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# Decatur

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

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## Decatur



Decatur County Courthouse

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## Chapter I - Administration

### Budget System

#### Private Acts of 1945 Chapter 585

**SECTION 1.** That it shall be the duty of the Road Supervisor 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 in Decatur 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, the said budget shall likewise show in parallel columns the amounts expended the previous year, if any, for the respective purposes.

That it shall likewise be the duty of the Decatur 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 Decatur 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 in Decatur 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 the office expenses and salaries of the County Superintendent, County Supervisor and his Assistants, salaries for the different county schools, the aggregate of the salaries for each individual school being shown, for the purchase of new 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 of Decatur County on or before the first Monday in April of each year to prepare and file with the County Court Clerk of Decatur County an itemized statement or budget of the funds which he estimates necessary to be expended from the General County Fund during the year commencing on the first day of September following the making of his said report, for the payment of salaries, 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 of Decatur County at the same time to prepare and file with the Clerk a statement or budget showing the amounts that will be necessary to pay the various county bonds, together with interest thereon, which have been issued by the County, which will mature or become due during the ensuing year. The Budgets of the County Judge will likewise show in parallel columns the amounts expended the previous year for the respective purposes.

That it shall be the duty of all other County Agencies and parties not hereinabove specifically mentioned, having authority to expend or expending County Funds to file with said Clerk each year on or before the first Monday in April an itemized statement or the Budget of 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 purposes from the same sources during the year ending on the preceding August 31st, as near as may be practicable, and he shall likewise show in said statement the actual amount collected from the County tax on property during the year ending on the preceding August 31st.

It shall be the duty of the County Court Clerk to record the Budgets herein referred to in a well bound book for that purpose and in a manner that shall made a permanent record of the same.

**SECTION 2.** That it shall be the duty of the County Judge with the approval and confirmation of the Quarterly Court of Decatur County, Tennessee, at its April term each year, to appoint a Committee of

three (3) persons who shall be and constitute the Budget Commission of Decatur County, Tennessee. Only one (1) member may be a member of the Quarterly Court of Decatur County, Tennessee. 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 organize by electing a Chairman; and two (2) members of said 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 not voice or vote in the deliberations of said Commission. That the duties of the Secretary shall be to keep all records of the Commission, including a complete record of the proceedings thereof, assist it in the compilation of the data necessary for the Commission to prepare the budget herein provided for and to assist in the preparation of said Budget, and he shall perform such other duties as shall be prescribed by said Commission. That the County Court in its discretion may compensate said Secretary for services rendered in said capacity.

That each year prior to the meeting of the July Term of the Quarterly Court of Decatur 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 appropriated 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 for the year beginning on 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 Budgets of the various Departments of the County referred to in Section 1 hereof are to be submitted and also appropriate forms for the Budget herein provided for to be prepared and submitted by said Commission. That said forms shall be of such 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 said Budget, when prepared by said Budget Commission, shall be filed with the County Court Clerk and by him recorded along with the Budgets prepared by the several departments of the County, as hereinabove provided for, in a well bound book and kept as a permanent record in the office of the County Court Clerk; and shall be submitted by the Chairman of the Commission each year to the July Term of the Quarterly Court of Decatur County in open court; and it shall be the duty of said Court before fixing the tax rate for the current year to fully consider in open Court said Budget prepared by said Budget Commission, but the same shall not be in any way binding on said Court. That said Court shall have full right and power to alter, vary or change in any way it deems right and proper said Budget so submitted by said Budget Commission on any part thereof, but it shall be the positive duty of said Court at its July Term each year, to fix, establish and adopt a complete, itemized Budget of the amounts to be expended by each Department of the County government during the year beginning on the first day of September following and no warrant drawn against County funds after September 1, 1945, shall be binding on the County unless the items or expense for which said warrant is issued shall have been included in a Budget adopted by said Court as herein provided for; and no warrant shall be valid or binding on the County after the aggregate amount of warrants theretofore drawn during the fiscal year by or on behalf of any Department of the County Government, shall equal the amount allowed said Department in the Budget adopted for that year.

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

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

That from the 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 has reasonable grounds to believe will be available during the year for payment of the amounts allowed in its said Budget for said year, and it shall also show as nearly as may be practicable, the amounts of revenue derived from the same sources during the preceding year, together with the amount actually collected from the County tax on property during such preceding year.

That said Budget Commission shall, along with its Budget, submit its recommendations to the Court with respect to the tax rate on property for the current year together with its estimate of the amount that will be actually collected during the year beginning on the 1st day of the following September from the tax so recommended. That at the same time and in the same report said Budget Commission shall submit to the Quarterly Court a full and complete statement of all outstanding and unpaid warrants and the outstanding bonded indebtedness of the County, showing the amounts and maturities of all outstanding bonds, the purpose for which issued and any other information relative thereto which said Commission shall deem pertinent.

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

That the Secretary of said Commission shall mail a full and complete copy of the Report and Budget prepared by said Commission to each member of the Quarterly Court at least ten (10) days before the July Term of said Court, and shall also cause said Report and Budget to be published at least once in a newspaper published in Decatur County, said publication to be at least ten (10) days before each July Term of said Court.

**COMPILER'S NOTE:** A "Section 3" was not included in the original act nor has the act been amended to renumber the sections or add a Section 3.

**SECTION 4.** 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 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 1st day of the following September, said Budget to be of the same kind and form as that herein required to be prepared by said Budget Commission, and it shall be a misdemeanor in office for any official of Decatur County from and after September 1, 1945, to draw, sign or issue the warrant of Decatur County against any fund of Decatur County unless a Budget had been adopted by said Quarterly Court as herein provided for; and no warrant shall be valid or binding on the County of Decatur unless the item of expense for which said warrant is drawn shall have been included in a Budget adopted according to the provisions hereof.

That the Budget is 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, 1945, no warrants shall be drawn against any funds of Decatur 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, 1945, covering any obligation or indebtedness of said County actually incurred prior to said date.

**SECTION 5.** That it shall be the duty of each Department of the County government that disburses public funds, including the Board of Education, Road Supervisor, County Court Clerk and County Judge 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 in the several warrant books containing the warrants to be used by said Department or County Agency in drawing on County Funds and said amount shall be added to any balance remaining from the previous year; and at the end of each day it shall be the duty of every official issuing warrants of any kind against any such funds to subtract the aggregate of the warrants issued that day from the previous balance arrived at as herein provided for, and the balance thus arrived at shall be brought forward each day at an appropriate place on the stubs remaining in said warrant books; and at the end of each month it shall be the duty of every Official drawing warrants against any fund of Decatur County to reconcile the balance to the credit of the fund drawn against as shown on the warrant stubs with the balance to the credit of said Fund as shown by the books required to be kept by said Official; provided that for the year beginning the 1st day of September, 1945, 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, 1945, of the Quarterly Court without regard to the number of warrants theretofore issued by said Department or the head thereof which have not been paid; and said amount so allowed said Department for the year beginning September 1, 1945, shall also be placed at an appropriate place on the stubs of the warrant book used by said Department before any warrants are drawn or issued by said Department after the beginning of said year, and thereafter the balance from day to day shall be arrived at and carried in said warrant stubs as herein provided for.

**SECTION 6.** That it shall be unlawful and a misdemeanor in office for any official or employee of Decatur County to draw, sign, issue, deliver, or to authorize the drawing, signing, issuance or delivery of any warrant against any fund of said County, when the aggregate of the warrants theretofore issued or signed, whether the same have been paid by the Trustee or not, equals the amount allowed in the Budget adopted by the Quarterly County 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 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 Department in the Budget for said year, and it shall be the mandatory duty of the Quarterly Court to certify the facts to the District Attorney General for presentation to the Grand Jury at the next term of the 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 7.** That it shall be a misdemeanor in office for any county officer or agent or employee, including the Road Supervisor, the members of the Decatur County Board of Education, the County Superintendent of Education, the County Judge and the County Court Clerk, to violate any provision of this Act or to fail or refuse to do or perform any of the duties place upon them or any of them by this Act, and any such officer or officers failing to perform the duties imposed by this Act, shall be subject to a fine of Fifty (\$50.00) Dollars and be subject to removal from office, in any appropriate legal proceeding brought for that purpose.

**SECTION 8.** That the County Judge of Decatur County shall be ex-officio the Director of the Budget of the County, and it shall be his duty to supervise and control all expenditures of public funds, including School Funds, Highway or Road Funds, disbursements from the General Fund, and all monies or funds of the County of every kind and nature whatsoever belonging to the County or under control of any of its Boards, Departments, or Agencies. He shall countersign all warrants drawn by any and every official, agent, or employee, against any and every public fund of the County, and no warrant drawn against any such fund shall be valid and binding on or against the County of Decatur or any of its public funds unless the same shall have been countersigned by the County Judge before its presentation for payment, nor shall any warrant be void unless countersigned by the county executive.

The County Judge shall not have authority to direct the policies or operation of the Road and School Systems of the County, nor of the Road Supervisor or the County Board of Education, but he shall keep a

record of the expenditures, and his books shall be kept in such a manner as to at all times show amount allowed each Department or Fund in the Budget adopted at the July term of the Quarterly Court, the total amount of all warrants drawn and chargeable against each of said Funds--whether paid or not--and the unexpended balance of the budgeted allowance to each Department or Fund. Whenever the total or aggregate of the warrants drawn against any fund of the County equals or exceeds the amount allowed in the Budget to that Department or Fund by the Quarterly Court, it shall be unlawful for the County Judge to countersign any warrant or warrants against said Fund. He shall furnish reports to the Quarterly Court of the County at every regular quarterly meeting showing the status of the Budget of each Department, and at any special meeting when advisable or necessary. He shall allow the Budget Commission referred to in Section 2 hereof, or any member thereof, or any member of the Quarterly Court, to inspect his books and records at any time, and they shall be audited at such times as may be prescribed by the Quarterly Court. Any taxpayer of the County shall likewise be allowed to examine his books at any time.

The County Judge, as Director ex-officio Budget Director of the County, shall execute a bond for the faithful performance of his duties, such bond to be a corporate surety bond in the amount of Five Thousand (\$5,000.00) Dollars, the premium for which shall be paid out of the County Funds.

**SECTION 9.** For performing his duties in directing the Budget of the County as provided in Section 7 hereof, the County Judge shall receive compensation of Seven Hundred Fifty (\$750.00) Dollars per annum, payable in equal amounts monthly, by warrants drawn against the General Fund of the County, which amount shall be in addition to all other salaries received by the County Judge for other services and duties. No warrant shall be void until countersigned by the county executive.

As amended by:

Private Acts of 1985, Chapter 97

Private Acts of 1985, Chapter 100

**SECTION 10.** That the General Assembly hereby declares it to be the legislative intent that this Act shall be severable, and that the invalidity or unconstitutionality of any section, sentence, or provision hereof shall not affect or render invalid the remaining parts or portions of the Act.

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

Passed: March 2, 1945.

## Administration - Historical Notes

### **Budget System**

The following act once created a budgeting system for Decatur County, but it has been specifically repealed or superseded by current law.

1. Private Acts of 1935, Chapter 584, established a Budget System for Decatur County. This system required the filing of budgets by the Highway Department, the Board of Education, the County Judge, the County Trustee, and the County Court Clerk, who was also responsible for keeping the same. The County Judge must appoint a Budget Commission of three persons who would select their Chairman, and be served by the County Court Clerk as Secretary. The Commission shall consider the Budgets filed with the Clerk, making such changes as they may deem appropriate. The finished Budgets will be presented to the Quarterly County Court at its July meeting, who can also make any alterations deemed necessary, and who may consider all this data in fixing the tax rates. Penalties are provided for those failing to perform their duty as the same was imposed by this act, which included, in some cases, the forfeiture of office and a five year ban on holding one thereafter. This act was apparently superseded, though not repealed, by the one published herein.

### **County Legislative Body**

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

1. Private Acts of 1921, Chapter 109, stated that the Justices of the Peace in Decatur County, identified by the use of the 1920 Federal Census figures, would receive the sum of \$3.00 as their per diem compensation for their attendance at the regular sessions of the Quarterly County Court, plus such mileage allowances as the law might provide.
2. Private Acts of 1957, Chapter 321, provided that, subject to the successful outcome in a public referendum to be held for that purpose, the Justices of the Peace in Decatur County would be paid \$8.00 per day for each day of actual attendance at the meetings of the Quarterly County Court. This Act was rejected by the Quarterly Court and, therefore, never became an effective law under the Home Rule Amendment to the State Constitution.



**County Mayor**

The references below are of acts which once applied to the office of county judge, or county executive in Decatur 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, created the office of County Judge for every county in the state, abolishing the Quorum Courts, and conferring the duties of the Chairman of the County Court upon the Judge provided for herein. The Judge must be learned in the law and would be elected by popular vote to a four year term. He would be the account officer and general agent of the county and would exercise the judicial powers and functions enumerated in the act. The Judge would be paid \$5.00 per day for each day spent in the office during the sitting of the monthly and Quarterly Courts, and he would not be prohibited from practicing law except in his own court. This act was repealed by the one below.
2. Acts of 1857-58, Chapter 5, repealed Acts of 1856, Chapter 253, above, restoring the Quorum Courts as they existed prior to the passage of that act and reviving all laws which might have been repealed by it.
3. Public Acts of 1867-68, Chapter 30, again created the office of County Judge in Perry, Decatur, Cheatham, and Lauderdale Counties. The Judge would be commissioned as other judges were, serve an eight year term, and be paid \$200 per year. The Judge would be the accounting officer and general agent for the county exercising the functions and authority expressed in this law which included the duties of the Chairman of the County Court. Quorum Courts were abolished and the Judge would assume the responsibilities of those courts. The County Court Clerk would act accordingly and keep the dockets of the court. The County Judge was free to practice law in every court except his. This act was repealed by the one following.
4. Public Acts of 1868-69 (2nd Ex. Sess.), Chapter 24, repealed the act in Item 3, above, which created the office of County Judge in those counties named therein, as the same was applied to Decatur County.
5. Public Acts of 1869-70, Chapter 73, stated that so much of an act passed in January, 1868, which created the office of County Judge in Decatur County be, and the same is, hereby reenacted, and the act, passed January 29, 1869, which repealed the above act, as applied to Decatur County, is itself hereby repealed.
6. Acts of 1871, Chapter 8, provided that so much of the act, passed on February 24, 1870, as the same relates to the County Judge in Decatur County, is hereby repealed and the office of County Judge is abolished in Decatur County.
7. Private Acts of 1913, Chapter 254, as amended by Private Acts of 1939, Chapter 322, Private Acts of 1945, Chapter 589, Private Acts of 1973, Chapter 113, Private Acts of 1985, Chapter 42, and Private Acts of 1991, Chapter 123, created the office of county judge in Decatur County. The office of chairman of the county court was abolished and the powers, jurisdiction, and authority exercised by the chairman were conferred by law upon the county judge.
8. Private Acts of 1927, Chapter 129, provided that the County Judge of Decatur County shall receive, in addition to the salary now provided by law for his services as County Judge, the sum of \$700 per year for his services as accounting officer, financial and general agent of the county which shall be paid out of the county treasury on the Judge's own warrant. This act was repealed by Private Acts of 1939, Chapter 323.
9. Private Acts of 1939, Chapter 322, amended Private Acts of 1913, Chapter 254, Section One, by striking the requirement that the County Judge must be a licensed lawyer of at least three years practice in the State.
10. Private Acts of 1939, Chapter 323, repealed Private Acts of 1927, Chapter 129, Item 8, above.
11. Private Acts of 1939, Chapter 389, created a Board of County Commissioners for Decatur County, granting the Chairman the authority to exercise the duties of the County Judge except in the juvenile, probate, and County Courts, and prohibiting the County Judge from being paid anything for acting as financial and purchasing agent for the county.
12. Private Acts of 1943, Chapter 425, amended Private Acts of 1939, Chapter 389, Section 6, by striking that portion of the law which denied the County Judge any compensation for his services as financial, and purchasing agent of the county, and allowed the Quarterly Court to pay the Judge up to \$500.00 per year as additional compensation for serving in the capacity of an administrator.
13. Private Acts of 1945, Chapter 589, as amended by Private Acts of 1973, Chapter 113 and Private Acts of 1985, Chapter 42, added a new section 8 to Private Acts of 1913, Chapter 254, which

made the County Judge (now County Executive) the county purchasing agent. This section was deleted in its entirety by Private Acts of 1991, Chapter 123.

