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White

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

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

Sincerely,

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White



White County Courthouse

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Chapter I - Administration

County Executive

Private Acts of 2006 Chapter 81

SECTION 1. Pursuant to Tennessee Code Annotated, Section 5-6-101, the title of "county mayor" in White County shall be redesignated as "county executive".

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

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

Passed: March 20, 2006.

Purchasing

Private Acts of 1953 Chapter 36

SECTION 1. That in addition to his regular duties as County Judge of White County, Tennessee, the County Judge shall be ex officio the Purchasing Agent of White County, Tennessee, and shall have the sole and exclusive power and authority to contract for the purchase, and to purchase all materials, supplies and equipment of every kind and character whatsoever for the use of every official, agent, servant, department, or agency of, supported by, or under the control of, the County Government, and no other official, employee or agent of said County or any of its departments or agencies shall have the right to contract for or purchase any of such materials or supplies or equipment. The County Judge shall likewise have the sole and exclusive power and authority to arrange for the purchase or rental of any and all real estate, machinery or other equipment where said purchase or rentals shall be paid out of any funds belonging to or under the control of White County, or any department, institution or agency thereof. The County Judge, as the Purchasing Agent for White County shall likewise have the sole and exclusive power and authority to arrange, contract for, or purchase all necessary policies of insurance, fire, windstorm, casualty, Workmen's Compensation or otherwise as he in his sound discretion sees fit and proper under the circumstances.

Purchases or contracts for the purchase of supplies, equipment or material for the use of any official, employee, department or agency of the County Government, the estimated value of which exceeds One Hundred (\$100.00) Dollars, shall except in emergencies as hereinafter provided, be executed by the County Judge as such Purchasing Agent only after he has advertised in a newspaper published in White County and such other newspapers as he deems proper, that sealed bids will be received by him, at a time fixed in the advertisement, which shall be not less than fifteen (15) days after the publication or advertisement, and which sealed bids shall be opened publicly at the place, hour and date advertised. Such advertisement shall describe requirements by general classifications, and state that detailed descriptions of the material, supplies or equipment desired may be obtained from the Purchasing Agent upon application.

Proposals will be considered by manufacturers, producers, or dealers, etc., or their duly authorized selling agents, and bids received after the hour of opening will not be considered.

Tabulation of bids will be effected as promptly as possible, after which such tabulations will be opened for inspection. Contracts will be awarded only to established and responsible manufacturers, persons or dealers, and awards will be made to the lowest bidder or bidders. The Purchasing Agent may reserve the right to reject any or all bids received. When two or more bids are submitted at the same price on the same character, kind and quality of supplies, material or equipment to be purchased, the Purchasing Agent may in his discretion award the contract or contracts to either of such bidders, or may elect to reject all such bids and advertise for additional bids. In addition to advertising for sealed bids, it shall be the duty of the Purchasing Agent to stimulate bidding by all other feasible means.

When the estimated value of such materials, supplies, or equipment is Five Hundred (\$500.00) Dollars or less but more than Fifty (\$50.00) Dollars, the newspaper advertisement for bids will not be required, but will be optional with the Purchasing Agent; but in such cases he shall, except in emergencies, make

purchases or let contracts only upon sealed bids opened publicly at a definite time announced at least ten (10) days in advance by notice posted on the bulletin board in the White County Court House, and any person shall have the right to be present. He shall in all cases inform prospective bidders of the County's needs, and stimulate and encourage bidding.

Provided further, where the estimated Fair Market Value of supplies, materials and equipment necessary for the essential functions of the County government does not exceed the sum of fifty dollars (\$50.00), said supplies, materials and equipment may be purchased directly by the heads of the various County Departments without advertising for bids and without approval of the Purchasing Agent. Upon receipt of the purchase invoice or statement covering supplies, materials or equipment, the same shall be approved by the head of such Department making said purchase and said invoice or statement shall be transmitted to the County Judge for payment by him out of the necessary County funds.

No purchase or contract for purchase of material, supplies, or equipment shall be made or entered into by the Purchasing Agent except upon requisition of the head of the department or other responsible person in such department wherein the materials, supplies, or equipment is to be used, such requisition to be in writing and set forth in detail the purpose of such purchase and a description of the materials, supplies or equipment so requisitioned. The County Judge is required to furnish to the several different departments, agencies, and institutions of the County purchase requisition blanks, the form and standard content of such blank to be prescribed by the County Judge and such requisition must be made in triplicate, the original of which will be retained by the County Judge, one copy to accompany the purchase order form and one copy returned to the department, agency or institution making the requisition with the action of the County Judge endorsed thereon.

No purchase or contract for purchase shall be made or entered into by the Purchasing Agent except upon regular purchase order form prescribed by the County Judge, and no purchase order shall be issued in an amount exceeding the unexpended balance of the amount appropriated by the Quarterly County Court for the appropriation year in which the purchase is made, except where the Quarterly Court has found and declared an emergency impending or to exist, and has specifically authorized such excess expenditure, provided however, purchase orders may be issued by the Purchasing Agent against funds belonging to White County or any of its departments or agencies, which funds have been received by the County or any of its departments or agencies, which funds have been received by the County or any of its departments or agencies from sources other than from appropriations made by the Quarterly County Court, but in this event, such purchase orders shall only be issued against such funds when the purchase is properly chargeable against such funds in accordance with the purpose for which such funds are to be used, and no purchase order shall be issued which exceeds the balance existing in such funds.

The Purchasing Agent shall send the original and first copy of such purchase order to the vendor from whom the purchase is made, and the second copy, together with the requisition for such purchase, shall be sent to the proper official or employee of the County, to be charged against the appropriate account and permanently filed for future reference.

Subject to all other requirements herein set out, the Purchasing Agent shall not enter into any contract, except in an emergency, without the approval of the Quarterly County Court, for a term of more than twelve months, or which is not to be performed or executed within twelve months, save and except for the arranging of necessary insurance contracts required by the various departments of the County where it, in the discretion of the County Judge, appears to be wise to purchase insurance contracts covering a period of time longer than twelve (12) months.

The Purchasing Agent shall keep a complete record of all purchases made by him, with copies of descriptive advertising, original bids when submitted in writing and the names of all bidders, together with the amounts of their several bids, which records shall be at all times open to inspection by any taxpayer of the County or other interested person.

Neither the Purchasing Agent nor any of his assistants or employees working under his direction shall be financially interested, or have any personal beneficial interest, either directly or indirectly, in the purchase of any supplies, materials, or equipment for the County, nor in any firm, corporation, partnership, association or individual furnishing any such supplies, material, or equipment under the term of this Act; nor shall the Purchasing Agent or any assistant or employee accept or receive, directly or indirectly, from any person, firm, corporation, partnership or association, or individual, to whom any contract may be awarded, by rebate, gift, or otherwise, any money or other thing of value whatsoever, or any promise, obligation or contract for future reward or compensation under penalty of forfeiture of his entire compensation as Purchasing Agent for the remaining period of the term of office for which he was elected.

The said Purchasing Agent may by regulation or otherwise require security to accompany bids and fix the amount thereof; govern the procedure for the delivery and storage of supplies, materials, and equipment; govern the method and procedure whereby the departments, agencies, officials or employees of the

County shall inform him of the need or necessity for the purchase of supplies, materials, or equipment; prescribe forms for estimates, requisitions, orders not otherwise herein provided, contracts, stores or storage control; establish definite or regular periods for submitting estimates or requisitions; dispose of or trade in obsolete, excess, and unsuitable supplies, equipment or materials, and salvage or transfer them to other using agencies of the County; provide for hearings and complaints with regard to the quality, grade or brand of goods, and waive such rules in special or emergency cases.

Upon the filing of a requisition with the Purchasing Agent by any head of a department or other responsible person in such department for any necessary materials, supplies or equipment, the Purchasing Agent shall forthwith arrange for and purchase such material, supplies or equipment, in conformity with the provisions of this Act, and he shall not refuse, in violation of the provisions of this Act, to arrange for and purchase such necessary materials, supplies or equipment, when so requested by the proper authorities as in this Act provided, under penalty of mandamus proceedings brought by and at the instance of the aggrieved official or department.

The provisions of this section shall not apply to purchases made by the County Road Supervisor, the County Sheriff, or the County Superintendent of Schools where the cost of anyone item purchased does not exceed the sum of five hundred dollars (\$500).

As amended by: Private Acts of 1959, Chapter 336
Private Acts of 1973, Chapter 94
Private Acts of 1979, Chapter 17

SECTION 2. That, in addition to the regular bonds of the County Judge, said County Judge, as the Purchasing Agent herein provided, shall furnish bond in the amount of Ten Thousand (\$10,000.00) Dollars, secured by at least three personal sureties, or one corporate surety. If corporate surety is to be furnished, the premium for such bonds to be paid out of the general funds of the County, to be approved by the Circuit Judge holding the regular Circuit Court in White County, Tennessee.

SECTION 3. That the Purchasing Agent shall be required at the Quarterly meeting of the County Court on the first Monday in January of each year to submit to the Quarterly County court a detailed report or audit of the entire business transacted by such Purchasing Agent for the preceding twelve months.

SECTION 4. That the County Judge, as such Purchasing Agent, shall have and receive an annual salary of Two Thousand Four Hundred (\$2,400.00) Dollars, payable in monthly installments, as compensation for his services as Purchasing Agent, such compensation shall be in addition to and apart from any compensation heretofore allowed the County Judge or to be allowed to said County Judge for any other services performed by him, and out of this such allowance the County Judge, as such Purchasing Agent, shall pay for any and all clerical help which he may find it necessary to employ.

SECTION 5. That in event any section, sentence, or part of this Act shall be held unconstitutional, such invalidity and/or unconstitutionality shall not be held to affect or invalidate the remainder of this Act, and the General Assembly hereby declares every part of this Act to be severable, and that the same would have been passed by the General Assembly regardless of the unconstitutional material contained herein.

SECTION 6. That all laws or parts of laws in conflict with this Act be and the same are hereby repealed.

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

Passed: February 20, 1953.

Administration - Historical Notes

County Clerk

The following act once affected the office of County Clerk in White County. It is included herein for historical purposes.

1. Acts of 1853-54, Chapter 320, provided that the County Court Clerk of Putnam County shall, within three months of his election and qualification, call upon the County Court Clerks of Jackson, Overton, and White Counties who have in their possession the original records of suits and other transactions to deliver the same to him immediately and it shall be the duty of those clerks to do so.

County Executive

The references below are of acts which once applied to the office of county judge, or county executive in White 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, stated that a County Judge, a person learned in the law, would be elected for four year terms in every county in the State by the qualified voters of the county, who would be sworn and commissioned as were other judges in the State. Quorum Courts were abolished and all their responsibilities given to the County Judge who would also preside over the Quarterly County Court and the County Court. The Jurisdictional powers of the Court were authorized in the Act. The County Court Clerk would continue to be the Clerk of the Court. The Judges were not prohibited from practicing except in their own Court. This Act was repealed by the one below.
2. Acts of 1857-58, Chapter 5, repealed the Act above specifically and restored the Quorum Courts to their prior status and revived all the laws which might have been repealed thereby.
3. Acts of 1885, Chapter 71, amended Section 316, of Thompson and Steger Code of Tennessee, so as to provide for a County Judge for White County, Tennessee who would be 30 years of age, elected by the people for a four year term, learned in the law and of good moral character. The Judge would have all the jurisdiction, power, and authority of other County Judges. The office of County Chairman was abolished and all his duties assigned to the County Judge. Section 7 of this Act made the same applicable to Marshall County as well.
4. Private Acts of 1921, Chapter 589, broadened the powers of the County Judge, of White County, by giving him the authority to grant fiats for writs of injunctions, attachment, replevin, certiorari and supersedeas, habeas corpus, and all other writs and process for which a fiat is required. The Judge was also given the authority to conduct hearings on habeas corpus petitions with all the jurisdiction of Chancellors and other Judges so empowered. County Court Clerk shall keep the docket.
5. Private Acts of 1937, Chapter 361, stated that the County Judge of White County (identified by the use of the 1930 Federal Census figures) shall be paid a salary of \$150 per month, payable on the first day of each month, which includes both the salary fixed by law and any compensation allowed by the Quarterly Court for his services as financial agent of the county.
6. Private Acts of 1972, Chapter 327, created the office of county administrator for White County. This act abolished the office of county judge.

