Private Acts of 1797 Chapter 8

**COMPILER'S NOTE:** The other sections in this Act deal with the creation of Cooke County. Therefore, the sections have been omitted.

WHEREAS THE CITIZENS OF JEFFERSON COUNTY, LIVING ON THE WATERS OF FRENCH BROAD AND BIG PIGEON, ABOVE THE MOUTH OF CHUCKY RIVER, ARE SO SITUATED BY RIVERS AND MOUNTAINS, THAT THEY CANNOT WITH CONVENIENCE ATTEND COURTS, GENERAL MUSTERS OR ELECTIONS IN SAID COUNTY: AND IT BEING MADE APPEAR TO THIS GENERAL ASSEMBLY, THAT THE BONDS REQUIRED BY THE CONSTITUTION MAY BE HAD IN EACH COUNTY:

**SECTION 1.** That from and after the passing of this act, the said county shall be divided by a line to begin on the North Carolina boundary line with this state, on the south side of French Broad river, one mile from said river, thence down said river, one mile distance from the same to where it intersects the Greene county line, thence with said line to Nolachucky river, a small distance below Captain William White's house, thence down the said river to French Broad, leaving all the islands

to Jefferson County, thence down the river French Broad, in the same manner, to the bent of said river opposite Colonel Parmenas Taylor's, and from thence a direct line to the top of English's mountain, within one mile of Sevier county line, thence parallel with that line to the uppermost house on Cozby's creek, and from thence an easterly line, to a point on the North Carolina boundary line, as to leave six hundred and twenty-five square miles in Jefferson County, and from thence with said boundary line to the beginning, which bounds, so described, shall, from and after the passing of this act, be a separate and distinct county, known by the name of COCKE.

**SECTION 7.** That the sheriff of Jefferson County is hereby authorized to collect all monies due on judgments or executions, entered up in the county of Jefferson, prior to the passing of this act, and that all proceedings now pending in the county of Jefferson shall be proceeded on, and determined in same manner as if this law had not been passed.

Passed: October 9, 1797.

## Private Acts of 1817 Chapter 23

**SECTION 1.** That the line between the counties of Jefferson & Cocke, be and the same is hereby altered, so as to include an island in French Broad river, lately know, by the name of Kenney's Island now Carter's Island in the county of Cocke, then with the present line of said counties to the line of David Beck's land, on the south side of said river, then south to the lines of said counties, adding the land of David Beck to the county of Jefferson, *Provided*, nothing herein contained shall be so construed as to prevent the Sheriffs of said counties from collecting the tax now due in the said counties, and accounting for the same in the same manner as if this law had not been passed.

Passed: October 11th, 1817.

## Acts of 1854 Chapter 130

**COMPILER'S NOTE:** Sections 2-4 are the only ones that deal with Jefferson County. Therefore, the remaining sections have been omitted.

**SECTION 2.** That this Act shall take effect from and after its passage.

**SECTION 3.** That the dividing line between the counties of Jefferson and Hawkins be changed as follows: Beginning at or near George Lynch's on the line between said counties of Jefferson and Hawkins running with said line to the Walnut gap; from thence a direct line to the north-east boundary line of Pleasant Kirkpatrick's plantation, and with said line till it strikes the road leading from Russellville to Bull's Gap; and with said road till it strikes the county line of Greene and Hawkins, below Bull's Gap.

**SECTION 4.** That the persons and property included in the fraction of Jefferson, lying north-east of said line, as described in the first section of this act, shall be entitled to all the rights and privileges of the citizens of Hawkins, and subject to all the duties thereof; and the act passed February 7, 16, 1852, entitled "an act to change the line between the counties of Jefferson and Hawkins, be, and the same is hereby repealed.

Passed: January 31, 1854.

## Acts of 1870 (Ex. Sess.) Chapter 6

**COMPILER'S NOTE:** Those Sections of this Act which did not involve Jefferson County were not printed herein then the county of Hamblen shall be, and the same is hereby declared to be a county, with all the powers, rights and privileges, and subject to all the liabilities and duties with other counties in this State.

**SECTION 1.** That in conformity to the fourth section of the tenth Article of the Constitution of the State of Tennessee, a new county be, and the same is hereby established, to be composed of fractions to be taken from the counties of Jefferson and Grainger, to be known and designated as Hamblen County.

**SECTION 2.** That the boundaries of the county of Hamblen shall be as follows, viz: Beginning at four cedars on the northern bank of Nolachucky River, at the point where the boundary line between Jefferson and Greene counties to Rader's Spring, at or near Bull's Gap; thence with the line between Hawkins and Jefferson counties to Mount Sterling, at or near the house of Wm. Pangle; thence with the line between Hawkins and Jefferson counties to Cheek's cross roads; thence with the line between Hawkins and Grainger counties to the center of Holston River; thence down the Holston River with the meanders thereof to the mouth of Hull's branch; thence from the mouth of Hull's branch south 25 degrees east one mile and 120 poles to a stake; thence east 5 miles and 16 poles to a stake; thence south 77 degrees east 1 mile to a stake; thence south 71 degrees east 1 mile to a stake; thence 65 degrees east 1 mile to a stake; thence 59 degrees east 1 mile to a stake; thence south 53 degrees east 1 mile to a stake; thence south 47 degrees east 1 mile to a stake; thence south 23 degrees east one half of 1 mile to a stake on the northern bank of French Broad River; thence south 60 degrees east, up the French Broad River to the mouth of Nolachucky River; thence up the Nolachucky River with the meanders thereof, and with the line between Jefferson and Cocke Counties to the beginning.

**SECTION 5.** That it shall be the duty of said Commissioners to designate five public places in the fraction taken from Jefferson County, and three public places in the fraction taken from Grainger County, and shall give public notice by printed or written advertisement, for at least thirty days, posted up at five or more public places in each of said fractions; that on a day to be designated by them, and at the places designated, an election will be opened and held at which all persons entitled to vote for members of the General Assembly, who have resided in the fraction proposed to be stricken off for six months immediately preceding said election, shall be entitled to vote, and each voter who desires to vote for the establishment of the new county shall have on his ticket the

words "New County," and those desiring to vote against the new county shall have on their tickets the words "Old County," and if upon counting all the ballots cast in said election, it shall appear that two-thirds of all the qualified voters in each of said fractions have voted for the new county,

**SECTION 6.** That said Commissioners shall appoint Judges and Clerks to hold said election, and also some suitable person as an officer at each place designated in each of said fraction, who shall have all the powers and perform all the duties imposed by law upon other officers and inspectors holding elections under the laws of this State; and who shall, after polls are closed and the vote counted, make out and certify the result and return the same, with a copy of the pollbooks, to the Chairman of said Board, who shall, when the return are all received, proceed, in the presence of said Board, to compare the votes and certify the result and return the same, with a copy of the pollbooks, to the Chairman of said Board, who shall, when the returns are all received, proceed, in the presence of said Board, to compare the votes and certify the result and return the same, with a

copy of the pollbooks, to the Chairman of said Board, who shall, when the returns are all received, proceed, in the presence of said Board, to compare the votes and certify the result; and the election herein provided shall be held on the same day in each of said fractions; and if, from any cause the election as hereby provided, shall not be held in either of said fractions on the day appointed, said

Board shall provide for another election, as herein provided in such fraction; and if said Commissioners shall believe upon investigation, which they are hereby fully authorized to institute into the manner of holding said election, that any improper or fraudulent practices have been permitted, they shall have the power to declare the election so hold in either fraction to be void, and shall proceed to hold another election in said fraction, first giving thirty days' notice, as herein provided.

**SECTION 14.** That all causes now pending, or which may be pending at the time of the organization of said county, in any of the Court of either Jefferson or Grainger Counties, between citizens pending within the limits of the new county, shall be transferred to the county having jurisdiction thereof in said county of Hamblen; and all suits pending, or which may be pending against any defendant residing within the limits of the new county, shall, if the plaintiff consent thereto, also be transferred to said county; and all prosecutions pending, or which may be pending in the Court of either of the counties of Grainger or Jefferson, for violations of the criminal law, where the crime is charged to have been committed within the limits of the new county, as hereby established, shall also be transferred to the Court of Hamblen County having jurisdiction thereof.

**SECTION 16.** That the people of each of the fractions taken from Jefferson and Grainger Counties shall remain liable and be bound to pay their respective shares of the debts owing by either of the counties from which they are stricken off, and shall also be entitled to their respective shares of all public securities or stocks that may be the property of either of said counties, and all

taxes assessed for the year 1870 on the property, polls and privileges in each of said fractions remaining uncollected upon the organization of said county of Hamblen, and the election and qualification of a Tax Collector for said county, shall be collected and accounted for by the Tax Collector of said county of Hamblen in the same manner as the public taxes of other counties, and the taxes assessed for county purposes in each of said fractions which may be collected at the time or organization of said county shall be apportioned between the new and the old counties, the fractions of each being required to pay their proper proportion of all public expenses for the year, up to the time of organization as aforesaid, and the county Courts of the old counties respectively, and also the County Court of the new county shall each appoint three suitable persons on the part of each, to apportion the public debt that each county may owe, and also to apportion the public securities or stocks, that may be owned by either of the old counties, and also to apportion the revenue assessed for county purposes, which may have been collected by the old counties for the year 1870, and in making such apportionment, the aggregate value of all taxable property and polls in each shall be taken as the basis of said apportionment, and each of the fractions included in the new county, and shall remain liable and pay their proportion of the debts of the old county from which they may be stricken off, and the County Courts of each of said counties are fully authorized to make such orders and regulations as may be necessary to carry out the provisions of this section, so as to effect a fair and equitable apportionment of the debts owing, stock owned and revenue collected by each.

**SECTION 18.** That the public welfare required that this act shall take effect from and after its passage.

Passed: May 31, 1870.

## Acts of 1875 Chapter 140

**COMPILER'S NOTE:** Only Section 3 of this Act affected Jefferson County.

**SECTION 3.** That the county line between the counties of Hamblen and Jefferson be changed as follows, to wit: Beginning at a point in the center of the Dandridge and Greenville dirt road, eleven miles, by measurement, along the same from the Jefferson County Court House; then running south-eastwardly as nearly parallel with the present county line between said two (2) counties as practicable, so as not to approach nearer than eleven miles of the Jefferson County Court House, until it strikes the Cocke county line; then beginning again at said point first mentioned and running a direct line so as to never come within less than eleven miles of the said Jefferson County Court House, until it strikes the Cocke county line; then beginning again at said point first mentioned and running a direct line so as to never come within less than eleven miles of the said Jefferson County Court House, until said line strikes the C. C. G. & C. R. R.; then running a

north-westwardly course along the southwest side of said railroad, thirty feet from the center of same, until the line strikes the present line between the counties of Jefferson and Hamblen; also, provided, that if there by any expense incurred in changing said county line between Jefferson and Hamblen, the citizens living in that part of the county so attached to Hamblen county, shall be required to pay the same, and in default thereof the county of Hamblen shall pay the expenses of same.

Passed: March 24, 1875.

## Acts of 1935 Chapter 672

**SECTION 1.** That the County Line between the Counties of Sevier and Jefferson be so changed as to detach from the County of Jefferson and attach to the County of Sevier that portion of the farm of George Petty now situated in Jefferson County. The land to be detached from Jefferson County and attached to Sevier County is more particularly described in the two descriptions now recited as follows:

Beginning on a rock at the north side of the old Knoxville road, corner with Lowery Hickman and A. J. Hickman, thence crossing the road S. 9 1/4 E. 13 1/4 poles to a rock; thence with the N.E. Hickman, S. 87 3/4 W. 10 1/2 poles to a rock in the original line, thence with the same S. 3 degrees W. 34 1/4 poles to a pile of rock, thence with Petty's line, E. 51 poles to a white oak, corner of a tract owned by Mrs. M. A. Langston; thence with her line in 27 W. -32 poles 20 links to a rock; thence No. 16 1/2 W. 24 poles to a rock at said road, corner with A.J. Hickman, Jr.; thence with his line and the road S. 82 1/2 W. 19 1/4 poles to the beginning, containing 10 3/4 acres more or less.

Beginning on a stone in the north side of the Knoxville road and running S. 8 1/2 E. 13 poles to a stone, N. ---89 1/2 W. 10 poles to a stone in the Lowery Hickman line with same N. 5 E. 8 poles to the beginning, and estimated to contain 3/4 of One Acre, be and the same more or less.

Passed: April 18, 1935.

## Acts of 1817 Chapter 23

**SECTION 1.** That the line between the counties of Jefferson & Cocke, be and the same is hereby altered, so as to include an island in French Broad river, lately know, by the name of Kenney's Island now Carter's Island in the county of Cocke, then with the present line of said counties to the line of David Beck's land, on the south side of said river, then south to the lines of said counties, adding the land of David Beck to the county of Jefferson, *Provided*, nothing herein contained shall be so construed as to prevent the Sheriffs of said counties from collecting the tax now due in the said counties, and accounting for the same in the same manner as if this law had not been passed.

Passed: October 11th, 1817.

## Acts of 1853-54 Chapter 130

**COMPILER'S NOTE:** Sections 2-4 are the only ones that deal with Jefferson County. Therefore, the remaining sections have been omitted.

**SECTION 2.** That this Act shall take effect from and after its passage.

**SECTION 3.** That the dividing line between the counties of Jefferson and Hawkins be changed as follows: Beginning at or near George Lynch's on the line between said counties of Jefferson and Hawkins running with said line to the Walnut gap; from thence a direct line to the north-east boundary line of Pleasant Kirkpatrick's plantation, and with said line till it strikes the road leading from Russellville to Bull's Gap; and with said road till it strikes the county line of Greene and Hawkins, below Bull's Gap.

**SECTION 4.** That the persons and property included in the fraction of Jefferson, lying north-east of said line, as described in the first section of this act, shall be entitled to all the rights and privileges of the citizens of Hawkins, and subject to all the duties thereof; and the act passed February 7, 16, 1852, entitled "an act to change the line between the counties of Jefferson and Hawkins, be, and the same is hereby repealed.

Passed: January 31, 1854.

## Boundaries - Historical Notes

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

1. Acts of 1796, Chapter 34, appointed Joseph Greer, Abraham McClery, and William Bailes, as commissioners to run the boundary line between Knox County, Jefferson County, and Sevier County agreeable to an act of the Legislature and the Representatives of the Ohio Territory which divided Jefferson County into two district counties (published herein). All the inhabitants of the area would perform their duties in Knox County until the line was ascertained.
2. Acts of 1803, Chapter 46, appointed David Stuart and William Taylor as commissioners to run and mark the line between Cocke County and Jefferson County agreeable to the Act of the General Assembly.
3. Acts of 1804, Chapter 19, authorized David Stuart to appoint one chain carrier in Jefferson County and another one in Cocke County to assist him in ascertaining, measuring, and marking the line between the two respective counties beginning on the south side of the French Broad River.
4. Acts of 1805, Chapter 14, provided that Peter Bryan and Joshua Gill, who were commissioners appointed by Sevier County's Quarterly Court to ascertain the line between Sevier County and Jefferson County, be allowed the sum of \$2.00 each for each and every day they have served as such which amount would be paid by Sevier County. Mordecai Lewis would also be allowed the sum of \$2.00 per day for each day he had spent surveying the line between Jefferson County and Sevier County. Chain carriers were to be paid \$1.00 for each day they worked at that task.
5. Acts of 1806, Chapter 1, set up surveyor districts and offices across the State so as to include Jefferson County among them.
6. Acts of 1811, Chapter 41, changed the line between Jefferson County and Cocke County beginning on the south side of the Nolachucky River, at the narrow neck in Outlaw's Big Bend of the said River, thence due west 90 poles to the river bank; thence with the present line between the two counties; and all that appeared north of the said line would be added to Jefferson County.
7. Acts of 1811, Chapter 110, stated that after the passage of this Act, the line of Cocke County would be changed so as to include the inhabitants on the waters of Cosby's Creek, which was supposed to be in Jefferson County. These people would hereafter be considered as citizens in Cocke County.
8. Acts of 1815, Chapter 13, stated that the new cut road so far as it extended through the plantation of Thomas Crossley on the road leading from Cheeks Cross Roads to Dodson's Ford on the Holston River would be hereafter considered as the line between Hawkins County and Jefferson County, leaving Crosby in Hawkins County.
9. Acts of 1817, Chapter 23, rearranged the boundary line between Jefferson county and Cocke County so as to include an island in the French Broad River, lately known by the name of Kenney's Island, thence running south to the lines of the said counties so as to include the lands of David Beck in Jefferson also.
10. Acts of 1817, Chapter 158, which was incorrectly cited as Chapter 148 in the earlier Volume, clarified the true dividing line between Grainger County and Jefferson County to be the main stage road from Panther Springs to a house occupied by Phelps Reed, John Moffett, and Joseph Shannon, successively.
11. Acts of 1820, Chapter 154, appointed Gabriel McCraw, of Hawkins County, Charles T. Porter, of Jefferson County, and Joseph Shannon, of Grainger County, as commissioners, who would run and mark the line between Hawkins County and Jefferson County from the marked corner on the watery fork of the Bent Creek where the road leading from Dodson's Ford on the Holston River to where Cheeks Cross Roads crosses the same, thence to Bull's Gap, all agreeable to the existing law. When completed, they would make out reports on the work and submit them to their respective courts.
12. Acts of 1825, Chapter 310, named Johothan Wood, of Cocke County, and William Taylor, of Jefferson County, as Commissioners to run and mark the line between the two counties beginning at the French Broad River where the said line leaves the River below the Dutch Bottom and continue with the same to the extreme height of English's Mountain and report the same to their respective courts. Each county must compensate their man with a reasonable amount for his services.
13. Acts of 1827, Chapter 176, changed the boundary lines between Jefferson County and Cocke County so that part of Jefferson County which was south of the Nolachucky River, or what was known as Robert Hill's Bend, be wholly contained within Cocke County.
14. Acts of 1845-46, Chapter 47, Section 4, changed the lines between Jefferson County and Grainger County so as to run with the stage road from the head of Panther Spring to John W. Hill, Sr.'s place so as to include the property of J.N. Shannon wholly within Jefferson County.

15. Acts of 1845-46, Chapter 174, moved the properties belonging to William Thompson, including his residence, out of Sevier County and into Jefferson County.
16. Acts of 1847-48, Chapter 51, transferred the property of James Barton from Jefferson to Grainger County by changing the boundary to run with the stage road from Joseph Shannon's to Isaac Barton's.
17. Acts of 1847-48, Chapter 197, rearranged the boundary between Jefferson County and Grainger County so that the line would leave Panther Creek, at or near Robert Potter's Senior, and strike it again at about forty rods west of the dwelling place of William Rice so as to include the dwelling and the lands owned by the said Rice wholly in Jefferson County.
18. Acts of 1849-50, Chapter 69, realigned the boundaries between Grainger County, Hawkins County, and Jefferson County, so as to include the storehouse of Obadiah Boaz, at Cheek's Cross Roads in Grainger County, and so that the line would run with the main stage road leading from Knoxville to Jonesboro to Cheek's Cross Roads, and from thence along the Bean Station Turnpike to the residence belonging to Boaz.
19. Acts of 1851-52, Chapter 189, Section 3, altered the dividing line between Jefferson County and Sevier County at Creswell's Creek so that all the lands of Thomas Stringfield would be wholly contained in Jefferson County. This Act was repealed by Acts of 1854, Chapter 130, but seemed to be reenacted again by Acts of 1856, Chapter 248.
20. Acts of 1851-52, Chapter 299, moved the area beginning on the side of the road leading from Russellville to Knoxville where the Arnott Road intersects the said road near Taylor's Blacksmith Shop at Cheek's Road; thence with the said Arnott's Road to Arnott's Gap at the Greene County line, out of Jefferson County and into Hawkins County. All the citizens and property in the area would have the same status as other residents of Hawkins County.
21. Acts of 1853-54, Chapter 130, changed the line between Hawkins and Jefferson County.
22. Acts of 1855-56, Chapter 161, Section 2, changed the lines between Jefferson County and Grainger County so that the property of Charles E. Eckle would be included wholly in Jefferson County.
23. Acts of 1855-56, Chapter 248, Section 4, moved the house and lands of Thomas Stringfield out of Knox County and into Jefferson County.
24. Acts of 1857-58, Chapter 47, detached the farms of William Taylor and Jesse Hunt from Grainger County and attached the same to Jefferson County.
25. Acts of 1859-60, Chapter 135, Section 7, changed the boundary line between Jefferson County and Grainger County so as to include the farm and residence of Mrs. Naney Senter wholly within Grainger County.
26. Acts of 1869-70, Chapter 48, Section 5, moved the farm known as the "Dr. Cassin's Farm" now owned by John C. Tate, out of Grainger County and into Jefferson. The farm which was named the "Mastin Moore" farm, owned by D. W. C. Senter, went out of Jefferson County and into Grainger County.
27. Acts of 1877, Chapter 44, noted in the preamble that differences of opinion existed on whether the line between Jefferson County and Hamblen County was nearer than eleven miles to the county seat of Jefferson County which, if true, would contravene the constitutional limitations. This Act described the line by metes and bounds and named William H. Eckle, Samuel P. Johnson, and Temple Harris, all of Jefferson County, and Rufus E. Rice, William Howell, and Wilson C. Witt, of Hamblen County, to run and mark the line as described herein. Plats of the line were to be made for each county and the commissioners would be paid a reasonable amount for their services by each county. This Act was repealed by the one following and the subject boundary line was restored as it was prior to the passage of this Act.
28. Acts of 1879, Chapter 55, moved the home and lands belonging to William Phillips out of Jefferson County and into Cocke County.
29. Acts of 1879, Chapter 56, detached the river island farm now owned by John Vance, Jr., which was situated in the Holston River from Grainger County and attached it to Jefferson County.
30. Acts of 1881, Chapter 54, transferred the properties of S. A. Sims out of Jefferson County and into Sevier County.
31. Acts of 1883, Chapter 38, realigned the boundary between Jefferson County and Sevier County so that the lands of John Russell, the heirs of William Felker, and Benjamin Manning, would all hereafter be contained wholly in Sevier County.