14. Private Acts of 1949, Chapter 835, is listed as being applicable to Decatur County but the act which it amends is applicable only to Benton County.
15. Private Acts of 1961, Chapter 197, would have amended Private Acts of 1945, Chapter 589, by striking out a portion of Section One and inserting a new Section which gave the County Judge sole authority to make all purchases for the County and to arrange for the purchase, or rental, or real estate; by incorporating new bid procedures for all purchases over \$500.00 which were required to be strictly observed, but which were optional for purchases under that amount. The Road Supervisor was not included within the purview of this act for purchases under \$100. This act was rejected by the Decatur County Quarterly Court and never became a law.
16. Private Acts of 1961, Chapter 204, amended Private Acts of 1913, Chapter 254, by permitting the County Judge to employ a secretary at an annual salary of up to \$1,800, payable in equal monthly installments. This act was likewise rejected at the local level and did not become an effective law under the Home Rule provision of the Tennessee Constitution.
17. Private Acts of 1961, Chapter 235, had reference to both the County Judge and the General Sessions Court but did not apply to Decatur County, only to Coffee County.

### **County Register**

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

1. Private Acts of 1970, Chapter 245, stated that no conveyance in writing, deeds of trust, or other lien instruments, shall be received for registration by the County Register unless the same bears a stamp, or notation, that such conveyance has been presented to the Assessor of Property, or his Deputy with the information set out in Section 2 of this Act. The report from Secretary of State's office in this Act was not acted on by local authorities, and, if true, the law would be nullified.
2. Private Acts of 1973, Chapter 13, authorized the County Register of Decatur County to employ a suitable person as a clerical assistant at a salary not to exceed the sum of \$300 per month which was to be paid out of the general funds of the County. This Act was not acted on in any way by the Quarterly Court and consequently did not become a law.

### **General Reference**

The following private or local acts constitute part of the administrative and political history of Decatur 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 1847-48, Chapter 52, stated that Perry and Decatur County shall have a Director in the Branch of the Bank of Tennessee at Trenton who would be appointed in the same way and have the same rights and privileges as the other Directors of the said Bank.
2. Acts of 1849-50, Chapter 55, Section 13, incorporated the city of Decaturville conferring upon it all the rights and authority and making it subject to the same obligations and liabilities as the town of Linden in Perry County.
3. Public Acts of 1857-58, Chapter 126, abolished the post of Entry Taker in Lawrence, Dekalb, White, Macon, Decatur, Grundy, Humphreys and Wilson Counties. The Surveyors of the above counties would assume all the duties and responsibilities of the office of Entry Taker and be paid the same fees and emoluments as were provided under the law.
4. Acts of 1897, Chapter 124, provided for and regulated the salaries of the Clerk and Master, the Clerks of the various County, Circuit, Special, and Criminal Courts, Trustees, Registers, Sheriffs, and the Supreme Court Clerks according to the population of the county in which they served. The fees of the various offices were declared to be the property of the counties. The office holders involved were required to file sworn, itemized statements with the County Judge, or Chairman, showing the amount of fees collected. Parts of this Act were declared unconstitutional by the Supreme Court in Weaver v. Davidson County (1900), 104 Tenn. 315, 59 S.W. 1105, but many of its features have been carried over into the current salary statutes.
5. Private Acts of 1939, Chapter 389, established a three member Board of County Commissioners in Decatur County, who were to be elected by popular vote in the August general elections, taking office for two years on the following September 1. The Commissioners must be at least thirty years old, a resident of the County for ten years, and could hold no county office or be a member

of the Quarterly Court. The Chairman, chosen by other members, would be paid \$40.00 per month, and the other members \$5.00 per day for each day actually spent discharging the duties of the Board, and the responsibilities of the Chairman were enumerated in several paragraphs of the Act. The Commission could appoint a Secretary at a salary not to exceed \$30.00 per month. The Chairman would exercise the duties of the County Judge except in the Juvenile, Probate, and County Courts. The County Judge would continue to draw \$300.00 per annum but would receive no pay for performing the duties of financial agent, or purchasing agent. This Act was repealed by the one below.

6. Private Acts of 1945, Chapter 586, repealed Private Acts of 1939, Chapter 389, which is Item 5, above.
7. Private Acts of 1947, Chapter 99, also repealed Private Acts of 1939, Chapter 389, which created a Board of County Commissioners in Decatur County.
8. Private Acts of 1961, Chapter 116, created the Industrial Port Authority which was calculated to facilitate transportation and fully utilize the regional resources around Decatur County by exercising the power and authority granted to the Authority in the body of the Act. A seven member Port Authority Commission was established which would supervise and promote the construction, acquisition, ownership, maintenance, and operation of publicly owned ports, airports, storage, transfer, and transportation facilities by Decatur County. The authority was conferred upon the Authority to issue bonds of a general obligation nature under the limitations expressed in the Act. The Act named Harold White, Fred Alexander, A. B. White, Jr., Paul Strigel, H. D. Pevahouse, N. H. Boggie, and J. L. Tinker, as the members of the first commission. This Act was rejected by the Quarterly County Court and therefore never became a law under the provisions of the Home Rule Amendment to the Constitution.
9. Private Acts of 1972, Chapter 375, was the legislative authority for the Decatur County Quarterly Court to establish a ferry service in accordance with the provisions of Section 54-2101, and following, Tennessee Code Annotated, and to charge fees, as provided therein, for the sole purpose of maintaining the said ferry. Our information is that this Act was never acted upon by the Decatur County Quarterly Court.

## Chapter II - Animals and Fish

### Livestock Inspector

### Private Acts of 1953 Chapter 392

**SECTION 1.** That in all counties of this State having a population of not less than 9,400 nor more than 9,500 according to the Federal Census of 1950 or any subsequent Federal Census, the Quarterly County Court is hereby authorized to elect for a term of two years at the July term 1954 and every two years thereafter a livestock inspector. It shall be the duty of said livestock inspector to make an inspection and examination of the livestock in said county or counties and to treat such as may be found ailing or sick with the view to promoting the spread of health among livestock and to reduce the danger of infection or contagious diseases. Such livestock inspector may contract with the owner or owners of any diseased livestock found by him for the treatment thereof by such inspector, the compensation thereof to be mutually agreed upon between the parties. The said county or counties shall not be liable for the default or negligence of any such livestock inspector where the Quarterly County Court has used reasonable care and caution in the selection thereof, but nothing herein shall exempt such inspector personally for negligence in the performance of his duty.

**SECTION 2.** That said livestock inspector shall be given the right to vaccinate all animals that may be subject to vaccination by law and to perform such other duties as may be placed upon him by law or the Quarterly County Court. Golie Montgomery is hereby appointed the first livestock inspector to serve in said county or counties and shall occupy said office until September 1, 1954.

**SECTION 3.** That all laws or parts of laws in conflict with this law are hereby repealed and that this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 3, 1953.

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

1. Acts of 1889, Chapter 171, was an act in which Decatur, and several other counties, exempted themselves from the provisions of a general game regulation which declared it unlawful for a person to hunt, trap, or kill, deer for profit but which could be killed for one's own personal use between August 1 and January 1. The same prohibition was also placed on quail, or partridge, being killed for profit, but which could also be legitimately killed for one's own use between November 1 and the following March 1.
2. Private Acts of 1921, Chapter 321, provided for an election to be held in Decatur County to ascertain the will of the people in regard to a stock law. The election would be conducted within ten to fifteen days after notice had been given with ballots to be marked simply "For" or "Against". The Election Commission would canvass the vote and certify the results to the Senator and the Representative representing Decatur County in the General Assembly.
3. Private Acts of 1921, Chapter 405, was an act which exempted nearly every county in the State from the provisions of Public Acts of 1919, Chapter 61, which was a statewide act regulating the care and keeping of dogs in the State.
4. Private Acts of 1923, Chapter 128, was applicable to Benton, Decatur, Dickson, and Houston Counties, making it the duty of the Election Commissions in those counties to hold an election to determine the feeling of a majority of the people on the question of a stock law for those counties. The Ballots would be marked "for" or "against", and the results certified to those representing these counties in the State Legislature.
5. Private Acts of 1925, Chapter 34, provided for another election to be held in Decatur County on the question of a stock law, the same conditions and requirements as before being repeated in this act.
6. Private Acts of 1927, Chapter 45, required that another election be conducted in Decatur County within ten days from the passage of this act to ascertain the will of a majority of the people regarding a stock law for that county. The results would be certified to the delegation in the General Assembly and would also be published in the Decatur Herald in Decaturville, Tennessee.
7. Private Acts of 1927, Chapter 800, set the open season for the hunting and shooting of squirrels in Decatur County to be from May 1 until August 1, and from October 1 until the following February 1. The open season for shooting and killing quail was fixed to run from December 10 until the following February 20. This act was repealed by the one following.
8. Private Acts of 1931, Chapter 17, repealed Private Acts of 1927, Chapter 800, Item 8, above, in its entirety.
9. Private Acts of 1931, Chapter 449, made it unlawful in Decatur County, identified by the use of the 1930 Federal Census figures, for any owner, or custodian, of horses, mules, cattle, goats, sheep, or swine, to knowingly, or negligently, permit such stock to run at large. Any person damaged could have a lien for that amount on the trespassing stock which could be enforced by attachment. The violation of this act was further declared to be a misdemeanor for which one could be fined from \$5.00 to \$50.00 for each offense.
10. Private Acts of 1931, Chapter 480, declared it to be unlawful for any person, firm, or corporation, to take, catch, or kill, or attempt to do so, any fur, or hair bearing animal by means of box, trap, snare, steel trap, deadfall, or any other device in Decatur County. Violators would be punished by fines from \$10 to \$25 but any landowner, tenant, or farmer may take, catch, or kill fur, or hair bearing animals at any time when the same are a menace to their crops or poultry.
11. Private Acts of 1945, Chapter 484, provided that C. B. Morgan is hereby authorized to practice veterinary surgery in Decatur County without the necessity of obtaining a license from the State Board of Veterinary Examiners but nothing herein shall be construed as authorizing him to prescribe narcotics.
12. Private Acts of 1945, Chapter 485, conferred upon Al Johnson, being duly qualified and of good moral character, the privilege of practicing veterinary surgery in Decatur and adjoining counties without having to obtain a license from the State Board but he also was prohibited from prescribing narcotics.
13. Public Acts of 1974, Chapter 703, amended Section 51-417, Tennessee Code Annotated, by adding a provision that the last portion of the first paragraph, "while having in his possession or under his control any firearm or bow and arrow", and the following two provisos regarding the hunting of deer from a motor vehicle with artificial light at night would not apply to several

counties, including Decatur, which were identified by 1970 population figures.

## Chapter III - Bond Issues

### Bond Issues - Historical Notes

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

#### **County Buildings**

1. Private Acts of 1941, Chapter 95, was the authority for Decatur County to issue and sell up to \$50,000 in bonds, at an interest rate not to exceed 5%, and to mature no longer than 30 years, to build a county building, provided the same is approved by a majority of the Quarterly County Court meeting in regular session. The bonds were to be the general obligation bonds of the County and conform to the form and details of the same as they were specified in the act. They were declared to be exempt from taxation by other levels of government, and the Quarterly Court must levy a tax annually to repay the principal and interest as they accrue. The Act nominated W. H. Walker, K. K. Houston, L. R. Carrington, Jack Moore, and H. L. Townsend as a Commission to supervise the sale of the bonds and the construction of the building which would be used for such public purposes as the Quarterly Court might designate.

#### **Courthouse**

1. Private Acts of 1927, Chapter 294, recited in the preamble that the old Courthouse was destroyed by fire on March 25, 1927, and the Quarterly County Court had directed that it be rebuilt, and, in that connection, the Court had appointed J. W. Blount, V. A. Lancaster, R. E. Spence, J. A. Chalk, and Stanley Dennison as a Committee to accomplish that purpose. Since there were no funds available, the County Court authorized the issuance of \$30,000 in interest bearing warrants at a rate not to exceed 6%. To dispel any and all doubts about the bonds, or warrants, this Act confirms, ratifies, validates and legalizes all the actions of the Quarterly Court taken in connection therewith.
2. Private Acts of 1929, Chapter 87, allowed the County Judge and the County Court Clerk, of Decatur County, to issue up to \$46,000 in interest bearing coupon bonds to pay the outstanding warrants of the County issued by the Quarterly Court for Courthouse building purposes. The bonds could have no interest rate higher than 6%, nor could they mature for a period longer than 30 years. All the essential details of valid bond legislation were furnished and a special tax levy required to amortize the bonds.
3. Private Acts of 1929, Chapter 124, was an exact duplicate of Private Acts of 1929, Chapter 87, Item 2, above.

#### **Debts**

1. Private Acts of 1935, Chapter 316, validated, ratified and confirmed all the preceding actions of the Decatur County Quarterly Court in the issuance of \$65,000 in bonds, dated January 1, 1935, at an interest rate of 5½%, payable semi-annually on January 1, and on July 1, of each year and maturing in the amounts each year which were scheduled in the Act ranging through 1955. A tax levy for the sinking fund was required, and all delinquent taxes collected during those years shall be applied first to these bond payments.

#### **Nursing Home**

1. Private Acts of 1959, Chapter 367, allowed the Decatur County Quarterly Court to issue up to \$50,000 in bonds to construct a boarding, or nursing, home in that county. The form of the bonds, the denominations of them, the details of the sale, and the interest rate shall be fixed by proper resolution of the Quarterly County Court. The bonds shall not, however, be sold for less than par value and accrued interest.

#### **Roads**

1. Private Acts of 1911, Chapter 277, allowed the County Court of Decatur County to issue up to \$100,000, in blocks of \$25,000, to locate, bed, build, repair and improve county roads and bridges. The interest rate could not exceed 5%, nor the maturity period go beyond the 30 years specified. After the roads to be affected had been selected the whole proposition would be submitted to the people in a referendum. The tax levy to amortize could not exceed 25 cents per

\$100 property valuation. The County Court would appoint a three member Highway Commission which would select a Chairman and a Secretary. The Commission would take charge of the program and supervise the work, retaining 25% of the contract price of each segment. The power of eminent domain was given to the Commission but was to be exercised only in strict accordance with the guidelines established by law.

### **Schools**

1. Private Acts of 1947, Chapter 328, recited in the preamble that the Quarterly Court of Decatur County had adopted a Resolution authorizing the issuance of \$50,000 in bonds, at an interest rate of 3%, maturing semi-annually with which to build a public school building at Parsons, and, in order that no question may be raised concerning the validity of the bonds, this Act ratifies, confirms, validates, and legalizes all the prior actions taken in connection with the same, declaring the bonds to be the legal, binding, and incontestable obligations of the County, notwithstanding the lack of any statutory authority at the time of issuance.

## Chapter IV - Boundaries

### Creation of the County

#### Acts of 1845-46 Chapter 7

WHEREAS, It has been satisfactorily made known to this General Assembly, that the county of Perry is divided by the Tennessee river, to the manifest inconvenience of a very large portion of its citizens, and that by attaching a portion of the county of Wayne to the county of Perry, there is sufficient territory within the requirements of the constitution to divide said county by the river, and organize a new county on the west side of the river. Therefore,

**SECTION 11.** That a new county be and is hereby established to be composed of all that part of Perry county lying on the west side of Tennessee river, to be known and distinguished by the name of Decatur county, in honor of, and to perpetuate the memory of Commodore Stephen Decatur, of the United States Navy, of whose services our Nation should be proud, and whose memory should be revered.