County Legislative Body

The following acts once applied to the Quarterly Court or the county legislative body of White County and are included herein for historical purposes.

1. Acts of 1806, Chapter 48, set the starting dates for the terms of the Quarterly County Courts in several of the counties. This Act provided that the Quarterly Court would meet in White County on the second Monday in October, January, April, and July.
2. Acts of 1807, Chapter 53, scheduled the terms of the Quarterly Circuit Courts for all the counties in the Winchester District which at that time contained the counties of Franklin, Warren, Overton, Jackson, Smith, and White whose Court would start the regular terms on the second Monday in February, May, August, and November.
3. Acts of 1809, Chapter 93, scheduled the terms of court for the Court of Pleas and Quarter Sessions for every county in the State. White County's Court would continue to meet on the second Monday in February, May, August, and November.
4. Acts of 1812, Chapter 68, established the terms for the Circuit and County Courts in several of the counties in middle Tennessee including White whose courts would convene in Sparta on the first Monday in March, June, September, and December.
5. Acts of 1813, Chapter 134, rescheduled the starting dates for the terms of the Courts of Pleas and Quarter Sessions in several counties. White County would begin the terms of the County Court on the third Monday in January, April, July, and October.
6. Acts of 1817, Chapter 138, rearranged the schedule of opening dates for the County Courts of many of the Tennessee counties and, although White County is listed among them, the dates for the County Court terms remained on the third Monday of January, April, July, and October.
7. Acts of 1819, Chapter 160, reset the opening dates for the terms of the Circuit and County Courts in many of the counties. The County Court would meet on the second Monday in April and October and the third Monday in January and July.
8. Acts of 1825, Chapter 171, changed the opening dates for the terms of the Court of Pleas and Quarter Sessions in many of the counties in middle Tennessee. White County's Court would

convene in Sparta on the second Monday in January, April, July, and October.

9. Acts of 1826, Chapter 78, stated that the Justices of the Quarterly County Courts in Maury, Williamson, Lawrence, Sumner, and Madison Counties may, on the first day of the first term in each year, a majority of the Justices being present select three of their number to hold the Court for the remainder of that year. This Court would have and exercise the same powers and jurisdictions as other regular County Courts. Section 2 of this Act extended the same rights and privileges to several other counties among which was White County.
10. Acts of 1835-36, Chapter 6, permitted every county in the State to organize three of their members into a Quorum Court if they so desired.
11. Private Acts of 1955, Chapter 192, amended Private Acts of 1953, Chapter 35, which created the General Sessions Court in White County, and which is published in full herein under that topic, by adding a provision at the end of Section 2 which gave Justices of the Peace full and complete authority to issue both civil and criminal warrants but all such warrants would be returnable to the General Sessions Court. This Act must be approved in a public referendum before becoming effective. Since the Companion Act was approved, it is presumed this one was likewise favored.
12. Private Acts of 1969, Chapter 135, set the per diem payments for the Justices of the Peace in White County at \$25 per day for their attendance at the regular sessions of the quarterly county court but this Act was rejected at the local level by the Quarterly County Court and therefore never became a law under the provisions of Home Rule Amendment to the State Constitution.

County Register

The following acts once affected the office of county register in White County, but are no longer operative.

1. Acts of 1827, Chapter 4, required that a Register be appointed by the joint ballot of both Houses of the General Assembly, who shall keep his office at Sparta, in White County and be called the "Register of the Mountain District." He would perform the same duties and be paid the same salary as other Registers. All documents from Franklin, Warren, Marion, Bledsoe, White, Overton, Fentress, and Jackson counties, such as plats and certificates of land grants, shall be registered here, for which the same fees will be charged as prevail in other sections of the State.
2. Acts of 1829, Chapter 65, provided for the Register of the Mountain District to issue to one Shadrick Price a grant for seventeen acres of land located in White County which was surveyed officially by Thomas Phillips.

County Trustee

The following acts once affected the office of county trustee in White County, but are no longer operative.

1. Acts of 1843-44, Chapter 163, was the authority for the County Trustee, of White County to collect any remaining debts which may be due the school fund of the said County by virtue of the Acts of 1835-36, and the Acts of 1839-40, and appropriate the same accordingly. However, the authority given herein shall not be construed as permitting the division of any portion of the general common school fund.
2. Private Acts of 1913, Chapter 14, directed that the sum of \$114.76 be refunded to J. W. Little, County Trustee, of White County out of any money not otherwise appropriated, the sum being the amount overpaid by the said Little on taxes for the year of 1910 and 1911, and the State Comptroller may issue his warrant pursuant to the directions contained in this act.

Purchasing

The following acts once affected the purchasing procedures of White County, but are no longer operative.

1. Private Acts of 1959, Chapter 336, amended Private Acts of 1953, Chapter 36, by increasing the amount which could be purchased without bid from \$100 to \$500 and by rewriting the fourth paragraph of Section One as it appears in the Act.
2. Private Acts of 1973, Chapter 94, amended Private Acts of 1953, Chapter 36, by adding the last paragraph in Section One which exempted the County Road Commission from observing the requirements for purchase under \$250.
3. Private Acts of 1979, Chapter 17, amended Private Acts of 1953, Chapter 36, by rewriting the last paragraph of Section 1 to exclude the County Road Supervisor, the County Sheriff, and the County School Superintendent from the provisions of this act for all purchases made by them under \$500, increased from \$250. The County Road Commission was the only group exempted prior to this act which was approved by the White County Legislative Body on May 1, 1979.

General Reference

The following private or local acts constitute part of the administrative and political history of White 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 1809, Chapter 22, provided that the Sheriff would hold an election in White County to choose seven Commissioners whose duty it would be to establish the permanent seat of Justice in the County. When these Commissioners had been elected, they were to obtain a tract of land of not less than forty acres, make a map or plot of the same and mark on it the streets and alleys and lots of the town. Advertising must be done in the Carthage Gazette. The lots would be sold and the proceeds used to erect the public buildings. The name of the town would be Sparta and the Courts of the County will meet there.
2. Acts of 1809, Chapter 67, stated that the Quarterly Court of White County shall cause a warehouse and other facilities suitable for the reception, safe keeping, and inspection of tobacco, flour, and other commodities, to be erected in the town of Petersburg which is laid off under the provisions of this Act. The Court may levy a tax in order to build the said facilities and to keep it in operation, the intention being to encourage and to stimulate business in White County.
3. Acts of 1820, Chapter 97, required the Surveyor General of the Third District to be removed from his office in Sparta at the Courthouse to an office in the Courthouse of the County seat of Marion County which move would be accomplished by next September 1, and the office opened in Marion County as soon as possible after that date.
4. Acts of 1821, Chapter 100, provided that a town be laid off and established on the lands of Jose C. Dew, and James K. Eason, on the Falling Water branch of the Caney Fork River, which town would consist of no more than 20 acres with the proper streets and alleys marked, all of which would be done under the direction of Zachariah Sullens, John B. Garrett, Jose C. Dew, and James K. Eason, which town would be called Milledgeville.
5. Acts of 1823, Chapter 84, declared that Thomas Little, an alien and resident of White County, is entitled to the privileges and benefits of the Act passed at Murfreesborough on November 13, 1819, for the relief of certain aliens, provided, however, that Little complies with all the requisites of that Act within 12 months from next January 1.
6. Acts of 1824, Chapter 27, stated that the 71st Regiment of the Tennessee Militia would cease and desist from the collection of a judgment against John Payne, rendered as a fine against him for his non-attendance as a Captain in the said Regiment in White County.
7. Acts of 1825, Chapter 69, was a new Militia Law for the State delving into every facet of that organization. Every county was identified by the regimental unit. White County's military units were the 34th and the 71st Regiments of the 8th Brigade. The 34th Regiment would hold its annual county muster on the fourth Saturday in September, and the 71st Regiment would conduct its muster on the third Thursday in September.
8. Acts of 1826, Chapter 4, made it lawful for any person to enter any vacant land which was unappropriated and lying within five miles of the old Stone Fort south and east of the Congressional reservation line, by paying into the Entry Taker's Office one cent per acre for every acre entered plus the fees of the office. Any land within five miles of the falls of the Caney Fork River in White and Warren County may be entered on the same terms and conditions.
9. Acts of 1827, Chapter 38, stated that the Entry Taker of White County, shall call upon the representatives of the late Surveyor General of the Third Surveyor District for all the documents and plots in that office and he is authorized and required to furnish copies of the same to persons entitled thereto. The Entry Taker was empowered to certify the said documents, as necessary. When the entries had been made and the land was yet unsurveyed and unmarked, then the certification shall be for the entry only and it will be the duty of the County Surveyor in which the land lies to run and mark it so as to complete the same.
10. Acts of 1827, Chapter 110, appointed William Glen, Waymon Leftwich, Madison Fisk, John B. McCormack, John W. Ford, Jesse Lincoln, and Nicholas W. Oldham as Commissioners to regulate the town of Sparta.
11. Acts of 1831, Chapter 43, incorporated Harold Dias and John B. Perkins, both of Warren County, and Daniel Walling and Joseph Anderson, both of White County, for the purpose of clearing out the obstructions in the Caney Fork River. The incorporators would receive \$4,548, if that sum be the basis for the free white population count. They may contract for this work on a bid basis, and the President and Director of the Bank of Tennessee shall pay to the County Court of White and

Warren County the above sum which will be used only for the purpose stipulated herein.