32. Acts of 1883, Chapter 54, moved the properties owned by James A. Caldwell and John Caldwell out of Sevier County and into Jefferson County.
33. Acts of 1883, Chapter 139, changed the boundary lines between Jefferson County and Cocke County so that the property belonging to J. K. Garner would hereafter be included wholly in Cocke County.
34. Acts of 1885, Chapter 104, removed the lands of C. M. Bowen and Mary Bowen from Hamblen County and placed them in Jefferson County.
35. Acts of 1889, Chapter 106, altered the boundary lines between Jefferson County and Sevier County so that the real properties belonging to S. A. Sims and Benjamin Manning would be contained wholly within Sevier County.
36. Acts of 1889, Chapter 189, took the entire farms belonging to A. C. Huff and E. B. Hale out of Jefferson County and placed them in Hamblen County.
37. Acts of 1899, Chapter 385, changed the line between Hamblen County and Jefferson County so that certain lands belonging to W. C. Watkins, which were conveyed to him by John Talbot, containing about 45 acres, would be located wholly within Hamblen County. Section 2 of this Act moved about 80 acres of land owned by M. A. Roberts out of Hamblen County and into Jefferson County.
38. Private Acts of 1901, Chapter 260, rearranged the boundaries between Jefferson County and Sevier County so that the houses and farms of James Langston and M. A. Langston would be contained wholly within Jefferson County.
39. Private Acts of 1901, Chapter 283, transferred the properties belonging to W. G. Cate, J. W. Douglass, J. P. Moore, W. G. Bull, and E. Bull out of Sevier County and placed them altogether in Jefferson County.
40. Private Acts of 1907, Chapter 227, changed the boundaries between Jefferson County and Grainger County so as to include wholly within Jefferson County all of what was known as "Old McKinney Island" which was owned by E. G. Price, James Vance, and Samuel Vance, and located in the Holston River.
41. Private Acts of 1907, Chapter 386, further removed from Jefferson County and placed altogether in Grainger County all the lands constituting "Vance's Island," owned by W. A. Frazier, which Frazier had bought from James K. Vance, and his wife.
42. Private Acts of 1937, Chapter 471, moved the lands belonging to Mack H. Hunter and Herbert Roberts, which adjoined one another, out of the Ninth Civil District of Jefferson County and into the Second Civil District of Hamblen County.

## Chapter V - Court System

### Circuit Court

### Public Acts of 1975 Chapter 304

**COMPILER'S NOTE:** Only portions of this Act are published in Tennessee Code Annotated. Therefore, the whole Act has been reproduced here.

**SECTION 1.** Section 16-208 [16-2-202] of Tennessee Code Annotated is hereby amended by deleting said section in its entirety and substituting in lieu thereof a new section 16-208 [16-2-202], to read as follows:

16-208. Second Judicial Circuit. The Circuit Court for the Second Judicial Circuit shall be held in Divisions I and II at the times mentioned as follows: Cocke County -- First Monday in January, May and September; Union County -- First Monday in February, June and October; Sevier County -- Third Monday in February, June and October; Jefferson County -- Third Monday in March, July and November; Grainger County -- Third Monday in April, August and December; Hancock County -- Second Monday in April, August and December.

**SECTION 2.** The Second Judicial Circuit shall be served by two (2) Circuit Judges. The Judges shall serve respectively as Judges of Division I and Division II of the Circuit Court. The presiding judge shall be responsible for the assignment of duties of judges within the circuit, for designation of special terms, for establishing rules of Court, for docketing and assignment of cases, both civil and criminal. Among the special responsibilities of the presiding Judge of the Second Judicial Circuit is the appointment, supervision

and replacement of all appointed or designated officers of the Court, Grand Jury foremen, jury commissioners and other officers provided by law. The presiding judge shall be the chief administrative officer of the Court.

**SECTION 3.** The presently elected and serving Circuit Judge is hereby designated as Judge of Division I of the Second Judicial Circuit with the prerogatives, powers and duties vested in that Division.

**SECTION 4.** The Governor of the State of Tennessee shall within thirty (30) days after this Act shall take effect, appoint a Judge of Division II of the Second Judicial Circuit who shall hold office until his or her successor is elected and qualified in accordance with general law. Thereafter, Judges of the Second Judicial Circuit shall qualify as candidates for Division I or Division II of the Circuit and shall be elected by the qualified voters as Judge of the respective Division for which they qualified.

**SECTION 5.** The judges of Division I and Division II of the Second Judicial Circuit shall possess all of the rights, privileges, qualifications, emoluments, immunities, powers and jurisdiction conferred by general law on Circuit Judges of the State of Tennessee.

**SECTION 6.** Division I and Division II of the Second Judicial Circuit shall have the power to hold Court in the Counties of the Circuit irrespective of term, and may hold Court simultaneously in the same or different Counties.

**SECTION 7.** The clerks of the Circuit Court of the Second Judicial Circuit shall act as clerks for both Division I and Division II of the Circuit and shall keep such dockets, records and minutes thereof as are now or may hereafter be provided by law or Court rule for the compensation provided by law.

**SECTION 8.** All laws or parts of laws in conflict with this Act are hereby repealed.

**SECTION 9.** This Act is declared to be severable. Should any section, provision, clause or part of this Act fail for any reason, it is the legislative intent that the remainder of the Act shall continue in full force and effect.

**SECTION 10.** This Act shall take effect upon becoming law, the public welfare requiring it.

Passed: May 15, 1975

## District Attorney General

## Assistants and Criminal Investigators

## Public Acts of 1975 Chapter 253

**COMPILER'S NOTE:** This is special legislation and is not codified in Tennessee Code Annotated.

**SECTION 1.** There is created the office of one (1) additional Assistant District Attorneys General for the Second Judicial Circuit. The District Attorney General of the Second Judicial Circuit is authorized to appoint a suitable person to the office, to serve at the pleasure of the District Attorney General. The person appointed to the office shall be at least twenty-one (21) years of age, shall be learned in the law, and shall be licensed to practice law in the State of Tennessee.

**SECTION 2.** The said additional Assistant District Attorney General shall perform such duties and functions as may be assigned and directed by the District Attorney General of the Second Judicial Circuit.

**SECTION 3.** The said Assistant District Attorney General for the Second Judicial Circuit shall each receive an annual salary in equal monthly installments out of the treasury of the state, as provided in Section 8-708, Tennessee Code Annotated.

**SECTION 4.** This Act shall take effect upon becoming a law, the public welfare requiring it.

Passed: May 15, 1975.

## Public Acts of 1977 Chapter 377

**COMPILER'S NOTE:** This is special legislation and is not codified in the Tennessee Code Annotated.

**SECTION 1.** There is hereby created an office of full-time Assistant District Attorney General for the Second Judicial Circuit. The District Attorney General for the Second Judicial Circuit shall appoint a suitable person to such office, said person to serve at the pleasure of the District Attorney General.

**SECTION 2.** The person so appointed to serve as Assistant District Attorney General shall be admitted to the practice of law in the State of Tennessee, and shall, upon his or her appointment execute the Affidavit of Intent required of full-time Assistant District Attorneys General by the provisions of Tennessee Code



Annotated, Section 8-708.

**SECTION 3.** The person appointed to serve as Assistant District Attorney General under the provisions of this act shall perform such duties as may be required by the District Attorney General in the carrying out of the duties of the office of District Attorney General.

**SECTION 4.** The person appointed to serve as Assistant District Attorney General under the provisions of this act shall be compensated as a full-time Assistant District Attorney General as provided for by general law.

**SECTION 5.** This act shall take effect on becoming a law, the public welfare requiring it.

Passed: May 16, 1977.

## Public Acts of 1978 Chapter 631

**COMPILER'S NOTE:** This Act is comprised of special legislation and is not codified in the Tennessee Code Annotated.

**SECTION 1.** There is hereby created an additional position of Criminal Investigator for the District Attorney General for the Second Judicial Circuit. The District Attorney General for the Second Judicial Circuit shall appoint a suitable person to such position, to serve at his pleasure.

**SECTION 2.** The person so appointed shall perform such duties as the said District Attorney General may direct, and shall be compensated as provided for by general law.

**SECTION 3.** The said Criminal Investigator shall have the same powers and authority as a deputy of the county sheriff.

**SECTION 4.** This act shall take effect upon becoming a law, the public welfare requiring it.

Passed: March 9, 1978.

## General Sessions Court

## Private Acts of 1959 Chapter 68

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

Court rooms and adequate facilities for said Court shall be provided in the Court House at Dandridge, and it shall be the duty of the Chairman of the County Court of said County to make provisions therefor, and to provide necessary dockets, furnishings, supplies and all necessary equipment for the proper maintenance of said Court, and the expenses of same shall be paid out of the General Fund of the County.

**SECTION 2.** That the Court of General Sessions of Jefferson County, Tennessee, is hereby vested with all the jurisdiction and shall exercise the authority conferred by the Legislature upon Justices of the Peace in civil and criminal cases, suits and actions, which jurisdiction and authority shall be co-extensive with Jefferson County, Tennessee; provided, however, nothing in this Act shall be construed to divest the Justices of the Peace of their jurisdiction until the election and qualification of a Judge for said Court as hereinafter provided. The authority of the Justices of the Peace in their capacity as members of the Quarterly Court or in the performance of the rites of matrimony, is in no wise affected by this Act.

As amended by: Private Acts of 1969, Chapter 115

**SECTION 3.** That the Court of General Sessions of Jefferson County, Tennessee, is hereby vested with all the jurisdiction and shall exercise the authority conferred by the Legislature upon the Chairman of the County Court in Probate, Guardianship, Insanity, Workmen's Compensation and Juvenile Cases, suits and actions, which jurisdiction shall be co-extensive with Jefferson County, Tennessee, provided, however, nothing in this Act shall be construed to divest the said Chairman of his jurisdiction and authority as financial agent of said County, and as presiding member of the Quarterly Court.

As amended by: Private Acts of 1961, Chapter 247

**SECTION 4.** That jurisdiction and authority is hereby conferred upon the Judge of the Court of General Sessions for Jefferson County, Tennessee, to grant all extraordinary process in all proper cases presented to him in which application is made therefor in all cases originating in Jefferson County, and when so granted by him will be as effective as those granted by the Judges of the various Courts of this State.

**SECTION 5.** That before the issuance of any warrant in a civil case the plaintiff shall execute cost bond with good security in the sum of Twenty-Five (\$25.00) Dollars, or in lieu thereof make a cash deposit with the Court of not less than Five (\$5.00) Dollars, or more than Twenty-Five (\$25.00) Dollars, to secure the costs, or to take the oath prescribed for poor persons, and on motion, the Court may increase the

security.

**SECTION 6.** That said Court shall be in session at the Court House in Dandridge daily, except legal holidays, from 9 o'clock A.M. to 5 o'clock P.M., provided, however, the Judge shall have the power and authority to hear and determine cases at any other place in Jefferson County as he may determine to be more feasible and convenient for the parties.

**SECTION 7.** That the costs and fees and the rules of pleading and practice, forms of writs and process, stay of appeals from judgments in civil cases of said Court shall be the same as Justices of the Peace, except where specially changed by this Act, in cases in which the jurisdiction of said Justices have been divested by this Act' and that the costs and fees, rules of pleading and practice, forms of writs and process, and dockets and records in Probate, Guardianship, Insanity, Workmen's Compensation and Juvenile cases shall be the same as now required by law, except where specifically changed by this Act.

**SECTION 8.** That the criminal and civil dockets shall be kept in substantially the same form as those now required of Justices of the Peace.

**SECTION 9.** That there shall be a Judge for said court with the same qualifications, term of office, and oath as prescribed by law for Judges and Chancellors, except that such Judge need not be learned in the law and authorized to practice the law in the courts of Tennessee. His compensation shall be that as fixed by the general law of the State for Judges of the court of General Sessions in counties of the fifth class, such compensation to be paid in equal monthly installments, out of the general funds of the county. Before entering upon the duties of his office, said Judge shall be required to make a bond in the principal amount of five thousand dollars (\$5,000.00), with a corporate surety, conditioned upon the faithful performance of his duties, including the proper accounting of all funds coming into his hands. The premium cost of said bond shall be paid out of the general funds of the county.

As amended by: Private Acts of 1965, Chapter 183

**SECTION 10.** That the first Judge shall be elected by the qualified voters of the County at the election for other County officers in August, 1960, and shall take office September 1, 1960, and who shall serve until his successor is duly elected and qualified.

His successor shall be elected by the qualified voters of the County at the election for judicial and other civil officers in August, 1966, and hold said office for a term of eight years as provided by law for Circuit Judges and Chancellors.

**SECTION 11.** That in the case of a vacancy for any cause the Quarterly County Court shall have the power, at any regular or special session called for such purpose, to appoint some qualified person to fill such vacancy until September 1st. following the next regular August election, at which election said vacancy for the remainder of the term shall be filled by the qualified voters of Jefferson County.

**SECTION 12.** That if the Judge of said Court fails to attend, cannot attend, or preside in a pending case, the majority of the attorneys present in such Court may elect one of their number or some other qualified person who has the qualifications of such Judge, and when so elected shall have the same authority as a regular Judge to hold Court for the session.

**SECTION 13.** That the Clerk of the Circuit Court of Jefferson County, Tennessee, is hereby authorized and directed to act as Clerk of said Court and to perform the duties thereof in all civil and criminal cases, and who shall have concurrent authority with the Judge to issue warrants and other processes and writs, other than those which the law requires shall be issued only by a judicial officer. All bail bonds, recognizance bonds and appearance bonds of persons charged with misdemeanors for their appearance for arraignment or trial in said court shall be taken by the Clerk. Said Clerk's compensation shall be Nine Hundred (\$900.00) Dollars per annum, payable in equal monthly installments, the same to be paid out of the General Funds of the County.

**SECTION 14.** That the Clerk of the County Court of Jefferson County, Tennessee, shall serve as Clerk of said Court in all Probate, Guardianship, Insanity, Workmen's Compensation and Juvenile matters, who shall receive the same costs, fees and emoluments as are now allowed by law for such services.

**SECTION 15.** That all fees, commissions and emoluments occurring under the provisions of this Act to the Judge and Clerk respectively of said court, when proceeding with civil and criminal cases, shall be paid monthly to the County Trustee of Jefferson County, and shall be deposited by said Trustee in the General Fund of the County. All fines and forfeitures adjudged by said Court shall be payable to and collected by the Clerk, and be reported on, and accounted for and paid over as required by law.

**SECTION 16.** That the Sheriff of said County, or any Deputy Sheriff or Constable thereof, shall serve legal processes, writs and papers issued by said Court with the same authority as provided by law in other inferior courts.

**SECTION 17.** That the Court of General Sessions of Jefferson County, Tennessee, is hereby vested with

jurisdiction and try to determine and render final judgments in all misdemeanor cases brought before said court by warrants 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 Jefferson County, where such appeal shall be tried by a Judge of such court without a jury, and without indictment or presentment.

As amended by:

Private Acts of 1980, Chapter 178

**SECTION 18.** That it shall be mandatory duty of the Judge of said Court where a defendant is brought before such court upon arraignment or trial, to advise such defendant of his constitutional right to the aid of a counsel, the right to be tried only upon presentment or indictment by a Grand Jury, the right to make a statement to the accusation or the right to waive such statement, and the right to a trial by a jury. Upon the defendant agreeing in writing to waive the right to be tried by a jury of his peers, such court may proceed to hear and determine said case.

Said waiver shall be in writing, signed by the defendant, written on or attached to the warrant, and in the form and of contents substantially as follows:

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

Signed \_\_\_\_\_

Attest \_\_\_\_\_

Clerk

**SECTION 19.** That said Court shall have authority to hear and determine all undisposed of cases arising in the Courts of Justices of the Peace of Jefferson County, Tennessee, as if said cases had originated in said Court of General Sessions, and said Court shall have power and authority to issue executions and other final process on judgments rendered by Justices of the Peace.

**SECTION 20.** That this Act shall in no wise impair the right, title or interest of any Justice of the Peace of Jefferson County, Tennessee, to any unpaid fees, or fund 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.

That the official dockets, records and papers in possession of the Justices of the Peace of said County shall be turned over to Jefferson County on the date this Act becomes effective.

**SECTION 21.** That the Legislature 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 effect the remainder of this Act, but such unconstitutional or invalid portion shall be elided, and the Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

**SECTION 22.** That all laws or parts of laws in conflict with the provisions of this Act be, and they are hereby, repealed as of the date this Act becomes effective.

**SECTION 23.** That this Act have no effect unless the same shall have been approved by two-thirds vote of the Quarterly County court of Jefferson County, Tennessee, at any regular or called session occurring within one year subsequent to its approval by the Chief Executive of this 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.

Upon such approval of this Act by the Quarterly County Court of Jefferson County, Tennessee, the enactment of this Act shall not affect the present terms of offices of the Justices of the Peace and the Chairman of the County Court of Jefferson County as now existing and as to them and their powers and duties this Act shall take effect September 1, 1960, but for all other purposes from and after its passage and approval as hereinbefore set out, the public welfare requiring it.

Passed: February 19, 1959.

## Court System - Historical Notes

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

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

1. Territorial Ordinance dated December 18, 1792, and signed by William Blount, Governor of the Territory of the United States south of the Ohio River, ordained that Jefferson County acting through its Court of Pleas and Quarter Sessions would appoint and dispatch eight jurors to the Superior Court of the District, as directed by the laws of North Carolina.
2. Territorial Ordinance, dated March 13, 1793, formed Knox County and Jefferson County into the Hamilton Judicial District where the Superior Court of Law and Equity would hold two sessions each year on the second Monday in April and October, which sessions were to continue for ten judicial days. Each of the two counties would send 18 jurors to the Court and all cases arising in those two Counties were to be transferred by the Clerk of the Washington District.
3. Acts of 1794, Chapter 1, declared that the territory south of the Ohio River would be henceforth divided into three Judicial Districts, the Washington District, the Hamilton District, and the Mero District, in each of which a Superior Court would be held for the trial of civil and criminal cases at the times heretofore appointed by law.
4. Acts of 1794, Chapter 8, scheduled the court terms for the Superior Courts in each of the three Districts named in the preceding Act. The Superior Court of the Hamilton District would meet on the second Tuesday in April and October.
5. Acts of 1797, Chapter 6, provided that the Superior Court of Law and Equity would hereafter begin in the Hamilton District on the fourth Monday in March and September.
6. Acts of 1797, Chapter 7, announced that Knox County would furnish 12 jurors to the Superior Court of Law and Equity of the Hamilton District, Blount County would provide five jurors, Cocke County, four jurors, Sevier County, four jurors, Jefferson County, seven jurors, and Grainger County was tagged for five jurors.
7. Acts of 1799, Chapter 21, Section 2, required Jefferson County to furnish five jurors to the Superior Court of the Hamilton District and Grainger County would send seven at the same time.
8. Acts of 1815, Chapter 70, was the authority to appoint an additional Judge to the Supreme Court of Error and Appeals who would be chosen by a joint ballot of the General Assembly and commissioned by the Governor.
9. Acts of 1835-36, Chapter 3, was part of the implementation required under the new Tennessee Constitution for the Judicial System. This Act provided for a three Judge Supreme Court of Errors and Appeals, one Judge to come from each of the three grand divisions of the State, who would be appointed by joint action of the General Assembly and be commissioned by the Governor. At least one session each year would be held by the Supreme Court at Knoxville, Nashville, and Jackson. Jefferson County, and 21 other counties, constituted the Eastern Division of the said Court.
10. Private Acts of 1911, Chapter 105, amended Private Acts of 1903, Chapter 552, which created a Board of Jury Commissioners in several of the eastern Tennessee Counties under certain terms and conditions, by adding the appropriate population figures from the Federal Census of 1910 which would make the amended act effective in Jefferson County as well, but the Board in Jefferson County would consist of three discreet persons instead of the two prescribed for the other counties.
11. Private Acts of 1921, Chapter 850, was the legal authority for the Quarterly Court of Jefferson County to appoint jurors who would serve in the ensuing term of circuit court but none could serve who had been jurors in the two years next preceding their selection. The Court would select 25 jurors and name two Constables to wait upon them. Some qualifications were set up which the prospective juror must satisfy but anyone selected and not reporting to serve could be fined. The Judge could fill vacancies as they might occur in the ranks of the jurors. The Chancellors could direct the Sheriff to summon jurors to serve in the Chancery Courts as they might be needed.
12. Private Acts of 1925, Chapter 286, amended the caption of Private Acts of 1903, Chapter 552, to add the population figures necessary to making that Act apply to Jefferson County, thus providing for the County a three member Board of Jury Commissioner who would be appointed by the Quarterly Court at the July term of Court each year.
13. Private Acts of 1927, Chapter 335, was the legal authority for the Jefferson County Quarterly Court to appoint 25 jurors before each term of the Circuit Court who would serve as both grand and petit jurors for that term. The jurors were to be selected from among the number recommended to the court by the Justices and be distributed as evenly as possible among the civil districts of the county. No one could serve who had served during the two years next preceding the selection. The Quarterly Court would also appoint two constables who would wait upon the next term of the Circuit Court. The County Court Clerk would send the list to the Circuit Court

Clerk who would transmit the same to the Sheriff to summon the prospective jurors. Anyone failing to appear could be penalized by a fine and only the Judge could excuse anyone. If the panel should become exhausted the Circuit Court Judge could act to remedy the situation.