**SECTION 12.** That the county of Decatur shall be bounded as follows, to wit: --Beginning on the west bank of Tennessee river, at the low-water mark, in the north-east corner; thence west with the line between Humphreys and Perry, to its north-west corner; thence south with the line between Perry, Carroll, Henderson and Hardin, to the Tennessee river, at its south west corner; thence with the Tennessee river, to its south-east corner; thence north with the line between Wayne and Perry, to the Tennessee river; thence north with the low-water mark of Tennessee river, to the beginning.

**SECTION 13.** That for the purpose of organizing the county of Decatur, John C. Yarbrough, Wm. J. Menzies, John S. Walker, Samuel Brashear, and David B. Funderburg, be, and they are hereby appointed a board of Commissioners, who shall have the same powers, and perform the same duties and labor, under the same obligations, that are imposed upon the Commissioners for Perry county; and as Commissioners for Decatur county, that are required to be performed by the Commissioners of Perry county, in the 4th, 5th, and 6th sections of this act; and further, it shall be the duty of the Sheriff of Decatur county, to perform the same duties for Decatur county that are imposed upon the Sheriff of Perry county, as contained in the seventh section of this act. Provided, that nothing herein contained, shall prevent Perryville being voted for as the county seat of Decatur county, in the same manner and regulations as provided in the said 7th section of this act; even though it might prove to be more than six miles from the centre of said county of Decatur.

**SECTION 14.** That the civil and military divisions within the boundaries of Decatur county, as described by this act, and all the respective officers thereof shall remain as they now exist, with all the rights, duties, jurisdictions and functions, as the law now confers, as well in the civil administration of justice as in its military organization, under the same rules, regulations, and restrictions, as if this act had never been passed. Provided, that the Circuit Clerk and Register may hold their offices, and exercise the duties thereof, as Clerk and Register of Decatur county, until the next regular election for such officers, and all officers required by law to be elected on the first Saturday in March, for other counties, shall be elected in Decatur county.

**SECTION 15.** That until the duties imposed upon the Commissioners and Sheriff of Decatur county be complied with, as hereinafter set forth, the County and Circuit Courts shall be held at Perryville, in some house within the corporate limits of said town. And further, it is provided, that if Perryville should be

selected by the people, agreeably to the provisions of this act, for the county seat of Decatur county, then the Jail already built, shall be made use of as the county Jail, and the public square appropriated for the building of a Court-house for Decatur county.

**SECTION 16.** That the county of Decatur shall be attached to the 10th Judicial Circuit, and the Circuit Courts shall be held on the 3rd Mondays in March, July and November, and Decatur county shall be attached to the same Chancery Court district to which Perry county now belongs.

**SECTION 17.** That the citizens of Decatur county, in all elections for Governor, Representatives in Congress, members of the General Assembly, and Electors for President and Vice President, shall vote with Perry county, from which they have been taken off agreeably to the provisions of the 5th section of the 10th article of the Constitution of the State.

**SECTION 18.** That this act shall take effect, and go into operation from and after the first Thursday in March, 1846; provided, that the counties of Wayne and Perry be not reduced below the constitutional amount of six hundred and twenty-five square miles. And provided, Decatur county contains the constitutional amount of three hundred and fifty square miles.

**COMPILER'S NOTE:** The first ten sections and the last section involved Perry County and therefore are not included herein.

Passed: November, 1845.

## Change of Boundary Lines

### Acts of 1851-52 Chapter 367

**SECTION 1.** That the lines between the counties of Hardin and Decatur be changed as follows, to wit: Beginning at a point where the counties of Henderson, Hardin, and Decatur join, running from thence with the Hardin County line to Doe creek; thence down said creek to the Tennessee river; thence down said river to the south boundary line of Decatur county, and that all that part of Hardin county contained within the lines as herein designated, and situated north and west of the Tennessee river, and below Doe creek, be attached to the county of Decatur, and that all persons living within said bounds shall be entitled to all the rights and privileges, and subject to all the liabilities of other citizens of said county of Decatur, provided it does not reduce the county of Hardin below her constitutional limits of six hundred and twenty-five square miles, and in order to ascertain that fact it shall be the duty of the county court of the county of Hardin, whenever the county court of the county of Decatur or the petitioners residing within the strip of the county of Hardin, who have petitioned to be annexed to the county of Decatur, shall have furnished to the county court of the county of Hardin, the money or means wherewith to survey the county of Hardin, to appoint a competent surveyor of the county of Hardin, whose duty it shall be to survey said county of Hardin, and make a plat thereof, which plat and survey, when made, shall be by said surveyor laid before the county courts of the counties of Hardin and Decatur. Provided further, This act shall not take effect until said survey, showing it does not infringe on the constitutional rights of the county of Hardin.

Passed: February 4, 1852.

**COMPILER'S NOTE:** The remainder of this act did not affect Decatur County and is not reprinted herein.

### Acts of 1947-48 Chapter 15

**SECTION 1.** That the eastern boundary of Decatur county be extended to the low water mark on the east bank of Tennessee river, and that revenue accruing from trading boats, &c., trading on said eastern side of the river shall be due to the proper officers in Perry County, and collected as other revenue.

**SECTION 2.** That the Surveyors of Henderson and Decatur counties, as soon as practicable after the passage of this act, be and they are hereby required to commence at the point where the county line crossed the road leading from Lexington to Perryville, previous to the act passed at the last General Assembly, attaching a portion of Henderson to Decatur, and run in a south-westwardly direction so as to strike the southern boundary of Henderson county, at a point that will leave Henderson county her constitutional limits; and all east of the line shall be and is hereby attached to the county of Decatur; and the citizens thereof shall be entitled to all the rights and privileges and subject to all the liabilities of other citizens of Decatur county; and said Surveyors shall be allowed such compensation as the County Court of Decatur county may think their services reasonably worth.



**SECTION 3.** That all that portion of territory, lying north of the road leading from Lexington to Perryville, attached by the last General Assembly to Decatur county, be and the same is hereby declared a portion of Henderson county, and that the Sheriff of Henderson county, be and he is hereby authorized and required to collect the taxes due for the year 1847, in that portion of territory attached by the last General Assembly to Decatur county; and that he pay over all sums collected north of said road to the Trustee of Henderson county; and all such sums as may be collected south of said road, and east of the line described in the second section of this act, shall be paid over to the Trustee of Decatur county, and their receipts shall be good vouchers in the hands of the Sheriffs or Tax Collectors in the final settlement of their accounts; and all monies collected by the revenue collector of Decatur county from citizens in that portion of territory made by this act a part of Henderson county, shall be paid over to the Trustee of Henderson county, and his receipt shall be a good voucher in the hands of said revenue collector upon final settlement.

**SECTION 5.** That the said Surveyors, after running the line described in the second section of this act, shall designate two suitable places to open and hold an election of the qualified voters in said portion of territory by this act attached to Decatur county, and also two suitable persons to open and hold the same at each place; which election shall be held in thirty days after the running of said line, notice first having been given in at least four public places within the said territory for at least fifteen days; and those in favor of being attached to Decatur county, shall have on their tickets "Decatur county," and those opposed shall have on their tickets "Henderson county;" and if a majority vote in favor of being attached to Decatur, then those holding the elections shall make a report of the same to the County Court Clerks of each county, which shall be filed in their respective offices; and the portion thus attached to Decatur, shall be deemed and taken as a part of Decatur, and shall be under the jurisdiction of the same, in all things, as other portions of said Decatur county.

Passed: December 1, 1847.

**COMPILER'S NOTE:** Sections 4 and 6 concerned Perry County only and are not reprinted herein.

## Acts of 1845-46 Chapter 7

WHEREAS, It has been satisfactorily made known to this General Assembly, that the county of Perry is divided by the Tennessee river, to the manifest inconvenience of a very large portion of its citizens, and that by attaching a portion of the county of Wayne to the county of Perry, there is sufficient territory within the requirements of the constitution to divide said county by the river, and organize a new county on the west side of the river. Therefore,

**SECTION 11.** That a new county be and is hereby established to be composed of all that part of Perry county lying on the west side of Tennessee river, to be known and distinguished by the name of Decatur county, in honor of, and to perpetuate the memory of Commodore Stephen Decatur, of the United States Navy, of whose services our Nation should be proud, and whose memory should be revered.

**SECTION 12.** That the county of Decatur shall be bounded as follows, to wit: --Beginning on the west bank of Tennessee river, at the low-water mark, in the north-east corner; thence west with the line between Humphreys and Perry, to its north-west corner; thence south with the line between Perry, Carroll, Henderson and Hardin, to the Tennessee river, at its south west corner; thence with the Tennessee river, to its south-east corner; thence north with the line between Wayne and Perry, to the Tennessee river; thence north with the low-water mark of Tennessee river, to the beginning.

**SECTION 13.** That for the purpose of organizing the county of Decatur, John C. Yarbrough, Wm. J. Menzies, John S. Walker, Samuel Brashear, and David B. Funderburg, be, and they are hereby appointed a board of Commissioners, who shall have the same powers, and perform the same duties and labor, under the same obligations, that are imposed upon the Commissioners for Perry county; and as Commissioners for Decatur county, that are required to be performed by the Commissioners of Perry county, in the 4th, 5th, and 6th sections of this act; and further, it shall be the duty of the Sheriff of Decatur county, to perform the same duties for Decatur county that are imposed upon the Sheriff of Perry county, as contained in the seventh section of this act. Provided, that nothing herein contained, shall prevent Perryville being voted for as the county seat of Decatur county, in the same manner and regulations as provided in the said 7th section of this act; even though it might prove to be more than six miles from the centre of said county of Decatur.

**SECTION 14.** That the civil and military divisions within the boundaries of Decatur county, as described by this act, and all the respective officers thereof shall remain as they now exist, with all the rights, duties, jurisdictions and functions, as the law now confers, as well in the civil administration of justice as in its military organization, under the same rules, regulations, and restrictions, as if this act had never



been passed. Provided, that the Circuit Clerk and Register may hold their offices, and exercise the duties thereof, as Clerk and Register of Decatur county, until the next regular election for such officers, and all officers required by law to be elected on the first Saturday in March, for other counties, shall be elected in Decatur county.

**SECTION 15.** That until the duties imposed upon the Commissioners and Sheriff of Decatur county be complied with, as hereinafter set forth, the County and Circuit Courts shall be held at Perryville, in some house within the corporate limits of said town. And further, it is provided, that if Perryville should be selected by the people, agreeably to the provisions of this act, for the county seat of Decatur county, then the Jail already built, shall be made use of as the county Jail, and the public square appropriated for the building of a Court-house for Decatur county.

**SECTION 16.** That the county of Decatur shall be attached to the 10th Judicial Circuit, and the Circuit Courts shall be held on the 3rd Mondays in March, July and November, and Decatur county shall be attached to the same Chancery Court district to which Perry county now belongs.

**SECTION 17.** That the citizens of Decatur county, in all elections for Governor, Representatives in Congress, members of the General Assembly, and Electors for President and Vice President, shall vote with Perry county, from which they have been taken off agreeably to the provisions of the 5th section of the 10th article of the Constitution of the State.

**SECTION 18.** That this act shall take effect, and go into operation from and after the first Thursday in March, 1846; provided, that the counties of Wayne and Perry be not reduced below the constitutional amount of six hundred and twenty-five square miles. And provided, Decatur county contains the constitutional amount of three hundred and fifty square miles.

**COMPILER'S NOTE:** The first ten sections and the last section involved Perry County and therefore are not included herein.

Passed: November, 1845.

## Boundaries - Historical Notes

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

1. Acts of 1845-46, Chapter 62, Section 3, appointed John H. Houston and William H. Storm, of Decatur County, and William F. Doherty and the present county surveyor of Benton County, as Commissioners to run the line between the two counties, and clearly mark the same, commencing at the Tennessee River on the northeast corner of Decatur County and run westerly, making reports to their respective county courts which shall allow each of them such compensation as to them seems reasonable and proper. This amendment is conditioned upon Decatur County being created.
2. Acts of 1849-50, Chapter 92, declared that the line between Decatur and Henderson Counties should conform to the line commencing at the point designated in the act passed January 19, 1848, and run in a southwesterly direction (so as not to approach Lexington nearer than 12 miles) to the line known as the Brown line; thence south with that line to the Hardin County line; and the citizens east of that line are entitled to all the rights and privileges and are subject to all the liabilities as are other citizens of Decatur County.
3. Acts of 1855-56, Chapter 173, Section 4, established the line between Decatur and Hardin Counties as beginning at a point where the Counties of Henderson, Hardin, and Decatur join; running thence with Hardin County line to Doe Creek; thence down the said creek to the Tennessee River; thence down the said river to the south boundary of Decatur County, and all that part of Hardin County contained within the lines designated, and situated north and west of the Tennessee River, and below Doe Creek is attached to Decatur County, all citizens living in that area being declared residents of Decatur County. Section 8 of this act transferred all the lands of E. Lee out of Henderson County and into Decatur County.
4. Acts of 1868-69, Chapter 36, changed the boundary lines between Decatur and Wayne Counties so as to include all that portion of Wayne County lying west of the Tennessee River in the County of Decatur.
5. Acts of 1871, Chapter 33, detached all that area known as "Eagles Nest Island" from Hardin County and attached the same to Decatur County. This same act then moved all the lands belonging to William White which were in Decatur County over to Hardin County so as to place all his lands wholly within Hardin County.
6. Acts of 1873, Chapter 100, rearranged the county lines between Decatur and Henderson Counties

so that all the lands and residences belonging to J. Henry Thomas and J. H. Dodd were included wholly within Decatur County.

7. Acts of 1877, Chapter 14, established subject, however, to the approval of two-thirds of the voters in the area affected, a new county by the name of Hanes which would be composed of parts of Benton, Carroll, Henderson, and Decatur Counties, as the parts were described therein. A commissioner would be named, and the county, if formed, would be part of the 12th Judicial Circuit.
8. Acts of 1877, Chapter 58, moved the home and farm belonging to Allen Steyers out of Benton County and into Decatur County.
9. Acts of 1881, Chapter 130, changed the line between Decatur and Henderson Counties beginning at the county line at the land or lands, known and formerly owned by G. M. Morgan, and now owned by Noah Williams, running east with the line of John F. Chumley, continuing with the same until it strikes the present county line at and with T. Lemon's line.
10. Acts of 1883, Chapter 221, changed the line between Decatur and Benton County so that the Benton County line would run from its northeast corner south up the Tennessee River about one mile to a slough; thence west with the Bark Road, on a dividing ridge, to H. C. Walker's; thence north with the west boundary line of H. C. Walker's farm across with the west boundary line of Alfred Tippitt's farm to the Benton County line near Richard Odle's.
11. Acts of 1885, Chapter 13, altered the lines between Decatur and Henderson Counties. Beginning where the county line crosses the north boundary line of J. C. P. Myracle's home tract of land, known as the Cox land; running thence west continuously with said lines to its northwest corner; thence south to its southwest corner; thence east to where the county line crosses the south boundary of the above mentioned land, so as to include all of the J. C. P. Myracle tract in Decatur County.
12. Acts of 1891, Chapter 51, moved the residence and farm belonging to D. A. Gossett out of Decatur County and into Benton County.
13. Private Acts of 1939, Chapter 600, changed the boundary lines between Decatur and Benton Counties so that four acres and 52 poles belonging to J. B. Odle shall all be included in Benton County.

## Chapter V - Court System

### Court System - Historical Notes

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

The following acts once affected jurors or boards of jury commissioners in Decatur County, but are no longer operative.