12. Acts of 1832, Chapter 73, appointed Archibald Hicks, Isaac Hill, and Andrew Robertson, Senior, all of Warren County, and Samuel A Moore, Henry Lyda, and James Young, all of White County, to examine and settle with the Board of Internal Improvement Commissioners for Warren and White Counties. As soon as the waters of the Caney Fork will permit, they will examine the condition of the river on that portion of the river which was intended to be cleared and worked. \$30,000 was to be divided equally between the two counties regardless of the population size.
13. Acts of 1833, Chapter 31, was the authority for Washington Isham, of White County, to hawk and peddle in the county in which he resides without the necessity of having to obtain a license to do so.
14. Acts of 1833, Chapter 70, released John Jett, John Chism, and Thomas Bounds, securities for John Mitchell, late Entry Taker for White County from the payment of interest on a decree entered against them in the Chancery Court at McMinnville for \$1,300, but nothing in this Act shall be construed to release them from the payment of principal and interest from the time the decree was entered.
15. Acts of 1833, Chapter 104, was the authority for Jackson Wharry of Warren County, and John L. Smith, of White County, to hawk and peddle goods, wares, and merchandise in White, Warren, Franklin, and Fentress Counties without having to obtain a license therefor or to pay a tax but they cannot perform these services for another person.
16. Acts of 1833, Chapter 117, allowed Allen L. Mitchell and John Taylor, of White County, to sell at retail in the county without the necessity of a license, provided the goods they sell are theirs, and are sold for their personal benefit.
17. Acts of 1835-36, Chapter 21, was an entirely new militia law for Tennessee enacted subsequent to the adoption of the new State Constitution, and involved all the aspects of the management and operation of the military units of the State. White County's units were numbered the 44th and 45th Regiments, and, along with Fentress, Overton, and Jackson Counties, these units would form the 8th Brigade.
18. Acts of 1837-38, Chapter 157, was supplemental to the militia law, setting up the schedules for the countywide drills of all the state units. In the 8th Brigade, White County would have their annual muster and drill on the Thursday and Friday following the first Monday and Tuesday after the first Friday and Saturday in September.
19. Acts of 1839-40, Chapter 69, established a Branch of the Bank of Tennessee in Sparta, for the counties of Van Buren, Warren, DeKalb, Jackson, Overton, Fentress, Bledsoe, and White, which would be operated under the same rules and regulations as are other branch banks. The initial capital would be taken from the other branches of the Bank plus a proportionate share from the mother bank.
20. Acts of 1843-44, Chapter 95, gave the Quarterly County Court of White County the power and authority to define the corporate limits of the town of Sparta at any time.
21. Acts of 1857-58, Chapter 126, abolished the office of Entry Taker in Lawrence, DeKalb, White, Macon, Decatur, Grundy, Humphreys, and Wilson Counties. The Surveyors in these counties will hereafter perform all the duties of the Entry Taker and receive all the fees and emoluments of the office.
22. Acts of 1865-66, Chapter 7, stated that the land offices at Knoxville, Athens, Sparta, and Jackson are hereby consolidated with the Entry Taker's office in the county in which they are located. The Entry Taker shall give bond and security in the amount of \$20,000, and may issue certified copies of land grants which shall be as good and valid as though issued by the Register. All books and papers pertinent thereto shall be delivered to the proper office as soon as possible.
23. Acts of 1867-68, Chapter 65, created a Board of County Commissioners in Madison County, composed of three members who would be appointed by the Governor until their successors could be elected by the people. Vacancies on the Board would be filled by the remaining members, the oldest in service to be the President. All must be sworn and bonded and would meet on the dates the Quarterly County Court would have met. The County Court Clerk would serve as recorder of the meetings. All the powers and responsibilities of the County Court are transferred to the Board plus the grant of specific powers enumerated in the law. Magistrates were relieved of all the duties they had and the Board would discharge them likewise. The president would be paid \$500, and the members \$400, a year. Section 15 extended the law to White and Putnam Counties except that the salary of the president would be \$200 per year, and the other members would be paid \$150. This Act was repealed by the one following.

24. Acts of 1869-70, Chapter 6, repeals specifically all laws and parts of laws which may have created Boards of County Commissioners in the State, and especially for Jackson, Putnam, and White Counties, restoring all Magistrates to their former stations and reviving all laws which may have been repealed by the laws creating the Boards.

Chapter II - Animals and Fish

Livestock Inspector

Private Acts of 1949 Chapter 309

SECTION 1. That in counties in this State having a population of not less than 15,980, nor more than 15,990, according to the Federal Census of 1940 or any subsequent Federal Census, there is hereby created the office of "Live Stock Inspector" who shall be elected by the County Court at its April term in the year 1949 for a term of four years and each fourth year thereafter.

SECTION 2. That the duties of said Live Stock Inspector shall be to establish quarantines for live stock on any farm or number of adjacent farms in the counties to which this Act applies when live stock in that neighborhood is suffering from an infectious stock disease. For his services as Live Stock Inspector he shall be paid from the funds of the county \$1.00 per year, and he shall be entitled to receive for each inspection of live stock after he has received the report that such stock is suffering from some disease, the fee of \$1.00 from the owner of such stock.

SECTION 3. That the Live Stock Inspector in counties to which this Act applies is hereby authorized and empowered to diagnose, treat, attend, operate on and otherwise care for sick and injured stock in the counties to which this Act applies whenever called upon to do so by the owner of any stock. For such services he shall be entitled to charge reasonable fees.

SECTION 4. That John C. Holteman is hereby designated Live Stock Inspector in said county to serve until the April Term of the Quarterly County Court at which time his successor shall be named. Each person elected to the office of Live Stock Inspector shall take an oath to faithfully perform the duties of his said office, which oath shall be filed in the office of the County Court Clerk.

SECTION 5. That this Act shall take effect from and after its passage, the public welfare requiring it.
Passed: February 25, 1949.

Red Foxes

Private Acts of 1955 Chapter 329

SECTION 1. That there shall be a closed season upon red foxes at all times, and that red foxes may be chased with dogs at any time of the year except during such periods as may be fixed by the Game and Fish Commission for the protection of the species in all counties of this State having a population of not less than 16,200 and not more than 16,210 inhabitants, according to the Federal Census of 1950, or any subsequent Federal Census. Should the Game and Fish Commission determine that there is need for an open season on red foxes in any such county or counties, they shall have the power and authority to open same for such a period of time as they may deem necessary and advisable.

SECTION 2. That all laws or parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act shall take effect from and after its passage, the public welfare requiring it.
Passed: March 14, 1955.

Animals and Fish - Historical Notes

The following is a listing of acts that at one time affected, but no longer appear to have any effect on, hunting, fishing or animal control in White County. They are included herein for reference purposes.

1. Acts of 1831, Chapter 11, provided that the County Court of White County, at its first session in January, should appoint a Jury of View, consisting of five people, to review the milk sick flats and hills near John W. Simpson's mills and they shall appoint two, or more, overseers to enclose the milk sick area, enough hands being assigned to the overseers to accomplish this. All the people involved in this endeavor to control the milk sickness of cattle shall be excused from musters, drills, and all public duties until the above objectives are reached.

2. Acts of 1875, Chapter 114, was a state law which prohibited a person from catching fish with seines, nets, or traps, in the waters covering the lands of any other person who was given the extraordinary process of the injunction as a remedy, or he could prosecute the actions as offenses. The passage of fish up and down the streams was not to be obstructed at any time. Many counties exempted themselves from this Act but White County did not choose to do so.
3. Acts of 1879, Chapter 133, made it unlawful for any person other than the citizens of White, and several other named counties, to hunt and kill deer, or any species of game for a profit, but a citizen of the State could hunt and kill deer in these counties for their own personal use. Any resident of another state violating the provisions of this Act could be fined a minimum amount of \$50 for each offense.
4. Acts of 1889, Chapter 171, declared it to be unlawful for any person to hunt deer for profit, but it was legal to hunt and kill them for one's own use from August 1 to January 1 of each year. The same provisions were made for the hunting and killing of quail, or partridge, for profit but one could also hunt, kill, net, trap, and capture them on one's own land for personal, or family use. The fine specified for violators was \$25. Several counties, including White, were exempted from this law.
5. Acts of 1889, Chapter 179, made it illegal for any person being a non-resident of the State, to hunt, shoot, kill, catch, or carry away game of any kind in several counties which were enumerated in this law among which was White County. The fine provided for violators was \$50, one-half to go to the prosecutor, and one-half to go to the County.
6. Acts of 1889, Chapter 244, made it unlawful for any person, other than a citizen of the State of Tennessee, to hunt, kill, or capture, any wild deer, wild turkey, quail, or partridge, or any species of game, or fish, in Bledsoe, Cumberland, Grundy, James, Meigs, Morgan, Overton, Marion, Rhea, Roane, Sequatchie, Van Buren, Warren, and White Counties, except that citizens may hunt and kill deer, and any species of game for their own use. One could be fined from \$25 to \$100 or imprisoned for violations, all lying within the discretion of the Court trying the offense.
7. Acts of 1893, Chapter 59, termed it unlawful for any person to hunt, kill, or capture any wild deer in Bledsoe, Cumberland, Rhea, Fentress, White, Hamilton, Warren, Johnson, Hancock, Unicoi, DeKalb, and Montgomery Counties from December 1 to September 30 of each year. It was further declared to be unlawful for any resident, or non-resident, to hunt, kill, or capture any wild turkey in Bledsoe, Rhea, Fentress, and White Counties from May 1 until October 1. Fines for disobedience ranged from \$25 to \$50.
8. Acts of 1893, Chapter 128, amended Acts of 1889, Chapter 179, by removing Sullivan County from the provisions of that Act.
9. Acts of 1905, Chapter 520, stated that, in addition to those fences which were defined by general law as being lawful fences, in White County, identified by using the 1900 Federal Census figures, the following shall also be considered a lawful fence: One consisting of three, barbed wires, three boards, or three rails, all securely fastened to substantial posts set firmly in the ground and not over 12 feet apart, the first wire, board, or rail, to be two feet above the ground, the second one foot above the first, and the third one foot above the second. This Act would not be effective until duly approved by the voters in a referendum held for that purpose.
10. Private Acts of 1911, Chapter 62, required the Election Commission of White County to hold an election within five days of the passage of this Act, at all the polling precincts in the County, to ascertain the will of the people regarding the enactment of a stock law for the County. The ballot would be simply "For" or "Against" the stock law. That portion of White County lying on Cumberland Mountain and used principally for grazing land is exempted from the law but the owners of stock would still be liable for damages caused by them.
11. Private Acts of 1915, Chapter 302, declared it to be unlawful for the owner of horses, mules, asses, cattle, sheep, swine, or goats, to permit such animals to run at-large upon the highways, commons, or the lands of another closed or unenclosed. The failure to comply was termed a misdemeanor which could carry fines from \$5 to \$10. The damaged party was also given a lien on the stock for his damages, but this law shall not be enforceable until approved by the people in a referendum held for that reason. An election could be initiated by a petition of 200 voters, or more, in an area of at least five Civil Districts, which would decide either "For" or "Against".
12. Private Acts of 1917, Chapter 51, amended Public Acts of 1915, Chapter 152, which regulated the open season on quail, by declaring the open season on quail in White County to run from November 15 to February 15, of the following year.
13. Private Acts of 1919, Chapter 27, averred that, within fifteen days from the passage of this Act,

the Election Commission of White County shall hold an election in all the precincts of the county on whether to have a stock law which would bar the running at large of stock. The ballots would be marked either "For" or "Against". The election would be held under the general election laws of the State and at White County's expense. The results would be certified as soon as possible to the delegation representing White County in the General Assembly.