14. Private Acts of 1947, Chapter 213, provided that jurors and officers would be paid \$4.00 per day for their services in Jefferson County (identified by the use of the 1940 Federal Census). See Section 22-401 through 22-405, Tennessee Code Annotated for further information on this subject.

### **Chancery Court**

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

1. Territorial Ordinance of March 13, 1793, signed by William Blount, Governor, in and over the Territory of the United States lying south of the Ohio River, ordained that the counties of Jefferson and Knox would constitute the Judicial District of Hamilton in which would be held two Superior Courts of Law and the Courts of Equity each year in Knoxville, beginning on the second Monday in April and October and continuing for ten days unless the business of the Court was cleared sooner, each County appointing 18 jurors to attend the Court during each term.
2. Acts of 1794, Chapter 1, gave the Superior Court of Law jurisdiction over all appeals from an inferior Court, other specified original jurisdiction over certain civil matters, original jurisdiction over equity matters and all prosecutions by the government.
3. Acts of 1822, Chapter 13, provided that the Justices of the Supreme Court would arrange among themselves to hold a Court of Equity at the present places of holding the Supreme Court at least once each year. The Equity Court would be at Rogersville on the first Monday in November, at Charlotte on the fourth Monday in December, at Sparta on the second Monday in December, at Nashville on the fourth Monday in January, and at Columbia on the second Monday in January, each term to endure for two weeks, when, and if, necessary.
4. Acts of 1824, Chapter 14, increased the number of Judges on the Supreme Court which would now be held at least once each year in Knoxville, Sparta, and Nashville, and required the Justices to hold the Chancery Courts at least twice each year as this Act designated. The Chancery Court at Greeneville would hear the cases from the counties of Carter, Washington, Greene, Cocke, Jefferson, and Sevier on the third Monday in May and November of each year.
5. Acts of 1826, Chapter 90, provided that the Chancery Court at Greeneville for the counties of Carter, Washington, Greene, Cocke, Jefferson, and Sevier, would after January 1, next, start the regular terms of Court on the second Monday in May and November.
6. Acts of 1827, Chapter 79, divided Tennessee into two Chancery Divisions, repealing the Jurisdiction of the Supreme Court over original equity cases and providing for two Chancellors, selected by the General Assembly, to preside over the two Divisions. The Eastern Division had the courts at Rogersville, Greenville, Kingston, Carthage, and McMinnville, and the Western Division consisted of the courts at Franklin, Columbia, Charlotte, Jackson, and Paris.
7. Acts of 1827, Chapter 88, Section 3, set the opening dates for the terms of the Chancery Court at Greeneville for the counties of Carter, Washington, Greene, Cocke, Jefferson, and Sevier for the third Monday in May and November of each year.
8. Acts of 1829, Chapter 27, provided that hereafter the Chancery Court for the District composed of the counties of Carter, Washington, Greene, Cocke, Jefferson, and Sevier, meeting in the town of Greeneville, would commence the regular terms on the second Monday in May and November, all outstanding bonds and process being made to conform.
9. Acts of 1833, Chapter 45, stated that after January 1, next, the citizens of Jefferson County would have the liberty of filing their Bills in the Chancery Court either at the Court in Knoxville or at the Court in Greeneville as they might prefer.
10. Acts of 1835-36, Chapter 4, divided Tennessee into three Chancery Divisions with a Chancellor to preside over each Division, who would be appointed by the General Assembly and Commissioned by the Governor. The three grand chancery divisions were further fragmented into Districts. The counties of Jefferson, Cocke and Sevier made up the Fifth District of the Eastern Chancery Division whose Court would be held at Dandridge on the first Monday in April and October. All this was done pursuant to the new State Constitution.
11. Acts of 1837-38, Chapter 116, Section 12, rescheduled the court terms for some of the counties in

- the Eastern Chancery Division. The Chancery Court at Dandridge would hereafter take place on the third Monday in June and December.
12. Acts of 1839-40, Chapter 21, Section 7, reset the terms of the Chancery Court in the Fifth District of the Eastern Division at Dandridge to be held on the second Monday in June and December instead of the third Monday as was formerly the case.
  13. Acts of 1843-44, Chapter 201, Section 2, stated that hereafter the citizens of Cocke County could elect to file their Bills in Chancery at the Chancery Court in Dandridge in Jefferson County, or at the Court in Sevierville in Sevier County.
  14. Acts of 1847-48, Chapter 132, Section 2, provided that all the citizens of Greene, Jefferson, and Cocke Counties could file their suits in Chancery at the Chancery Court in Greeneville or at the one in Dandridge, as they might prefer.
  15. Acts of 1849-50, repealed expressly such portion of Acts of 1847-48, Chapter 132, above, which allowed the filing of suits in Chancery at either Greenville or Dandridge for the citizens of Greene, Jefferson, and Cocke Counties.
  16. Acts of 1857-58, Chapter 88, separated the State into the Eastern, Middle, Western, Fourth, Fifth, and Sixth Chancery Divisions. The Eastern Division contained the counties of Carter, Cocke, Knox, Union, Sevier, Johnson, Greene, Washington, Sullivan, Hawkins, Claiborne, Grainger, Campbell, Hancock, Anderson, and Jefferson, whose court would meet on the second Monday in June and December at Dandridge.
  17. Acts of 1865-66, Chapter 41, established the terms of the Chancery Courts in the Eastern District in a post Civil War Act which assigned the counties of Cocke, Carter, Johnson, Hancock, Hawkins, Claiborne, Grainger, Greene, Sullivan, Washington, and Jefferson to the District. The Court at Dandridge would start its regular terms on the first Monday after the fourth Monday in April and October.
  18. Acts of 1870, Chapter 32, formed twelve Chancery Districts in Tennessee subsequent to the adoption of the 1870 Constitution. The first of those Chancery Divisions was composed of the counties of Johnson, Carter, Washington, Sullivan, Hawkins, Greene, Hancock, Claiborne, Grainger, Jefferson, Cocke, Powell, and Hamilton.
  19. Acts of 1870, Chapter 47, specified the opening dates for the terms of the Chancery Court in every one of the counties in Tennessee. In Jefferson County the court at Dandridge would open on the first Monday after the fourth Monday in April and October.
  20. Acts of 1871, Chapter 75, declared that hereafter the Chancery Court at Dandridge for Jefferson County would be held on the fourth Monday in April and October, and all writs, bonds, and process would be made to conform to those dates.
  21. Acts of 1873, Chapter 106, fixed the regular terms of the Chancery Court of Jefferson County from and after November 1, 1873, to begin on the second Monday in January and July.
  22. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the entire lower judicial system of Tennessee into eleven Chancery Divisions. The First Chancery Division was composed of the counties of Johnson, Carter, Washington, Sullivan, Hawkins, Greene, Hancock, Claiborne, Grainger, Jefferson, Cocke, Hamblen, and Unicoi. Court terms would commence in Jefferson County on the second Monday in January and July. (This Act was cited in *Flynn v. State* (1958) 203 Tenn. 341, 313 SW2d 249).
  23. Acts of 1891, Chapter 165, changed the terms of the opening dates for Chancery Court terms in the First Chancery Division which included the counties of Washington, Greene, Carter, Sullivan, Cocke, Unicoi, Hamblen, Grainger, Johnson, Claiborne, Hancock, Hawkins, and Jefferson where the terms were slated to begin on the second Monday in May and November.
  24. Acts of 1899, Chapter 214, added the counties of Sevier, Blount, and Loudon to the First Chancery Division, and the counties of Union, Campbell, Anderson, Knox, Roane, Morgan, and Scott were assigned to the new 12th Chancery Division. The Court in Jefferson County would continue to meet on the second Monday in May and November. The First Chancery Division now consisted of the counties of Johnson, Carter, Washington, Unicoi, Greene, Cocke, Sevier, Blount, Loudon, and Jefferson.
  25. Acts of 1899, Chapter 427, restructured the lower court system of the State. Ten Chancery Divisions were formed of which the Second Chancery Division was made up of the counties of Sevier, Blount, Loudon, Campbell, Roane, Morgan, Scott, Union, Fentress, and Jefferson whose Court would begin its regular terms on the second Monday in April and October.
  26. Private Acts of 1901, Chapter 438, amended Acts of 1899, Chapter 427, above, by changing the

court terms in the First Chancery Division which now included the counties of Sullivan, Johnson, Carter, Washington, Unicoi, Greene, Cocke, Jefferson, Sevier and Blount. Court terms would begin in Jefferson County on the second Monday in May and November.

27. Private Acts of 1905, Chapter 359, Section 9, provided that the Judge of the Second Judicial Circuit would henceforth hold the Chancery Court of Jefferson County.

### **Chancery Court - Clerk and Master**

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

1. Public Acts of 1982, Chapter 879, T.C.A. 16-16-203, was the authority for the Clerks and Masters who were serving as the Clerks of Probate Courts to accomplish a variety of clerical and judicial acts, during the probate of wills, or the administration of estates, some of which were not available to former Probate Clerks except by special authorization.

### **Circuit Court**

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

1. Territorial Ordinance of 1792, which created Jefferson County, also provided that Courts would be held at the home of Jeremiah Matthews until other arrangements were made.
2. Acts of 1809, Chapter 49, formed five Judicial Circuits in Tennessee. The Second Judicial Circuit embraced the Counties of Cocke, Jefferson, Sevier, Blount, Knox, Anderson, Roane, Rhea, and Bledsoe. Circuit Court would be held in Jefferson County on the third Monday in January and July each year.
3. Acts of 1811, Chapter 72, repealed the Circuit Court's original jurisdiction in all cases in which the Court of Pleas and Quarter Sessions had formerly had exclusive jurisdiction and returned it to the Court of Pleas and Quarter Sessions.
4. Acts of 1813, Chapter 77, returned concurrent jurisdiction with the Court of Pleas and Quarter Sessions to the Circuit Court, gave the circuit court equity jurisdiction and provided for appeal from the Court of Pleas and Quarter Sessions to either the Circuit Court or the Supreme Court of Errors and Appeals.
5. Acts of 1827, Chapter 79, gave the Circuit Judges the power to try all causes in law or equity as well as in civil and criminal cases.
6. Acts of 1835-36, Chapter 5, enacted subsequent to the adoption of a new constitution, provided for at least three terms of the Circuit Court in each county every year. The State was divided into eleven judicial circuits of which the Second Judicial Circuit included the counties of Cocke, Jefferson, Sevier, Blount, Knox, Campbell, Anderson, and Morgan. Circuit Court terms would begin in Jefferson County on the third Monday in January, May, and September in Dandridge.
7. Acts of 1835-36, Chapter 19, amended the former 1836 Act (Chapter 5, above) in Section 2 to rearrange the opening dates for the regular Circuit Court terms in some of the counties in the Second Judicial Circuit. Jefferson County would hold the next term of the Circuit Court on the first Monday in April next and the second term on the third Monday in September but after those terms, the courts would begin terms as specified in Chapter 5.
8. Acts of 1837-38, Chapter 3, created the 12th Judicial Circuit in the State assigning to it the Counties of Cocke, Sevier, Jefferson, Grainger, Claiborne and Campbell. The Circuit Court in Jefferson County would take place in Dandridge on the first Monday in January, May, and September.
9. Acts of 1837-38, Chapter 116, Section 8, rearranged the schedule for the court terms in the 12th Judicial Circuit changing Jefferson County to the third Monday in April, August, and December.
10. Acts of 1847-48, Chapter 16, stated that hereafter the Circuit Court of Jefferson County would be held on the second Monday in April, August, and December, the court being kept open until it was time for the judge to move on to another county.
11. Acts of 1847-48, Chapter 171, Section 6, declared that all the proceedings of the Jefferson County Circuit Court which occurred at its late term on the third Monday in December would be valid and binding in all respects and on all parties notwithstanding the fact that the present General Assembly had changed the term dates.
12. Acts of 1857-58, Chapter 98, in a complete realignment of the lower court system created sixteen Judicial Circuits in the State. The Second Judicial Circuit included the Counties of Campbell, Claiborne, Union, Grainger, Sevier, Cocke, and Jefferson whose court terms would continue to

start on the second Monday in April, August, and December of each year.

13. Acts of 1867-68, Chapter 49, passed on February 25, 1868, repealed the Act passed on November 26, 1867, which created a Criminal Court Division in the Counties of Johnson, Carter, Washington, Sullivan, Hawkins, Greene, Cocke, Jefferson, Grainger, and Claiborne, as the Act was applied to Grainger, Jefferson, Cocke, and Claiborne Counties.
14. Acts of 1867-68, Chapter 90, Section 5, created a Judicial Criminal Division containing the Counties of Johnson, Carter, Washington, Sullivan, Hawkins, Hancock, Greene, Cocke, Jefferson, Grainger, and Claiborne. The Court would begin its terms in Jefferson County on the second Monday in January, May, and September. Jurors for the Court would be supplied by the County Court and the Judge and Attorney General would first be appointed by the Governor and then elected to proper terms at the first general election occurring thereafter. This Act was repealed for Jefferson County by the one preceding it.
15. Acts of 1869-70, Chapter 11, repealed in its entirety the 1867 Act which created a Criminal Division in the Circuit Courts of those Counties specified therein. Criminal jurisdiction was returned to the Circuit Courts from whence it was taken by the 1867 Act and all the proper transfers of pending litigation were directed to be made by the Clerks.
16. Acts of 1870, Chapter 31, enacted subsequent to the adoption of the 1870 State Constitution provided for fifteen regular, and one special, judicial circuit in Tennessee, assigning the counties of Cocke, Jefferson, Grainger, Union, Sevier, Scott, Campbell, Claiborne, and Hamblen to the Second Judicial Circuit.
17. Acts of 1870, Chapter 46, scheduled the opening dates for the regular terms of the Circuit Courts for every county in Tennessee. Jefferson County's Circuit Court would take up its docket on the first Monday in April, August, and December of each year.
18. Acts of 1879, Chapter 140, Section 2, declared that, after the next term of Court, the Circuit Court of Jefferson County would meet on a regular basis on the second Monday in April, August, and December of each year.
19. Acts of 1883, Chapter 149, stated that the next term of the Circuit Court in Dandridge in Jefferson County would begin on the third Monday in April and on the second Monday in August and December, all process being made to conform to that change in date.
20. Acts of 1885 (Ex. Sess.), Chapter 20, in a complete revision of the State's lower judicial system divided Tennessee into fourteen regular and one special, judicial circuits. The Second Judicial Circuit was composed of the counties of Claiborne, Campbell, Grainger, Union, Hamblen, Jefferson, Cocke, Anderson, and Sevier. Jefferson County's Court would meet on the second Monday in April, August, and December.
21. Acts of 1891, Chapter 152, established a Common Law Court at New Market for the Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Thirteenth, and Fifteenth Civil Districts of Jefferson County which would be one of the courts of the Second Judicial Circuit.
22. Acts of 1899, Chapter 427, in the next major changes in the lower court system formed fourteen Judicial Circuits in Tennessee, assigning the Counties of Jefferson, Sevier, Grainger, Cocke, Hamblen, Morgan, Scott, Campbell, Anderson, Union, and Fentress to the Second Judicial Circuit. Jefferson County's Circuit Court would meet at Dandridge on the first Monday in January, May, and September, and at New Market on the second Monday in January, May, and September, and at New Market on the second Monday in same months.
23. Private Acts of 1903, Chapter 227, amended Acts of 1899, Chapter 427, above, to reset the terms of the Circuit Courts in some counties of the Second Judicial Circuit. The Court in Jefferson County, (presumably at Dandridge since nothing was said about the Court at New Market) would meet on the second Monday in March, July, and November.
24. Private Acts of 1905, Chapter 59, repealed the second Section of Private Acts of 1903, Chapter 227, above, which Section required that the Chancellor of the Chancery Division hold the Circuit Court terms in Fentress County. No other county was affected.
25. Private Acts of 1905, Chapter 477, rearranged the circuit court schedules for the counties of Hamblen, Cocke, Anderson, Campbell, Sevier, Grainger, Union, Morgan, Fentress, Scott, and Jefferson whose court would begin on the first Monday in February, June, and October.
26. Private Acts of 1907, Chapter 205, reset the terms of the Circuit Courts in the Second Judicial Circuit changing Jefferson County to the second Monday in February, June, and October.
27. Public Acts of 1913, Chapter 13, changed the opening dates of the terms of the Circuit Court in Jefferson County to the fourth Monday in March, July, and November.



28. Private Acts of 1917, Chapter 734, changed the terms of the Circuit Court in Jefferson County to begin on the third Monday in March, July, and November. All bonds and process would be made to conform to the above change.
29. Public Acts of 1931 (2nd Ex. Sess.), Chapter 18, said that the Second Judicial Circuit would be made up of the counties of Cocke, Union, Sevier, Jefferson, Grainger, and Hancock. Court terms would start in Jefferson County on the third Monday in March, July, and November.
30. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, was the last act of this description appearing in the volumes of Private Acts, all future changes in this area would take the form of Public Acts amending the State Code. Twenty Judicial Circuits were outlined across the State of which the counties of Cocke, Union, Sevier, Grainger, Hancock, and Jefferson constituted the Second Circuit. Court terms would commence in Jefferson county on the third Monday in March, July, and November.
31. Public Acts of 1951, Chapter 17, rescheduled the opening dates for the terms of the Circuit Court in the counties of the Second Judicial Circuit listing Cocke, Union, Sevier, Grainger, Hancock, and Jefferson where the Circuit Court would commence on the fourth Monday in March, July, and November.
32. Public Acts of 1955, Chapter 19, altered the court terms for some of the counties in the Second Judicial Circuit but did not affect Jefferson County.
33. Public Acts of 1959, Chapter 99, also changed the terms of the Circuit Courts in the counties of Cocke, Union, Sevier, Hancock, Grainger, and Jefferson whose circuit court terms would hereafter start on the third Monday in March, July, and November, which are still in effect.

### **Circuit Court - Clerk**

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

1. Acts of 1903, Chapter 255, set the annual salary of the Circuit Court Clerks across the State according to the population class of the county in which they served. The Clerks must file an annual sworn and itemized statement with the County Judge, or Chairman, showing all the fees collected in the office. If the fees were less than the salary, the County was obligated to pay the difference, but if the fees exceeded the salary, the Clerk was allowed to retain the excess.
2. Private Acts of 1919, Chapter 152, fixed the salary of the Circuit Court Clerk of Jefferson County, (identified by the 1910 Federal Census figures) at \$1,080 annually, provided the Clerks would file on January 1 and July 1 a sworn, itemized statement with the County Judge, showing the total amount of fees collected in the office. If the fees were less than the salary, the County would furnish the difference, but if the fees exceeded the salary, the excess must be paid over to the Trustee.
3. Private Acts of 1925, Chapter 30, set the annual salary of the Circuit Court Clerk in Jefferson County at \$1,080, which would be in addition to all the fees collected in the office which the Clerk was permitted to keep as his own. This Act was repealed by the one following.
4. Private Acts of 1947, Chapter 350, provided that the Clerk of the Circuit Court in Jefferson County would be paid \$1,800 each year in equal monthly installments on the first day of each month on the warrant of the County Judge, or Chairman. The Clerk was further entitled to retain as compensation all the fees collected in the office. The Act expressly repealed Private Acts of 1925, Chapter 30.