1. Acts of 1907, Chapter 98, created the Board of Jury Commissioners for Decatur County which would consist of three members to be appointed by the Circuit Court Judge from different parts of the County, no more than two to be from the same political party, who would have no suit pending in court, nor any interest in any, and who would not seek to be appointed to the position. The Clerk of the Court would notify them of their appointment setting a time for meeting at least thirty days prior to the next term of court. The members would gather on that day and be sworn with the oath set out verbatim in the act. The Jury Commissioners would then select 25 jurors, or more, if the Judge ordered. Those selected would have their names certified and entered upon a book kept by the Circuit Court Clerk. At least ten days before the opening of Court, the Clerk would deliver the first 25 names to the Sheriff to be summoned. Provisions were made to summon special panels and to replenish panels if, and when, they might become exhausted. No one would be excused except by the Judge and then only for the reasons stated in the act. The Grand Jury would be selected from those chosen for the term. The Commissioners could be punished for a willful failure to serve and would be paid \$2.00 for each day actually spent in the discharge of these responsibilities.
2. Private Acts of 1911, Chapter 115, created Boards of Jury Commissioners for the counties of Hardin, Chester, Benton, Decatur, and Madison. There would be three member Boards appointed by the Circuit, or Criminal, Court Judges. They must be residents of the county, of good moral character, with no suit pending, and with no record of having solicited the position. If there were more than one court, each Judge would appoint a Board for the court over which he presided, and

submit their names to the Clerk of the Court serving him. The members would meet, after being notified, at least 30 days before the term of the court, and be sworn according to the oath in the act. The Board would then proceed to select 37, or more if ordered, names from the tax rolls, or other public sources, who would serve as the Grand and Petit Jurors for that term of court. The remainder of the terms and conditions of this act, including the compensation of the Board members, were similar to those stated in the analysis of the preceding act.

3. Private Acts of 1915, Chapter 565, declared that hereafter in Decatur and Cumberland Counties every juror would be entitled to receive \$2.00 for each days' attendance as a juror, and such mileage, ferriage, and tolls as were provided by law.
4. Private Acts of 1941, Chapter 488, provided for a six member Board of Jury Commissioners for Decatur County who would be appointed by the Circuit, or Criminal, Court Judge. They could not be attorneys or county officials, or have a suit pending, or an interest in any, nor could they solicit the appointment. At the end of two years, three members would be appointed for two years, and three members for four years, with all vacancies to be filled in the same way. The members must take the oath prescribed in the act, and select a Chairman from among their own number. The Circuit Court Clerk, or his deputy, if desired, would serve as Clerk to the Board, after also being sworn according to the oath in the act. On the first Monday in July, and every two years thereafter, or within 20 days thereof, the Board would meet and select from the tax rolls, or from other public sources of information, the names of upright, honorable men, equal to 1/5 of the number voting in the last presidential election, but, in no case, to be more than 2,000 nor less than 800 names. These would be the jury list for the courts needing them for the next two years, the names being certified by the Board and properly recorded by the Clerk. One-sixth, or two-fifths, if preferred, of these names would be selected and recorded separately as prospective Grand Jurors. All names would also be written on separate slips of paper, placed in a box for each type of jury, which would then be locked and sealed, and not opened except in the presence of the Judge to whom the box would be delivered and from which the Judge would draw the names of both Grand and Petit Jurors, and the boxes resealed, all ten days before the opening of court. The list as then constituted, would be sent to the Sheriff who would summon them as jurors. Penalties were provided for all who might thus violate the terms of this act, the terms of which would not apply to the Chancery Courts of the County. Jury Commissioners would receive \$3.00 per day for each day actually spent in service under this act.
5. Private Acts of 1957, Chapter 367, would have set the per diem compensation for jurors in Decatur County at \$6.00 per day for each day, or part thereof, spent in service as a juror, plus ten cents per mile of actual travel between home and court house if the juror lived more than five miles away. The Foreman and the Clerk of the Grand Jury would be paid \$8.00 per day and ten cents per mile. All of the above was made subject to approval by the people in a referendum. This Act was rejected by the Quarterly Court of Decatur County and never became an effective law because of the Home Rule provisions of the State Constitution.
6. Private Acts of 1959, Chapter 368, set the compensation of the Foreman of the Grand Jury in Decatur County at \$8.00 per day for each day the Grand Jury was actually in session, which would be paid out of the county treasury in the same way as other jurors are paid. This Act was properly ratified by the Quarterly Court of the County but does not exceed the amount allowed under the general laws of the State.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Decatur 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. Acts of 1847-48, Chapter 125, provided that the citizens of Perry and Decatur County may at their option file their Bills in Chancery Court at Lexington or at Huntington.
2. Acts of 1853-54, Chapter 42, created the Sixth Chancery Division of the State which would be composed of the counties of Carroll, Benton, Humphreys, Dickson, Hickman, Perry, Decatur, Henderson, McNairy, Hardin, Wayne, and Lawrence. The terms of Court would start in Decaturville on the third Monday in June and December of each year. The Chancellor of the new Sixth Division would appoint a Clerk and Master for the Chancery Courts in Benton, Decatur, Perry, and McNairy Counties.
3. Acts of 1853-54, Chapter 101, formed Decatur County and Perry County into a separate Chancery Division whose Courts would be held by the Chancellor of the Western Division at the Courthouse in Decaturville on the third Monday in June and December.

4. Acts of 1853-54, Chapter 119, stated that, after the passage of this Act, the citizens of Decatur County shall have the privilege of filing their suits in Chancery at Savannah, in Hardin County, or, at Lexington, in Henderson County, or, at Huntington, in Carroll County, or, at Waynesboro, in Wayne County, at their discretion.
5. Acts of 1855-56, Chapter 112, changed the date for the terms of Court in the 6th Chancery Division which was then composed of the Counties of Carroll, Henderson, McNairy, Hardin, Wayne, Lawrence, Hickman, Dickson, Humphreys, Benton, Perry, and Decatur where the Courts would convene on the first Monday in April and October at Decaturville.
6. Public Acts of 1857-58, Chapter 88, divided Tennessee into the East, Middle, Western, Fourth, Fifth, and Sixth Chancery Divisions. The 6th Division was made up of the Counties of Carroll, Henderson, McNairy, Hardin, Wayne, Lawrence, Hickman, Dickson, Humphreys, Benton, Perry, and Decatur whose courts would continue to meet on the first Monday in April and October in Decaturville.
7. Acts of 1859-60, Chapter 187, Section 3, reset the terms of the Chancery Court of Decatur County to the second Monday in June and November.
8. Public Acts of 1861 (1st Ex. Sess.), Chapter 16, rescheduled the terms of the Chancery Court for Perry and Decatur County. Decatur would start the Chancery Court terms on the second Monday in May and December.
9. Public Acts of 1865-66 (2nd Ex. Sess.), Chapter 14, Section 2, changed the starting dates for the terms of the Chancery Court in Decatur County to the first Monday in June and December.
10. Public Acts of 1866-67 (2nd Ex. Sess.), Chapter 4, rescheduled the dates for the Chancery Court terms for all the counties in the 5th Chancery District which was then composed of the Counties of Hickman, Dickson, Humphreys, Henderson, McNairy, Hardin, Wayne, Lawrence, Perry, and Decatur where the terms of Court would begin on the first Monday in June and December.
11. Public Acts of 1869-70 (2nd Ex. Sess.), Chapter 32, divided the State into twelve Chancery Districts. The Ninth Chancery District contained the Counties of Benton, Hickman, Henderson, McNairy, Lawrence, Dickson, Humphreys, Decatur, Lewis, Perry, Hardin and Wayne.
12. Acts of 1869-70, (2nd Ex. Sess.), Chapter 47, set up the Chancery Court term schedules for every county in the state. Decatur County would take up the Chancery Court docket on the first Monday in February and August.
13. Public Acts of 1870-71, (2nd Ex. Sess.), Chapter 10, rearranged the starting dates for the Chancery Court terms in all the counties of the 9th Chancery District shifting Decatur County to the third Monday in February and August at Decaturville.
14. Public Acts of 1873, Chapter 5, set up a different schedule of Chancery Court terms in the 9th Division. The Chancery Court for Decatur County would meet at Decaturville on the third Monday in March and September.
15. Public Acts of 1879, Chapter 88, changed the terms of some of the Chancery Courts in the Ninth Chancery Division but did not change Decatur County from the third Monday in March and September.
16. Public Acts of 1881, Chapter 162, reset some of the Chancery Court terms in the Ninth Division which was still composed of the same counties enumerated above but Decatur County would continue to hold the Chancery Court on the third Monday in March and September.
17. Public Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the entire lower court system in Tennessee, creating eleven Chancery Divisions in the process. The Seventh Division had in it the Counties of Maury, Giles, Lawrence, Lewis, Wayne, Hickman, Hardin, Perry, Decatur, Benton, and Dickson. The Chancery terms in Decatur would start on the third Monday in March and September as they had for several years. This Act was one of several considered by the Supreme Court in Flynn v. State (1958), 203 Tenn. 341, 313 S.W.2d 249.
18. Public Acts of 1887, Chapter 5, altered the court dates for the Counties in the Seventh Chancery Division. Decatur would convene the Chancery Courts on the third Monday in May and November.
19. Public Acts of 1899, Chapter 427, was a complete renovation of the lower judicial system of the State which organized the equity courts into ten Chancery Divisions. The 8th Chancery Division contained the Counties of Decatur, Hardin, Chester, Benton, McNairy, Crockett, Henderson, Carroll, Henry, Madison, and Perry. Court would begin in Decatur County on the first Monday in January and June.
20. Acts of 1903, Chapter 36, changed the terms of the Court in the 8th Chancery Division assigning Decatur County to the third Monday in April and October.

21. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, was the last major change in the court system which was reported in the private acts. This Act provided for fourteen Chancery Divisions, of which the 8th Chancery Division consisted of the Counties of Carroll, Henry, McNairy, Crockett, Hardeman, Henderson, Hardin, Benton, Chester, and Decatur where the terms of Court would commence on the third Monday in April and October.
22. Public Acts of 1967, Chapter 22, changed the terms of the Decatur County Chancery Court to the second Monday in May and November by amending Section 16-244, Tennessee Code Annotated.
23. Private Acts of 1982, Chapter 366, vested jurisdiction of probate matters and the administration of estates in the General Sessions Court and County Clerk in Decatur County. This act failed to receive local approval.

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

The reference list below contains acts which once applied to the clerk and master in Decatur County. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1911, Chapter 177, provided that the Clerk and Masters of the Chancery Court of Decatur County, identified by the use of the 1910 Federal Census figures, would be paid an annual salary of \$500 if the Clerk and Master would file a sworn, itemized statement with the County Judge, or the Chairman, showing the total amount of the fees collected in that office for the year. If the fees were less than the salary, the county would pay the difference to the Clerk and Master out of the regular funds, but, if the fees were more than the salary, the excess could be retained as his own.
2. Private Acts of 1919, Chapter 493, amended Private Acts of 1911, Chapter 177, Item One, above, by increasing the salary of the Clerk and Master from \$500 to \$750 per year under the same terms and conditions as were stated in the 1911 Act.
3. Private Acts of 1935, Chapter 783, stated that the Clerk and Master of Decatur County shall be paid an annual salary of \$1,000, payable equally on January 1, April 1, July 1, and October 1, of each year, provided the Clerk and Master filed a sworn, itemized account on those dates with the County Judge, or the Chairman, showing the total amount of the fees collected by that office. If the fees were less than the salary, the county paid, but, if the fees were more than the salary, the Clerk and Master was allowed to retain the excess.
4. Private Acts of 1943, Chapter 369, amended Private Acts of 1935, Chapter 783, by changing the census year quoted from 1910 to the year 1930 (which would make the act applicable to Decatur County because the figures would not then fit the 1930 Census figures of 10,106). The Clerk and Master's annual salary was raised under this Act from \$1,000 to \$1,200.
5. Private Acts of 1945, Chapter 441, declared that the Clerk and Master of Decatur County would be paid \$1,200 per year in equal monthly installments out of the regular funds of the County Treasury, and all the fees and commissions of the office would be and become the properties of the County. The Clerk and Master was still required to file the sworn, itemized statement of fees with the County Judge on or before the 15th of each month except when the fees exceeded the salary and the Clerk and Master was allowed to retain the excess.
6. Private Acts of 1949, Chapter 824, amended Private Acts of 1945, Chapter 441, by raising the annual salary of the Clerk and Master of Decatur County from \$1,200 to \$1,500 and he was permitted to keep all the fees of the office.
7. Private Acts of 1953-54, Chapter 54, established the fifth and sixth Chancery Divisions of Tennessee. Chancery court would be held at Decaturville for Decatur county on the third Mondays in June and December.

### **Circuit Court**

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

1. Acts of 1845-46, Chapter 21, added Benton and Decatur Counties to the 14th Judicial Circuit.
2. Acts of 1849-50, Chapter 70, added Hickman County to the 14th Judicial Circuit which now was composed of the Counties of Perry, Wayne, Lawrence, McNairy, Hardin, and Decatur. Court terms would begin in Decatur County on the first Monday in March, July, and November.
3. Acts of 1855-56, Chapter 158, attached the Circuit Court of Decatur County to the 10th Judicial Circuit and fixed the opening dates for the terms of Court on the third Monday in January, May, and September with directions that all process and appearance bonds be made to conform to

those times.

4. Acts of 1857-58, Chapter 82, provided that the Circuit Court of Decatur County shall hereafter commence on the first Monday in March, July, and November and the courts are hereby attached to the 11th Judicial Circuit as the Circuits are currently numbered under the law in the revised Code.
5. Acts of 1865, Chapter 37, assigned the Counties of Wayne, Hardin, Hickman, Perry, Henderson, McNairy, and Decatur to the 12th Judicial Circuit as a first step in the post Civil War judicial recovery. Court would begin in Decaturville on the first Monday in May, August, and November.
6. Public Acts of 1865-66, (2nd Ex. Sess.), Chapter 14, rearranged the 12th Judicial Circuit. Decatur would call the Circuit Court order on the second Monday in April, August, and December.
7. Public Acts of 1866-67 (2nd Ex. Sess.), Chapter 40, changed the schedule of term for the Circuit Courts in the 12th Judicial Circuit but only changed Decatur County to start on the first Monday in April, August, and December instead of the second Monday in those months.
8. Public Acts of 1867-68, Chapter 8, changed court terms for the 12th Judicial Circuit which contained the Counties of Hardin, Wayne, Perry, McNairy, and Decatur where court would begin its term on the fourth Monday in the months of March, July, and November.
9. Public Acts of 1868-69 (2nd Ex. Sess.), Chapter 15, set the term of court for an apparently reconstituted 12th Judicial Circuit which now named the Counties of Lewis, Hickman, Perry, McNairy, and Decatur where the Court terms would begin on the third Monday in April, August, and December.
10. Public Acts of 1869-70 (2nd Ex. Sess.), Chapter 31, was a complete reorganization of the Judicial Circuits in Tennessee, forming fifteen regular and one special, Judicial Circuits. The 11th Judicial Circuit contained the Counties of Hardin, Wayne, Lewis, Hickman, Perry, Decatur, Henderson, and McNairy.
11. Public Acts of 1869-70 (2nd Ex. Sess.), Chapter 46, scheduled the opening dates for the annual three terms of the Circuit Courts for every county in the state of Tennessee. Decatur County's Circuit Court would open on the second Monday in February, June, and October.
12. Public Acts of 1871, Chapter 17, rearranged the opening dates for the Circuit Courts of all the counties in the 11th Judicial Circuit. Decatur County would begin the terms of the Circuit Court on the first Monday in February, June, and October.
13. Public Acts of 1871, Chapter 70, is a duplicate of Acts of 1871, Chapter 17, above.
14. Public Acts of 1875, Chapter 18, brought about more changes in the Circuit Court terms of the counties in the 11th Judicial Circuit. The Circuit Courts in Decatur County would start on the third Monday in February, June, and October.
15. Public Acts of 1881, Chapter 83, reset the Circuit Court terms in the 11th Judicial Circuit, changing Decatur County to the first Monday in March, July, and November.
16. Acts of 1881, (Ex. Sess.), Chapter 2, changed court terms for some of the counties in the 11th Judicial Circuit but left Decatur's Circuit Court to begin on the first Monday in March, July, and November.
17. Public Acts of 1885, (Ex. Sess.), Chapter 20, was a major overhaul of the lower Judicial system of the state. Fourteen regular, and one special, Judicial Circuits were created. The 11th Circuit was formed by the Counties of McNairy, Chester, Madison, Henderson, Perry, and Decatur where the Court would begin the terms on the second Monday in January, May, and September.
18. Public Acts of 1887, Chapter 94, rescheduled the three annual Circuit Court terms for all the counties in the 11th Judicial Circuit. Decatur County's Court would convene on the fourth Monday in March, July, and November.
19. Public Acts of 1895, Chapter 46, established a separate criminal division of the Circuit Courts in Madison, Chester, McNairy, Henderson, Decatur, Perry, and Benton Counties whose jurisdiction would be coextensive with the boundaries of the 11th Judicial Circuit. The Act set up terms of court for the new division in all the counties named above fixing the dates for Decatur County on the first Monday in May, September, and January. The court would determine all criminal offenses under the same authority and jurisdiction formerly possessed and exercised by the Circuit Courts. The Clerk of the Circuit Court would transfer all the records of a criminal nature to this Court, and all outstanding process and bonds would be made to conform to the terms and conditions of this Act. The Governor was required to appoint a judge for the new division who would serve until September 1, 1896, when his successor, elected by the people in August's general election, would take over. The Attorney-General of the 11th Judicial Circuit would

prosecute in the new division.