14. Private Acts of 1925, Chapter 50, directed the Election Commissioners of White County to hold an election in all precincts therein on February 14, 1925, to determine the will of the qualified voters with respect to the passage of an Act to regulate the running at large of live stock in the County, and no poll tax receipt shall be required as a prerequisite to voting in this election.
15. Private Acts of 1925, Chapter 618, was a stock law for White County which exempted a certain area from its provisions. The Act prohibited the owner, or anyone having the control of live stock including horses, mules, cattle, sheep, swine, and goats to permit the same to run at large, except in a certain area. This act was declared unconstitutional by the Supreme Court in Pettit v. White County, 152 Tenn. 660, 280 S.W. 688 (1926), because a large portion of the county was excluded from its operation.
16. Private Acts of 1927, Chapter 63, was virtually a repetition of the Stock Law of 1925, outlined above, except that it applied to the entire county with no areas being exempted from its provisions, as was done above.
17. Private Acts of 1927, Chapter 548, amended Private Acts of 1927, Chapter 63, by inserting into Section One a description of an area which would be exempt from the requirements of that Act. The description in this Act contains the farms and lands of Tom Bradley, W. J. Breeding, W. D. Walker, Buster Little, J. D. Angel, J. S. Officer, R. C. Little, and Fred Angel.
18. Private Acts of 1931, Chapter 495, amended Private Acts of 1927, Chapter 83 (as stated in the Act, but it undoubtedly meant Chapter 63), by adding at the end of Section One a provision that the Act would not apply to any Civil District in the County which had a population of no less than 624 and no more than 640, by the 1930 Federal Census figures, nor to a Civil District of less than 290 nor more than 300, nor to a Civil District with a population of no less than 1725, and no more than 1775, and no less than 450, and no more than 475.
19. Private Acts of 1935, Chapter 236, provided that in White County the open season for fishing is hereby fixed as the period from the first day of July to the first day of May, inclusive, provided that all of the limitations, restrictions, and provisions regulating fishing in Public Acts of 1931, Chapter 51, except the time for the open season, mentioned above, are in full force and effect in White County.

Chapter III - Bond Issues

Bond Issues - Historical Notes

County Building

1. Private Acts of 1951, Chapter 569, was the authority for the Quarterly County Court of White County to issue up to \$350,000 in bonds, at an interest rate not to exceed 5%, and for a maturity period no longer than 30 years, to construct a county building to shelter all the county trucks, busses, machinery, and equipment, and for other county purposes. The details to be observed in the issuance of these bonds were contained in the Act. The proceeds would be delivered to the County Trustee who would keep accurate and sufficient records thereof. The bonds would be the general obligation bonds of the County for which the Quarterly Court must levy a special tax on property to amortize over the maturity period. A five member Committee would be appointed who would employ the architect, procure plans and specifications, and blueprints from the architect, and last estimates on the amounts needed to build and furnish the building. Authority to contract for the work was conferred upon this Committee.

Courthouse

1. Acts of 1895, Chapter 150, allowed the Quarterly County Court to issue the coupon bonds of the County in an amount up to \$15,000 to build and furnish a Court House for the county at an interest rate not to exceed 6% and payable under 15 years. The essential details of the issue are furnished and the tax levy required for these general obligation bonds.

Debts

1. Acts of 1866-67, Chapter 41, was an Act permitting Hawkins County to issue its interest bearing

coupon bonds on a two-thirds vote of its Quarterly County Court to be used to payoff its existing debts except that no debt shall be included which was incurred in aid of the recent rebellion. In Section 6 of this Act the same right was extended to Greene, Monroe, White, Franklin, Dyer, and Smith Counties.

2. Private Acts of 1915, Chapter 438, was passed as authorization for White County's Quarterly Court to issue coupon bonds, a majority being present and voting therefore, in an amount not to exceed \$30,000 to refund the maturing indebtedness of the county. Interest rates could not exceed 6%, nor the maturity period extend beyond 30 years. The bonds would be in such form as the State law provided. All essential details were present and the tax levy to repay was made mandatory.
3. Private Acts of 1921, Chapter 965, allowed the Quarterly Court of White County to issue "school bonds" at an interest rate of 6%, or less, and for a maturity period no longer than 25 years, which would be used exclusively for the payment of the debts contracted for the building of schools and the operation of them in the county. The amount to be outstanding at anyone time was not to exceed \$25,000. All the details of a valid bond issue were contained in the Act.
4. Private Acts of 1935, Chapter 412, validated, confirmed, and ratified all the prior proceedings of the White County Quarterly Court taken in connection with the issuance of up to \$40,000 in Funding Bonds, dated April 1, 1935, with 4% interest and maturing according to the schedule specified in the Act. The ratification was to take place notwithstanding the lack of any statutory authority to do so at the time, and despite any errors or omissions in the procedures. The mandatory tax levy was present.
5. Private Acts of 1941, Chapter 315, ratified and confirmed all the prior proceedings of the Mayor and Aldermen of Sparta in authorizing the issue of \$60,000 in Funding Bonds, dated January 1, 1941, at 3 1/2% interest, and maturing through the year 1963, as specified. These bonds were approved first in a popular referendum vote before being issued.

Hospital

1. Private Acts of 1937, Chapter 360, was the authority for an election to be held in Sparta to ascertain whether or not the Mayor and Aldermen should issue bonds to provide funds to purchase, as a part of their contribution to the project, the property known as the Clark property which is now being used as a hospital. The project is in conjunction with White County. The amount involved is stated as \$2,000 (but this seems to be an error). If approved, the Mayor and Aldermen will proceed to issue the bonds as provided in this Act.
2. Private Acts of 1937, Chapter 388, called for an election to be held on the last Tuesday in February, 1937, to find out whether or not the Mayor and Aldermen of Sparta should issue the general obligation bonds of the city so as to provide funds for the city's contribution towards the purchase of the old Clark property which is now being used as a hospital, which would be owned, maintained, and operated by the County. The ballot would be "For \$10,000", "For \$5,000" or "Against". If the vote is favorable the Mayor and Aldermen will issue the bonds required.
3. Private Acts of 1937 (Ex. Sess.), Chapter 35, permitted the Quarterly Court of White County to issue up to \$25,000 in interest bearing coupon bonds, the proceeds of which would be used to purchase the hospital now being operated in Sparta and to payoff any outstanding debts. The bonds would bear interest at 5%, or less, and be matured in 20 years, or less. All details are present and the tax levy required. All the above was subject to a referendum by the people to approve the action. White County would be in control of the facility, where purchased and may make all necessary appropriations thereof.
4. Private Acts of 1937 (Ex. Sess.), Chapter 40, was the same as Private Acts of 1937 (Ex. Sess.), Chapter 35, but made the Act dependent upon the outcome of a public referendum to be held on December 13, 1937. The two Acts are similar in all other respects.

Roads

1. Acts of 1905, Chapter 530, provided that an election would be held in White County within one year from the passage of this Act to ascertain the will of the people concerning the issuance of up to \$60,000 in bonds with which to build turnpikes, or improve existing roads. If the proposition were approved by the people, the Quarterly Court would then issue \$30,000 in bonds, due in 10 years, or less, at 5% interest, or less, and \$30,000 which would be due in 20 years, or less, at no more than 5% interest. All details were present, a tax levy to amortize was required, and the Trustee was directed to handle the money and keep the records. A Committee of three members would be appointed to supervise the work, take bids if required, whereupon the bid procedures established in the Act would be observed. A list of main roads which would be considered for

improvement was set out in the law.

2. Acts of 1907, Chapter 220, amended Acts of 1905, Chapter 530, by authorizing the Committee to employ a Superintendent who must have practical knowledge of road construction, and who would supervise the grading, paving, and construction of the turnpikes. The salary would be agreed upon between him and the Committee. The Committee could also purchase rollers, graders, crushers, and other road machinery out of the bond fund which would be the property of White County. The Committee could contract the work out but must meet all the guidelines established in the Act. The Court must levy a sinking fund tax if the bonds are issued.
3. Acts of 1909, Chapter 61, stated that an election would be held in all the precincts of White County to determine whether the people were "For" or "Against" the issuance of up to \$50,000 in bonds to build turnpikes, or to improve the existing road system. The issue would be for \$25,000, due in 15 years, and \$25,000, due in 25 years, both interest rates not to exceed 5%. The Turnpike Commission now in office would supervise this work and complete the work planned for the roads listed in the 1905 Act, and to grade and macadamize the Sparta and Cookeville Road, and to grade the Taylor's Creek Road. All the other provisions were those normally found in bond legislation.
4. Private Acts of 1911, Chapter 139, amended Acts of 1905, Chapter 530, and Acts of 1909, Chapter 61, so as to authorize and direct the Trustee to deposit all funds coming into his hands by bond or by sale; and if he should neglect to do so, it would be cause for the Trustee to forfeit his compensation and be liable also to pay the legal interest which would have been earned if these directions had been followed. The Quarterly Court may contract with a bank to pay stipulated rates of interest when the same is manifestly in the best interests of the county.
5. Private Acts of 1911, Chapter 141, permitted the Quarterly Court of White County to issue bonds to pay off the remaining costs incurred for building bridges in the county from 1905 to 1912, the amount not to exceed \$25,000, at interest rates of 5%, or less. Details and a tax levy are furnished and both the Trustee and the County Judge shall keep records, as required.
6. Private Acts of 1911, Chapter 472, directed that an election be held in White County within one year from the passage of this Act to find out whether the people were "For" or "Against" a bond issue up to \$90,000 to build turnpikes, as to improve roads. The bonds would be at 4 1/2%, or less, interest, and mature in 20 years, or in a shorter time. All the ingredients of valid bond legislation were observed including the requirement that the Trustee keep records of all the transactions. A list of roads, twenty in number, with the amount to be expended on each was catalogued into the Act and the Turnpike Commissioners were required to attend to it accordingly. \$4,000 was earmarked to be spent on tools and equipment.

Schools

1. Private Acts of 1949, Chapter 618, allowed the Quarterly Court of White County to issue up to \$40,000 in 5%, 5 year bonds, to finance the construction and repair of such school buildings as may be deemed needful by the County Court. These bonds may be issued without a referendum but must be in accordance with the details of this Act.

Chapter IV - Boundaries

Creation of the County

Acts of 1806 Chapter 36

SECTION 1. That a new county be, and is hereby established on the south and adjoining the aforesaid counties of Wilson, Smith, Jackson, and Overton, by the name of White, bounded as follows, viz: Beginning in the late Indian boundary line, at the south west corner of said Wilson county; thence eastwardly with the said counties of Wilson, Smith, Jackson and Overton, to the west boundary of Roane county; thence southwardly with the line of said Roane county, to the south boundary line of this state; thence with the said south boundary line to the south east corner of Rutherford county; thence north with the east boundary line of Rutherford county, to the beginning aforesaid.

SECTION 2. And for the due administration of justice, BE IT ENACTED, That the first court, and all subsequent courts of the county of White, shall be held by the justices of the same, at the house of Joseph Terry, near Rock Island, until otherwise altered or provided by law; and all courts held in and for said county of White, shall be held by commission to the said justices, in the same manner, and under the

same rules and restrictions, and shall have and exercise the same powers and jurisdiction, as are or shall be prescribed for the courts of the several counties in this state.

SECTION 3. That it shall be the duty of the sheriff of the said county of White, to hold an election, at the place of holding courts in the same on the first Thursday in November next and the succeeding day, for the purpose of electing one colonel and two majors for the said county of White, under the same rules, regulations and restrictions as are prescribed by law in similar cases.

SECTION 4. That the election for company officers for the county of White shall be held at such places as the commandant of said county may think proper to appoint, which said elections shall be held on the third Saturday in December next, under the same rules, regulations, and restrictions as are prescribed in like cases.

And elections of members of the General Assembly, the governor and members of congress, shall be held at the place of holding court in said county of White, on the same days on which elections for the same purposes are authorized to be held; and the sheriff of said county of White, shall meet the sheriff of Jackson county on the succeeding Monday, at the place of holding court in said county of Jackson, and with him examine the respective polls of election for both counties, and declare the persons having the greatest number of votes duly elected, and give certificates accordingly.

SECTION 5. That the county of White shall, in all cases be considered a part of the district of Winchester; any law to the contrary notwithstanding.

Passed: September 12, 1806.