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

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

1. Acts of 1796, Chapter 8, provided for the appointment of three Attorney- Generals, one to serve in each of the Washington District, the Hamilton District, and the Mero District, whose duty it would be to prosecute all offenses in the name of the State, or to which the State was a party. The Attorney-General must attend all sessions of the Court and would be paid \$40 for each session, regardless of any other fees he might receive.
2. Acts of 1817, Chapter 65, Section 3, set up ten Solicitorial Districts in Tennessee. The Third Solicitorial District included the Counties of Cocke, Jefferson, Sevier, and Blount.

3. Acts of 1835-36, Chapter 28, in its implementation of the new State Constitution made each Solicitorial District to coincide with each Judicial Circuit in the State which had criminal jurisdiction.
4. Public Acts of 1931, Chapter 64, created the position of Assistant Attorney-General for the Second Judicial Circuit to which Jefferson County was assigned at the time.
5. Public Acts of 1939, Chapter 65, established a position of Criminal Investigator for the Second Judicial Circuit to which Jefferson County belonged, prescribed the duties, and set the compensation for whoever might fill the job. One of the qualifications was that the Criminal Investigator be a practicing attorney.
6. Public Acts of 1976, Chapter 611, amended Chapter 65, Public Acts of 1939, Item 5, above, so as to remove the qualification that the Criminal Investigator be a practicing attorney.
7. Public Acts of 1984, Chapter 931, T.C.A. 16-2-506, provided for the redistricting of the state trial court system into judicial districts which consolidated the Circuit Court judicial circuits and the Chancery Court chancery divisions, established concurrent jurisdiction for trial court judges, created new trial court judgeships in several districts, created new positions for assistant district attorneys in several districts, and maintained all existing court clerk offices.

### **General Sessions Court**

The following acts once affected the general sessions court of Jefferson County, but are no longer in effect and are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1955, Chapter 235, created a General Sessions Court in Jefferson County for which accommodations and equipment would be furnished at the Court House in Dandridge by the County. The Court was given all the jurisdiction of the Justices of the Peace from whom the same was divested at the time the Judge of this Court was elected and assumed office. A cost bond of \$25 was required prior to the institution of a suit in the Court. The Court, which could be held in other parts of the County, also, would be open from 9:00 a.m. to 5:00 p.m. every day except on Sundays and holidays. The Judge would be sworn, commissioned, and bonded at \$5,000 and receive an annual salary of \$3,600, payable monthly. The first special election for the Judge would be to hold to August, 1956, when the term would endure until 1958, whereupon the Judge would then be selected for a full eight year term. The Judge could appoint a Secretary at a salary not to exceed \$900 per annum who would also be bonded for \$2,000. The Sheriff was directed to wait upon the Court and serve its process. Some rules of procedure were contained in the Act. This Act was rejected by the Quarterly Court and never took effect due to the provisions of the Home Rule Amendment to the State Constitution.
2. Private Acts of 1959, Chapter 68, established the General Sessions Court of Jefferson County.
3. Private Acts of 1961, Chapter 247, amended Private Acts of 1959, Chapter 68, by rewriting Section 3 to vest the General Sessions Court with the authority conferred upon the Chairman of the County court by the General Assembly in matters of probate, guardianship, insanity, workmen's compensation, and juvenile cases but the act was not to be construed to divest the Chairman of any authority as Financial Agent of the County or as the presiding member of the Quarterly Court.
4. Private Acts of 1965, Chapter 183, amended Private Acts of 1959, Chapter 68, Section 9, by rewriting that Section to declare that the Judge of the General Sessions Court need not be learned in the law or authorized to practice in the Courts of Tennessee. His compensation would be the same as other Judges in the fifth population classification, payable monthly. The Judge would be bonded for \$5,000 for which the County would pay the premium.
5. Private Acts of 1969, Chapter 115, amended Private Acts of 1959, Chapter 68, in Section 2, by removing the authority of the Justice of the Peace to issue criminal and civil warrants returnable to the General Sessions Court.

### **Juvenile Court**

The following acts once affecting juvenile courts in Jefferson County are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1981, Chapter 120, T.C.A. 37-1-102(4)(A)(ii) lowered the age from 21 to 19 years in the definition of a child under juvenile court jurisdiction.
2. Public Acts of 1982, Chapter 882, established time limits for the detention of an unruly child, T.C.A. 37-1-114, and considerations for the disposition of an unruly child, T.C.A. 37-1-132.

3. Public Acts of 1983, Chapter 88, T.C.A. 37-1-107, makes the recommendation of a Juvenile Court Referee the decree of the Court pending rehearing unless the Judge orders otherwise.
4. Public Acts of 1983, Chapter 387, T.C.A. 37-1-505, provides that the county shall pay the expenses of a Juvenile Judge attending training sessions if the State does not pay.
5. Public Acts of 1983, Chapter 408, T.C.A. 37-1-116, provides that after January 1, 1985 no juvenile may be detained or placed in a facility for detention of adults, except in certain circumstances.
6. Public Acts of 1983, Chapter 453, T.C.A. 37-1-104, grants concurrent jurisdiction to Juvenile Courts to order support for minor children. This chapter does not authorize a juvenile court to assume jurisdiction if another court with concurrent jurisdiction has assumed jurisdiction for the purpose of ordering such support.

#### **Secretarial Assistance**

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

1. Private Acts of 1929, Chapter 778, authorized the Chancellor of the First Chancery Division to employ a Secretary whose salary would be paid by Washington County out of that County's general funds.

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

### **County Board of School Commissioners**

#### **Private Acts of 1971 Chapter 61**

**SECTION 1.** That in all Counties of the State of Tennessee having a population of not more than 25,000 nor less than 24,500, according to the Federal Census of 1970, or any subsequent Federal Census, the administration management, government, supervision, control and conduct of the public school affairs, and all powers and duties pertaining to, connected with, or in any manner necessary or incident to the proper conduct and control of the public schools in such counties, employment of teachers and labor, the erection, repairing and/or maintenance of buildings and furnishing of materials, labor, supplies and equipment shall be vested in the County Board of School Commissioners, said Board of School Commissioners to be elected by the popular vote of the qualified voters of the counties of this State to which this Act shall apply, in the manner, form, and for the terms hereinafter provided, and with the powers, duties and privileges herein conferred and granted, and for the compensation stated.

**SECTION 2.** That Jefferson County, Tennessee shall be divided into four (4) school districts as follows:

School District No. One shall compose and consist of County Commissioner Districts Nos. One, Two and Eight.

School District No. Two shall compose and consist of County Commissioner Districts Nos. Five, Six and Seven.

School District No. Three shall compose and consist of County Commissioner Districts Nos. Four, Nine and Ten.

School District No. Four shall compose and consist of County Commissioner District No. Three.

The County Commissioner Districts of the county referred to above shall be those districts as fixed and determined by the Board of County Commissioners of Jefferson County, Tennessee pursuant to statute or as fixed and determined by any court of competent jurisdiction.

As amended by: Private Acts of 1982, Chapter 216

**SECTION 3.** That the Board of School Commissioners of Jefferson County, Tennessee shall be composed of seven (7) members. These seven members shall be elected by the qualified voters of the respective school districts as follows:

School District One shall elect two members;

School District Two shall elect two members;

School District Three shall elect two members; and

School District Four shall elect one member.

The members of the Board of School Commissioners shall be elected from the Districts described in Section 2 in the August 1982 General Election and each four years thereafter. The members of the Board

of School Commissioners elected pursuant to this Act shall hold their offices for a term of four years commencing September 1 of the year in which they are elected and until their successors are elected and qualified.

As amended by: Private Acts of 1982, Chapter 216

**SECTION 4.** That the system of staggered terms for members of the Jefferson County Board of School Commissioners is abolished. The terms of members of the Board of School Commissioners in office on the effective date of this Act shall end on August 31, 1982, regardless of when a particular member was elected.

As amended by: Private Acts of 1982, Chapter 216

**SECTION 5.** That the members of the Board of School Commissioners elected pursuant to this Act shall meet on September 1 of the year of their election or as soon thereafter as is practical at the Courthouse in their respective counties and take and subscribe to the oath required of other county officers before some official authorized to administer such oaths and shall organize the said County Board of School Commissioners by the election of one of their body as Chairman by a majority of those present, providing, a quorum is present, and shall thereupon assume all of the duties, powers, and authorities and responsibilities as set forth in this Act. The Chairman of said Board of School Commissioners shall not be entitled to vote as a member of said Board except in case of a tie. The Chairman shall be elected for a term of one (1) year and until his successor is duly elected.

As amended by: Private Acts of 1982, Chapter 216

**SECTION 6.** That said Board of School Commissioners shall hold regular meetings on the Second Thursday in September, December, March and June of each year for the purpose of transacting public school business. Special sessions may be called at any time by the Chairman or by the written requests of a majority of the Board.

**SECTION 7.** That all meetings, both regular and special, of said Board of School Commissioners shall be open to any resident who may desire to attend the same, provided that nothing herein shall be construed as denying such Boards the right to hold executive sessions, but no action shall be taken at such executive sessions which shall directly or indirectly involve the expenditures of public funds.

**SECTION 8.** That when a vacancy occurs in said County Board of School Commissioners by the death, resignation or the removal from the district from which such member was elected, or the failure of one or more of the District School Commissioners to qualify as provided in this Act, the remaining members in regular session, a quorum being present, shall elect some one to fill said vacancy until the next general election to be held in such county, and at such election a member shall be elected for the unexpired term.

**SECTION 9.** That the compensation of the members of said Board shall be fixed by the Quarterly County Court for their services when attending regular and special meetings and discharging the duties empowered by this Act.

**SECTION 10.** That the members of said Board shall be residents and qualified voters of the School District from which they are elected and shall be citizens of recognized integrity, intelligence and ability, to administer the duties of the office, and shall have a practical education. If any member ceases to reside in the district, the office of such member shall become vacant. No member of the Quarterly County Court nor any other county official shall be eligible for election as a member of said Board.

**SECTION 11.** That the Board of School Commissioners, in the counties of the State of Tennessee, to which this Act shall apply, shall have the exclusive supervision and control of all public schools, and they shall elect all teachers and fix their salaries and make all necessary contracts for such services. All such Board of School Commissioners shall have the power and authority to employ truant officers, bus drivers, and other laborers and employees necessary to erect, repair, furnish, improve, and maintain suitable school buildings, grounds, fixtures, equipment, supplies, and to acquire and hold real estate for school purposes. And said Board shall in all things have the power and perform all the duties now imposed by law on County Boards of Education as is now provided by the general laws of the State of Tennessee, or that may hereafter be enacted affecting the administration of school affairs in the State. And such Boards shall have the exclusive possession and control of all public school properties, both real and personal, now belonging to, in the custody of, or within the control of the school authorities of such counties, or any Board of Education thereof, or that may be hereafter acquired.

**SECTION 12.** That the Board of School Commissioners established by this Act shall have the same powers, duties, privileges and qualifications as are established and provided pursuant to Title 49, Tennessee Code Annotated.

**SECTION 13.** That the County Board of School Commissioners herein created shall have the power and authority to enter into contracts and agreements with persons, firms or corporations for the erection, purchase, repair or maintenance of its buildings and property, equipment and supplies, and for any other purpose deemed necessary by the Board of School Commissioners to carry out the provisions of this Act

or in general law applicable to public school affairs, or in the proper discharge of the duties imposed by this Act.

**SECTION 14.** That all machinery, tools, supplies and equipment of every nature shall be bought through competitive bidding after ten (10) days public notice, published once in a County newspaper and also posted at the front door of the Courthouse, in all cases where the aggregate cost of the combined purchases exceeds the sum of Five Hundred (\$500.00) Dollars. All bids shall be sealed and submitted to the Board at its office, and shall be opened and announced by the Board in the presence of a majority of its members, at the hour and date stated in the advertisement. Any citizen shall be entitled to be present at the opening of said bids and inspect the same. All cash purchases shall be awarded to the lowest bidder where such bidder offers materials of suitable quality and quantity. If the bids so submitted are deemed excessive or otherwise unsatisfactory, said Board shall have the authority to reject all bids and advertise again in the same manner for new bids. Any purchases made without compliance with the foregoing requirements shall be illegal, void and unenforceable, except in genuine cases of emergency, where it is necessary to purchase materials or supplies speedily to avoid great inconvenience to the public.

**SECTION 15.** That the provisions of this Act are hereby declared to be severable. If any of its sections, provisions, excerpts, sentences, clauses, phrases, or parts be held unconstitutional or void the remainder of this Act shall continue in force and effect, it being the legislative intent, now being declared, that this Act would have been adopted if such matter had not been included therein.

**SECTION 16.** That this Act shall have no effect unless the same shall be approved by a majority of the qualified voters voting in a special election to be held in the counties to which this Act shall apply for such purposes. It shall be the duty of the County Board of Election Commissioners of the counties to which this Act applies to call a special election to be held in said County precincts of said County for the purpose of accepting or rejecting the provisions of this Act. Upon the passage of this Act the said County Board of Election Commissioners shall give notice of the calling of said special election which is held on May 15, 1971. The ballots to be issued in such Election shall have printed thereon the caption, title, or general substance of this Act and, in addition, the following words:

FOR THE ADOPTION OF THE ACT: AGAINST THE ADOPTION OF THE ACT:

and the qualified voters of said County shall cast their vote for or against the adoption of this Act. The votes cast at such special election shall be canvassed by the County Board of Election Commissioners upon the first Monday next after the date of said election and the result of said election shall be proclaimed by said County Board of Election Commissioners and certified by them to the Secretary of State. The said election is declared to be for a county governmental purpose and the costs of conducting said election shall be paid from the general funds of said county. The qualification of voters to vote in said special election shall be the same as now provided for by law for participation in general elections in the State of Tennessee and laws applicable to general elections in the State of Tennessee which likewise apply to the special election herein provided for.

**SECTION 17.** That this Act shall be effective from and after its passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 16 herein.

Passed: April 14, 1971.

## Education/Schools - Historical Notes

### Board of Education

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

1. Private Acts of 1907, Chapter 236, established a Board of Education and a District Board of Advisors in every Tennessee County, abolishing all the offices of District Director. Quarterly County Court would divide the County into five school districts, composed of whole civil districts, from each of which one member of the Board of Education would be initially chosen by the Quarterly Court to serve until the next general election when the member would be elected for two years by popular vote. Vacancies for the unexpired term would be filled by the appointment of the School Superintendent. The duties of the Chairman, the Secretary, and the other Board members were specifically in the act. A three member advisory board would be elected in each District by popular vote who were required to assume and discharge the responsibilities listed in this Act. This Act was not intended to apply to any city school system. Nine counties exempted themselves from this Act but Jefferson County was not one of them. (This Act was considered by the State Supreme Court in Whitthorne v. Turner (1927), 155 Tenn 303, 293 SW 147.
2. Private Acts of 1925, Chapter 814, established the procedure for the County Board of Education to exercise eminent domain. This has been superseded by general law found in T.C.A. 49-801 et seq.

### **Superintendent or Director of Schools**

The acts referenced below once affected the office of superintendent of education in Jefferson County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1927, Chapter 439, stated that hereafter in Jefferson County (identified by the use of the 1920 Federal Census figures for Tennessee) the County Superintendent of Public Instruction would be elected in the manner provided by law but the election would take place at the regular July meeting of the Quarterly Court instead of in January as was previously the case. The person so elected must meet all the qualifications under the law and serve a two year term. The incumbent Superintendent would serve until July, 1929, when the successor in office would be elected under the terms of this Act.
2. Private Acts of 1929, Chapter 772, stated that in Jefferson County (identified by the use of the 1920 Federal Census figures) the Superintendent of Public Instruction would be elected by the vote of the people, provided always that the qualifications for the position were fully met. The first election would occur in August, 1930, and every two years thereafter. Any vacancy would be filled by the Quarterly Court until the next general election by the people. The Quarterly Court would set the compensation to be paid to the County Superintendent by the county.
3. Private Acts of 1943, Chapter 243, amended Private Acts of 1929, Chapter 772, by changing the term of the School Superintendent from two years to four years.

### **General Reference**

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

1. Acts of 1806, Chapter 8, established county academies in several counties in the State, and exempted the faculty and the President from militia duty. Maury Academy would be the county academy for Jefferson County. This Act named George Doherty, Adam Peck, Thomas Galbreath, Thomas Snoddy, and Parmenas Taylor, as the Trustees for Maury Academy, who could ordain the rules and regulations for the operation and discipline of the school. The General Assembly could appoint added Trustees when needed.
2. Acts of 1807, Chapter 56, appointed added Trustees for several of the county academies in the State, naming William Mills, and Joseph Hamilton to the Board of Trustees of Maury Academy in Jefferson County.
3. Acts of 1809, Chapter 106, also named additional members to the Board of Trustees for several county academies. Andrew Henderson and Ebenezer Leath were named to the Board of Trustees for Maury Academy.
4. Acts of 1817, Chapter 58, nominated Hugh Martin, John Lane, William Moore, Joshua Bradford, and Joseph Hamilton, Jr., as Trustees for Maury Academy in Jefferson County who would have all the powers and obligations of the other Trustees.
5. Acts of 1820, Chapter 47, named Robert McFarland and Shadrack Inman to the Board of Trustees for Maury Academy, conferring upon them all the rights and privileges enjoyed by all the other members of the Board of Trustees.
6. Acts of 1825, Chapter 73, appointed William Hill in Jefferson County, and several people named for other counties as commissioners to enter upon public lands for schools in their respective counties and ascertain the exact condition of the land. The Treasurer would supply a manuscript and a map of the said lands to the commissioners, who would examine the same, draw up proper records, and report the condition to their respective counties.
7. Acts of 1831, Chapter 267, Section 2, directed Napoleon B. Bradford, the Bank agent of Jefferson County, to refund to Thomas Snoddy the sum of \$22.46 which Snoddy, the treasurer of the common school fund, had paid to the Agent over and above the amount for which he was liable.
8. Acts of 1833, Chapter 282, required that the benefits of the Fifth Section of this Act to continue the Bank Agency in Campbell County to be extended also to the Clerks and Treasurers of the Board of Common School Commissioners of every county in the State in a similar situation, and upon the same terms. Jefferson County was among the counties mentioned in the caption of the act as coming under the provisions of this law.
9. Acts of 1837-38, Chapter 277, incorporated the present Board of Trustees, and their successors, of Holston College in the city of New Market in Jefferson County with the express authority to

- enact all rules and regulations for the successful operation and management of the college and for the internal disciplines of faculty and students.
10. Acts of 1849-50, Chapter 125, incorporated Henry J. Dick, William R. Caswell, William M. Bradford, James Fuller, William D. Fain, George M. Simpson, James Scruggs, Theodorick J. Bradford, and James P. Swann, as the Board of Trustees for the Dandridge Female Academy who would possess and could exercise all the power and authority normally incidental to the management of educational facilities and institutions.
  11. Acts of 1851-52, Chapter 362, incorporated the Trustees of the Mossy Creek Missionary Baptist Seminary in Jefferson County.
  12. Acts of 1855-56, Chapter 231, made the Dandridge Female Academy a Branch of the Maury Academy in Jefferson County. The Dandridge Female Academy would continue under the control and management of the original Board of Trustees. One-half of the Jefferson County funds for academies would be given to the Dandridge Female Academy.
  13. Acts of 1855-56, Chapter 233, changed the name of the Mossy Creek Missionary Baptist Seminary in Jefferson County to Mossy Creek Baptist College with the retention in the latter of all the power and authority of the former. The Trustees of the Seminary were made the Trustees of the college with no diminution of privilege or responsibility.
  14. Acts of 1865-66, Chapter 80, stated that the privilege of selling spiritous, vinous, or fermented liquors would not be granted to anyone for any location less than two miles of the Holston College, or the New Market Female Academy in Jefferson County. To grant the license would be a misdemeanor and to sell under the same would both be punishable by fines of up to \$250. Section 5 of this Act made the same prohibition applicable to Maury Academy and the Dandridge Female Institute in Dandridge.
  15. Acts of 1866-67, Chapter 29, declared it to be harmful and a misdemeanor for anyone to sell, or to expose for sale, any spiritous, or malt liquors in any quantity whatsoever within two miles of Mossy Creek Baptist College in Jefferson County but this Act would in no wise prohibit or prevent the sale of the same for medicinal purposes within that area.
  16. Acts of 1895, Chapter 210, changed the name of the Mossy Creek Baptist College became Carson-Newman College with certain powers and duties of the Trustees being prescribed.
  17. Acts of 1901, Chapter 470, amended all prior acts so that the name of Mossy Creek Missionary Baptist Seminary and Mossy Creek Baptist College would be changed to Carson-Newman College. Some alterations were made concerning the number of Trustees and the authority given to all the Trustees.
  18. Private Acts of 1905, Chapter 221, organized Special School District #8 in Jefferson County which would include the Fifth Civil District of the County as that district existed prior to the 1903 Redistricting Act. The intent of this Act was expressed to be to create a special school district embracing all of the old Fifth Civil District before the same was changed in 1903.
  19. Private Acts of 1909, Chapter 225, required every parent, guardian, or any person having the care, custody, and control of a child between the ages of eight and sixteen to send that child to school at least ten consecutive weeks, or 50 days, in each year, unless the school term was for a lesser time than 50 days. Some exceptions were allowed such as the child being tutored privately, or was suffering from some physical disability. The County School Board could furnish books, and the other essentials necessary for an indigent child to attend school for the mandated period. Excuses for absence could be accepted and ratified by the classroom teachers, or principals, of the student involved. Any disobedience of the terms of this Act could be subject to fines from \$10 to \$50. Accurate attendance records must be kept for each child, or the teacher would forfeit pay. This Act applied to Jefferson County only, under the population figures quoted in the same.
  20. Private Acts of 1909, Chapter 494, was another compulsory attendance law for Jefferson County which directed every parent, guardian, and custodian, of a child between the ages of eight and fourteen to send that child to school for four months, or 80 consecutive days, with the normal exceptions being allowed. Offenders could be fined \$1.00 for each day of school missed by the child for whom they were responsible. Teachers, and other school authorities, were directed to keep accurate attendance records on each child in their jurisdiction, or forfeit their pay. This Act applied to the counties of Carter, Clay, Cumberland, Fentress, Grundy, Grainger, Hamblen, Hawkins, Jefferson, Johnson, Knox, Loudon, Morgan, Macon, Pickett, Trousdale, Unicoi, and Washington. This Act, as amended later, was repealed specifically by Public Acts of 1978, Chapter 716.
  21. Private Acts of 1909, Chapter 543, was apparently a duplicate of all the provisions of Private Acts

of 1909, Chapter 494, above, except that this Act applied only to Jefferson County and Monroe County.