20. Public Acts of 1895, Chapter 124, fixed different terms of Court for some of the counties in the criminal division of the 11th Judicial Circuit. Decatur County's Criminal Court would hereafter start on the fourth Monday in January, May, and September.
21. Public Acts of 1899, Chapter 155, abolished the Criminal Courts of the 11th Judicial Circuit and the act creating the same, Acts of 1895, Chapter 46, is specifically repealed, the criminal jurisdiction being returned to the Circuit Courts where it reposed before the passage of that Act.
22. Public Acts of 1899, Chapter 409, Section 10, specifically conferred the criminal jurisdiction of Henderson, Benton, Decatur, Perry, Madison, Chester, and McNairy counties upon the Circuit Court and its judge, but Madison County would remain a part of the 11th Judicial Circuit for civil cases only, and Benton County was moved to the 12th Judicial Circuit. Court terms were scheduled to begin in Decatur county on the second Monday in January, May, and September.
23. Public Acts of 1899, Chapter 427, was a general reorganization of all the courts in the lower judicial system of the state forming the counties into fourteen Judicial Circuits. The 12th Judicial Circuit comprised the Counties of Hardeman, McNairy, Hardin, Chester, Henderson, Decatur, and Madison. Court would begin in Decaturville on the first Monday in March, July, and November.
24. Acts of 1901, Chapter 264, changed the terms of the Circuit Courts of Perry County and Decatur County which would open the court on the fourth Monday in March, July, and November.
25. Acts of 1901, Chapter 374, was an exact duplicate of Chapter 264, Item 24, above.
26. Acts of 1905, Chapter 192, stated that the Circuit Courts in the 12th Judicial Circuit would begin their terms as listed in this act. Decatur County fell on the second Monday in April, August, and December. All process and appearance bonds would be made to conform to those dates.
27. Acts of 1905, Chapter 464, changed the opening dates of the Circuit Court terms in Perry County and in Decatur County where the court would meet the first Monday in March, July, and November, at Decaturville.
28. Acts of 1907, Chapter 338, rescheduled the terms of the Circuit, setting the fourth Monday in February, June, and October as the opening dates for the Circuit Court in Decatur County.
29. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, was the last great revision of the lower courts in Tennessee which appeared in the Private Acts, all subsequent legislation in this regard being incorporated into the Tennessee Code Annotated. Twenty Judicial Circuits were formed for the 95 counties including the 12th which consisted of the counties of Madison, for criminal jurisdiction only, Chester, Henderson, Hardin, and the Decatur Court was set to start on the fourth Monday in February, June, and October.
30. Public Acts of 1965, Chapter 204, Section 5, created the 22nd Judicial Circuit placing in it the counties of Carroll, Benton, Hardin, and Decatur whose courts would start on the third Monday in February, June, and October. All cases, except those pending and under advisement, were to be transferred to the new Circuit. The Judge and the District Attorney were to be elected in August, 1966, and take office on September 1, 1966. The Judge, when elected, was authorized to employ a Secretary at \$1,500 per year who would serve at his pleasure and direction.

### **Circuit Court - Clerk**

The following acts have no current effect, but once applied to the Decatur 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 1847-48, Chapter 84, made it the duty of the Circuit Court Clerk of Decatur County to transcribe all judgements, orders, and decrees which may have been rendered or made by the said Circuit Court since the organization of Decatur County, into a well-bound book which constitute the record of that court in Decatur County and be entitled to due and full faith and credit as such. The Clerk would also deliver to the Circuit Court Clerk of Perry County, on or before next July 1, all the records of cases which were in his hands before the County was divided. The Clerk of Perry County's Circuit Court was empowered to issue any necessary additional process in these cases.
2. Acts of 1903, Chapter 255, was a salary act with statewide effect which concerned only the Circuit Court Clerks. The salaries were set according to the population class of the county in which the Clerks were located and provided the Clerks would file a sworn, itemized report with the County Judge, or Chairman, each year showing the total amount of fees collected in that office. If the fees failed to equal the salary, which in the case of Decatur County was \$500 per year, the County would pay the difference, but, if the fees exceeded the salary, the Clerk was allowed to retain the

excess. This was one of a series of similar salary acts, or anti-fee bills, which preceded the current law on this manner.

3. Private Acts of 1919, Chapter 165, provided that the Circuit Court Clerk of Decatur County, identified by the use of the 1910 Federal Census figures, would be paid an annual salary of \$800, provided the Clerk complied with the conditions of filing a sworn, itemized account as stated above.
4. Private Acts of 1919, Chapter 347, amended Private Acts of 1919, Chapter 165, above, by changing the population figures quoted in that act, so as to make the act apply to Decatur County.
5. Private Acts of 1935, Chapter 226, amended Private Acts of 1919, Chapter 165, and Private Acts of 1919, Chapter 347, so as, to increase the annual salary of the Circuit Court Clerk from \$800 to \$1,000 with all other terms and conditions to remain as they were stated in above acts.
6. Private Acts of 1945, Chapter 442, set the annual salary of the Circuit Court Clerk of Decatur County at \$1,200, payable in the equal monthly installments out of regular funds of the County, provided the Clerk filed a sworn, itemized statement with the County Judge, or the Chairman, by the 15th day of the month showing the amount of fees collected the preceding month. The report was not required if the fees exceeded the salary, the excess becoming the property of the Clerk.
7. Private Acts of 1949, Chapter 825, amended Private Acts of 1945, Chapter 442, above by increasing the annual salary of the Circuit Court Clerk from \$1,200 to \$1,500, all other conditions to remain unchanged.
8. Private Acts of 1961, Chapter 152, provided that the Circuit Court Clerk of Decatur County would be paid an additional \$1,800 per year for being the Clerk of the General Sessions Court which amount would be over and above, and in addition to the salary allowed the Clerk under Section 8-2405, Tennessee Code Annotated, and which was permissible under Public Acts of 1959, Chapter 109, Section 16, which created the Courts of General Sessions. The Act was not approved by the Quarterly County Court of Decatur County and failed to become an effective law.

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

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

1. Public Acts of 1899, Chapter 199, declared that the Attorney-General of the 11th Judicial Circuit shall attend upon and perform the duties of that office, as prescribed by law, in the Circuit Courts of the counties which composed the circuit, which were Madison, Chester, McNairy, Henderson, Decatur, Perry, and Benton.
2. Public Acts of 1899, Chapter 311, concerned only the county of Madison in the 11th Judicial Circuit.
3. Private Acts of 1919, Chapter 166, repealed Private Acts of 1907, Chapter 381, which attempted to create the position of Assistant Attorney General in Decatur County.
4. Public Acts of 1967, Chapter 65, created the office of Assistant District Attorney General for the Twenty-Second Judicial Circuit.
5. Public Acts of 1976, Chapter 560, created an additional office of Assistant District Attorney General for the Twenty-Second Judicial Circuit.

#### **General Sessions Court**

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

1. Private Acts of 1982, Chapter 366, would have placed probate jurisdiction in the General Sessions Court and made the County Clerk the clerk of the court. There was a deadline of September 1, 1982 for this act to be ratified locally. We are advised that the Decatur County Commission never took a vote on Chapter 366 which renders it void, thus leaving probate jurisdiction in the Chancery Court of Decatur County.

#### **Secretarial Assistance**

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

1. Public Acts of 1939, Chapter 71, authorized the Chancellor of the 8th division, to which Decatur County belonged, to employ a Secretary to serve at his pleasure and discretion.



## Chapter VI - Education/Schools

### Board of Education

### Private Acts of 1977 Chapter 37

**SECTION 1.** There is hereby created the Board of Education of Decatur County to be composed of nine (9) members. There shall be one member elected from each of the nine (9) school districts by the qualified voters of each such district. Each member of the Board of Education shall hold office for a period of six (6) years from September 1 next following his election at the August General Election and until his successor shall be elected and qualified.

**SECTION 2.** There are hereby created nine (9) school districts which shall be the same as the magisterial districts as now constituted or may hereafter be constituted. The numerical designation of the school districts shall be the same number as the magisterial district of which it is composed.

**SECTION 3.** The members of the Board of Education of Decatur County shall be residents and the voters of the school district from which they are elected. Such members shall be citizens of recognized integrity, intelligence, and ability to administer the duties of the office. No person shall be eligible to serve on the Board unless such person has a high school education. No member of the Quarterly County Court or any other county official shall be eligible to serve on the board.

If any member of the board ceases to reside in the school district from which such member is elected, the office of such member shall become vacant. If a vacancy is created by the removal from the district, death or resignation of a member, the vacancy shall be filled as provided by law and such person shall serve until the next General Election in August, at which time an election will be held for the unexpired portion of the term of the vacated member.

**SECTION 4.** At its first meeting after September 1, 1978, the Board of Education shall organize and elect one of its members to serve as chairman for a term of one (1) year. The chairman is authorized to perform all the duties of a chairman of a Board of Education as provided by law.

The Board of Education of Decatur County shall have all the rights, powers, liabilities, and compensation as are provided for the county Boards of Education under Title 49 of Tennessee Code Annotated.

**SECTION 5.** Until September 1, 1978, the Board of Education of Decatur County shall be composed of the six (6) incumbent members. The vacancy created in 1977 by the expiration of a member's term of office shall not be filled until the 1978 August General Election. The term of any incumbent member which expires in an odd-numbered year or in an even-numbered year prior to September 1 shall be extended to September 1 following the next August General Election after such expiration.

In the August General Election in 1978, a member shall be elected for a six (6) year term from each of school districts 4, 5, and 6 by the voters of each such district. From September 1, 1978 until September 1, 1980, the Board of Education shall be composed of eight (8) members. In the August General Election of 1980, a member shall be elected for a six (6) year term from each of school districts 7, 8, and 9. In the August General Election of 1982, the voters of school districts 2 and 3 shall elect a member of from each district for a six (6) year term and voters of school district 1 shall elect a member for a four (4) year term. After initial elected term of four (4) years, the member from school district 1 shall serve a term of six (6) years.

The incumbent members of the Board of Education shall serve until their terms expire as provided in this Act until their successors are elected and qualified. Any vacancy occurring in the incumbent membership of a board shall be filled in accordance with the provisions of this Act.

**SECTION 6.** Nothing in this Act shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which he was elected.

**SECTION 7.** If any provisions of this Act or the application thereof to any person or circumstance is held

invalid, such invalidity shall not effect other provisions or applications of the Act which can be given effect without the invalid provisions 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 majority of the number of qualified voters of the Decatur County voting in an election on the question of whether or not the Act should be approved. Within twenty (20) days after this Act became law, the county election commissioners of Decatur County shall call a election for the county to be held not less than sixty (60) days, nor more than seventy (70) days from the date of the call. The ballots used in the election shall have printed on them the substance of this Act and voters shall vote for or against its approval. The votes cast on the question shall be canvassed and the results proclaimed by the County Election Commissioners and certified by them to the Secretary of State as provided by law in the case of General Elections. The qualifications of voters voting on the question shall be the same as those required for participation in the General Elections. All laws applicable to General Elections shall apply to the determination of the approval or rejection of this Act. The cost of the election shall be paid by Decatur County.

**SECTION 9.** For the purpose of approving or rejecting the provisions of this Act, as provided in Section 2, it shall be effective upon becoming a law, but for all other purposes the provisions of this Act shall be effective only upon being approved as provided in Section 2.

**COMPILER'S NOTE:** In Section 9, the Act refers to the provisions of Section 2. That appears to be a misprint. The provisions for approval are found in Section 8. Furthermore, the referendum occurred on June 30, 1977, and the vote was 863 for and 112 against. Therefore, the Act was approved.

Passed: April 20, 1977.

## Superintendent or Director of Schools

### Private Acts of 1949 Chapter 904

**SECTION 1.** That in the counties of this State having a population of not less than 10,200, nor more than 10,300, by the Federal Census of 1940, or any subsequent Federal Census, County Superintendents of education shall be elected by popular vote. His first election therefor shall be held upon the first Thursday in August, 1952, and quadrennially thereafter. The person so elected County Superintendent shall take office on September 1, next following his or her election and shall hold office for a period of four years from September 1, 1952, and until his or her successor shall be elected and qualified. The qualifications, duties, and compensation of such County Superintendents shall be as now required by law.

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

Passed: April 15, 1949.

## Education/Schools - Historical Notes

### General Reference

The following acts constitute part of the administrative and political heritage of the educational structure of Decatur 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 1845-46, Chapter 189, incorporated Decatur Academy to be the Academy for the newly formed county. The Act names Joel C. Hancock, Thomas Ashcraft, Mark Murphy, John N. Pearcy, Joel Watts, Balm Rains, Robert McMaury, Glenn B. Newsom, and William Wessen, as incorporators, conferring upon them all the powers and privileges incidental to corporate entities. Vacancies would be filled by the County Court on the Board of Directors and in the ranks of the Trustees. The academy would be located in the county seat as required by law. The Trustees of Perryville Academy were directed to make equal distribution of funds to Perryville Academy and to Decatur Academy.
2. Acts of 1851-52, Chapter 351, gave to the Trustees of the County Academy of Decatur County the same privileges of establishing a female branch of the academy as was previously given to the Trustees of the Perry County Academy.
3. Acts of 1853-54, Chapter 208, provided that the Decaturville Male Academy shall be divided into two branches, one for the education of males, and the other for the education of females, both to share equally in the school funds now on hand and to be collected or drawn from the Treasury of

the State.