Change of Boundary Lines

Chapter 1807 Chapter 28

SECTION 1. That the county of White shall be divided into two distinct counties, as follows, to wit: Beginning on the Caney Fork, where Smith county line crosses the same; running up the channel of said river to the mouth of Rocky river; thence along the top of the dividing ridge between the Caney Fork and Rocky river, to the top of Cumberland mountain; thence along the extreme height of the mountain, eastwardly, until it strikes the wilderness road; then with said road, to the Jackson county line, including Daniel Alexander's dwelling house, in White county; then with the line of Jackson and Smith counties to the beginning. And all that part of White county, lying within the described bounds, be and remain the county of White; and that the courts in the said county of White, shall hereafter commence on the second Mondays of February, May, August and November, and shall be held at the house where Caleb Friley now lives, until otherwise provided for by law.

SECTION 2. That there be a new county laid off, by the following boundary, to wit: Beginning on Cumberland mountain, where the line of White county strikes the same; thence westwardly, with said mountain to the Indian boundary line; then along said line to the most eastwardly branch of Duck river; thence north, to the east boundary of Rutherford county; thence with the lines of Rutherford, Wilson, Smith and White, to the beginning. Which last mentioned bounds shall compose a new county, by the name of Warren.

Passed: November 26, 1807.

Act of 1813 Chapter 97

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

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

SECTION 2. That the sheriff of Jackson county shall collect all arrearages of taxes already laid by any order or orders of the county court of Jackson, and all state taxes already due and uncollected in the same

manner and under the same rules and regulations as he could have done if this act had not passed.

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

Passed: November 16, 1813.

Acts of 1815 Chapter 182

SECTION 1. That all that part of White county, lying east and south of the following described lines, that is to say; Beginning on the old Cumberland road, where the line of Rhea county strikes the same, thence with said road to the ford of Obed river so as to include all the citizens on each side of said road, in Bledsoe county, thence a direct line to the cross road near Simpson's stand, on the new road leading to Sparta, so as to include said stand in Bledsoe county, thence a direct line to a point two miles north west of Peter Hoodenpyles, thence a direct line to the ford of Brush creek where the Madison road crosses the same so as to include Archibald Beard in Bledsoe county, be and the same is hereby made a part of Bledsoe county.

SECTION 2. That nothing herein contained shall be so construed as to prevent the sheriff of White county from collecting any tax or arrearages of tax that is or may be due from those who are by this act added to the county of Bledsoe, for the year 1815.

SECTION 3. That this act shall be in force from and after the passage thereof.

SECTION 4. That all settlements left out of Bledsoe county, lying on Cumberland road, by the establishment of the above line shall be included in White county. PROVIDED NEVERTHELESS, That the settlements on Cumberland mountain called Anderson's and Robertson's settlements, and a settlement near Crance's shall still be considered a part of White county.

Passed: November 6, 1815.

Acts of 1819 Chapter 63

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

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

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

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

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

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

whatever.

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

Passed: November 11, 1819.

Acts of 1837-38 Chapter 65

SECTION 1. That a part of the dividing line between the counties of White and Bledsoe, be so altered, as to leave the line, at present dividing the said counties, at the point where said line crosses big Laurel creek, running thence down Laurel Creek, so far that a parallel line with the present county line, running from said Laurel creek to Bee creek, and thence up Bee creek, or down the same as the case may be, to the mouth of Glade creek, thence up Glade creek to the present county line, will include the plantations or farms, on which Thomas F. Barnett, Jonathan Acuff, William Campbell, George Gregory and William Graham now live. And the surveyor of Bledsoe county, is hereby authorised and directed, to run and plainly mark the said line between Laurel and Bee creeks, for which the county court of Bledsoe county is authorised to make him a reasonable compensation, to be paid out of any money in the county treasury not otherwise appropriated; and the line so designated and marked shall be the true dividing line between the said counties, and the territory lying, between the said line and the old one shall be attached to and considered a part of Bledsoe county, Provided, that the plantation of John Mitchell, shall be attached to, and constitute a part of White county; Provided, also, that nothing in this act contained, shall be so construed, as to include any other person or persons in the said county of Bledsoe, other than those mentioned in this Act, or to prevent the sheriff and other officers of White county from collecting taxes and other debts in their hands for collection at the passage of this act, from those persons attached to Bledsoe county.

Passed: December 16, 1837.

Private Acts of 1915 Chapter 477

SECTION 1. That the County line between said Counties be changed as follows: Beginning at a white oak and marked on the North side of the Sam's Gap Road, and in the South boundary line of the 1000 acres lying in the Northeast corner of a 5000 acre tract granted by the State of Tennessee to Francis Church, July 14th, 1831, being Grant No. 2137, based on White County Entry No. 2032, said 1000 acres having been conveyed by said Francis Church to D. S. Bedford and more recently by H. C. Snodgrass, et al., to the Bon Air Coal, Land & Lumber Co., said white oak being a corner of Cumberland and White Counties, and running thence North 77 " West to a rock where the West boundary line of said Grant No. 2137 crosses the line between Putnam and White Counties, as now located; giving to White County all the land lying South of said line as hereinbefore described, including about 340 acres now lying in the 4th Civil District of Putnam County and giving to Putnam County all of the land north of said line and Eastward to the West boundary line of Cumberland County, as now established, including about 360 acres now lying in the 13th Civil District of White County, being in the Northeast corner of said County.

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

Passed: May 14, 1915.

COMPILER'S NOTE: The validity of this act and the right of the General Assembly to change county boundary lines were both sustained by the Supreme Court in Putnam County v. White County, 140 Tenn. 19, 203 S.W. 334 (1918).

Private Acts of 1915 Chapter 542

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

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

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

Passed: May 17, 1915.

Private Acts of 1961 Chapter 220

SECTION 1. That the line between the Counties of Putnam and White be, and the same is hereby

changed so that the county line between the counties of Putnam and White will be located in the following manner: Starting at a point where the present Putnam County-White County line intersects Taylor's Creek at Fanchers Falls; thence down Taylor Creek with the meanders of the creek to the center of Falling Water River at the mouth of Taylor's Creek; thence up Falling Water River with the meanders of the River to Burgess Falls; thence from Burgess Falls southwardly to the Power House Road to a point of intersection with the present County line. There is excluded however, from the above described lands a tract of approximately one hundred fifty (150) acres, said lands being owned by the City of Cookeville and which are fully described in Chapter 698 of the Private Acts of 1925, all of which said lands shall remain and be a part of the County of Putnam.

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

Passed: March 8, 1961.

Boundaries - Historical Notes

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

1. Acts of 1809, Chapter 11, authorized William Phillips, now of Overton County, to employ some surveyor to run a line beginning at a point in the present dividing line of the two counties which point shall be east of the said Phillips land, ten poles, thence north ten poles to a point, thence west 40 poles to a point, thence south to the present dividing line between the two counties, so as to include the present farm and dwelling belonging to Phillips in White County.
2. Acts of 1809, Chapter 41, appointed Turner Lane, of White County, and John A. Wilson, of Warren County, to run and mark the line between the said counties from the mouth of the Rocky River to the top of the Cumberland Mountain taking care to mark the same as near along the middle of the dividing ridge between the Rocky River and the Caney Fork River as possible. They may hire a suitable person to mark the line and each Commissioner named above shall have \$2 per day for each day worked.
3. Acts of 1819, Chapter 63, described a new dividing line between Jackson and White Counties beginning where the old line crossed the Cumberland Road and running as the line was described in the Act. All officers, civil and military, residing in the area added to Jackson County will continue in their respective offices and capacities. All judgments rendered but unsatisfied would continue in full force and effect. John Murry would be responsible for running and marking the said line.
4. Acts of 1825, Chapter 281, made it the duty of the Surveyor of Jackson County to run and mark the line, described below, and to complete the same by January 20, next, beginning at three white oaks and 2 red oaks on the east bank of Hutchen's Creek, one of the corners on the line running west, fourteen miles and 160 poles to the southwest corner of Jackson County, which line, when run and marked, shall be the official dividing line between the two counties. Jackson County must pay the Surveyor a reasonable price for his services.
5. Acts of 1826, Chapter 153, stated that the Quarterly Court at its first session in January next would appoint some suitable person to run the line between White and Bledsoe Counties beginning at the ford of Oby's River on the old Cumberland Road, running thence in a direct line to George Dawson's at the Cross Roads on the road leading from Sparta to Crab Orchard, including Dawson's house in Bledsoe County, thence a direct line to a point two miles northwest of Phillip Hoodenpyle's old place on the road between Sparta and Pikeville; thence a direct line to the ford of Brush Creek where Madison Road crosses so as to include Archibald Board's old place in Bledsoe County. The two counties would share the cost.
6. Acts of 1829, Chapter 257, made it the duty of the Surveyor of Jackson County to run and mark the line beginning at the southeast corner of Smith County and running thence a direct line to the place where the Jackson County line, as run by William W. Woodfork, crosses Cane Creek, which line, when so run, shall be the dividing line between Jackson and White Counties. All entries made prior to the running of this line, as it is described herein, shall be as valid as if they had been made after the running of the line.
7. Acts of 1833, Chapter 301, required the Surveyor of Jackson County to run and mark the line beginning at the southeast corner of Smith County and running thence a direct line to the place where the Jackson County line, as run by William W. Woodfork crosses Cane Creek and, when this line is so run, it shall be the official line dividing the two counties. All land entries which may have been made in either county and which, by the establishment of this line may be in another county shall be as valid and binding as if located in that county from the beginning.
8. Acts of 1837-38, Chapter 199, changed the dividing line between White and Dekalb Counties,

running north from the four mile tree, on Dibrell's Road, so as to run with the line of the 8th District to the Jackson County line, leaving all the citizens residing in the 8th District in White County.