22. Private Acts of 1911, Chapter 347, was another version of the compulsory school attendance law, which directed every parent, guardian, and custodian of any child between the ages of eight and fifteen to send them to school for 80 consecutive days, or for 16 weeks, beginning at the start of the school year with only those exceptions mentioned in the act. The Poor Commissioners were authorized to provide the assistance needed for poor children to attend school. Teachers and school principals were given the authority to excuse a child's failure to attend, although non-compliance herewith could lead to fines from \$2.00 to \$10.00 for each offense. The salaries of teachers and principals would be held up if accurate attendance records were not kept. Notices must be sent to the parents, guardians, or custodians when a child was absent from school. Fines would be exacted and offenses prosecuted in the name of the State of Tennessee.
23. Private Acts of 1911, Chapter 447, amended the 1856 Act which changed the name of Mossy Creek Baptist College to Carson-Newman College to provide that the Board of Trustees would consist of 33 members who would hold office and be selected as was provided therein. A five member Executive Committee could be selected by the Board of Trustees to attend to the direction of the school for the year immediately following their selection.
24. Private Acts of 1913, Chapter 225, amended Acts of 1895, Chapter 210, in Section 2 by adding a provision that three-fourths of the Trustees of Carson-Newman College in Jefferson County must be members of the Missionary Baptist Church in good standing because the College was under the guidance and control of that religious denomination. No gift or donation would ever be diverted from the use and benefit of the College or deviated from the purpose for which it was designated by the donor. All laws in conflict with this Act were repealed.
25. Private Acts of 1923, Chapter 400, directed the Trustee of Jefferson County to pay over to the Recorder of Jefferson City that city's prorated share of High School funds in the trustee's hands from all sources which would be based upon the average daily attendance of all high school students, this apportionment to continue as long as Jefferson City maintained a high school.
26. Public Acts of 1925, Chapter 115, in Section 33, abolished all special school districts in existence, which were not taxing districts, provided for a referendum election to be held in those which were taxing districts on the question of their abolition and authorized all school districts whose debts were paid in full to join any county public school system. This entire Act codified as Title 49, Tennessee Code Annotated.
27. Private Acts of 1925, Chapter 128 was the legal authority for the County Court of Jefferson County by a majority vote to use unexpended funds which were raised under the authority of Public Acts of 1921, Chapter 533, for High School purposes. These funds would be turned over to the County Trustee who was directed to place the same to the credit of the High School Building Account.
28. Private Acts of 1953, Chapter 321, authorized and directed the Trustees of the Maury Academy Fund to expend the said funds, including the campus and income to improve the school grounds and to purchase equipment, fixtures, and facilities for Maury High School in Dandridge which was the successor to Maury Academy. When accomplished the Trustees would fill a report of their activities with the Quarterly Court which report would be spread upon the minutes of the Court.

## Chapter VII - Elections

### Elections - Historical Notes

#### **Districts - Reapportionment**

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

1. Acts of 1835-36, Chapter 1, required the Tennessee General Assembly by Resolution to appoint suitable people to lay out the civil districts in each county according to the population of 1833. Each County having 3,000, or more, qualified voters would have 25 civil districts, between 2500 and 3,000 voters, 20 civil districts, dropping off in equal segments down to five civil districts. Two Justices of the Peace and one Constable would be elected in each District except the one containing the county seat which would have three Justices of the Peace and two Constables. The Commissioners were instructed to take advantage of all natural barriers and boundaries in laying



out the Districts. John Rosser, Jonathan Woods, Joseph B. M. Reese, Daniel Meek, and Robert McFarland, Jr. were named as the Commissioners in Jefferson County.

2. Private Acts of 1903, Chapter 431, abolished the First, Third, Fourth, Seventh, Ninth, Eleventh, Thirteenth, Fourteenth, Fifteenth, Sixteenth, and Nineteenth Civil Districts in Jefferson County and created seven new Civil Districts composed of the old whole civil districts and stipulated that none but the General Assembly could change them in the future.
3. Private Acts of 1905, Chapter 236, amended Private Acts of 1903, Chapter 431, above, to make the Third Civil District coincide with the old Twelfth Civil District, to make the Eighth Civil District contain the old Third, Seventeenth, and Nineteenth Civil District. The old Thirteenth Civil District was divided by adding the area described in the Act to the Fourth Civil District and leaving the remainder as it was then designated

## **Elections**

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

1. Acts of 1796, Chapter 1, provided for three U. S. Congressmen from Tennessee, one from each of the districts of Washington, Hamilton, and Mero. The votes in the Hamilton District to which Jefferson County was assigned would be counted in Knoxville.
2. Acts of 1796, Chapter 4, named the Presidential Electors in each county for the upcoming election of the President and Vice President of the United States. In Jefferson County ANDREW HENDERSON and JOSIAN JACKSON would act as Presidential Electors.
3. Acts of 1796, Chapter 10, set the number of Tennessee Representatives in the United States Congress at two, one from the Halston District of the Washington and Hamilton Districts and one from the Cumberland District of Mero. The election would be on the first Thursday in August and the succeeding day. The Sheriff in each county would count and certify the votes in that county.
4. Acts of 1798, Chapter 16, fixed the number of Senators in the Tennessee General Assembly at twelve and the number of Representatives at twenty-four. Four Senators and eight Representatives were allotted to each of the Washington, Hamilton and Mero Districts. Jefferson County and Cocke County would elect one Senator between them and Jefferson County would elect one Representative alone.
5. Acts of 1799, Chapter 46, named the people in each county in Tennessee who would meet to elect the three Presidential Electors to which the state was entitled. In Jefferson County in the Hamilton District those named were CHRISTOPHER HAYNES, ANDREW HENDERSON, and THOMAS SNODDY.
6. Acts of 1801, Chapter 43, provided for the election of three U. S. Congressional Representatives, one each from the Districts of Washington, Hamilton, and Mero. The votes in the Hamilton District, which included Jefferson County, would be corrected and confirmed at Knoxville.
7. Acts of 1801, Chapter 83, amended an act which authorized the musters of the militia to be held at Major Robert McFarland's house in Jefferson County so that the elections for U. S. Congressman, Governor, and all other elections under the general election laws would take place at the same location.
8. Acts of 1803, Chapter 24, established five Presidential Electoral Districts in Tennessee of which the Second District contained the counties of Hawkins, Claiborne, Grainger, Jefferson, and Cocke. The votes cast in Jefferson County would be canvassed and certified in Dandridge.
9. Acts of 1805, Chapter 64, apportioned the General Assembly for representatives from the counties. Jefferson County and Cocke County would jointly elect one of the thirteen Senators while Jefferson would have one of the 26 Representatives alone.
10. Acts of 1807, Chapter 74, divided Tennessee into five Presidential Electoral Districts for the 1808 Presidential Election. The second district consisted of the counties of Grainger, Jefferson, Claiborne, Cocke, Sevier and that part of Campbell County voting in Claiborne County. The votes in Jefferson County would be compared at the Mossy Creek Iron Works.
11. Acts of 1809, Chapter 1, set up the election of three U. S. Congressional Representatives in the state, one from the Washington District, one from the Hamilton District, and one from the convened districts of Robertson, Winchester, and Mero, all of whom would serve two year terms. The returning officers for the Hamilton District which contained Jefferson County would meet at Knoxville again.
12. Acts of 1812, Chapter 5, established eight Presidential Electoral Districts in Tennessee for the

- Presidential election to be held on the first Thursday and Friday in November, 1812. The counties of Cocke, Jefferson, Sevier, Grainger, and Claiborne made up the Second Electoral District.
13. Acts of 1812, Chapter 27, divided the state into six U. S. Congressional Districts. The Second U. S. Congressional District contained the counties of Jefferson, Grainger, Claiborne, Knox, Sevier, Blount and Cocke.
  14. Acts of 1812, Chapter 57, increased the representation in the General Assembly of Tennessee for the first time to twenty Senators and forty Representatives. Jefferson County and Cocke County would unite to elect one Senator and the votes were to be counted at JOHN SEABORNE'S house in Jefferson County. Jefferson County would choose one representative for its own.
  15. Acts of 1813, Chapter 11, provided for separate elections in Jefferson County whenever field officers were to be elected in the county at those places used for other elections. The Sheriff was obligated to hold them and the votes were to be counted at Dandridge.
  16. Acts of 1815, Chapter 31, set up eight Presidential Electoral Districts in the state with the same counties assigned to each District which were enumerated in the previous act. This arrangement was for the Presidential election of the first Thursday and Friday in November, 1816.
  17. Acts of 1819, Chapter 69, provided that Greene County and Jefferson County would combine to elect one of the 20 State Senators, the polls being counted at Warrensburg, and Jefferson County alone would elect one Representative out of the 40.
  18. Acts of 1820, Chapter 52, expressly repealed an election law of 1813 (probably Chapter 11, above) which authorized separate elections regarding the militia in certain counties.
  19. Acts of 1820, Chapter 93, declared that the Sheriff, or his Deputy, on the regular election days would hold a separate election at New Market north of Bay's Mountain and between Panther Creek and the Knox County line. It would be lawful for everyone living in that area to vote here, and the returns were to be sent to Dandridge to be counted and certified.
  20. Acts of 1822, Chapter 1, established nine U. S. Congressional Districts in Tennessee. The Second Congressional District included the counties of Grainger, Claiborne, Cocke, Jefferson, Knox, Sevier, and Blount.
  21. Acts of 1823, Chapter 47, organized Tennessee into eleven Presidential Electoral Districts, assigning the county of Cocke, Sevier, Jefferson, Grainger, Claiborne, and Campbell to the Second District. The election would take place on the first Thursday in October, 1824, and the returning officers were to meet at Rutledge.
  22. Acts of 1824, Chapter 1, was identical with Acts of 1823, Chapter 47, above, except that the dates mentioned for the Presidential election were the first Thursday and Friday in November, 1824, and obvious correction of an error in the 1823 law.
  23. Acts of 1826, Chapter 3, assigned the counties of Jefferson, Grainger, Claiborne, and Campbell as one of the 20 State Senatorial Districts whose election returns would be processed at Rutledge, and Jefferson County would select one of the 40 Representatives alone.
  24. Acts of 1827, Chapter 17, delineated the State into eleven Presidential Electoral Districts placing the counties of Cocke, Jefferson, Sevier, Grainger, Campbell, and Claiborne in the Second Electoral District. The Election would occur on the second Thursday and Friday in November, 1828, and the votes would be canvassed and certified at Rutledge.
  25. Acts of 1832, Chapter 4, established 13 U. S. Congressional Districts in the State of Tennessee of which the first Congressional District was composed of the counties of Carter, Greene, Washington, Cocke, and Jefferson.
  26. Acts of 1832, Chapter 9, set up fifteen Presidential Electoral Districts in the state for the Presidential Election to be held on the first Monday and Tuesday in November, 1832 the first Electoral District was made up of the counties of Carter, Washington, Greene, and Jefferson.
  27. Acts of 1833, Chapter 41, created a separate election precinct at the house of WILLIAM HILL, Esq., in Jefferson County, for all the elections to be held under the general law of the state.
  28. Acts of 1833, Chapter 71, reapportioned the representation of 20 Senators and 40 Representatives in the General Assembly of the state. The counties of Cocke, Jefferson, Grainger, and Claiborne would jointly elect one State Senator and count the votes at the house of ODADIAH BOAZ, in Grainger County. Jefferson County and Cocke County would share one Representative and the polls in this election would be compared at the house of HENRY JONES at the forks of the road in Jefferson County.
  29. Acts of 1833, Chapter 76, called for a constitutional convention of 60 delegates who would be

- elected on the first Thursday and Friday in March and would meet in Nashville on the third Monday in May, next, to revise amend, or alter the former constitution, or enact a new one for the state. The counties of Campbell, Claiborne, Grainger, and Jefferson would compose one District and elect three delegates to the convention. Polls were to be returned and certified at Rutledge.
30. Acts of 1835-36, Chapter 39, enacted pursuant to the adoption of the new state constitution, divided Tennessee in to 15 Presidential Electoral Districts. The first Electoral District was comprised of the counties of Carter, Washington, Greene, and Jefferson.
  31. Acts of 1839-40, Chapter 79, stated that hereafter in Tennessee each Congressional District would likewise be a Presidential Electoral District.
  32. Acts of 1842, Chapter 1, raised the number of Senators in the Tennessee General Assembly to 25, and the number of Representatives to 50. Grainger County, Jefferson County, and Claiborne County would share one State Senator, and Jefferson County would elect one Representative alone.
  33. Acts of 1842, Chapter 7, organized the state into eleven U. S. Congressional District. The second Congressional District included the counties of Jefferson, Grainger, Claiborne, Campbell, Anderson, Morgan, Sevier, Blount, and Monroe.
  34. Acts of 1847-48, Chapter 101, provided that each Congressional district in the state would likewise be a Presidential Electoral District in the upcoming Presidential Election to select a President and Vice-President of the Country.
  35. Acts of 1851-52, Chapter 196, created ten U. S. Congressional Districts in the state designating the counties of Johnson, Carter, Sullivan, Washington, Hawkins, Greene, Cocke, Jefferson, Hancock, and Sevier as the first Congressional District.
  36. Acts of 1851-52, Chapter 197, in this apportionment of the representation in the General Assembly assigned Hawkins County, Hancock County, and Jefferson County to one State Senatorial District whose votes would be counted and processed at Rogersville. Jefferson County would elect one Representative alone and share another with Hawkins County and Hancock County.
  37. Acts of 1865, Chapter 34, divided Tennessee into only eight U. S. Congressional Districts in this post Civil War Act. The first Congressional District contained the counties of Johnson, Carter, Sullivan, Washington, Hawkins, Hancock, Greene, Cocke, Jefferson, Grainger and Sevier.
  38. Acts of 1869-70, Chapter 105, was the enabling legislation for a referendum to be held on whether or not a constitutional Convention should be called which would consist of 75 delegates elected from the Representative and Senatorial Districts of the state. The said Convention, if authorized, would convene in Nashville on the second Monday in January, 1870, to alter, amend, change, or rewrite the 1834 Constitution.
  39. Acts of 1871, Chapter 146, reapportioned the General Assembly pursuant to the new 1870 Constitution and the 1870 Federal Census. Jefferson County would elect one Representative alone and be a part of the third Senatorial District with Cocke County, Sevier County, and Blount County.
  40. Acts of 1872, Chapter 7, formed nine U. S. Congressional Districts in Tennessee designating the counties of Sevier, Knox, Jefferson, Anderson, Campbell, Scott, Morgan, Fentress, Cumberland, White, Putnam, Overton, Jackson, Smith, Macon, and Clay as the second U. S. Congressional District.
  41. Acts of 1873, Chapter 27, divided Tennessee into ten U. S. Congressional Districts. The second district included the counties of Jefferson, Sevier, Blount, Monroe, Loudon, Roane, Knox, Anderson, Campbell, Scott, Morgan, and Union.
  42. Acts of 1881 (Ex .Sess.), Chapter 5, set the number of Senators at 33, and the number of Representatives at 99, on a permanent basis.
  43. Acts of 1881 (Ex. Sess.), Chapter 6, reapportioned the General Assembly based upon the above Act which increased the members and upon the 1880 Federal Census figures. Jefferson County would choose one Representative alone and share a State Senator with the counties of Sevier, Cocke, and Hamblen.
  44. Acts of 1882, Chapter 27, formed the state into nine U. S. Congressional Districts. The second Congressional District was composed of the counties of Jefferson, Union, Sevier, Blount, Knox, Loudon, Roane, Anderson, Morgan, Campbell, and Scott.
  45. Acts of 1891, Chapter 131, provided for ten U. S. Congressional seats in Tennessee based upon the 1890 census. The second Congressional District consisted of the counties of Jefferson, Union,

Sevier, Blount, Knox, Loudon, Roane, Anderson, Morgan, Campbell, and Scott.

46. Acts of 1891 (Ex. Sess.), Chapter 10, allotted Jefferson County one Representative in the General Assembly above, and assigned the county to the fifth Senatorial District with Knox County, Cocke County, and Sevier County.
47. Acts of 1901, Chapter 109, divided the state into ten U. S. Congressional Districts of which the counties of Hamblen, Jefferson, Knox, Blount, Loudon, Roane, Scott, Anderson, Campbell, and Union composed the second Congressional District.
48. Acts of 1901, Chapter 122, was the last apportionment of the Tennessee General Assembly for the next sixty years, or more. The fourth State Senatorial District contained the counties of Cocke, Hamblen, Jefferson, Sevier, and Blount, and the counties of Jefferson and Hamblen would share a State Representative.
49. Private Acts of 1911, Chapter 581, amended Acts of 1890, Chapter 24, so as to make its provisions applicable to Jefferson County by inserting the appropriate population figures in the proper places of the amended Act. No registration of voters however, would be a prerequisite to voting in Jefferson County. The Election Commissioners were obliged to appoint two Registrars for each precinct who would possess the same qualifications specified in the 1890 Act.
50. Private Acts of 1917, Chapter 496, amended Private Acts of 1911, Chapter 581, above, by adding at the end of Section 4 a provision that any voter who could not mark his ballot would notify the officer holding the election to that effect and the officer could proceed to mark the ballot in the presence of the Judges of the election precinct and a person selected by the voter, and the officer would sign his name as having marked the ballot. Any violation of this Act could produce fines from a \$10 minimum to a \$50 maximum.
51. Private Acts of 1929, Chapter 35, stated that in Jefferson County (identified by the use of the 1920 population figures) each officer, Judge, Clerk, Registrar, and marker who assists in the holding of any election, regular or special in any district, or precinct, would be paid \$2.00 per day for each election so participated in, in the manner now prescribed by law.
52. Private Acts of 1929, Chapter 593, declared that in any election in Jefferson County any voter, who declared to the officer and Judges holding the election that by reason of blindness, or other physical impairment, he was unable to mark the ballot, would be given assistance by the election officer who would mark the ballot as directed by the voter in the presence of the Judges and certify on the outside of the ballot that the same was so marked with his assistance. Neither the Judges nor the officer, would be required to reveal how the ballot was marked to anyone.
53. Private Acts of 1953, Chapter 274, recited in the preamble of the Act that numbers of people in the sixth Civil District of Jefferson County work in Knoxville and Mascot and cannot return to their homes in time to vote during normal election hours, therefore, this act fixed the hours of the polling precincts in the sixth Civil District at a 9:00 a.m. opening and a 7:00 p.m. closing instead of closing at 4:00 p.m.