4. Acts of 1855-56, Chapter 231, allowed the Quarterly County Court of Decatur County to appoint five suitable persons to serve as a Board of Trustee for the Decaturville Female Academy.
5. Acts of 1889, Chapter 86, amended the Act incorporating the Female Academy in the city of Decaturville so as to change the title and the purpose to Decaturville High School.
6. Acts of 1891, Chapter 262, incorporated William Stuart, L. T. Smith, J. L. Tate, R. Smith and D. E. Scott, as Trustees, for the new school building erected in Decaturville. The Trustees appointed would serve two year terms, and their successors would be elected, or appointed, every two years.
7. Acts of 1905, Chapter 116, established a new and independent school District in Decatur County embracing the areas described in the act by a metes and bounds description which would be known as District #13, and which would have all the rights and emoluments as other School Districts in the State. The County Superintendent of Public Instruction would appoint three Directors for the new District until their successors could be elected by popular vote.
8. Acts of 1905, Chapter 489, provided that all the school houses and the school Districts in Decatur County, previously laid off by the Quarterly Court with proper descriptions shall be recognized as legal school districts, and the authority to change, or relocate them further is likewise bestowed upon the Quarterly Court. The people of the Districts were given the power and the right to elect their own school Directors, and a special election would be held on the first Saturday in July, 1905, for that purpose. If no Directors were elected, then the County Superintendent of Public Instruction would appoint them.
9. Acts of 1907, Chapter 28, authorized and empowered the school Directors of the 13th Special School Districts to sell five, and a fraction, acres of land situated in the said District, which was granted to the School Commissioners by the State, and to use the money derived from the sale thereof for educational purposes.
10. Acts of 1907, Chapter 236, created a Board of Education and a District Board of Advisors for the school systems of every county in the State and abolished the District Directors. The County Court would divide the county into five, or less, school districts, composed of whole Civil Districts from each of which one member of the School Board would be elected, and for which the County Superintendent would be the Secretary. Specific duties for the Chairman, the Secretary, and the members of the Board are all spelled out in different sections of the Act. Each member of the Board would be paid from \$1.50 to \$3.00 per day, as set by the Quarterly Court. The people would also elect the three members of the Advisory Board whose duties are likewise catalogued in the Act. This Act did not apply to city school systems and nine counties, not including Decatur, exempted themselves from its provisions in Section 17.
11. Acts of 1909, Chapter 302, amended Public Acts of 1873, Chapter 25, which was a comprehensive statewide educational Act by creating in ten counties, including Decatur, a Board of Education composed of one member from each Civil District, the County Judge, and the Superintendent of Public Instruction who would be the ex-officio Chairman. The members from the Civil Districts would be elected by the people. The duties of the Chairman, the Secretary, and the Board members are enumerated in the Act and are substantially the same as those in the preceding Act. The Board members would be paid \$1.50 for each day spent at meetings and \$1.00 per day while visiting the schools. Accurate records would be kept and an annual scholastic census taken.
12. Private Acts of 1911, Chapter 284, stated that all school districts and school houses heretofore laid off and described by a metes and bounds description were declared to be legitimate school districts in Decatur County. The people in each District would elect their own school Directors at a special election on the first Saturday in June, 1911, and every two years thereafter. Vacancies would be filled by the remaining members of the Board whose duties were specified in the Act.
13. Private Acts of 1917, Chapter 600, formed an independent special school District out of part of the 10th Civil District of Decatur County and the 7th Civil District of Henderson County, as the area was specifically described in the act, which would be called the "Doe Creek School District #50," and which would receive the same funds as other school districts. The act named H. J. Kennedy, E. L. Kennedy, and A. J. Drick, as School Directors until their successors could be elected by the people. The Clerk would gather the scholastic census for the area and report the same to the Superintendent of Schools.
14. Private Acts of 1921, Chapter 214, formed a new and independent School District embracing an area as described in the Act, which was also partly in Decatur and partly in Henderson County which would be known as the Presley School District and the school for this District would be

- taught in the Presley School House, subject to the general education laws of the State. Children who resided in the area could attend free but others would have to pay tuition as determined by the Directors. J. W. Mitchell, R. L. Presley, and W. R. Maness were named to serve as Directors until their successors could be elected. The district would receive its pro rata share of school funds as determined by the scholastic census.
15. Private Acts of 1921, Chapter 446, stated that, in Decatur County, identified by the use of the 1920 Federal Census figures, the County Superintendent of Public Instruction would be elected by the qualified voters for a term of four years, the term to begin on the first day of January following the election. This Act would in no way effect the qualifications of the Superintendent as they were then established under the law. This Act was repealed by Private Acts of 1935, Chapter 502.
  16. Public Acts of 1925, Chapter 115, Section 33, was a statewide educational enactment which has been codified as Title 49, Tennessee Code Annotated. This Section provided that all special school districts which were not taxing districts were abolished (2) that any district could hold a referendum on the question of its abolition and (3) that, when all the debts were paid, the district may join the county school system.
  17. Private Acts of 1925, Chapter 642, created a seven member Board of Education for Decatur and Benton Counties, one member of which would be elected by the Quarterly Court at its July term for the next seven years. The powers, duties, and responsibilities of the Board would be as they were fixed under the general state law, and vacancies on the Board would be filled at the next regular meeting of the Quarterly Court coming after the vacancy occurred.
  18. Private Acts of 1925, Chapter 719, created the position of School Directors for each school in Decatur County, who shall be elected by popular vote of the people residing in the said District on the first Saturday in May, 1925, and every two years thereafter. The names of those elected shall be certified to the County Superintendent and they shall be sworn before entering upon the duties of their office which are expressly given in the Act. These Directors would select the teachers for the School which the County Board of Education was obliged to appoint. Although the post of truant officers was abolished, some regulations for compulsory attendance were expressed in the Act, but the Board could still close a school if the attendance was so low as to warrant it.
  19. Private Acts of 1935, Chapter 502, explicitly repealed Private Acts of 1921, Chapter 446, Item 15, above, which called for the popular election of the Superintendent of Public Instruction.
  20. Private Acts of 1939, Chapter 181, abolished the County Board of Education in Decatur County as it then existed.\*
  21. Private Acts of 1939, Chapter 187, placed all the administration, management, government, supervision, control, and conduct of the public school affairs, elementary and high school, in the hands of a County Board of School Commissioners composed of one member from each Civil District elected by popular vote for a two year term, the first taking office on September 1, 1940. The Act named from each consecutive Civil District Henie Ray, Floyd Crowley, John Pickens, O. O. Thompson, E. B. Miller, Herbert Wortham, J. E. Reynolds, Carmack Spence, S. A. Hartley, Sam Waltham, Albert Strawn, and Lige Quinn, to serve as the Board until their successors were elected. Vacancies would be filled by the remaining members of the Board. Members would select a Chairman and be paid \$4.00 per day for their services. In case of a tie vote, the County Superintendent would vote to break the tie. This Act was repealed by Private Acts of 1945, Chapter 588.
  22. Private Acts of 1945, Chapter 588, specifically repealed Private Acts of 1939, Chapter 187, Item 21, above, which created a Board of County School Commissioners.
  23. Private Acts of 1957, Chapter 266, provided that all the power, authority, management, supervision, and control of the public school system would be in the hands of a County Board of School Commissioners. This Act was substantially the same as the 1939 Act, except that the Quarterly Court would fill vacancies as they occur, would appoint members, one from each Civil District, to serve until the others could be elected, and the Court would set the compensation of the members. The Board would have and exercise all the powers of other Boards of Education in the State. This Act was rejected by the Quarterly Court and never became an effective law.
  24. Private Acts of 1961, Chapter 198, created a Board of Education for Decatur County granting it full power, authority, and responsibility to administer, operate, and maintain, the public school system. The Board would consist of seven members who would be elected from the county at large, two members who would be chosen by incorporated cities over 500 in population, and one member to be elected by cities under 500 in population. The initial terms were staggered but eventually all terms of office would be for five years. This act was rejected by the Quarterly Court

of Decatur County and never took effect under the provisions of the Home Rule Amendment to the State Constitution. This act was the subject of the lawsuit decided by the Supreme Court in Townsend v. Ray (1939), 174 Tenn. 636, 130 S.W.2d 97, which reversed the chancellor of the trial court. Private Acts of 1939, Chapter 187, Item 21, above, is also mentioned in the decision.

## Chapter VII - Elections

### Elections - Historical Notes

#### **Districts - Reapportionment**

The acts listed below have affected the civil districts in Decatur 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 1855-56, Chapter 137, amended an 1835 general law which would permit counties to delineate the Civil Districts so as to allow Decatur County to lay off one additional District in the county, whenever the best interests and convenience of the county required it but three-fourths of the Justices must be present and concur therein before the decision could become effective.
2. Public Acts of 1869-70, Chapter 73, provided that Cub Creek is hereby designated and constituted to be the boundary line between the 5th and the 7th Civil District of Decatur County.

#### **Elections**

The following is a listing of acts for Davidson 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 1847-48, Chapter 101, made each Congressional District the same as the Electoral District for the election of the President and the Vice-President of the United States plus two Electors who would be elected from the State at large. Details for counting the votes and for the organization of the various polling precincts are included in the act.
2. Acts of 1851-52, Chapter 196, divided the State into ten U. S. Congressional Districts. The Seventh District was composed of the Counties of Giles, Lawrence, Wayne, Hardin, McNairy, Perry, Decatur, Benton, Humphreys, Hickman, and Lewis.
3. Acts of 1851-52, Chapter 197, apportioned the representation in the General Assembly of the State. Perry and Decatur County would elect one Representative jointly and the votes would be counted in Linden in Perry County. Benton, Humphreys, Perry, Decatur, and Henderson Counties composed one Senatorial District and the polls in this District would be compared at the mouth of Morgan's Creek.
4. Acts of 1865, Chapter 34, organized Tennessee into eight U.S. Congressional Districts. The Sixth Congressional District had in it the Counties of Lawrence, Wayne, Hardin, Decatur, Perry, Lewis, Maury, Hickman, Humphreys, Dickson, Montgomery, and Stewart.
5. Acts of 1871, Chapter 154, apportioned the representation in the General Assembly of the State on the basis of the 1870 Federal Census. Hardin and Decatur Counties were given one Representative together, and the 18th State Senatorial District was made up of the Counties of Hardin, Decatur, Benton, McNairy, and Henderson.
6. Acts of 1872, Chapter 7, created nine U.S. Congressional Districts in the State of Tennessee of which the Seventh District contained the Counties of Montgomery, Houston, Stewart, Humphreys, Benton, Henry, Carroll, Henderson, Decatur, Perry, Hardin, and McNairy.
7. Acts of 1873, Chapter 27, reorganized the Congressional Districts in Tennessee into ten Districts. The 8th Congressional District was composed of the Counties of Henry, Benton, Carroll, Perry, Decatur, Hardin, McNairy, Henderson, and Madison.
8. Acts of 1881 (Ex. Sess.), Chapter 5, made the composition of the General Assembly of the State to be made up permanently of 33 Senators and 99 Representatives.
9. Acts of 1881 (Ex. Sess.), Chapter 6, changed the organization of the General Assembly to conform to the preceding Act and to the figures of the 1880 national census. One Representative would be shared by Lewis, Perry, and Decatur Counties while Carroll, Benton, and Decatur Counties constituted the 26th State Senatorial District.
10. Acts of 1882 (Ex. Sess.), Chapter 27, separated Tennessee into ten U.S. Congressional Districts.

The 8th District consisted of the Counties of Henry, Benton, Perry, Decatur, Hardin, McNairy, Henderson, Madison, and Carroll.

11. Acts of 1891 (Ex. Sess.), Chapter 10, reapportioned the State for representation in the General Assembly, assigning Benton, Humphreys, Decatur, and Hardin Counties to the 24th Senatorial District. Henry, Benton, and Decatur Counties would share one Representative in the Legislature.
12. Acts of 1901, Chapter 109, divided the State into ten Congressional Districts and placed the Counties of Henry, Benton, Perry, Carroll, Decatur, Henderson, Chester, Madison, McNairy, and Hardin in the 8th Congressional District.
13. Acts of 1901, Chapter 122, did the same in reference to the General Assembly. These 1901 Acts would be the last apportionment laws for more than fifty years. The 26th State Senatorial District included the Counties of Hardeman, McNairy, Hardin, Decatur, and Benton. Benton and Decatur Counties made up the 21st Representative District.
14. Private Acts of 1961, Chapter 149, is listed as being applicable to Decatur County but the law applies only to the city of Decatur in Meigs County.
15. Private Acts of 1970, Chapter 232, would have amended Private Acts of 1957, Chapter 335, which is published herein, by inserting a new provision at the end of Section One which provided for three Democratic Executive Committeemen from each Civil District in Decatur County but this Act was not acted on by the Quarterly County Court of the County, which if true, would nullify the provisions of it.
16. Private Acts of 1957, Chapter 335, was repealed by Private Acts of 2018, Chapter 37, abolishing the Decatur County Democratic Party executive committee.

## Chapter VIII - Health

### Hospital Board

#### Private Acts of 1965 Chapter 295

**SECTION 1.** That there is hereby created and established in Decatur County, Tennessee, a Board of Trustees to be known and designated as the "Decatur County General Hospital Board of Trustees," to have full charge of the operation and maintenance of the Decatur County General Hospital in Decatur County, Tennessee.

**SECTION 2.** That the Board of Trustees shall have and be vested with full, absolute and complete authority and responsibility for the operation, management, conduct and control of the business and affairs of the Decatur County General Hospital, including the selection and approval of a competent medical staff, and shall:

1. Determine the policies of the hospital, with relation to the patients therein and to community needs.
2. Provide equipment and facilities consistent with the needs of the patients of said hospital.
3. See that professional standards are maintained in the care of the sick.
4. Coordinate professional interest with administrative, financial and community needs.
5. Provide adequate finances by securing sufficient income and by enforcing business-like control of expenditures.
6. Provide for the safe administration of funds entrusted to said hospital.
7. Keep adequate records of the hospital finances and activities.
8. Surround the patients, within said hospital, with every reasonable protection, thereby fulfilling the moral and legal responsibility of the hospital, by exercising proper care and judgment in the selection of a qualified administrator, and of the medical, nursing, technical and other personnel of said hospital.

The authority and responsibility of the Board of Trustees shall include but shall not be limited to the establishment, promulgation and enforcement of rules, regulations and policies of the hospital, and upkeep and maintenance of all property belonging to the

hospital, the administration of all fiscal affairs of the hospital, the execution of all contracts, agreements

and other instruments.

**SECTION 3.** That said Board of Trustees shall be composed of seven (7) in number, who shall serve without compensation and who shall be elected in the manner and for the term hereinafter provided, but the members of said Board may be paid their necessary expenses, incurred in the proper discharge of their duties as members of the Board.

**SECTION 4.** That the initial members of the Board of Trustees shall be as follows: H. L. Townsend, Sr., Fred Alexander, Delmar Ballinger, Bob White, Kenneth Graves, Joe Gregory, Sr., George William White. All said Trustees shall take office immediately after approval of this act by the Quarterly County Court of Decatur County, Tennessee, and certified to the Secretary of State. The said H. L. Townsend, Sr., shall serve until the second Monday in October, 1965; the said Fred Alexander shall serve until the second Monday in October, 1966; the said Delmar Ballinger shall serve until the second Monday in October, 1967; the said Bob White shall serve until the second Monday in October, 1968; the said Kenneth Graves shall serve until the second Monday in October, 1969; the said Joe Gregory, Sr., shall serve until the second Monday in October, 1970; and the said George William White shall serve until the second Monday in October, 1971. As the respective terms of the Trustees shall expire, the Quarterly County Court of Decatur County, Tennessee, at its regular October session each year shall elect a successor for a term of seven (7) years to fill the office of the Trustee whose term then expires.

**SECTION 5.** That the members of the Board of Trustees shall be citizens of Decatur County, Tennessee. No person shall be a member of the Board of Trustees if he is:

1. An employee of the Board;
2. A member of the medical staff or a licensed doctor, or physician, or a registered nurse;
3. The holder of a full time remunerative position in the county or city government, or a physician with the Tennessee Department of Public Health, or the Department of Public Welfare, or the United States Public Health Service.

**SECTION 6.** That a Trustee whose term has expired shall continue to serve until his successor shall have been elected in the manner hereinabove provided. In the event of death or resignation of a Trustee prior to the expiration of his term, his successor shall be elected by the Quarterly County Court of Decatur County, Tennessee, for the unexpired term. Any incumbent Trustee shall be eligible for re-election.

**SECTION 7.** That at the first meeting of the Board of Trustees the Board shall elect from its membership a Chairman, Vice-Chairman, and a Secretary and Treasurer. Each of said officers to serve a term of two (2) years. The Chairman shall preside at all meetings and shall otherwise carry out all duties as directed by the Board of Trustees. The Vice-Chairman shall act as Chairman in the absence of the Chairman. The Secretary and Treasurer shall before entering upon the discharge of his duties give a bond in such sums as the Board of Trustees may determine to secure the faithful performance of his duties. The cost of said bond shall be included in the cost of the operations of the hospital. The Secretary and Treasurer shall keep a record of all the meetings of said Board, reflecting all the proceedings of said meetings, and who shall be custodian of all monies belonging to said hospital, and who shall sign all checks drawn against the account of said hospital, together with the Administrator of the Hospital, or the Chairman of the Board of Trustees in case of the absence or inability of the Administrator to do so. The Board of Trustees shall hold a regular monthly meeting, the date to be set by resolution of the Board of Trustees, and which date may be changed from time to time by resolution of the Board of Trustees. Special meetings of the Board may be called by the Chairman, or any three (3) Trustees, upon notice to the Trustees at any time.