9. Acts of 1853-54, Chapter 181, moved all the lands and possessions of Charles Denney out of Dekalb County and into White County. This Act was repealed by Acts of 1859-60, Chapter 211.
10. Acts of 1855-56, Chapter 173, changed the line between White and Putnam Counties so that the line runs from J. B. Lowry's Mill on the Falling Water southward to Cole's Branch, leaving the said Lowry house in which he now lives in White County where he must pay all present and future taxes. Another Section of the same Act changed a portion of the line with Putnam County to run northwest from Emory Pennington's to strike the northeast corner of John H. Robison's farm; thence with Robison's line to the old line, so that all the lands of Gideon Brown would be located in White County.
11. Acts of 1857-58, Chapter 47, detached the residence and lands belonging to William S. Mitchell from Van Buren County and attached them to White County.
12. Acts of 1859-60, Chapter 100, provided that all the lands belonging to James M. Anderson be attached to White County but doesn't say from whence they came.
13. Acts of 1859-60, Chapter 135, changed the lines between Putnam County and White County so as to place the home and the farm of Dudley Hunter wholly into White County. This Act was repealed by Acts of 1871, Chapter 74.
14. Acts of 1859-60, Chapter 211, repealed Acts of 1853-1854, Chapter 181, which placed the lands of Charles Denney in White County. Section 5, same Act, transferred the property of Thomas C. Welch from White County to Cumberland County.
15. Acts of 1867-68, Chapter 12, moved the lands and residences of Lafayette Jones and Andrew J. Jones out of Dekalb County and into White County.
16. Acts of 1868-69, Chapter 5, repealed the second section of an Act passed December 2, 1867 which changed the line between White and Dekalb Counties except for the lands of Hiram Morris, George W. Darting, and A. P. Midenix. The only Act between Dekalb and White in 1867 is shown above which did not contain those names.
17. Acts of 1868-69, Chapter 36, transferred the properties of Edward Blankenship out of White County and into Van Buren County.
18. Acts of 1868-69, Chapter 43, moved the home and farm belonging to David Worley out of Dekalb County and into White County.
19. Acts of 1869-70, Chapter 48, changed the lines between White and Dekalb Counties so as to include the properties of George W. Hutchings and John Edwards wholly in White County.
20. Acts of 1870-71, Chapter 104, transferred the lands and residence of Asa Frazier out of Van Buren County and wholly into White County.
21. Acts of 1871, Chapter 74, repealed Acts of 1859-60, Chapter 135 in its entirety and restored the line between White and Putnam County at that point to its original status, as if that Act had never been passed.
22. Acts of 1879, Chapter 137, changed the line between White and Van Buren Counties so that the farm and home of A. J. McElroy were included wholly in Van Buren County.
23. Acts of 1881, Chapter 165, moved all the property belonging to Herd Cope out of White County and into Dekalb County.
24. Acts of 1883, Chapter 45, detached the residence and farm belonging to John Parks from Cumberland County and attached them to White County.
25. Acts of 1885, Chapter 136, altered the lines between White and Van Buren Counties so as to include wholly within Van Buren County the old Lem Mitchell place and the lands of William Mooneyham, William Lawson, and the Widow Sparkman place on the Fork Mountain.
26. Acts of 1887, Chapter 193, transferred the home and land of John Eldridge out of Dekalb County and into White County.
27. Acts of 1887, Chapter 203, changed the line between White and Putnam Counties to commence on a bluff a few rods east of the mouth of Pigeon Roost Creek and to run east up the Falling Water River to where the said county line crosses the Falling Water River, making the bed of the river the dividing line.
28. Acts of 1889, Chapter 113, changed the lines between Putnam and White Counties so that all the

- properties belonging to Silas Howell and William Howell were included wholly within White County.
29. Acts of 1889, Chapter 264, moved the lands belonging to F. Rigsby and William Stratten out of White County and into Dekalb County.
 30. Acts of 1897, Chapter 306, changed the boundary lines between White County and Putnam County so that the land of D. S. Officer, as it was described by metes and bounds in the Act, became wholly a part of White County.
 31. Acts of 1897, Chapter 318, shifted the boundary lines between White and Warren Counties so as to include wholly within one of those Counties (the Act doesn't say which one) the Balif Mill tract of land which now belongs to Smallman and Swan. 32. Acts of 1899, Chapter 84, cleared up the discrepancy mentioned above by moving all of the Baloff Mill Tract of land out of White County and into Warren County.
 32. Acts of 1899, Chapter 226, detached a portion of the lands belonging to H. Little which was situated in Cumberland County and attached it to White County so that the entire tract would be located in White County.
 33. Acts of 1899, Chapter 366, relocated that part of the lands of H. C. Snodgrass, which was formerly a part of Cumberland County, into White County so that the whole parcel was situated now in White County.
 34. Acts of 1909, Chapter 62, moved the lands of W. L. Goldston and Peter Sparkman out of Van Buren County and into White County.
 35. Private Acts of 1911, Chapter 579, changed the line between White County and Warren County so that the line shall follow the center of the Caney Fork River at low water mark from the point in said river just below the mouth of the Rocky River where the two lines now intersect to the point in said river just above the N. C. & St. L. Railroad bridge where the two lines again intersect.
 36. Private Acts of 1915, Chapter 656, recited in the preamble that a dispute had arisen between White County and Putnam County as to the location of the boundary line dividing them at certain places, and, litigation has been threatened in order to determine the same, this Act fixes the lines of land, now the property of Ed Nowlin and Jack Duncan, the lands known as the Simp Saylor's Falls, or Lowery tract, now the property of Alonzo Burgess, and the lands of Silas Howell and William Howell, shall all be included within the territory of White County. This act declared unconstitutional in Putnam County v. White County, 140 Tenn. 19, 203 SW 336 (1918).
 37. Private Acts of 1925, Chapter 698, rearranged the boundary lines between White County and Putnam County so that the farm of Alonzo Burgess, which was conveyed to Cookeville, Tennessee as a site for a hydro-electric plant and is now being used for that purpose, consisting of some 90 acres, becomes a part of Putnam County, and the line of the Falling Water River moving eastwardly from the said farm with the south bank of the high mark of Falling Water River to the east end of the John Jones farm, being about 150 acres in all, designates the other acreage moved.
 38. Private Acts of 1927, Chapter 82, detached the lands of F. C. Henderson, bounded on the north by Keathly, on the east by Thurman, on the south by Hutchings, and on the west by Hutchings, from Dekalb County and attached the same to White County.
 39. Private Acts of 1927, Chapter 147, is an exact duplicate of Chapter 82, above.
 40. Private Acts of 1933, Chapter 562, moved the land owned by Fate Weaver, which is now located in the Fourth Civil District of Putnam County, out of that County and into the Eleventh Civil District of White County. This Act was repealed by the one below.
 41. Private Acts of 1941, Chapter 62, repealed Private Acts of 1933, Chapter 562, above.

Chapter V - Court System

General Sessions Court

Private Acts of 1987 Chapter 4

SECTION 1. The General Sessions Court of White County is vested with exclusive jurisdiction relating to the probate of wills and the administration of estates and related matters enumerated in Tennessee Code Annotated, Section 16-16-107, which jurisdiction was formerly exercised by the County Court presided over by the County Judge in White County and transferred to the General Sessions Court pursuant to

Chapter 327 of the Private Acts of 1972. All acts of the General Sessions Court and the Circuit Court Clerk pursuant to such act are hereby ratified and approved.

SECTION 2. Notwithstanding any law to the contrary, the Clerk and Master of the Chancery Court in White County shall perform all clerking duties related to the jurisdiction assigned to the General Sessions Court of White County by this Act. The Clerk and Master of the Chancery Court in White County shall perform the duties relating to the administration of estates as required by Tennessee Code Annotated, Section 18-6-106, but shall not perform any judicial function with regard to the jurisdiction vested in the General Sessions Court of White County by this Act.

SECTION 3. The custody of all records relating to the jurisdiction vested in the General Sessions Court of White County by this Act shall be vested in the Clerk and Master of the Chancery Court of White County. The officials of other offices in the county holding any such records shall transfer them to the custody of said clerk and master.

SECTION 4. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of White County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

SECTION 5. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 4.

Passed: February 19, 1987.

Private Acts of 2023 Chapter 15

SECTION 1. The General Sessions Court for White County shall have concurrent jurisdiction, power, and authority with the Chancery and Circuit Courts to hear and determine all cases of adoption, and all other proceedings and all other relief incident thereto together with the full power and authority conferred upon the Circuit and Chancery Courts to enforce all its orders, decrees, and judgments. The White County Judge of the General Sessions Court may sit by interchange in exercising concurrent jurisdiction with the Circuit and Chancery Courts in the county conferred by Tennessee Code Annotated, Section 36-1-101 et seq. regarding adoptions.

SECTION 2. Appeals from any judgment as to adoptions rendered by the General Sessions Court for White County arising under this section shall be to the Court of Appeals or to the Supreme Court of this state in the same manner as provided in such cases from the Circuit and Chancery Courts.

All adoption cases brought in the General Sessions Court for White County Court under this section shall be according to the form for pleadings and practice in the Chancery and Circuit Courts of this state, and said cases shall be tried as like cases are tried in the Chancery and Circuit Courts of this state. The clerk of the General Sessions Court for White County shall keep a docket of adoption cases filed in the General Sessions Court for White County, and the procedure in each case, and shall enter orders and decrees according to the practice and rules of the Chancery and Circuit Courts.

In exercising concurrent jurisdiction with the Circuit and Chancery Courts in the county conferred by Tennessee Code Annotated, Section 36-1-101 et seq. regarding adoptions, the General Sessions Court of White County shall be a court of record, the records to be kept and preserved as required by law for Circuit and Chancery Courts. The Judge of the General Sessions Court for White County shall make and cause to be entered on record all such orders and decrees regarding adoption matters as may be passed by him, according to the practice and rules now obtained in the Chancery and Circuit Courts in order to affect and complete the jurisdiction herein conferred.

SECTION 3. The General Sessions Court for White County shall have the power and authority to try cases regarding adoptions, the same as the Circuit and Chancery Courts now have, in all such cases, and issue subpoenas for witnesses, and to do and perform any and all acts authorized by law to be done in such cases in the Chancery and Circuit Courts, and to compel the attendance of witnesses, and to enforce judgments, orders, and decrees, and do all acts necessary to complete the jurisdiction herein conferred.

SECTION 4. The General Sessions Court for White County shall have authority to hear and determine all undisposed adoption cases over which jurisdiction is conferred by this act, and which are pending in White County at the time this act takes effect as if such cases had originated in the General Sessions Court for White County.

SECTION 5. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to that end the provisions of this Act are declared to be severable.

SECTION 6. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of White County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 7. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 6.

Passed: April 25, 2023.

Public Acts of 1972 Chapter 505

COMPILER'S NOTE: The following act is a public act of special application and is not codified in Tennessee Code Annotated.

SECTION 1. Chapter 218, as amended, of the Private Acts of 1959 is amended by deleting from Section 3 the second sentence in its entirety.

SECTION 2. Chapter 35 of the Private Acts of 1953, as amended, is repealed.

SECTION 3. As of the effective date of this Act, there is created a consolidated General Sessions Court for those counties having a population of not less than 16,300 nor more than 16,400 and those counties having a population of not less than 3,700 and not more than 3,800, according to the 1970 Federal Census or any subsequent Federal Census and therein applicable to White and Van Buren Counties. Such a Court shall be referred to generally as the Greater General Sessions Court of Van Buren and White Counties and shall be known as the Court of General Sessions of Van Buren County, when sitting in Van Buren County, and the Court of General Sessions of White County, when sitting in White County.

SECTION 4. The Greater Court of General Sessions of Van Buren and White Counties is vested with all jurisdiction set forth in Tennessee Code Annotated, 16-1104, relative to jurisdiction of powers of General Sessions Judges. Additionally, that Court is vested with divorce jurisdiction concurrent with that of the Circuit and Chancery Courts of this State, and an appeal from any judgment in all such cases shall be to the Court of Appeals or to the Supreme Court in the same manner as is provided in such cases from the Circuit and Chancery Courts. The Greater Court of General Sessions of Van Buren and White Counties further is vested with all jurisdiction set forth in Tennessee Code Annotated, 40-118, relative to the criminal jurisdiction of General Sessions Courts.

Such jurisdiction and, in addition thereto, venue, shall extend and apply co-extensively to causes of action and to all criminal matters arising in Van Buren County, White County, or both. Jurisdiction of the Greater General Sessions Court also shall be co-extensive with the provisions and subject to the limitations set forth in Tennessee Code Annotated, 19-301, relative to limitations of civil cases; Tennessee Code Annotated, 16-301 with respect to equity jurisdiction and matters relative to forcible entry and detainer.

The Greater General Sessions Court of Van Buren and White Counties is also vested with original jurisdiction in proceedings involving or affecting juveniles, as conferred by Sections 37-203 and 37-204, Tennessee Code Annotated, or any other provision of law, upon juvenile courts, and the county judges of Van Buren and White Counties are divested of such juvenile jurisdiction.