## Chapter VIII - Health

### Hospital

#### Private Acts of 1965 Chapter 180

**COMPILER'S NOTE:** The above act was certified by the Secretary of State as properly ratified and approved; however, the Secretary of State's records of the certification of Private Acts of 1965 show that the act was not passed upon and declared to the Secretary of State by the Town of Jefferson City as required by the Act itself; therefore, according to the original records in the State Archives, Records Center No. 2679, the act was not properly ratified. The act is reproduced here, but the compiler takes no position on the validity of the act.

**SECTION 1.** That a joint nonprofit Hospital District, to be known as the Jefferson Memorial Hospital District, is hereby created and established for and in behalf of the County of Jefferson and the Town of Jefferson City, Tennessee.

**SECTION 2.** That said Hospital District shall comprise and consist of the following described tract or parcel of land, together with all buildings and other improvements thereon, and all appurtenances thereunto belonging, including all items of furniture, fixtures, equipment, supplies and inventory, located in the Fourth Civil District of Jefferson County, Tennessee, within the corporate limits of the Town of

Jefferson City, Tennessee, and more particularly described as follows:

"BEGINNING at a stake, the southeast corner of the tract of land here conveyed, said point being north 87 deg. 00 min. west 816 feet from the curb line on the west side of Russell Street; thence from said beginning point and with other property of Carson- Newman College, Inc., a new line this day established by and between the parties hereto, north 1 deg. 53 min, east 510.67 feet to an iron pin set in the east line of Bishop Street at 169 feet, in all the distance of 186.5 feet to an iron pin set in the corner of said fence; thence continuing with said fence south 10 deg. 19 min. east 44 feet to an iron pin set in the corner of a fence; thence continuing with fence line, south 80 deg. 39 min. west 273.5 feet to a stone, said stone being set in the west line of Deborah Street; thence, continuing with a fence line, south 4 deg. 32 min. west 375 feet to an iron pin; thence south 87 deg. 00 min. east 460 feet to the BEGINNING, containing 4.61 acres, more or less." being the site and grounds, fixtures, equipment and supplies of the Jefferson Memorial Hospital.

**SECTION 3.** That said Hospital District shall be operated and controlled by a Board of Trustees, seven (7) in number, who shall serve without compensation and who shall be elected in the manner and for the terms hereinafter provided. The Chairman of the Quarterly County Court of Jefferson County, Tennessee, and the Mayor of the Town of Jefferson City, Tennessee, shall be ex officio members of said Board of Trustees, without vote.

**SECTION 4.** That the initial members of the Board of Trustees shall be L. E. May and Thomas L. Webb who shall serve until July 1, 1965, Fred Thurman and Jack Taylor who shall serve until July 1, 1966, Walton Quillen and J. W. Ellis who shall serve until July 1, 1967, and Dr. S. C. Fain who shall serve until July 1, 1965. Said initial members shall begin their respective terms upon the effective date of this Act and shall serve until the expiration of said terms as herein provided and until their successors shall be duly elected as hereinafter provided.

**SECTION 5.** That upon the expiration of the respective terms of L. E. May, Fred Thurman and Walton Quillen, their successors shall be elected for a term of three (3) years by the Board of Mayor and Aldermen of the Town of Jefferson City, Tennessee. The said Board of Mayor and Aldermen of the Town of Jefferson City, Tennessee shall annually thereafter elect for a three (3) year term a successor to that member of the Board of Trustees whose term shall have expired, and who was originally elected by said Board of Mayor and Aldermen.

That upon the expiration of the respective terms of Thomas L. Webb, Jack Taylor and J. F. Ellis, their successors shall be elected for a term of three (3) years by the Quarterly County Court of Jefferson County, Tennessee. The Quarterly County Court of Jefferson County, Tennessee, shall annually thereafter elect for a three (3) year term a successor to that member of the Board of Trustees whose term shall have expired, and who was originally elected by the said Quarterly County Court.

That upon the expiration of the term of Dr. S. C. Fain, his successor shall be elected for a term of one (1) year by the Jefferson Memorial Hospital Medical Staff. That thereafter, the said Jefferson Memorial Hospital Medical Staff shall annually elect for a one (1) year term a successor Trustee.

**SECTION 6.** That a Trustee whose term has expired shall continue to serve until his successor shall have been elected in the manner herein provided. In the event of the death or resignation of a Trustee prior to the expiration of his term, his successor shall be elected for the unexpired term in the same manner as the deceased or retiring Trustee was elected. Any Trustee shall be eligible for re-election. The Board of Trustees shall elect a President and Secretary from among its members; shall meet at least monthly, and more often if necessary; and shall keep complete, permanent and public records and minutes reflecting all business and transactions of the Board.

**SECTION 7.** That the Board of Trustees shall be vested with full, absolute and complete authority and responsibility for the operation, management, conduct and control of the business and affairs of the Hospital District herein created. Said authority and responsibility shall include, but shall not be limited to, the establishment, promulgation and enforcement of the rules, regulations, and policies of the Hospital District, to fix and determine the charges to be made for all services rendered, the upkeep and maintenance of all property, the administration of all financial affairs of the Hospital District, the execution of all contracts, agreements and other instruments, the employment, compensation, discharge and supervision of all personnel.

**SECTION 8.** That said Hospital District shall have the power to sue and be sued in the name of the Jefferson Memorial Hospital District; to have and to use a common seal, which it may alter at pleasure, and if no common seal, then the signature of the name of the Hospital District, by any duly authorized officer, shall be legal and binding; to establish by-laws, and make all rules and regulations not inconsistent with the laws and constitution, deemed expedient for the management of the Hospital District's affairs; to appoint such subordinate officers and agents, in addition to a President and Secretary, or Treasurer, as

the business of the Hospital District may require; to designate the name of the office, and fix the compensation of the officer; to borrow money to be used in payment of property bought by it, and for erecting buildings, making improvements, and for other purposes germane to the objects of its creation, and secure the repayment of money thus borrowed by mortgage, pledge, or deed of trust, upon such property, real, personal, or mixed, by purchase, gift, devise, or bequest, sell the same and apply the proceeds toward the promotion of the objects for which it is created, or hold any such property and apply the income and profits towards such objects; to invest any funds received by it in such investments as in the honest exercise of its judgment it may, after investigation, determine to be safe and proper investments, and to retain any investments heretofore so made.

**SECTION 9.** That the means, assets, income, or other property of the said Hospital District shall not be employed, directly or indirectly, for any other purpose whatever than to accomplish the legitimate objects of its creation, and by no implication shall it engage in any kind of trading operation, nor hold any more real estate than is necessary for its legitimate purposes, provided, however, that this shall not preclude such Hospital District from disposing of any property or assets lawfully acquired where such property and assets are determined to be no longer needed to accomplish the objects and purposes of its creation, and the proceeds derived therefrom are to be applied toward the legitimate objects of its creation.

**SECTION 10.** That the general welfare of society, not individual profit, is the object for which this Hospital District is created.

**SECTION 11.** That the Board of Trustees shall prepare and submit to the Board of Mayor and Aldermen of the Town of Jefferson City, Tennessee, during each quarter of each fiscal year a complete financial statement and report, which among other things, shall reflect a comparison of actual receipts and disbursements with budgeted receipts and disbursements as of the dates of such financial statements.

**SECTION 12.** That this Act shall have no effect unless the same shall be approved by a two-thirds (2/3) vote of the Quarterly County Court of Jefferson County, Tennessee, at a regular or special session held not more than one year after its passage, and also approved by a two-thirds (2/3) vote of the Board of Mayor and Aldermen of the Town of Jefferson City, Tennessee, at a regular or special session held not more than one (1) year after its passage. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court of Jefferson County, Tennessee, and by the presiding officer of the Board of Mayor and Aldermen of the Town of Jefferson City, Tennessee, and shall be certified by them to the Secretary of State.

**SECTION 13.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 16, 1965.

## Health - Historical Notes

The following summaries are included herein for reference purposes.

1. Acts of 1887, Chapter 146, divided Tennessee into three main divisions in respect to the area the institutions of mental health would serve. Jefferson County was among the 32 counties which would send mental patients to the Eastern Tennessee Hospital for the Insane which was located near Knoxville.
2. Private Acts of 1921, Chapter 819, made it lawful in Jefferson County (identified by the use of the 1920 Federal Census figures) for any person who had held permits from the State Board of Pharmacy for six consecutive years to conduct a drug store, or a pharmacy, and to sell therein drugs, medicines, and the like normally sold in such an establishment and to fill and compound prescriptions. Any person so doing must take out and pay for a license which would be issued to him by the State upon application and payment of the fee.

## Chapter IX - Highways and Roads

### Crushed Rock

### Private Acts of 1955 Chapter 345

**COMPILER'S NOTE:** For the general law, see Tennessee Code Annotated §12-8-101.

**SECTION 1.** That each county of this State having a population of not less than 19,500 nor more than 19,700, according to the Federal Census of 1950 or any subsequent Federal Census, is hereby authorized to negotiate contracts with other counties and with municipalities and with the Federal and State Governments and with private industry for the sale of crushed rock.

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

Passed: March 16, 1955

## Road Law

### Private Acts of 1929 Chapter 477

**SECTION 1.** That there is hereby created for all Counties of the state of Tennessee having a population of not less than 17,665 nor more than 17,685 according to the Federal Census of 1920 or any subsequent Federal Census, the office of Highway Commissioners for said Counties to consist of three members, no more than two of whom shall belong to the same political party, one of the Commissioners named in this Act to serve for a term of one year, one to serve for a term of two years, and one to serve for a term of three years, at the expiration of their terms their successors shall be elected by the County Commission of said County at its regular April term and to serve for a term of three years and until their successors are elected and qualified. And should any vacancy occur in said Commissioners by death, resignation, or removal, the County Court at any quarterly term shall fill said vacancy. Said Commissioners shall receive for their services the sum of \$150.00 per year, except the Chairman of said Commission who shall receive the sum of \$250.00 per year. They shall receive necessary traveling expenses when their duty calls them outside of the County, in the interest of the public roads of said County. The County Commission of said County may at its regular April term of any year raise or lower the salary of said Commissioners of any one of them.

It shall be the duty of said Commissioners to meet twice each month for the purpose of designating and laying out the work to be done on the public roads of said County and for the purpose of transacting any other business to come before the Commission. For the purpose of carrying out the provisions of this Act, A. H. Moore, Geo. C. Zirkle and J. W. Sams are hereby appointed and constituted Highway Commissioners for said County, and the said A. H. Moore shall serve for a term of one year, the said Geo. C. Zirkle shall serve for a term of two years, and the said J. W. Sams shall serve for a term of three years or until their successors are elected and qualified.

As amended by:

Private Acts of 1949, Chapter 518

Private Acts of 1981, Chapter 50

**SECTION 2.** That no person shall be eligible to a position on said Commission who is not a citizen and freeholder of said County, who is not of legal age, who does not sustain a good moral character and in all respects upright in his dealings. All of said Commissioners shall be men known to be of sound judgment and discretion, who are regarded as successful in their respective vocations of good business capacity and ability and one at least shall be a man skilled in the matters of finance. Before entering upon the discharge of their duties they shall take and subscribe to an oath of office in writing to be filed in the office of the County Court Clerk of said County, that they will faithfully and honestly discharge the duties of the office to the best of their skill and ability without partiality, fear or favor to persons or to the people of any section of said County. After qualifying said Commissioners shall organize by designating one of its members as Chairman, whose term as Chairman shall be for a term of one year and until his successor is elected and qualified.

**SECTION 3.** That it shall be the duty of said Highway Commissioners to take general oversight and management and control of all public roads, pikes or dirt roads within said County except those which are maintained by the State Highway Department, and should any of the roads now maintained by the State Highway Department be abandoned by the State Highway Department said road or roads shall come under the oversight and management of said Commission. Said Highway Commission shall have the right to maintain, construct or re-construct, macadamize, locate or re-locate any of said public roads. Said Highway Commission shall have charge of all bridges across any branch, creek or river except those under the care of the State Highway Department, for the purpose of maintaining and improving the same.

Said Commissioners shall be provided with an office room in the Court house of said County by the County Court of said County. Said Commissioners may make and adopt all such rules and regulations with reference to laying out, working, maintaining, constructing, reconstructing, all of said public roads, pike and dirt roads and bridges as indicated above in the County, by County convict labor, militia labor and by the use of County road funds as its judgment will best promote the interests of the County and carry out the object of this Act. And when so adopted shall be a part of the road building and maintenance program of said County. Said Commissioners are hereby empowered to buy all necessary supplies and equipment as may be necessary to carry out the provisions of this Act. And make any contracts with the State Highway Department relative to any road or road program of said County. Said Commission is hereby authorized and empowered to employ one road superintendent who may be discharged from duty by said Commissioners at any time for incompetency, neglect of duty or any other good and sufficient reason

when in the judgment of the Commission the public services require it. Said road superintendent shall be a practical road builder with recognized ability in repairing and upkeep of pike or dirt roads, experienced in working and handling of men, shall have a fair common school education, write a legible hand, shall have experience as an office man, shall be of good moral character and a man of sound judgment, his salary shall be fixed by said Commission not to exceed Twelve Thousand Dollars per annum, to be paid monthly, and in addition thereto shall be allowed his actual traveling expenses when traveling over the roads of said County or elsewhere under the direction of the Commission not to exceed Three Hundred and Sixty Dollars per annum.

The Commission is likewise authorized to employ a secretary-book-keeper whose annual compensation shall be fixed by the County Commission of such County at its April term of each year, at such an amount as they may deem fit and proper.

As amended by:

Private Acts of 1939, Chapter 507  
 Private Acts of 1947, Chapter 717  
 Private Acts of 1951, Chapter 194  
 Private Acts of 1955, Chapter 86  
 Private Acts of 1959, Chapter 8  
 Private Acts of 1961, Chapter 145  
 Private Acts of 1965, Chapter 38  
 Private Acts of 1967, Chapter 358  
 Private Acts of 1975, Chapter 77  
 Private Acts of 1981, Chapter 50

**SECTION 4.** That before said superintendent shall assume the discharge of his duties he shall first take and subscribe to an oath of office in writing to faithfully and impartially discharge the duties of his office without fear or favor to persons and shall enter into bond with some bonding Company authorized to do business in said County, to be approved by said commission, and in the sum of \$5,000.00 payable to the State of Tennessee for the use of said County, conditional upon the faithful discharge of all his duties and for the faithful accounting of all tools, machinery and implements and all other personal property belonging to said County that may be in his possession or under his control, the same to be paid by the Commission out of the road fund.

**SECTION 5.** That said road superintendent shall not be actively engaged in any other business than the business of his office, shall be required to devote his entire time to the roads of said County, to familiarize himself with the roads of said county and shall be charged with the duty of maintaining them and keeping them in good repair and laying out of such new pikes and roads as may be ordered, he shall regulate the working of all roads within the county by the county road hands, convicts or militia labor belonging to said roads whether dirt or pike roads, shall regulate the working of county convicts of said roads or in quarries, quarrying and crushing of stone for this or other purposes, he shall be empowered to employ such foremen, guards and other laborers and assistance as necessary said commission. Said superintendent shall act as the secretary to said Commission and shall keep its books, records, accounts, etc. Said road Superintendent shall have charge of and be responsible for all the road tools, implements, machinery, live stock and other personal property pertaining to said public roads now owned by the County or hereafter owned by the county wherever the same may be located or in whomsoever's hands it may be.

He shall as soon as possible assemble all of said property and make complete inventory of the same and file same with the Commission who shall charge to said superintendent the same and enter the same in a well bound book in which the minutes of all their proceedings shall be recorded. All such tools, implements, machinery, live stock or other personal property that may not be needed for use by said Commission shall be sold by said superintendent under the direction of the Commission and the proceeds paid into the hands of the County Trustee who will place the same with the other road funds provided for in this Act. Said Superintendent shall act as the secretary to said Commission and shall keep its books, records, accounts, etc.

As amended by:

Private Acts of 1939, Chapter 507

**SECTION 6.** That the County Jail of such counties is hereby declared to be a county workhouse, and the sheriff or jailor of such county shall have the care and custody of all county convicts committed to that institution except when they are at work on the roads and are being taken to or returned from such work during which time the superintendent or persons designated by him shall have care and custody of them and shall be responsible for their safety. The purpose of this Act in regard to County convicts being only to provide a method for working them on said public roads and bridges and in quarries, and in all other respects the general law in regard to county convicts is not effected but the same is hereby declared to be in full force and effect.

**SECTION 7.** That it shall be the duty of said superintendent to work all ablebodied convicts committed to



the County Workhouse on said public roads of said county, or in quarries, quarrying and crushing stone for said public roads and road purposes. Taking them from the jail or workhouse in the morning and returning them at night, when it shall be deemed practical by said commission for him to do so.

**SECTION 8.** That the Board of County Commissioners shall have the authority to levy a public road tax on all the property taxable by law in the county. This tax when collected, shall be kept by the County Trustee in a fund called the Public Road Fund, and all road maintenance funds now in the hands of the County Trustee or which may hereafter come into his hands shall be available for use under this act. All revenue from whatever source derived for the use of public roads and bridges shall be kept by the Trustee in said public road fund account.

As amended by: Private Acts of 1981, Chapter 50

All taxes collected, under the act, or property within the limits of incorporated towns, where jurisdiction has been extended to such towns to open, close and repair its streets, roads and alleys, and is exercised by it, shall be paid over by the Trustee of the County to the recorder or other official of said incorporated towns, who is authorized to receive the same, to be used by said town in constructing and repairing its roads, street and alleys. The Trustee taking receipt from such official for which he shall have credit in his settlement with the County Judge or Chairman of the County Court. All revenue from whatever source derived for the use of public roads and bridges indicated above shall be kept by the Trustee in said public road fund account.

As amended by: Private Acts of 1929, Chapter 909  
Private Acts of 1935, Chapter 135

**SECTION 9.** That all machinery and tools of every description belonging to said county now in the hands of the Pike Maintenance Commission, or any of the District dirt road Commissioners of said County shall come into the hands of said Highway Commission for its care and use.

**COMPILER'S NOTE:** The original Section 9 was deleted by Private Acts of 1981, Chapter 50, which also renumbered the original sections accordingly upon Section 9's deletion.

**SECTION 10.** That all applications to open, change or close any road shall be made by written petition addressed to said superintendent, as is now required by general law to be made to the district road commissioner. The superintendent when he receives such petition shall within ten days thereafter fix the time and place of acting upon the same and shall notify the first person named on said petition. It shall then be the duty of said party to give notice, in writing to all interested persons, those deemed interested shall be the land owners and those having pecuniary interest, of the time and place when said superintendent will act upon said petition, and if proper notice has been given to all interested persons as designated above to be affected by said actions sought in said petition the superintendent shall proceed to view out said roads and report his actions to the Chairman of the County Court who shall hear the matter and determine what is the right of the parties and any party dissatisfied with the action of the Chairman as to said proposed change sought by said petition may within ten days appeal therefrom to the Circuit Court of said County upon making bond with solvent security as provided by law. All damages allowed by the superintendent or the Chairman trying said case or any damages allowed on appeal shall be paid out of the public road funds of said county, provided for in this Act. In all cases of opening and closing of roads the superintendent or in case a jury of view is summoned its report shall be confirmed, and any order confirming the same shall be entered on the minutes of said Court granting to the county an easement over the land the roads opened pass.

**SECTION 11.** That said county has the right of eminent domain to be exercised by it through its Highway Commission, for public road purposes to be exercised as required by general law in condemnation, except that the county shall not be required to make bond for damages.

**SECTION 12.** That all such public road fund shall be paid out by the County Trustee on the warrant of the superintendent when countersigned by the Chairman of said commission, showing for what purpose issued and to make quarterly reports covering the same to the County Court of said County.

**SECTION 13.** That said Superintendent shall make a quarterly report at each regular quarterly session of the County Court, to the County Court, which report shall be attested by said commission, showing the amount of work done on said public roads and bridges, the cost of the same; showing the amount of material purchased and for what it was used and the cost of the same; the amount of labor contributed by militia and the amount commuted; the work done by convicts and the cost of the same; the amount of work done by paid labor and the cost of the same; the amount of machinery and tools furnished and the cost of the same; the amount of all contracts if any let on said public roads and bridges; the cost of maintenance of teams, machinery, etc., salaries and all incidental expenses, and all other matters necessary to a completion of the operations and conditions of the county, which report shall be copied in a minute book by the County Court Clerk.

**SECTION 14.** That any person or persons who place, haul or otherwise cause to be placed or hauled on

any public road or highway in said county any brush, briars or other material or thing that may obstruct or damage such public road or highway or render it inconvenient for further traveling, or who may encroach upon the same in constructing any fence, wall or like improvement shall be guilty of a misdemeanor and upon conviction be fined a sum of not less than Twenty-five nor more than Fifty Dollars for each offense.