**SECTION 8.** That the Board of Trustees may elect an Executive Committee from among the membership of the Board of Trustees, said Executive Committee to consist of three or more members for the purpose of carrying on the business of the Board of Trustees between the board's regular meetings, and to assist the Administrator in the operation of the hospital, and the powers of the Executive Committee shall be the powers of the said Board of Trustees when the full board is not in session; however, the Executive Committee shall report all its actions to the full Board of Trustees at its next meeting. The Executive Committee shall organize itself, electing one of its members as Chairman, one as Vice-Chairman, and one as Secretary. Said Executive Committee shall serve for a term of two (2) years. The Executive Committee shall meet at such times as it may by resolution set, and may meet in special meetings called by the Chairman at any time, upon notification to the other members of said Committee.

**SECTION 9.** That the Board of Trustees shall have authority to employ and appoint a Hospital Administrator for said hospital who shall hold office at the pleasure of the Board. The Administrator shall not be a member of the Board of Trustees but shall be a qualified person, experienced in hospital administration, whose duties and responsibilities shall be as herein designated and as shall be determined and prescribed by the Board of Trustees.

The Board of Trustees shall select and approve the medical staff of the hospital, and all doctors, physicians



and surgeons composing the medical staff of said hospital.

**SECTION 10.** That the Administrator employed by the Board:

1. Shall be the chief executive officer of the hospital, subject to the by-laws, rules and regulations adopted by the Board, and shall be under the control and direction of the Board of Trustees.
2. Shall, with the consent of the Board of Trustees, equip the hospital with all necessary furniture, appliances, fixtures, equipment and needed facilities for the care and treatment of patients and for the use of the officers and employees thereof.
3. Shall be the purchasing agent for the hospital, and purchase all necessary supplies in such manner as shall be determined by the Board of Trustees.
4. Shall have general supervision and control of the records, accounts and bills of the hospital, and all internal affairs, and shall maintain discipline therein and shall enforce compliance with the obedience to all rules, by-laws and regulations adopted by the Board of Trustees for the government, discipline and management of said hospital, and the employees and patients thereof.
5. Shall make such further rules, regulations and orders as he may deem necessary, not inconsistent with law or the rules and regulations of the Board of Trustees.
6. Shall, under such rules and regulations and within the limits and in the manner prescribed by the Board of Trustees and with the advice and consent of said Trustees, employ such necessary personnel, including nurses' aides, supervisors, technicians and such other technical and general employees as shall be necessary or proper for the efficient performance of the business of the hospital, prescribe their duties and discharge such employees at his discretion for good cause, in keeping with good efficient and honest administration.
7. Shall keep or cause to be kept proper records and accounts of the business and operations of the hospital regularly, from day to day, in the books and records provided for that purpose and prescribed by the Board of Trustees and see that such records and accounts are correctly made up for the report of the Board of Trustees to the Quarterly County Court of Decatur County, Tennessee, as hereinafter required.
8. Shall collect, or cause to be collected, and receive all monies due the hospital and such monies, when collected, shall be deposited daily in the bank designated by the Board of Trustees in the same form as received; shall keep an accurate account of the same; shall pay the expenses of the operation of the hospital from funds available only by check drawn on the bank, and said check or checks to be countersigned by the Secretary and Treasurer of the Board of Trustees. A complete report of the operations of the hospital shall be presented by the Administrator to the monthly meetings of the Board of Trustees.
9. Before entering upon the discharge of his duties, the Administrator shall give a bond in such sum as the Board of Trustees may determine to secure the faithful performance of his duties, the cost of the same to be included in the expense of the operation of the hospital.
10. Shall perform such other duties as the Board of Trustees may prescribe.

**SECTION 11.** That the Board of Trustees shall fix the salary of the Administrator and, with the advice and consent of said Administrator, the salary of the other employees of the hospital within the limits of funds available for the maintenance and operation of said hospital.

**SECTION 12.** That the Board of Trustees shall have the general superintendence, management, and control of said hospital grounds, buildings, officers and employees thereof, of the patients therein and of all matters relating to the government, discipline, contracts and fiscal concerns thereof, and make such other by-laws, rules and regulations as may be deemed by said Board necessary for the efficient and proper management and operation of said hospital, and for the carrying out of the purposes for which said hospital was established.

**SECTION 13.** That the Board of Trustees shall have the books, records and accounts of the hospital audited by a reputable firm of independent certified public accountants for each fiscal year of the operation of the hospital, said fiscal year to begin on July 1st of each year, the audit to be completed within a reasonable time after the close of the fiscal year of the hospital. A copy of the audit shall be filed with the County Court Clerk of Decatur County, Tennessee, and a copy thereof published in the Parsons News Leader.

The audit shall correctly set forth the operations of the hospital for the fiscal year.

The Board of Trustees shall annually present to the Quarterly County Court of Decatur County, Tennessee, at the April term of said Court, a report setting forth the operation of said hospital, both financially and otherwise, with such recommendations as to the financial needs of said hospital and as to the equipment



needed or improvements necessary or desirable to be made to the hospital as shall appear to the Board to be necessary for the efficient and proper operation of the hospital, in order to furnish the patients in said hospital the proper care and attention.

**SECTION 14.** That the Quarterly County Court of Decatur County, Tennessee, is hereby authorized to appropriate to the Decatur County General Hospital for the use of the Board of Trustees from the general funds, or such other funds not appropriated of said county, such sum as may be required to operate said hospital, and said Quarterly County Court is authorized and empowered to levy a tax, in addition to all other taxes, upon all taxable property within Decatur County, Tennessee, for the purpose of supplying funds necessary for the proper and efficient operation of said hospital.

**SECTION 15.** That if any clause, sentence, paragraph, section or any part of this Act shall be held or declared to be unconstitutional and void, it shall not affect the remaining part or parts of this Act, it being hereby declared to be the legislative intent to have passed the remainder of this Act notwithstanding the part held to be invalid, if any.

All act, or part of Acts, in conflict herewith are hereby repealed.

**SECTION 16.** That this Act shall have no effect unless the same shall have been approved by a two-thirds (2/3) vote of the Quarterly County Court of Decatur County, Tennessee. Said action shall be taken within ninety (90) days after the approval of this Act by the Governor. The approval or nonapproval of this Act by the Quarterly County Court of Decatur County, Tennessee, shall be proclaimed by the County Judge, countersigned by the County Court Clerk, and shall be certified by them to the Secretary of State.

**SECTION 17.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 18, 1965.

## Chapter IX - Highways and Roads

### Road Law

#### Private Acts of 1945 Chapter 587

**SECTION 1.** That counties of this State having a population of not less than 10,250 nor more than 10,275, by the Federal Census of 1940, or any subsequent Federal Census, shall constitute one entire district, to be in charge of a Road Supervisor, who shall be the principal executive official thereof. D. C. Davis is hereby named to the office of Road Supervisor hereby created and shall hold said office, perform said duties thereof and be paid the salary herein prescribed until the next quarterly meeting of the County Court of said County, or until a successor is named and qualified. At the regular August Election 1950, the Road Supervisor shall be elected by the qualified voters of counties to which this Act applies and shall take office on September 1 next following his election. His term of office shall be for a period of two years and until his successor shall be elected and qualified; and election shall be held biennially thereafter for such position.

Before assuming office, such Road Supervisor shall take an oath to fairly and faithfully discharge the duties of his office and shall execute and file with the County Judge, a corporate surety bond in a sum not to exceed Five Thousand (\$5,000.00) Dollars, the amount of the bond to be fixed by the County Judge and such bond to be approved by such County Judge. The premium for such bond shall be paid out of the highway funds.

Such Road Supervisor shall be paid a salary of Three Thousand (\$3,000.00) Dollars per annum, payable in equal monthly installments, out of the County highway funds in the hands of the County Trustee. In addition thereto, said Road Supervisor shall be allowed to expend not exceeding Two Thousand Four Hundred (\$2,400.00) Dollars per annum for a Secretary and Bookkeeper, such sum to be paid in equal monthly installments to the person designated and appointed by him as Secretary-Bookkeeper, to be paid out of the County highway funds.

As amended by:

Private Acts of 1949, Chapter 903

Private Acts of 1959, Chapter 271

Private Acts of 1971, Chapter 156

**SECTION 2.** That it shall be the duty of the Supervisor in counties to which this Act applies, to efficiently construct, maintain and operate the Road System in such counties; and it shall be his duty as early as weather conditions permit and funds available will allow, to begin the work of maintenance and repair of the roads in his County and to continue the same as long as necessary and permitted by available funds.

Such Road Supervisor shall have full and complete authority to employ such labor and skilled mechanics as he may need but the compensation payable by him for such labor and help shall not exceed the compensation paid by the State Highway Department in such county for similar services. Such Supervisor shall keep a time book of the hours of labor worked by each person so employed by him and for the purpose of paying such person for labor, and other necessary expenditures, may issue warrants drawn upon the road funds of said County, which warrant shall be drawn on the County Trustee. Any Road Supervisor who issued a fraudulent warrant shall be guilty of a misdemeanor and upon conviction shall be fined not less than Ten (\$10.00) Dollars, nor more than Fifty (\$50.00) Dollars, and imprisoned for not less than sixty (60) days nor more than six (6) months in the County Jail.

As amended by:  
 Private Acts of 1971, Chapter 159  
 Private Acts of 1985, Chapter 98  
 Private Acts of 1985, Chapter 100  
 Private Acts of 1991, Chapter 123

**SECTION 3.** That all applications to open, discontinue and change roads shall be made to the Road Supervisor. In addition thereto, such Road Supervisor, by and with the approval of the Quarterly County Court shall have the power, upon his own initiative, to open, discontinue and change roads.

For the purpose of more effectively making practicable such changes in the roads, the County, acting through the Supervisor, shall have and possess the power of eminent domain which shall be exercised in the following manner:

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

In addition to the right to condemn land for the purpose of changes in existing roads, such county is given the power of eminent domain with respect to borrow pits, gravel pits, sand banks and other material deemed necessary as essential in the construction of roads. The procedure in case of condemnation thereof shall be the same as that provided by the general statutes of Tennessee for the exercise of eminent domain of public corporations, the procedure herein provided being merely alternative rather than exclusive. The Road Supervisor herein named shall have and exercise full and complete control over all bridges forming a part of the County Highway System and such bridges shall be treated as a part of the Road System for the purposes of this Act.

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

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

Passed: March 2, 1945.

## Road Supervisor

### Private Acts of 1967 Chapter 75

**SECTION 1.** In addition to his duties as chief executive officer of the Decatur County road system, the County Road Supervisor shall have and exercise, ex-officio, the responsibility of county engineer, with the duty of inspecting and supervising the maintenance of county buildings and property and exercising general supervision over the construction of county buildings or other structures. As compensation for the ex-officio duties imposed upon him by this Act, the Road Supervisor shall be paid two thousand dollars (\$2,000) a year.

**SECTION 2.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Decatur County at or before the next regular meeting of the Court occurring more than thirty (30) days after its approval by the Governor. Its approval or non-approval shall be proclaimed by the presiding officer of the Court and certified by him to the Secretary of State.

**SECTION 3.** This Act shall take effect upon becoming a law, the public welfare requiring it.

Passed: April 6, 1967.

## Highways and Roads - Historical Notes

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

1. Acts of 1901, Chapter 136, was a statewide road law applicable to all counties under 70,000 in population. The Quarterly Court would select a Road Commissioner from each Road District which were co-extensive with the Civil Districts of the county, who would have supervision over the roads, culverts and bridges in that District. They would be sworn, bonded, and serve for two years. The court would further assign road hands to the area, decide upon the number of work days for the hands to work which could be no less than five nor more than eight days per year, and would also decide the amount to be allowed for one day's work for a wagon and team. The Quarterly Court would also levy a tax of two cents per \$100.00 property valuation for each day of work they placed upon the road hands. The Road Commissioners would name the Road Overseers for their district who would work out the required number of days as everyone between 21 and 45 would, and then be paid \$1.00 per day, not to exceed \$6.00 in one year. Prisoners could be worked on the roads under certain conditions, and all males outside of cities between 21 and 45 years of age. Some road specifications were included and the roads had to be classified according to their width, use by the public, and paving materials. Petitions to open, close, or change roads were to be received, heard, and disposed of by the Commission which was given the power of eminent domain to be used, when necessary, to effectuate the intents and purposes of this act. This act was among those considered by the court in the case of Carroll v. Griffith (1906), 117 Tenn. 500, 97 S.W. 66.
2. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, in several minor particulars but primarily in the procedures to be followed in condemnation proceedings.
3. Private Acts of 1917, Chapter 730, was a Road Law for Decatur, Hancock, Cheatham, and Cannon Counties. The act provided for a three member Board of Public Road Commissioners, one of whom would be the Road Superintendent, and one of whom would be the Assistant Road Superintendent, all of whom would be elected for two year terms by the Quarterly County Court. The Superintendent would be paid \$800.00 per year, and the assistant would get \$2.00 per day, up to \$100.00 per year, and the third member would be paid \$2.00 a day up to \$50.00 per year. The Superintendent was required to devote full time to his office. Laborers on the road would be paid, or credited, with \$1.25 per day, and teams and wagons furnished would get \$2.50 per day. The Board would lay off, classify, and map the regular roads of the county. All males, outside of cities between the ages of 21 and 45 must work six, 8 hour days on the roads or pay \$3.00 as a commutation fee. The Quarterly Court would also levy a special road tax on the residents of the county. The Board would hear and dispose of petitions to open, close, or change a road, and, if eminent domain proceedings were necessary, to adhere strictly to the provisions of both local and State law regarding the same.
4. Private Acts of 1919, Chapter 426, created a three member Highway Commission in Decatur County, naming J. H. Stout, as Chairman, and H. J. Fry and W. R. Dennison, as members, of the same to serve until others were elected for two year terms in the next general August election. Members would be paid \$3.00 per day spent on the Commission's business up to \$125.00 per year, and the member selected as Secretary would receive up to \$240.00 a year. The commission could hire an engineer at \$125.00 per month whose duties were enumerated in the act. Accurate records were required to be kept concerning the cost and use of materials and machinery. The commission could also employ Road Supervisors from each District who would inventory all the roads in the District and make a roster of all road hands. Overseers would be paid after working out the allotted time. The Commission would further handle all the petitions to open, close, or change, roads, following the procedures outlined in the act very closely. The court would levy a minimum road tax of 40 cents per \$100.00 to finance the programs and all males outside of cities between the ages of 21 and 50 would work seven days on the roads or pay

- \$6.00. Penalties were provided for anyone failing to comply with the dictates of this act. It was declared unlawful for an auto to cross a bridge at a speed greater than 4 miles per hour.
5. Private Acts of 1935, Chapter 529, stated that the Department of Highways and Public Works of the State of Tennessee shall have and exercise full control, direction, and supervision of the expenditure of all funds received by Decatur County for road purposes from the State and from all sources whatever. The said funds shall be expended upon the roads of the said county and a report submitted to the County Judge, or Chairman, of all receipts and expenditures in connection therewith.
  6. Private Acts of 1957, Chapter 325, created two Road Districts in Decatur County which were composed of whole Civil Districts. Commissioners would be elected in each District for two year terms, vacancies to be filled by the Quarterly Court. The salary of the Commissioners was set at \$2,400 per year and they would serve as foreman and timekeeper for their area. A Clerk for the Commissioners would be selected by the Quarterly Court at an annual salary between \$1,800 and \$3,000. All road funds would be divided equally between the two Districts. The Clerk, who would be bonded for \$10,000, would keep all the records. This act was rejected, and therefore, nullified, by the Quarterly County Court of Decatur County.
  7. Private Acts of 1961, Chapter 196, amended Private Acts of 1945, Chapter 587, in Section One, by increasing the salary of the Secretary-Bookkeeper from \$1,200 to \$1,800 per year, and in Section 2 by limiting the authority of the Road Supervisor to make purchases to amounts of \$100, or less, all others to be made by the purchasing agent of the county. This act was not approved by the Quarterly Court of Decatur County, and therefore never became effective because of the provisions of the Home Rule Amendment to the State Constitution.