As amended by: Private Acts of 1975, Chapter 78

SECTION 5. The rules of pleading and practice, as apply to Courts of Justices of the Peace and to the extent compatible with and not in conflict with the provisions of Tennessee Code Annotated, 16-112 through 16-118, relative to the same, shall apply to the Greater General Sessions Court.

SECTION 6. Before the commencement of any civil action, the plaintiff shall execute a cost bond with good security in the sum of twenty-five dollars (\$25), or in lieu thereof a cash bond deposit with the Clerk of the Court of not less than five dollars (\$5) nor more than twentyfive dollars (\$25) to secure costs, subject to the application of provisions in the general law relative to the pauper oath.

Any provisions of this Act to the contrary notwithstanding, the Justices of the Peace in White County shall possess full and complete authority to issue both civil and criminal warrants and search warrants but such warrants shall be returnable to the Greater Court of General Sessions.

SECTION 7. The Greater Court of General Sessions shall be a Court of Record, and there shall be one civil docket and one criminal docket for the Court in which all cases to be tried under the jurisdiction conferred by Section 4 of this Act shall be entered immediately upon the issuance of the warrant. Upon the docket shall be entered the style and number of each case, the date of the issuance of the warrant or process, the name of the officer to whom delivered, the return of the process in brief form, the action of the Court, both interlocutory and final, orders, judgments, executions, garnishments, lists of the fees of the Court, of

the Sheriff and all other Officers for their respective services, fees of witnesses for attendance, credits for payments upon judgments and upon costs, and the Judge by whom the case was tried. There shall be a direct and cross index giving the name of the defendant on the criminal docket, so as to provide ready access to the record of each case. The officer to whom a warrant is given for service shall give a receipt for same, and no warrant, either criminal or civil, shall be taken from the office of the Court of General Sessions of Van Buren and White Counties, Tennessee until its issuance has been entered on said docket.

The Court of General Sessions shall keep a separate docket and minute book for all cases tried by the Court in which it has jurisdiction concurrent with the Circuit and Chancery Courts, and the minutes of said Court shall be kept in the same manner as is required by law for Clerks and Masters of the Chancery Courts to keep their minute books, and the minutes of the said Court shall be read in open Court and signed by the Judge as provided by law for Courts of Record.

SECTION 8. The Judge of the Greater Court of General Sessions of Van Buren and White Counties, is hereby vested with power and authority and it shall be his duty to make Court rules and regulations concerning the Court's business, such as the assignment of the trial docket, the hearing of motions and the dispatch of all matters properly before the Court but the said Court shall be in session one (1) day a week in Van Buren County, except legal holidays, at 9 o'clock a.m. for the hearing of cases, disposing of motions and for the transaction of any business that may be properly before the Court, and shall be in session four (4) days or until all matters before the Court have been disposed of, if sooner, in White County.

All process shall be returnable to the first Monday following the fifth day after service of process thereof, except on special order of the Court; and each Monday shall be a Rule Day for the Court when sitting in White County. And all cases in said Court shall be set for an hour certain and the practice which prevailed for allowing one hour for parties to appear in Courts of Justices of the Peace shall not apply in said Greater Court of General Sessions.

SECTION 9. The Greater Court of General Sessions of Van Buren and White Counties, is hereby vested with jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before the said Court by warrant or information wherein the persons charged with such misdemeanor offenses enters a plea of guilty or requests a trial upon the merits, and expressly waives an indictment, presentment, and a Grand Jury investigation, and a jury trial. In such cases the trial shall proceed before the Judge and without a jury. The final judgment of said Court may be appealed to the Criminal Court, where such appeal shall be tried by a Judge of such Court without a jury and without indictment or presentment.

SECTION 10. The Judge of the Greater Court of General Sessions of Van Buren and White Counties, when a defendant is brought before said Court upon arraignment or trial, shall advise such defendant of his constitutional right to the aid of counsel, the right to be tried only upon presentment or indictment by a Grand Jury, the right to make a statement in reference to the accusation or the right to waive such statement and the right to a trial by jury and all other rights guaranteed him under the United States Constitution. Upon the defendant agreeing in writing to waive the right to be put on trial only by presentment or indictment by a Grand Jury and the right to be tried by a jury of his peers, such Court may proceed to hear and determine said case as is provided in Section 9 of this Act. The waiver shall be written on or attached to the warrant substantially in words and figures as follows:

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

SECTION 11. No warrant or information charging a person with an offense against the laws of the State shall be delivered to any peace officer for the arrest of such person until after an entry in the criminal docket of the court has been made by the clerk of said court showing the names of the person or persons accused, the prosecutor, the officer to whom delivered, and his signature upon said docket showing receipt of such process all of such warrants, information, dockets and other records of the Greater Court of General Sessions of Van Buren and White Counties shall be available to the District Attorney General for any legal purposes.

SECTION 12. All appeal bonds in civil cases, all bail bonds, recognizance bonds and appearance bonds of persons charged with criminal offenses for their appearance for arraignment or trial in said Court of General Sessions shall be taken by the Clerk or the Judge of the Court. This provision shall in no wise abridge the authority of the Sheriff to take bonds as is now provided by law.

SECTION 13. In all cases tried under the jurisdiction conferred by Sections 5 and 9 of this Act, the costs and fees of the Court of General Sessions shall be the same as those provided by law for Justices of the Peace Courts. The fees and other compensation of the Sheriff, his Deputies, Constables, Game Wardens

and State Highway Patrolmen, for the execution of writs and process of said Court, and for attendance and mileage of witnesses shall be the same in the Court as those provided by law for the Courts of Justices of the Peace. All costs, fees and mileage of witnesses, the fees, commissions and emoluments of the Sheriff, his Deputies, Constables, State Highway Patrolmen, Game Wardens and other Officers for Services to said Court and the fines and forfeitures adjudged by said Court shall be handled, accounted for and disbursed as required by law. In all cases tried under the jurisdiction conferred by Section 4 of this Act, the costs and fees of the Court of General Sessions shall be the same as those provided by law for the Circuit and Chancery Courts of the State of Tennessee.

SECTION 14. The Judge of the Court of Greater General Sessions of Van Buren and White Counties, shall be a licensed attorney of this State and a resident of the county in which he presides and such Judge shall take the same oath as that prescribed for Circuit Judges and Chancellors. Nothing contained in this Act is to be construed as preventing the Judge of the Court of General Sessions from practicing in other Courts, but he may not appear as counsel in cases arising in his Court.

SECTION 15. The compensation of the Judge of the Greater Court of General Sessions of Van Buren and White Counties shall be thirteen thousand five hundred dollars (\$13,500) a year, payable in equal monthly installments out of the general funds of the counties in which he presides, and said compensation shall be in lieu of all fees, and all the fees of the Court shall be paid into the general fund of the counties. The compensation of the Judge of the said Court shall not be increased or diminished during his term of office. The judge's salary shall be paid on the basis of the following formula: \$4,000 from the general fund of Van Buren County and \$9,500 from the general fund of White County.

The judge of the Greater General Sessions Court of Van Buren and White Counties shall be paid an office expense allowance of one hundred dollars (\$100) a month, fifty dollars (\$50) of which shall be paid from the general fund of Van Buren County and fifty dollars (\$50) of which shall be paid from the general fund of White County, such amounts to be paid at the same time and in the same manner as is paid the salary of such judge.

As amended by: Private Acts of 1975, Chapter 78

SECTION 16. Oliver J. Hill, a licensed attorney of White County, Tennessee, is hereby named as Judge of the General Sessions Court of White and Van Buren Counties and shall serve until September 1, 1972. His successor shall be elected by the qualified voters of White and Van Buren Counties at the general election in August, 1972, to serve September 1, 1974. The qualified voters of White and Van Buren Counties shall elect a judge of the court at the August 1974 general election, to assume office on September 1 following the election and to serve for a full term of eight (8) years. Thereafter, every eight (8) years a judge shall be elected. Any vacancy occurring in the office of judge of the general sessions court of White and Van Buren Counties, resulting from the resignation, incapacity or death of the judge, shall be filled by appointment by the governor of some person learned in the law and constitutionally qualified to discharge the duties of the office until the next biennial general election for county officials, at which time a successor shall be elected to fill out the remainder of the unexpired term.

SECTION 17. The Judge of the said General Sessions Court is given the authority to interchange with the Circuit Judge and Chancellor, and they with him. If the Judge of the said court fails to attend, cannot preside in a pending case, or for any reason fails to hold Court, then a majority of the attorneys present in such Court may elect one of their number who has the qualifications of such Judge, and when elected shall have the same authority as a regular Judge to hold the Court for the occasion. The Clerk of the Court shall preside at such election and shall keep in his office a permanent record of the election of such Special Judges. Such Special Judges shall not be entitled to compensation for their services.

SECTION 18. The Clerk of the Circuit Court of White County shall act as the Clerk of the Court of General Sessions of White County and Clerk of the Circuit Court of Van Buren shall act as the Clerk of the Court of General Sessions of Van Buren, during such times as the Greater Court of General Sessions is sitting in their respective counties.

All fees, commissions and emoluments of the Greater Court of General Sessions collected by the Clerk of the Court shall be paid into the general funds of the counties on the basis of which county the particular related matter arose from.

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

SECTION 19. The Sheriff of White County, shall assign a Deputy Sheriff to attend the sessions of said Court to preserve order and to wait on and serve the Court when sitting in White County and the Sheriff of Van Buren County shall do likewise when the Court is sitting in Van Buren. The Sheriff shall receive no additional compensation for his services or those of the Deputies so assigned; however, such Deputy Sheriff so assigned shall be appointed and compensated in the same manner as now provided by law for

the appointment and compensation of Deputy Sheriffs of those counties.

SECTION 20. The Judge of the Greater Court of General Sessions of Van Buren and White Counties may grant fiats authorizing the issuance of injunctions and attachments and all other extraordinary processes in all cases conferred on Judges of other Courts and Chancellors in the State of Tennessee.

SECTION 21. At the time this Act becomes effective all of the official dockets and records and papers in cases that are disposed of or that are undisposed of and pending, belonging to the Justices of the Peace, or former Justices of the Peace of White County shall be delivered to the Greater Court of General Sessions, as the successor of the Justices of the Peace. Papers in cases that are undisposed of and pending in the offices of the Justices of the Peace shall be delivered to the Clerk of the Greater Court of General Sessions.

SECTION 22. The Greater Court of General Sessions shall have authority to hear and determine all undisposed of cases pending in the Courts of Justices of the Peace of White County as if such cases had originated in the Court of General Sessions.

SECTION 23. This Act shall in no wise impair the right, title or interest of any Justice of the Peace to any unpaid fees, or funds in which he had a right or interest in any proceeding, judgment or suit, whether said cause is disposed of or pending when this Act becomes effective.

SECTION 24. This Act shall take effect on becoming a law, the public welfare requiring it.

Passed: March 7, 1972.

Secretarial Assistance

Public Acts of 1967 Chapter 134

COMPILER'S NOTE: The following act is a public act of special application and is not codified in Tennessee Code Annotated.

SECTION 1. That the Circuit Judge and the Criminal Court Judge of the Fifth Judicial Circuit of the State of Tennessee shall each be and are hereby authorized and empowered to appoint a secretary to perform such secretarial duties as may be assigned by such judge and who shall serve at the will of such judge. Each such secretary shall receive compensation to be fixed by each respective judge at a salary not to exceed Thirty-six Hundred Dollars (\$3,600.00) per year to be paid monthly out of the state treasury upon a warrant issued therefor and upon certificate of the Circuit Judge and the Criminal Judge that the duties of such secretaries have been faithfully performed; and upon certificates of said Judges fixing the salaries of said secretaries within the limits prescribed herein. Said certificates to be made to the Executive Secretary of the Supreme Court or to the Director of Accounts.