**SECTION 15.** That a violation of this Act, or wilful neglect of duty whereby any public road or bridge on same covered by this Act is allowed to become dangerously out of repair or become impassable, provided they have been notified and means are available shall be a misdemeanor on the part of said commission and superintendent, and upon conviction for which they may be adjudged severally to pay a fine of not less than Twenty nor more than Fifty Dollars and costs.

**SECTION 16.** That all laws or parts of laws in conflict with this Act or any provisions of the same, be and the same are hereby expressly repealed.

**SECTION 17.** That the provisions of this Act are severable, and if any of its provisions, sections, paragraphs, phrases, word or words shall be held unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the same shall not affect the remaining provisions, sections, paragraphs, clauses, phrases or other words of this Act.

It is hereby declared that it is the legislative intent that this Act, and each section, paragraph, clause, phrase or word thereof would have been enacted has such unconstitutional section, paragraph, clause, phrase or word not been included therein.

**SECTION 18.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 2, 1929.

## Highways and Roads - Historical Notes

### **Amendments to Road Laws**

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

1. Private Acts of 1929, Chapter 909, replaced the last paragraph of Section 8 to make it the duty of the Highway Commission to work out taxes collected on property in the boundaries of cities on the maintenance and upkeep of the roads within the confines of the said city so that the taxes paid by the city property owner would be spent in the city. The Trustee was directed to keep separate accounts for each city so that these funds would be available to that city only and to no one else.
2. Private Acts of 1935, Chapter 135, amended the same Section and paragraph mentioned above so that all the taxes collected under this act imposed on property within the limits of an incorporated city, where the control over the roads rested in the city, would be paid over by the Trustee to the Recorder of that particular city to be used by that city in its road programs, the Trustee taking a proper receipt for the money paid over.
3. Private Acts of 1939, Chapter 507, amended Section 3 by adding a paragraph at the end of the said Section which permitted the employment of a Secretary- Bookkeeper by the Highway Commission and to fix the compensation of the position which could not, however, exceed \$720 per year. Section 5 was changed to provide that the Road Superintendent would act as Secretary to the Commission and keep its records, books, and accounts in a proper fashion.
4. Private Acts of 1947, Chapter 717, amended Section 3, paragraph 2, so as to increase the maximum limitation placed upon the Highway Superintendent's annual salary from \$1800 to \$2400.
5. Private Acts of 1949, Chapter 518, amended Chapter 507, Private Acts of 1939, Item 3, above, in Section One so that the monthly salary of the Secretary- Bookkeeper of the Jefferson County Highway Department would be raised from \$60.00 to \$80.00.
6. Private Acts of 1951, Chapter 194, amended Section 3 again in order to raise the annual salary of the Road Superintendent of Jefferson County from \$2400 to \$3600.
7. Private Acts of 1955, Chapter 86, amended Section 3 to add a provision to that Section that the Road Superintendent could employ a Secretary-Bookkeeper whose annual compensation would be set by the Jefferson County Quarterly Court. This Act was properly ratified at the local level in accordance with the Home Rule Amendment to the State Constitution.
8. Private Acts of 1959, Chapter 8, amended Section 3, Paragraph 2, in order to increase the annual salary of the Road Superintendent in Jefferson County from \$3600 to \$4800. This Act was properly ratified by the Quarterly Court.

9. Private Acts of 1961, Chapter 145, which was duly ratified by the Quarterly Court of Jefferson County, amended Section 3, Paragraph 2, of the base act by raising the annual salary of the Road Superintendent from \$4800 to \$5500.
10. Private Acts of 1965, Chapter 38, changed the annual salary of the Road Superintendent in Section 3, Paragraph 2, from \$5500 to \$7,000.
11. Private Acts of 1967, Chapter 358, further amended Section 3, Paragraph 2, of the basic Road Law of Jefferson County, to fix the maximum limit of the annual salary of the Road Superintendent at \$10,000 instead of \$7,000. This Act received proper ratification at the local level.
12. Private Acts of 1975, Chapter 77, raised the annual salary of the Road Superintendent by amendment, properly ratified, to Section 3, Paragraph 2, of the Road Law from \$10,000 to \$12,000.
13. Private Acts of 1981, Chapter 50, approved by the Jefferson County Legislative Body on April 21, 1981, changed all references to the County Judge, County Court, and County Court Clerk to their proper names of the present, rewrote Section 8 as it now appears, by omitting the second paragraph, and by deleting Section 9 in its entirety

### **Highways and Roads**

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

1. Acts of 1821, Chapter 6, was a general law of the State which required the County Courts of all the counties to index and classify the public roads therein. The three classes of roads ranged in width from the stage road to one wide enough to pass horses and riders on the way to mill or market. Penalties were provided for failure to comply with this Act, and for wilful obstruction of a public road. (Although earlier Acts were aimed in this direction, this was the first comprehensive general road law, the harbinger of the current statutes which have produced Tennessee's enviable road network.)
2. Acts of 1835-36, Chapter 2, named John Fain, Shadrack Inman, and Caswell Lea, all of Jefferson County, who were joined by several others named from surrounding counties, as Commissioners to sell stock in the Tennessee and Coosa Railroad Corporation as the same was then incorporated with an authorized capital stock of \$500,000. This railroad would run between the Tennessee and Coosa Rivers.
3. Acts of 1837-38, Chapter 239, Section 18, appointed William Brazleton, William Dick, Jacob P. Chase, Henry Powell, Jacob Smith, John Fain, Shadrach Inman, John Roper, Samuel Martin, Theoderick J. Bradford, Joseph Hamilton, William Moore, Robert H. Hynds, Caswell Lea, Russell Birdwell, Alexander Hays, George Gregory, Senior, David R. Graham, Henry Smith, Isaac Moore, Charles T. P. Jarnigan, and Gideon Rogers, all of Jefferson County, and an additional twelve citizens were named from Cocke County, to be the Commissioners of a turnpike starting at New Market, in Jefferson County, and running through Dandridge to Newport, in Cocke County, and one to the North Carolina line. Capital stock was authorized at \$150,000.
4. Acts of 1847-48, Chapter 156, provided that any person who was a resident and citizen of Cocke County, Jefferson County, or Sevier County, could contract with William C. Story, the proprietor of the Newport Turnpike Company to perform work and labor on the said road or pay the equivalent of the same where such a person passed the toll gate erected on the said road to collect tolls.
5. Acts of 1851-52, Chapter 191, Section 20, provided that so much of this Act which permitted the Counties of Lawrence, Maury, Williamson, and Davidson to subscribe to and take stock in railroads, and to issue the bonds of the County to pay for the stock was in like manner and to some extent made to apply also to the Counties of Jefferson, Greene, Hawkins, Washington, Carter, Sullivan, Grainger, and Warren.
6. Acts of 1853-54, Chapter 323, Section 13, gave to the counties of Claiborne, Anderson, Campbell, Jefferson, and Grainger all the rights and privileges conferred by this Act upon other counties to subscribe to the stock of any railroad which might run through their respective counties, and along with them granted the counties the authority to issue and sell their bonds in order to pay for the said stock.
7. Acts of 1855-56, Chapter 61, gave the counties of Cocke, Jefferson, Grainger, and Hancock the same power and authority to take stock in the Cincinnati, Cumberland Gap, and Charleston Railroad, or in any other railroad whose lines ran into their respective counties and to issue their bonds, if necessary, to pay for the same. The entire program, however, hinged upon approval of

the same through a referendum election.

8. Acts of 1855-56, Chapter 121, was the legal authority for the formation of a company to construct a railroad, macadamized turnpike, or a plank road, from Strawberry Plains, by way of Dandridge, to Newport, in Cocke County. A capital stock of \$200,000 was authorized the sale of which would be supervised by a commissioner named in each involved county for that purpose.
9. Acts of 1859-60, Chapter 60, assigned to the Jefferson County Quarterly Court the duty to apportion the bonds sold to keep up the different roads in the county and stipulated further that no changes were to be made in the program, once adopted, except at the July term of court.
10. Acts of 1865-66, Chapter 88, Section 44, incorporated William Galbraith, William Harris, and George Elliott, with all the rights and privileges of similar corporations, as the "New Market, Dandridge, and Newport Turnpike Company" to build a road, graveled or macadamized, from New Market, in Jefferson County, through Dandridge and on to Newport in Cocke County.
11. Acts of 1866-67, Chapter 23, Section 14, named and appointed E. A. Sawyers, James H. Walker, John B. Minnis, and John L. Foust, as additional incorporators and commissioners of the New Market, Dandridge, and Newport Turnpike Company.
12. Acts of 1866-67, Chapter 67, formed the Dandridge Railroad Company to establish a railroad communication running from the French Broad River and the East Tennessee and Virginia Railroad Company to the town of Dandridge and connecting at or near Mossy Creek, or New Market. Samuel N. Fain, John R. Branner, James Meet, William Galbraith, William Harris, J. C. Cawood, Robert Birchfield, and James P. Swann were named and authorized to sell stock in the said company up to \$150,000. When \$40,000, or more, had been subscribed and paid in stock, the company could be organized according to conditions mentioned in this Act. The company, when organized, was given the authority to acquire the necessary rights or way. Jefferson County had the power to buy stock in the said company if it was desired to do so.
13. Acts of 1867-68, Chapter 56, repealed the 11th Section of the Act incorporating the Dandridge Railroad Company, above. The sum of \$20,000 which was previously appropriated to the Tennessee and Pacific Railroad Company was hereby reinvested and appropriated to the New Market, Dandridge, and Newport Railroad Company, for the same purposes which were mentioned in the repealed Act. The Act named Robert W. Pierce, Jonothan Lawrence, George W. Pierce, David Grant, Calloway Thornburg, James M. Meek, Henry Hall, and John Henry, as additional incorporators and commissioners for the company.
14. Acts of 1871, Chapter 18, expressly repealed the 1860 Act which apportioned the road hands in Jefferson County to keep up the public roads. (No Chapter was cited in the Act and none could be found which was enacted in 1860.)
15. Acts of 1899, Chapter 54, was enabling legislation for the Jefferson County Quarterly Court, at such places as they might deem to be in the best interests of the public, to purchase all boats and equipment necessary, and to employ the necessary labor to transport all persons and their efforts across the said public streams of the county at no charge to them. All costs were to be paid out of the public treasury on the warrant of the County Chairman but nothing herein would deprive any owner of banks, or ferries, of any right to keep their boats running as before.
16. Acts of 1901, Chapter 136, was a general road law applicable to every county in Tennessee under 70,000 in population according to the 1900 Federal Census. The County Court was directed to select one Road Commissioner from each Road District in the County, the Road Districts being commensurate with the Civil Districts, to serve a term of two years. The Road Commissioner must be sworn, bonded, and be in charge of all the roads, bridges, road hands, tools, and materials assigned, or used, in that area, and be compensated at the rate of \$1.00 per day up to ten days in each one year period. The Quarterly Court would fix the number of days between five and eight for the road hands to work, and set the price of one-day's labor on the road. The Court was further empowered to levy a general road tax of two cents per \$100.00 property valuation for each day the road hands were required to work. The Road Commissioners would name and supervise the Road Overseers in their Districts who would be in immediate charge of a section of road, work the number of days of compulsory labor as anyone else and then be paid up to \$6.00 each year for extra work. All able-bodied males outside of cities between the ages of 21 and 45 were subject to compulsory road work. The Commissioners would dispose of petitions to open, close, or change roads, would index and classify the roads in their Districts, and see that their roads met the basic specifications in the Act. (This Act was involved in the case of Carroll v. Griffith (1906), 117 Tenn. 500, 97 SW 66.)
17. Private Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, above, in several minor particulars, but principally in the methods of acquiring rights of way, especially when the power of

eminent domain was to be used to secure it.

18. Private Acts of 1915, Chapter 649, was the first general road law for Jefferson County. The Act required the Quarterly Court to elect three Road Commissioners at its first term after the passage of this Act, one to serve two years, one to serve four years, and one to serve six years, after which each member would serve six years. The Commissioners would be paid no compensation other than their proven expenses. The Commissioners must meet the specified qualifications and be sworn into office. They would have an office in the Court house, make all the essential rules and regulations, and be in overall charge of the public roads in the County. The Commissioners could hire and fire a Road Superintendent, who must be experienced in road building, at a salary not to exceed \$1500 per year, payable monthly, plus his out of pocket expenses in the discharge of his duties. The Superintendent must be sworn and bonded, must devote full time to the duties of his position, act as the Secretary to the Commission and keep accurate records of all transactions. He would be in immediate charge of the Road Department and its employees. Workhouse prisoners could be worked on the roads under the supervision of the Sheriff. The Quarterly Court could levy a general road tax of twenty to thirty cents in the county and ten to twenty cents in the cities. Males, outside cities, between the ages of 21 and 50 must work five days on the county roads or pay fifty cents for each day missed. All road districts and District Commissioners were abolished. The Road Superintendent would handle requests to open, close, or change roads. Penalties were set up for violations of this Act.
19. Private Acts of 1917, Chapter 386, repealed Private Acts of 1915, Chapter 649, above, and authorized the Quarterly Court to divide the County into three Road Districts and select one Road Commissioner from each one of the Districts who met the qualifications in the Act. The Commissioner would be in charge of all the public roads and bridges in the District and be paid \$500 annually as compensation. The Commissioner could set the days between five and seven which all males outside of cities and between the ages of 21 and 50 would be required to work on the county roads, or pay \$1.00 as a commutation fee for each day missed therefrom. Commissioners could appoint road overseers for each Section of road who would be paid \$1.00 for each day of extra work but no more than \$3.00 each year. All roads were to be classified and indexed. A general road tax of 20 cents to 40 cents per \$100 property valuation could be levied in the county and a tax of 10 cents to 25 cents could be imposed in the cities, which would be divided between the Districts as nearly equal as possible. The Commissioners would decide upon the disposition of petitions to open, close, or change roads. The Quarterly Court could suspend, or dismiss, commissioners who were also to be sworn and bonded. Prisoners in the county workhouse could be worked on the roads under certain conditions.
20. Private Acts of 1919, Chapter 246, with only a general repealing clause, created a three member Board of Pike Maintenance Commissioners to serve original staggered terms as they were appointed by the Quarterly Court who would also fill vacancies as they might occur. The Act named J. B. Huff, W. C. Lyle, and A. H. Moore, as the first commissioners to serve under this Act. Commissioners must be between the ages of 25 and 60, be of good moral character and sound business judgment, must be sworn into office, and would be paid up to \$3.00 a day, but for no more than four days each year, plus expenses. The Commissioners were to be in charge of all roads and bridges except river bridges. The Board could employ a Road Superintendent, who must be trained and efficient in the art of road building and maintenance, who would be in immediate charge of the Road Department, sworn into office and bonded, devote full time to the job, keep accurate records of all the transactions of the Department and be paid up to \$1500 annually, plus reasonable expenses. The jail was declared to be a workhouse and all the able bodied prisoners could be worked on the county roads. All males between ages of 21 and 50, outside of cities, were obliged to work five days each year on the public roads, or pay \$1.25 per day as a commutation fee. All requests to open, close, or change the routes of roads must be filed with the Board for their decision. A general road tax could be levied of no less than twenty cents and no more than forty cents per \$100 property valuation. Any condemnation proceedings could be appealed to the Circuit Court. The Superintendent must file an annual report covering all the activities of the road department during that period of time.
21. Private Acts of 1919, Chapter 247, was the legal authority in Jefferson County (identified by the 1910 Federal Census figures) for the Quarterly Court to elect a Road Commissioner in each Civil District who would have the general supervision over all the roads in the District and serve one year at a compensation not to exceed \$20. They would appoint road overseers in their Districts as their good judgment would dictate who was compelled to work as such overseer but no more than three days in one week. The commutation rate was set at \$1.25 per day. The Commissioner of the District would hear and dispose of all requests to open, close, or change the roads arising in that particular District. The Quarterly Court had the authority to levy a general road tax of no less

than five cents nor more than fifteen cents per \$100 to be kept separate from other tax money and devoted to the purposes of this Act. The Commissioners were responsible for all the tools, materials, and equipment used in the District and could be disciplined for wilful neglect of duty.

22. Private Acts of 1919, Chapter 527, amended Private Acts of 1919, Chapter 246, Item 20, above, to name J. B. Huff, W. C. Lyle, and A. H. Moore, as the first Board of Pike Maintenance Commissioners which was originated under the terms of that Act.
23. Private Acts of 1955, Chapter 345, was the legal authorization for Jefferson County to negotiate contracts with other counties and cities and the State and Federal Governments and with private industry for the sale of crushed rock.

## Chapter X - Law Enforcement

### Offenses

### Fireworks

### Private Acts of 1947 Chapter 592

**SECTION 1.** That from and after the effective date of this Act, it shall be unlawful for any person, firm or corporation to possess, store, use, manufacture or sell pyrotechnics, as hereinafter defined, in all Counties of this State having a population of not less than 18,621 and not more than 18,625 inhabitants, according to the Federal Census of 1940 or any subsequent Federal Census.

The term "pyrotechnics" as used in this Act shall be held to mean any sparkler, squibb, rocket, firecracker, Roman Candle, fire balloon, flashlight composition, fireworks or other similar device or composition used to obtain a visible or audible pyrotechnic display.

**SECTION 2.** That any article or articles of merchandise coming within the definition of "pyrotechnics" as defined in this Act are hereby declared to be contraband, and subject to confiscation whenever found within the boundaries of any County within this State to which this Act is applicable, and it shall be the duty of the Sheriff of any such County, and all peace officers, to seize such article or articles and destroy the same.

**SECTION 3.** That any person guilty of violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Fifty (\$50.00) Dollars and not more than Four Hundred (\$400.00) Dollars, or by confinement in the County jail for not less than thirty days and not more than eleven months and twenty-nine days, or by both such fine and imprisonment in the discretion of the Court.

**SECTION 4.** That nothing in this Act shall be construed as applying to persons, firms and corporations conducting public displays of pyrotechnics by contract or arrangement with any State Fair, patriotic assembly or similar public functions, who acquire all articles used in such pyrotechnic displays from points outside the Counties in this State to which this Act is applicable, and keep such pyrotechnic articles in their possession at all times during the public gathering, and transport the same out of this County upon the conclusion of the arrangement or contract under which such pyrotechnics are displayed for public entertainment.

**SECTION 5.** That the provisions of this Act are hereby declared to be severable, and if any of its sections, provisions, clauses, or parts be held unconstitutional or void, then the remainder of this Act shall continue in full force and effect, it being the legislative intent now hereby declared, that this Act would have been adopted even if such unconstitutional or void matter had not been included herein.