## Chapter X - Law Enforcement

### Law Enforcement - Historical Notes

#### **Sheriff**

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

1. Private Acts of 1919, Chapter 133, set the salary of the Sheriff of Decatur County, identified by the use of the 1910 Federal Census figures, at \$500 per year, plus all the fees of his office which he might collect. The added salary was to be paid out of the regular county funds on the warrant of the County Judge, or Chairman. The Quarterly Court was authorized to levy a tax for this purpose if the same became necessary.
2. Private Acts of 1919, Chapter 280, amended Private Acts of 1919, Chapter 133, Item One, above, by changing the population figures quoted in that Act so that the provisions would apply to Decatur County alone.
3. Private Acts of 1937, Chapter 905, amended Private Acts of 1919, Chapter 133, above, by increasing the ex-officio compensation of the Sheriff of Decatur County from \$500 to \$1,000 per year, all other terms and conditions to remain the same.
4. Private Acts of 1945, Chapter 443, provided that the Sheriff of Decatur County would be paid \$1,200 per year in equal monthly installments which amount shall be in addition to all the other fees of the office which may be earned by him.
5. Private Acts of 1949, Chapter 826, amended Private Acts of 1945, Chapter 443, above, by increasing the annual payment to the Sheriff as provided therein from \$1,200 to \$1,500.
6. Private Acts of 1957, Chapter 379, stated that, in Decatur County, the Chief Deputy Sheriff would be paid annual compensation of \$1,200 a year in equal monthly installments in addition to all the fees of the office which he might earn, which would become effective on September 1, 1958. This Act must also be approved by a referendum vote before becoming effective, but the same was rejected by the Quarterly County Court before the election was held.
7. Private Acts of 1957, Chapter 380, would have provided the Sheriff of Decatur County with an annual salary of \$2,400, plus all the fees of his office, effective September 1, 1958, but this Act was likewise rejected by the Quarterly Court of the County and never became an effective law.

## Chapter XI - Taxation

### Hotel/Motel Tax

#### Private Acts of 1987 Chapter 34

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

- (a) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.
- (b) "Hotel" 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.
- (c) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.
- (d) "Transient" 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.
- (e) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.
- (f) "County" means Decatur County, Tennessee.
- (g) "Operator" means the person operating the hotel whether as owner, lessee or otherwise.
- (h) "Clerk" means the county clerk of Decatur County, Tennessee.

**SECTION 2.** The legislative body of Decatur County is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient, in the amount of five percent (5%) of the rate charged by the operator.

**SECTION 3.** The proceeds received by the county from the tax shall be designated and used for any lawful purpose under Tennessee statutes.

**SECTION 4.** Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of his or her hotel, such invoice to be given directly or transmitted to the transient and such tax shall be collected by such operator from the transient and remitted to Decatur 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 from or charged to him or her, 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 or spaces in hotels within the county, to the county clerk or such other officer as may be by resolution charged with the duty of collection thereof, said tax to be remitted to such officer not later than the twentieth (20th) day of each month for the preceding month. The operator is hereby required to collect the said tax from the transient at the time of the presentation of the invoice for said occupancy 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 in accounting for remitting the tax levied by these sections the operator shall be allowed two percent (2%) of the amount of tax due and accounted for and remitted to the clerk in the form of a deduction in submitting his or her 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 said tax and shall place the proceeds of such tax in accounts for the purpose 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 per year and shall report on the audits made on a quarterly basis to the county legislative body.

The county legislative body is hereby 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 shall be delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and in addition for 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 hereby declared to be unlawful and shall constitute a misdemeanor punishable upon conviction of a fine not in excess of fifty dollars (\$50.00).

**SECTION 9.** It shall be the duty of every operator liable for the collection and payment to the county of any tax imposed by this Act to keep and preserve for a period of three (3) years all records as may be necessary to determine the amount of such tax as he or she may have been liable for the collection of and payment to the county, which records the county clerk shall have the right to inspect at all reasonable times.

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

For his or her services in administering and enforcing the provisions of this Act, the county clerk shall be entitled to retain as a commission five percent (5%) of the taxes so collected.

Upon any claim of illegal assessment and collection, the taxpayer shall have the remedies provided in Title 67, Tennessee Code Annotated, it being the intent of this Act that the provisions of law which apply to the recovery of state taxes illegally assessed and collected under the authority of this Act; provided further, the county clerk shall possess those powers and duties as provided in Tennessee Code Annotated, Section 67-1-707 for the county clerks.

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

Notice of any tax paid under protest shall be given to the county 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 Decatur County to be used for the purposes stated in Section 3 of this Act.

**SECTION 12.** If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to the 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 Decatur County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by the presiding officer of the county legislative body to the Secretary of State.

**SECTION 14.** For the purpose of approving or rejecting the provisions of this Act, it shall become effective upon becoming a law. For all other purposes, it shall become effective upon being approved as provided by Section 13, the public welfare requiring it.

Passed: March 12, 1987.

## Mineral Severance Tax

## Private Acts of 1987 Chapter 35

**SECTION 1.** A severance tax is hereby levied in Decatur County on sand, gravel, clay, and all other minerals that are severed from the earth for private commercial purposes. The term "sand, gravel, sandstone, chert and limestone" shall mean sand, gravel, sandstone, chert and limestone severed from the earth in the process of producing a saleable product by whatever means of severance used. It shall not include, however, any mineral taxed under the provisions of Tennessee Code Annotated, Section 60-1-301; any lime or limestone used for agricultural purposes; any lime or limestone used for pollution control or abatement purposes; any burnt lime, any hydrated lime or any lime or limestone used for manufacture of cement, glass, fiberglass, rubber, paper, filler for paint, caulking, putty and roofing; rock dust for settling coal dust in underground mines or similar uses requiring chemical purity.

Further, the tax shall not be levied on any mineral taxes under the provisions of Tennessee Code Annotated, Section 67-7-101 through 67-7-110. The tax shall be levied upon the entire production in the county regardless of the place of sale or the fact that delivery may be made outside the county, except that no tax shall be due on any sand, gravel, sandstone, chert and limestone sold for use outside the state of Tennessee.

**SECTION 2.** For purposes of this Act, "owner" shall be defined as the person or persons who would be liable for payment of a tax levied pursuant to Tennessee Code Annotated, Title 67, Chapter 7, Part 2, if such were levied in Decatur County.

**SECTION 3.** The measure of the tax shall be fifteen cents (15¢) per ton on all minerals severed from the ground in Decatur County that are subject to the tax levied by this Act. The owner shall become liable for payment of the severance tax and the tax shall accrue at the time the mineral is severed from the earth and sold. The tax is levied upon the severance of the mineral and sale thereof regardless of the place of processing or sale of the mineral or the fact that delivery may be made outside the county. The tax levied shall be a lien upon all subject minerals severed in the county and any other property owned by the owner. Such lien shall be entitled to preference over all judgments, encumbrances or liens whatsoever created.

As amended by: Private Acts of 1994, Chapter 109

**SECTION 4.** The tax levied by this Act shall be due and payable monthly on the first (1st) day of the first (1st) month next succeeding the month in which the mineral taxed herein is sold. For the purpose of ascertaining the amount of tax payable it shall be the duty of all owners to transmit to the Decatur County trustee, on or before the last day of the first (1st) month next succeeding the month in which the tax accrues, a return upon forms provided by the trustee. The return shall indicate the month or period covered, the total number of tons of all minerals severed in Decatur County and sold, by all production units operated, owned or controlled by the taxpayer during the period covered, the amount of tax, and such other information the trustee may require. The return shall be accompanied by a remittance covering the amount of tax due as computed by the taxpayer.

**SECTION 5.** The tax levied by this Act shall become delinquent on the first (1st) day of the second (2nd) month next succeeding the month in which such tax accrues. When any operator shall fail to make any return and pay the full amount of the tax levied on or before such date there shall be imposed, in addition to other penalties provided herein, a specific penalty in the amount of ten percent (10%) of the tax due. Whenever a penalty is imposed there shall also be added to the amount of tax and penalty due interest thereon at the rate of eight percent (8%) per annum from the date due until paid. A further penalty of fifty percent (50%) of the amount due may be added if the nonpayment of the tax is an intent to evade payment. If the nonpayment of the tax is an intent to evade payment, the person liable for such payment may be restrained and enjoined from severing minerals from a production unit from which minerals have been severed and upon which tax is due.

**SECTION 6.** All revenues collected under this Act by the trustee shall be deposited in the general fund of Decatur County for general county purposes, or such other fund as may be designated by the resolution of the Decatur County legislative body.

**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 Decatur County legislative body. Its approval or nonapproval shall be proclaimed by the presiding officer of the Decatur 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 on the first (1st) day of the month following the month wherein this Act receives approval as provided in Section 8.

Passed: March 12, 1987.

## Motor Vehicle Tax

### Private Acts of 2004 Chapter 120

**SECTION 1.** For the privilege of using the public roads and highways in Decatur County, Tennessee, there is levied upon motor-driven vehicles, and upon the privilege of the operation thereof, except motorcycles, motor-driven bicycles and scooters, farm tractors, self-propelled farm machines not usually used for operation upon public highways or roads, and motor-driven vehicles owned by any governmental agency or governmental instrumentality, and except for other exemptions provided by general law, a special privilege tax for the benefit of such county, which tax shall be in the amount of thirty dollars (\$30.00) for each such motor-driven vehicle, the owner of which resides within the county. This tax applied to, is a levy upon, and shall be paid on each motor-driven vehicle, the owner of which resides within the county.

**SECTION 2.** The tax herein levied shall be paid to and collected by the county clerk of Decatur County, who is authorized by Tennessee Code Annotated, Section 67-4-103, to collect such privilege taxes. The county clerk shall collect this tax at the same time the clerk collects the state privilege tax levied upon the operation of a motor-driven vehicle over the public highways of this state. The county clerk shall deduct a fee of five percent (5%), or such higher or lower fee as may from time to time be authorized under Tennessee Code Annotated, Section 8-21-701(55), for receiving and paying over county revenue, from the amount of taxes collected and paid over to the county trustee.

**SECTION 3.** Payment of the privilege tax imposed hereunder shall be evidenced by a receipt, issued in duplicate by the county clerk, the original of which shall be kept by the owner of the motor-driven vehicle and, if required by the county legislative body by resolution pursuant to Tennessee Code Annotated, Section 55-4-103, by a decal or emblem also issued by the county clerk, which shall be displayed in the manner required by resolution of the county legislative body. The design of the decal or emblem shall be determined by the county clerk. The expense incident to the purchase of such decals 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 county clerk, shall be paid from the general fund of the county.

**SECTION 4.** The privilege tax or wheel tax herein levied, when paid, together with full, complete and explicit performance of and compliance with all provisions of this act by the owner, shall entitle the owner of the motor-driven vehicle for which the tax was paid and on which any required decal or emblem has been affixed, as herein provided, to operate or allow to be operated the vehicle over the streets, roads and highways of the county for a period of one (1) year which shall run concurrently with the period established by Tennessee Code Annotated, Section 55-4-104, for state registration fees.

In the event a wheel tax decal or emblem is sold by the clerk for a period of more or less than twelve months, the tax imposed shall be proportionate to the annual tax fixed for the vehicle and modified in no other manner, except that the proportional tax shall be rounded off to the nearest quarter of a dollar.

**SECTION 5.** In the event any motor-driven vehicle for which the wheel tax has been paid and any require decal or emblem issued and placed thereon become unusable or is destroyed or damaged to the extent that it can no longer be operated over the public roads, streets or highways of the county, or in the event that the owner transfers the title to such vehicle, or completely removes therefrom and destroys the decal or emblem issued for and placed thereon, and the owner makes proper application to the clerk for the issuance of a duplicate decal or emblem to be used by the applicant 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 a duplicate decal or emblem and the applicant pays into the hands of the clerk the sum of five dollars (\$5.00), the clerk will then issue to such applicant a duplicate receipt, canceling the original receipt previously delivered to him by the applicant, and will deliver to the applicant a duplicate decal or emblem, which shall be affixed to the motor-driven vehicle for which it is issued, as herein provided, and such duplicate decal or emblem shall entitle the applicant to operate or allow to be operated the vehicle upon the streets, roads and highways of the county for remainder of the period for which the original decal or emblem was issued. Likewise, in the event a decal or emblem becomes obliterated, erased or defaced, or 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 from the owner of five dollars (\$5.00), may issue and deliver to the applicant a duplicate decal or emblem.

**SECTION 6.** Pursuant to Tennessee Code Annotated, Sections 5-8-102 and 55-4-105, a person violating the provisions of this act commits a misdemeanor and shall, upon conviction, be subject to the penalties provided for in those general law provisions.

**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 Decatur County. Its approval or non-approval shall be proclaimed by the presiding officer of the county legislative body and certified by him or her 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 law, the public welfare requiring it. For all other purposes, it shall become effective upon approval as provided in Section 8.

Passed: May 10, 2004.

## 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 Decatur County Assessor. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1907, Chapter 602, established guidelines to be followed over the State when the value of property was being assessed, and in Section 9, a salary range for Tax Assessors was fixed which paid according to the population of the county in which the Tax Assessor served.
2. Private Acts of 1911, Chapter 411, amended Acts of 1907, Chapter 602, which concerned the Tax Assessors of the State by setting the annual salaries of the Tax Assessors for several different counties in the State, all identified through the use of population figures attributed to the 1910 Federal Census. According to our information Decatur County would pay its Tax Assessor \$400 a year out of the regular county funds.
3. Private Acts of 1917, Chapter 644, although listed as being applicable to Decatur County, does not apply to Decatur County but to DeKalb County.
4. Private Acts of 1945, Chapter 498, stated that the annual salary of the Tax Assessor of Decatur County would hereafter be increased from \$600 to \$1,200 and it was the intention of this statute to accomplish that result.
5. Private Acts of 1953, Chapter 279, provided that the Tax Assessor of Decatur County would be compensated at the rate of \$1,800 per year, payable in equal monthly installments out of the regular county treasury.

### **Taxation**

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

1. Acts of 1845-46, Chapter 189, stated that the Sheriff, or the Revenue Collector, of Henderson County would collect and pay over to the Trustee of Decatur County all the taxes levied for county purposes on property and polls in that part of Henderson County which has since become a part of Decatur County.
2. Acts of 1870-71, Chapter 50, authorized the counties and the cities of the State of Tennessee to levy taxes for county and municipal purposes provided they observed the following, (1) that all taxable property be taxed according to its value upon the principles established in regard to State taxation, and (2) that the credit of no county or city, would be given or loaned, to any person, firm, or corporation, unless the issue be first decided by the majority of the Quarterly County Court to be submitted to a referendum of the people and the people vote by a three-fourth's majority to approve the same. Some of the counties, not Decatur, voted to exempt themselves from the requirement of approval by a three-fourth's vote of the people for the next ten years stating that a simple majority vote in the affirmative would be sufficient.
3. Private Acts of 1927, Chapter 227, amended Acts of 1907, Chapter 602, Section 48, by striking

out the word "March" and inserting in its place the word "May". Decatur, and several other counties, exempted themselves from the terms of this act. The effect of the amendment was to change the date from March to May when the delinquent taxes would begin to require the payment of interest and penalty.

4. Private Acts of 1975, Chapter 172, established a vehicle privilege tax for Decatur County. This Act was repealed by Private Acts of 1987, Chapter 33.

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