**SECTION 6.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 6, 1947.

## Law Enforcement - Historical Notes

### Militia

Those acts once affecting Jefferson County, which related to the militia and to other law enforcement agencies other than the sheriff, are mentioned below in chronological order. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1796, Chapter 12, instructed the Sheriff of each Tennessee County to hold elections to choose the field officers of the county units of the militia. Those field officers elected would then

- meet in Knoxville in the Hamilton District to select a Brigadier General to command the brigade.
2. Acts of 1799, Chapter 24, made it the duty of the field officers in the militia of Jefferson County to hold two general county musters in May and November which musters would involve the Company of Lane's, Dameron's, McDonnell's, and Van Shears, which companies were all regulated under the general state militia laws.
  3. Acts of 1801, Chapter 1, amended the general militia law of the State so as to divide each regiment into two battalions and set a muster date for each one. Some exceptions were made to the above, some of which concerned Jefferson County but the Colonel of the Jefferson County militia was directed to cause all the militia units in the County to attend each general review at the Jefferson County Courthouse.
  4. Acts of 1801, Chapter 87, stated that, subsequent to the passage of this Act the cavalry units of the Counties of Jefferson, Cocke, Grainger and Claiborne, would constitute a Regiment of Cavalry, to be called the Second Regiment of the Hamilton District. Each unit must contain no less than thirty men nor more than fifty, who would all be outfitted and equipped according to the State law and would muster annually at Cheek's Crossroads.
  5. Acts of 1803, Chapter 1, was a new and complete militia law and military code for the State. The State Militia would be composed of freemen and indentured servants between the ages of 18 and 45, with some exceptions being named, such as clergymen, Judges, lawmakers, etc. The Act designated specific units by County, numbering the Jefferson County organizations as the Sixth Regiment. There must be at least one annual Regimental muster for each County which would occur in Jefferson County on the last Thursday in September of each year.
  6. Acts of 1815, Chapter 119, was the next edition of the State militia law and military code, which continued to limit the membership of the militia to free men and indentured servants between the ages of 18 and 45. Jefferson County was the Sixth Regiment in the State Table of Organization. All the phases of military affairs were provided in this lengthy general act including the regulations for the internal discipline of the units, for courts martial, and for the uniforms and equipment of the members, infantry, cavalry, and quartermaster.
  7. Acts of 1819, Chapter 68, reenacted the State Militia Law in another long and involved general statute. A comparison of this Act with the preceding one did not reveal any changes which would affect Jefferson County.
  8. Acts of 1825, Chapter 69, revised the State Militia Law in several instances but continued to abide by the same limitations and qualifications for members, retaining the exceptions previously mentioned. There was a Table of Organization which identified every County group. Jefferson County would now have the Sixth and the Seventieth Regiment. The annual muster for the Sixth Regiment would be on the first Thursday in October and for the Seventieth on the fourth Thursday in September. The units in the Counties of Jefferson, Grainger, Cocke, and Claiborne would compose the Second Brigade, and the First, Second, Third, Seventh, and Twelfth Brigades were the First Division. Some alterations occurred in other portions of this lengthy statute but did not specifically affect Jefferson County.
  9. Acts of 1835-36, Chapter 21, in this new State Military Code and Militia Law which implemented the new State Constitution, the Jefferson County Regiments were designated as the 13th Regiment and the 14th Regiment. The militia of Greene County, Jefferson County, and Cocke County composed the Second Brigade.
  10. Acts of 1837-38, Chapter 157, Section 3, scheduled the county drills for every militia unit in the State and amended some regulations concerning the organizational structure, the equipment Charts, and the disciplinary requirements. The Counties of Greene, Cocke, and Jefferson constituted the Second Brigade which would muster on the Monday and Tuesday following the first Friday and Saturday in September.
  11. Acts of 1839-40, Chapter 56, revised many features of the military law in Tennessee due to the rise in the number of counties in the State and to the increased membership in the units themselves. Jefferson County had the 13th and 14th Regiments which were now made up of white males between the ages of 18 and 45. The Second Brigade still consisted of the Counties of Greene, Cocke, and Jefferson whose units would muster on the Thursday and Friday of the second week in October of each year.

### **Sheriff**

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

1. Acts of 1797, Chapter 8, designated the Sheriff as the tax collector in Jefferson County, a duty which the Sheriff performed for many years in all the counties.
2. Acts of 1823, Chapter 186, made it legal for the Sheriffs of the counties of Knox, Davidson, Maury, Smith, Rutherford, Jefferson, Sumner, and Washington to appoint one Deputy Sheriff over and above the number now allowed under the law, but no Sheriff could have more than three deputies. This Act was repealed expressly by Private Acts of 1978, Chapter 166.
3. Acts of 1825, Chapter 220, was the legal authority for the Sheriff of Jefferson County to appoint one Deputy Sheriff who would be in addition to, and over and above, the number of deputies now allowed under the general law.
4. Acts of 1826, Chapter 122, authorized and required the Treasurer of East Tennessee to pay to JAMES BRADFORD, the Sheriff of Jefferson County, the sum of \$15 for his services in reporting on two tracts of land which had been sold for taxes.
5. Acts of 1827, Chapter 4, allowed the Sheriff of the counties of Hawkins, Giles and Jefferson to employ two additional deputies who were to be over and above all the allotments of deputies under the general law.
6. Acts of 1831, Chapter 203, released PETER NORTH, of Jefferson County, from the forfeiture of a recognizance bond which was entered against him in the Circuit Court of Jefferson County for \$500 as security for the appearance of JAMES NORTH on an indictment for riot, but nothing in this act was intended to relieve North from the payment of costs in the case.
7. Acts of 1831, Chapter 213, required the Treasurer of East Tennessee to pay to VERDENBURGH THOMPSON, the jailor of Jefferson County, the sum of \$18.62 for keeping BOLDEN GAINES in the prison of the County, and to pay to L. D. PARROTT the sum of \$4.80 for his services as a guard, out of any money, or funds, in the house of the Treasurer which were not otherwise appropriated.
8. Private Acts of 1913, Chapter 116, stated that the Sheriff of Jefferson County (identified by the use of the 1910 Federal Census figures) would hereafter be paid the sum of \$750 each year, payable on January 1 and July 1 on the warrant of the County Judge. The Sheriff must file a sworn, itemized statement showing the correct amount of the fees collected in the office. If the statement showed to the County Judge, or Chairman, that the fees were less than the salary, the county would pay the difference, but if the fees exceeded the salary the Sheriff could retain the excess. Fees paid to the Sheriff for boarding prisoners would not be included. This Act was repealed in Item 10, below.
9. Private Acts of 1919, Chapter 235, amended Private Acts of 1913, Chapter 116, above, to raise the annual salary of the Sheriff, as provided therein, from \$750 to \$1250.
10. Private Acts of 1921, Chapter 442, set the compensation of the Sheriff of Jefferson County for his services as the fees now allowed to the Sheriff by law, and in addition, the sum of \$800 annually, payable monthly out of the general funds of the county on the warrant of the County Judge, or Chairman, but no other payment would be made to the Sheriff for his ex-officio services, this being meant as a replacement for that. Private Acts of 1913, Chapter 116, was repealed in its entirety.
11. Private Acts of 1923, Chapter 349, provided that in Jefferson County (identified by the use of the 1920 Federal Census figures) the Sheriff would receive as compensation for his service, all the fees now allowed to him under the law and in addition to the fees he would be paid the sum of \$1200 annually, payable \$100 each month out of general county funds or the warrant of the County Judge, or Chairman. No ex-officio compensation could be paid the Sheriff, this being the entire amount he would be paid.
12. Private Acts of 1925, Chapter 127, amended Private Acts of 1923, Chapter 349, above, by increasing the amount to be paid to the Jefferson County Sheriff over and above the fees of the office from \$1200 to \$1800, payable at \$150 a month.
13. Private Acts of 1933, Chapter 768, set the annual salary of the Sheriff of Jefferson County at \$2000, exclusive of the fees earned for boarding prisoners, the same to be paid monthly by the Trustee on the warrant of the County Judge. The Sheriff was obligated to keep a record of every fee collected in his office and to file a sworn and itemized statement each month with the County Judge, or Chairman, and pay the fees over to the Trustee, the Sheriff would be paid only out of the fees he collected, and, if they failed to reach the \$2,000, the amount collected would be the salary. All fees lost by and through the negligence of the Sheriff would be charged against him. Turnkey fees were not to be considered as a part of those to be charged to the Sheriff.
14. Private Acts of 1978, Chapter 166, repealed Acts of 1823, Chapter 186, and Acts of 1831, Chapter 123.



## Chapter XI - Taxation

### Assessor of Property

#### Private Acts of 1951 Chapter 400

**SECTION 1.** That the County Register of the County of Jefferson, 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 vendee 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 Jefferson County to be present in person, or to have a deputy present, at his office in the Courthouse during office hours. It shall be the further duty of the Tax Assessor to stamp or cause to be stamped all deeds presented at his office, with a stamp showing that he has copied the names of the vendor and vendee in said deed of 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 Jefferson 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 Jefferson County to comply with the provisions of this Act shall constitute misconduct in office and subject him to removal from office under Section 1877 et seq. of the Code of Tennessee.

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

Passed: March 5, 1951.

### Hotel/Motel Tax

#### Private Acts of 1995 Chapter 17

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

- (1) "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.
- (2) "Clerk" means the County Clerk of Jefferson County, Tennessee.
- (3) "County" means Jefferson 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, 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.

**SECTION 2.** The legislative body of Jefferson County is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient in an amount not to exceed four percent (4%) 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 retained by the county and deposited into the general fund of the county, to be designated and used for such purposes as specified by resolution of the county legislative body.

**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 Jefferson County.

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 county 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 county 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 as may be 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.

Notice of any tax paid under protest shall be given to the clerk and the resolution authorizing levy of the tax shall designate a county officer against whom suit may be brought for recovery.

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

**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 Jefferson 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: February 27, 1995.

## Litigation Tax

### Private Acts of 1980 Chapter 229

**SECTION 1.** [Repealed by Private Acts of 1983, Chapter 99]

**SECTION 2.** Upon all marriage licenses issued within Jefferson County there is imposed a special privilege tax of one dollar (\$1.00).

**SECTION 3.** There is imposed a special privilege tax of one dollar (\$1.00) upon and with respect to each and every instrument offered for recordation in the office of the County Register of Jefferson County, the payment of which shall be a condition precedent to the recordation of such instrument.

**SECTION 4.** The registration tax shall be collected by the county register and the marriage license issuance tax shall be collected by the county clerk when a marriage license is issued. Each of the officials shall be accountable for and shall pay over the revenue to the County Trustee quarterly, not later than the tenth (10th) day of the month following the quarter in which the collections are made.

As amended by: Private Acts of 1983, Chapter 99

**SECTION 5.** The trustee shall deposit the taxes herein collected and other litigation taxes collected in special funds hereby created, to be known as the Courthouse Restoration and Maintenance Fund and the Law Library and Maintenance Fund. Such funds shall be subject to appropriation by the county legislative body. The Courthouse Fund shall be expended only for restoration and maintenance of the courthouse and the Library Fund shall be expended only for the purpose of providing for the purchase and maintenance of a legal library for the bar association and the citizens of Jefferson County.

As amended by: Private Acts of 1981, Chapter 26  
Private Acts of 1983, Chapter 99

**SECTION 6.** [Repealed by Private Acts of 1983, Chapter 99]

**SECTION 7.** 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 8.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Jefferson County before July 1, 1980. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

**SECTION 9.** 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 8.

Our information from the Secretary of State's Office is that this act was approved by the Jefferson County Legislative Body on April 21, 1980

Passed: March 10th, 1980

## Wheel Tax

### Private Acts of 1983 Chapter 49

**SECTION 1.** For the privilege of using the public roads, except state-maintained roads, in Jefferson County, there is levied on the privilege of operating motor-driven vehicles, (including motorcycles and motor-driven bicycles and scooters, but excluding farm tractors, selfpropelled farm machines not usually used on public highways or roads, all government owned motor-driven vehicles, and fire fighting equipment) a special privilege tax for the benefit of the county, of twenty-five dollars (\$25.00).

This tax shall be paid by the owner of each motor-driven vehicle, operated on the roads of Jefferson County, state-maintained roads excluded, at least thirty (30) days each year.

**SECTION 2.** It shall be a misdemeanor for any owner of a vehicle taxable hereunder to operate such vehicle upon the streets, roads or highways of the county, state-maintained roads excluded, unless the provisions of this Act are met. Provided further that nothing in this Act shall be construed as permitting the levy and collection of a tax against non-residents of Jefferson County.

Any new resident of Jefferson County shall be allowed thirty (30) days after establishing his residence in the county within which to comply with the provisions of this Act.

**SECTION 3.** The tax herein levied shall be collected by the County Clerk of Jefferson County, who shall collect this tax at the same time he collects the state privilege tax levied upon the operation of a motor-driven vehicle over the public highways of this state. The clerk shall not issue to a county resident a state license for the operation of a vehicle taxable hereunder unless at the same time, the owner pays the privilege tax levied hereunder.

**SECTION 4.** Payment of the tax shall be evidenced by a receipt, issued in duplicate by the clerk, the original of which shall be kept by the vehicle owner and by a decal or emblem also issued by the clerk, which shall be affixed on the lower right hand side of the vehicle windshield. Provided, however, that the privilege tax decal for motorcycles, motor-driven bicycle and scooters be placed on the top portion of the gasoline tank, but if such tank is not visible, then on any prominent and visible portion of that vehicle.

**SECTION 5.** The design of the decal or emblem shall be determined by the County Clerk. The expense incident to the purchase of such decals and emblems herein required, as well as the expense of obtaining proper receipts and other records necessary for the performance of the duties herein incumbent upon the clerk shall be paid from the general fund of the county.

**SECTION 6.** When this tax is paid and the provisions of this Act complied with by the power, he shall be entitled to operate the taxed, decal bearing, vehicle in the county for a period of one (1) year.

When a vehicle becomes taxable under this act for less than one year, the same proportionate reduction in cost shall be made, as is now made in the issuance of the privilege tax payable to the state and collected by the clerk, under the provisions of the general law.

**SECTION 7.** For his services in collecting the tax, and in issuing the receipt therefor and delivering the decal or emblem to the owner, the clerk shall be entitled to a fee of \$1.25 for each vehicle, motorcycle, motor-driven scooter and bicycle, it being the legislative intent that the clerk's fee equal not more than five percent (5%) of the amount of tax paid; and further provided that this fee shall be deducted from the amount of wheel tax paid. The clerk will faithfully account for, make proper reports of, and pay over to the county trustee at monthly intervals, all funds received by him for the payment of the tax.

**SECTION 8.** In the event any vehicle for which the wheel tax has been paid and the emblem or decal issued and placed thereon, becomes unusable to the extent that it can no longer be operated over public roads; or in the event that the owner transfers the title to such vehicle, and completely removes therefrom and destroys the decal or emblem, and the owner makes proper application to the clerk for the issuance of a duplicate decal or emblem to be used by him on another vehicle for the unexpired term for which the original decal or emblem was issued, and the clerk is satisfied that the applicant is entitled to the issuance of such a duplicate decal or emblem, and the owner pays into the hands of the clerk the sum of two dollars (\$2.00) the clerk will then issue to such owner a duplicate receipt, cancelling the original receipt delivered to him by the owner, and will deliver to the owner a duplicate decal or emblem, which shall be affixed to the vehicle for which it is issued, as herein provided, and such duplicate decal or emblem shall entitle the owner to operate or allow to be operated the vehicle upon the county roads for the remainder of the period for which the original emblem was issued. Likewise, in the event a decal is destroyed under the provisions of this Act, and is therefore illegible and unusable by the owner, upon proper application made by the owner and filed with the clerk, showing such circumstances and facts to be

true, then the clerk, upon receipt of two dollars (\$2.00) may issue and deliver to the owner a duplicate decal or emblem.

**SECTION 9.** The proceeds from this tax shall be placed in the county general fund, and used exclusively for county purposes. However, the County Legislative Body may provide that proceeds be deposited in other funds for specific purposes.

**SECTION 10.** Any person violating the provisions of this Act, upon conviction, shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00).

**SECTION 11.** The tax herein levied shall be collected on a date set by the Jefferson County Commission, and each subsequent year thereafter.

**SECTION 12.** 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 13.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the County Legislative Body of Jefferson County. Its approval or nonapproval shall be proclaimed by the presiding officer of the County Commission and certified by him to the Secretary of State.

**SECTION 14.** 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 approval as provided in Section 13.

**SECTION 15.** This law shall be in effect for the term of the Jefferson County School Bonds issued in 1983 or for fifteen (15) years whichever is longer.

Passed: March 21, 1983.

## Taxation - Historical Notes

### Assessor of Property

The following acts were superseded, repealed or failed to win local ratification, but they are listed here as a reference to laws which once affected the Jefferson County Assessor. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1915, Chapter 42, set the compensation of the Tax Assessor of Jefferson County at \$1,000 per year which would be paid out of the county treasury on the warrant of the County Judge, or Chairman, on July 1, of each year. All conflicts were repealed.
2. Private Acts of 1923, Chapter 165, provided that the salary of the Tax Assessor in Jefferson County, (identified by the 1920 Federal Census figures) would hereafter be \$1,500 per annum, payable quarterly out of the county treasury on the warrant of the County Judge, or Chairman.
3. Private Acts of 1947, Chapter 690, fixed the annual salary of the Jefferson County Tax Assessor at \$2,400, which sum would be appropriated out of the general funds of the County for that purpose and paid in monthly installments. The Tax Assessor could appoint one Deputy Assessor for which \$600 was appropriated out of the County Treasury.
4. Private Acts of 1951, Chapter 400, required the Tax Assessor to record certain information from instruments conveying property before the same county be recorded. This Act is published herein in full.
5. Private Acts of 1951, Chapter 520, was listed as being applicable to Jefferson County which was an error since this Act applies only to Hamblen County and raises the annual salary of their Assessor of Property.
6. Private Acts of 1953, Chapter 143, recited that the Tax Assessor in Jefferson County would be compensated at the rate of \$3,000 annually, payable in equal monthly installments out of the County treasury. The Assessor was further allowed the sum of \$600 for clerical assistance to be paid from general county funds. The Assessor of Property was obligated to make out the tax books of the county and deliver them to the Trustee for which service the assessor would be paid another \$400 each year.
7. Private Acts of 1965, Chapter 282, declared that the Assessor of Property in Jefferson County would be paid a total compensation for his services including the annual preparation of the Tax Books, the sum of \$7,000 annually, in equal monthly installments which sum was appropriated out of the county treasury. The above amount was to be in lieu of all other payments of compensation. The Assessor was allowed another \$3,000 annually with which to employ and pay

clerks and assistants, or secretaries, Private Acts of 1947, Chapter 690, and Private Acts of 1953, Chapter 143, were both repealed in their entireties.

### **Taxation**

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

1. Territorial Ordinance of 1792, dated November 20, and signed by William Blount, Governor of the Territory south of the Ohio River, was the legal authority for the Court of Pleas and Quarter Sessions in Jefferson County to levy a tax on land and polls to repair and build courthouses, to pay the jurors serving in the Superior and lower courts, and to pay the contingent expenses of the county. These taxes could not exceed fifty cents on each poll, or be less than 17 cents for each 100 acres.
2. . Acts of 1803, Chapter 29, recited that a former Act had appointed ALEXANDER OUTLAW, ANDREW HENDERSON, HUGH KELLOW, GEORGE DOHERTY, JAMES DOHERTY, and EDWARD GEORGE, as the Commissioners for the City of Dandridge, of whom Kellow had removed from the County, and this Act, therefore, named MICHAEL BRANNER in Kellow's place, and authorized the Court of Pleas and Quarter Sessions to levy taxes according to the schedule set out in this act in order to build a courthouse in the City of Dandridge for the use and benefit of the whole county.
3. Acts of 1805, Chapter 43, was the legal authority for the Quarterly Court of Jefferson County, a majority being present of completing the building of the courthouse in Dandridge. It was made an obligation of the Quarterly Court to continue the imposition of this tax until the courthouse was completed and paid for. This tax was to be collected as were all the other taxes.
4. Acts of 1870, Chapter 50, allowed the cities and the counties of this state to impose taxes for city and county purposes in the following manner and upon the conditions stated (1) that all taxable property would be taxed according to its value, upon the principles established for State Taxation, and (2) that the credit of no county or city could be given, or loaned, to any person, firm, or corporation unless a majority of the Justices of the Peace, or the Councilmen, should first authorize a referendum to be held at which time a three- fourth's vote of the people must approve. A number of counties exempted themselves from the three-fourth's vote requirement but Jefferson County was not one of them.
5. Private Acts of 1913, Chapter 299, allowed the Quarterly Court of Jefferson County to levy a special tax on all the properties in the county, both in and out of cities, not to exceed fifteen cents per \$100 property valuation to produce the funds to repair and maintain the pike roads in the county. The Quarterly Court could further provide for the expenditure of the funds generated by this tax.
6. Private Acts of 1921, Chapter 262, amended Chapter 415, Private Acts of 1921, in Section 1 to provide that the Board of Equalization established in that Act would meet on the first Monday in June, 1921, and each year thereafter on the same date.
7. Private Acts of 1921, Chapter 415, directed that hereafter the Jefferson County Quarterly Court would, at their July, 1921, meeting, elect all the members of the County Board of Equalization to correct and equalize tax assessments. The Board elected under the terms of this Act would meet on the second Monday in July, 1921, and each year thereafter. The court would fix the compensation of the member of the Board which could not exceed \$5.00 per day.
8. Private Acts of 1929, Chapter 686, was the legislation which enabled the Jefferson County Quarterly Court to levy a special tax to assist in the construction of the T.N.C. Railroad Company, or its successor. The amount subscribed and paid would constitute stock in the Railroad. The Jefferson County Chairman would have the right to meet with the other stockholders and cast votes prorata with the number of shares owned. No money was to be paid to the Railroad until the line was completed and in operation.
9. Private Acts of 1981, Chapter 26, amended Private Acts of 1978, Chapter 162.
10. Private Acts of 1994, Chapter 107, was legislation which enabled the Jefferson County Legislative Body to levy a privilege tax on the occupancy of any room, lodgings or accommodations furnished to transients by 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 in Jefferson County. This act did not receive local approval.
11. Private Acts of 2005, Chapter 68, amended Private Acts of 1995, Chapter 17, relative to raising the privilege tax on the occupancy of any rooms to transients from 4% to 8%. The proceeds from the additional 4% increase was to be deposited with the county trustee and used exclusively for debt service related to capital projects and improvements in the general fund, school fund and

other capital projects funds as designated by resolution of the board of county commissioners of Jefferson County. This act failed to receive local approval.

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