SECTION 2. That each of the secretaries appointed under this Act will, before assuming his or her duties as such, take an oath to discharge the duties required by the Circuit Judge and the Judge of the Criminal Court of said Circuit, honestly and faithfully. Such secretary shall prepare judgments, decrees and orders, take charges, and do any and all stenographic, and secretarial work assigned by the judges of said Circuit.

SECTION 3. That Chapter 156 of the Public Acts of 1939 as amended by Chapter 180 of the Public Acts of 1959 and as amended by Chapter 242 of the Public Acts of 1963 is hereby repealed.

SECTION 4. That this Act shall take effect from and after July 1, 1967, the public welfare requiring it.

Passed: April 25, 1967.

Court System - Historical Notes

Board of Jury Commissioners - Jurors

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

1. Acts of 1806 (Ex. Sess.), Chapter 11, provided that any householder or any person holding land by bond or entry, was competent to serve as a juror, in the same manner as if they were freeholders.

2. Acts of 1817, Chapter 128, declared it to be lawful for Justices of the Peace in Davidson, Smith, Franklin, Rutherford, Maury, Lincoln, Giles, Overton, Bedford, Wilson, Hickman, Sumner, Stewart, Humphreys, Williamson, White, Montgomery, Warren, Robertson, and Dickson Counties to levy a tax at their first session in each year for paying an additional compensation to jurors but the added pay shall not exceed fifty cents per day.
3. Private Acts of 1947, Chapter 493, created a three member Board of Jury Commissioners for White County, who would be discreet, freeholders, not lawyers, state or county officials, had no suit pending or any interest in one, and who would be appointed by the Judge of the Circuit or Criminal Courts. No more than two could belong to the same political party. Vacancies were to be filled in the same way. They would be sworn and pick one of their number as Chairman, the Clerk of the Circuit Court serving as their Clerk. The board would pick 500 names, or more if ordered, from the tax rolls, or other sources of public information, verifying the entire list when completed, and writing the names on separate slips of paper, which list shall be the Jury List until it becomes necessary to select another group. The slips would be deposited in a box, which would be locked, sealed, and kept in custody of the Clerk, which seal shall only be broken on the order of the Judge, and in the presence of at least two Commissioners. From 25 to 30 days prior to the opening of Court, a child under ten years of age, or a blindfolded person shall draw from the box the number of names ordered by the Judge which shall be the Jury List for that term, or for the time specified. The Judge shall not be confined to that list in the selection of a Grand Jury and the Judge of the Criminal Court could select special Juries, or panels, when needed. The Sheriff summoned the jurors who could be excused only by the Judge. After serving, the names of those doing so would be kept in a special envelope for three years and then returned to the box. The Commissioners were to be paid \$3 per day for each day actually spent in the performance of their duties hereunder.
4. Private Acts of 1949, Chapter 92, stated that, after the effective date, all jurors serving as such in White County in a court of record shall be paid at the rate of \$4 per day for each day's attendance at the Courts which shall include all petit and Grand Jurors in all the courts. This Act will have been superseded by current state law which pays jurors more than this amount.

Chancery Court

The following acts form an outline of the development of equity jurisdiction in White 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 1806, Chapter 36, which created White County, provided that all courts would be held at the house of Joseph Terry until further ordered but this would not apply to the Chancery Court under the system in effect at that time.
2. Acts of 1822, Chapter 13, provided that the Justice of the Supreme Court would hold the Equity Courts at least once each year at Rogersville, on the first Monday in November, at Knoxville, on the third Monday in November, at Charlotte, on the fourth Monday in December, at Sparta, on the second Monday in December, at Nashville on the fourth Monday in January, and at Columbia, on the second Monday in January. All Courts would continue for two weeks unless the docket was completed earlier.
3. Acts of 1824, Chapter 14, stated that the Supreme Court of Errors and Appeals would meet only at Knoxville, Sparta, and Nashville, and all process issuing from it would be made to conform to those dates and places. This Act further provided that the Justices of the Court shall make arrangements among themselves to hold the Chancery Courts at least twice each year at Greenville, Rogersville, Kingston, Carthage, McMinnville, Franklin, Columbia, and Charlotte. The court at McMinnville would be for the counties of White, Warren, Franklin, Marion, and Bledsoe and would meet on the second Monday in June and December.
4. Acts of 1826, Chapter 150, changed among other things, the terms of the Chancery Court at McMinnville to the first Monday in June and December.
5. Acts of 1827, Chapter 79, divided Tennessee into two Chancery Divisions. The first consisted of the Courts at Rogersville, Greenville, Kingston, Carthage, and McMinnville, which would be the Eastern Division, and the second, or Western, Division was made up of the Courts meeting at Franklin, Columbia, Charlotte, Jackson, and Paris, which reflected the increasing importance of equity jurisprudence to the people and their needs.
6. Acts of 1827, Chapter 88, provided that the Chancellor of the Eastern Division, they having been chosen by the Legislature to hold equity courts instead of the Supreme Court Justices, would hold the Court at McMinnville on the third Monday in June and December for the counties of Franklin,

White, Warren, Marion, and Bledsoe.

7. Acts of 1827, Chapter 121, changed the court terms for the Chancery Court at McMinnville which would hereafter begin the terms on the fourth Monday in December and from then on on the second Monday in June and December of each year.
8. Acts of 1832, Chapter 19, established a schedule for the terms of every Chancery Court in the State. The Court at McMinnville, to which White County belonged, would meet on the fourth Monday in June and December.
9. Acts of 1835-36, Chapter 4, divided the State into three major Chancery Divisions over which one Chancellor, elected by the General Assembly for an eight year term and who must be a resident of the Division, would preside. The Divisions were further broken down into Districts. White and Warren Counties made up the Second District of the Middle Division whose court would convene at McMinnville on the second Monday in January and July, but suits originating in White County could also be properly filed in Livingston at the election of the complainant.
10. Acts of 1837-38, Chapter 116, reset the terms of the Chancery Court at Livingston for the first Monday in March and September and the Court at McMinnville would commence its term on the fourth Monday in January and July.
11. Acts of 1839-40, Chapter 21, rearranged the terms of some of the Chancery Courts in the Fourth Division, newly created, but neither the court at Livingston nor the one at McMinnville was affected, both retaining the same starting dates.
12. Acts of 1841-42, Chapter 43, established a Chancery Court at Sparta in White County which would be held on the second Monday in May and November by the Chancellor of the Fourth Division who would have full and complete jurisdiction. The citizens of DeKalb and Van Buren Counties could file their suits here, if they so desired. The Chancellor would be obliged to appoint a Clerk and Master for the Court at Sparta.
13. Acts of 1845-46, Chapter 82, changed the terms of the Chancery Court at Sparta to begin on the Wednesday after the second Monday in March and September.
14. Acts of 1853-54, Chapter 54, created a new Fifth Chancery Division which would be made up of the Courts at Maryville, Kingston, Madisonville, Athens, Benton, Cleveland, Washington, Harrison, Pikeville, Jasper, Sparta, and Livingston. A Chancellor for the new District, who must be a resident thereof, would be elected immediately.
15. Acts of 1853, Chapter 120, provided that the Chancery Court at Sparta in White County shall hereafter commence on the first Thursday after the second Monday in March and September.
16. Acts of 1855-56, Chapter 112, changed the terms of the Chancery Courts of the Fifth Chancery Division. The Chancery Court at Sparta would take up the docket on the fourth Monday of March and September.
17. Acts of 1857-58, Chapter 88, reorganized the Chancery Courts of Tennessee into the Eastern, Middle, Western, Fourth, Fifth, and Sixth Divisions. White County was assigned to the Fifth Division which also contained the counties of Polk, McMinn, Bradley, Hamilton, Marion, Cumberland, Bledsoe, Overton, Fentress, Scott, Morgan, Roane, Meigs, Rhea, Blount, and Monroe. White County's Chancery Court would meet at Sparta on the fourth Monday in March and September.
18. Acts of 1859-60, Chapter 14, added White County to the third Chancery Division changing the court terms to begin on the second Monday in April and October under the Chancellor of the Third Division.
19. Acts of 1859-60, Chapter 116, rearranged the dates of the Chancery Courts terms in DeKalb and White Counties. White County's Chancery Court would start on the Thursday after the third Monday in March and September.
20. Acts of 1866-67, Chapter 4, reset the terms of the Chancery Court at Smithville in DeKalb County and at Sparta, in White County, where the Courts would begin on the third Monday in March and September. All conflicts were repealed.
21. Acts of 1866-67, Chapter 33, created the 12th Chancery Division which contained the counties of White, Van Buren, Grundy, Franklin, Coffee, Putnam, Smith, DeKalb, Cannon, and Warren. The Governor would appoint a Chancellor for the new division to serve until one could be elected by the people. Court terms at Sparta remained as they were.
22. Acts of 1870, Chapter 32, reorganized the entire lower equity court system of the State into 12 Chancery Divisions. The Fifth Division had in it the counties of Van Buren, White, Putnam, Overton, Jackson, Macon, Smith, DeKalb, and Clay.

23. Acts of 1870, Chapter 47, scheduled the terms of the Chancery Courts for every county in the State. White County would begin the terms of the Chancery Court at Sparta on the second Monday in May and November.
24. Acts of 1885 (Ex. Sess.), Chapter 20, was the next total reorganization of the lower Judicial System of Tennessee. Of the eleven Chancery Divisions, the Fifth was composed of the counties of Cumberland, Fentress, Pickett, Overton, Clay, Jackson, Putnam, White, DeKalb, Smith, and Macon. Courts in Sparta would begin on the fourth Monday in March and September. This Act was involved in the litigation of Flynn vs. State, 203 Tennessee 341 SW 2d 249 (1958).
25. Acts of 1890, Chapter 19, changed the opening dates for the terms of the Chancery Courts for Cumberland, Fentress, Pickett, and White Counties. White would commence the terms on the second Monday in June and December.
26. Acts of 1891, (Ex. Sess.), Chapter 11, rescheduled all the Chancery Court terms in the Fifth Chancery Division which contained the counties of DeKalb, Putnam, Jackson, Macon, Clay, Overton, Pickett, Fentress, Cumberland, Smith, and White which would start on the third Monday in April and October.
27. Acts of 1895, Chapter 15, reset some of the Chancery Court terms in the Fifth Chancery Division. White County would start the terms on the Chancery Court on the first Monday after the fourth Monday in April and October.
28. Acts of 1897, Chapter 294, changed the Chancery Court terms for some of the counties in the Fifth Chancery Division. White County would begin terms on the first Tuesday after the first Monday in June and on the first Monday after the fourth Monday in October.
29. Acts of 1899, Chapter 427, reorganized the entire lower court systems of the State. There were ten Chancery Divisions of which the Fourth was made up of the counties of Cumberland, Pickett, Overton, Clay, Jackson, Putnam, White, DeKalb, Smith, Macon, Van Buren, Cannon, and Trousdale. The courts would begin in Sparta on the first Tuesday after the fourth Monday in October.
30. Acts of 1903, Chapter 97, reset the terms of the Chancery Courts in the Fourth Chancery Divisions naming all the counties contained in it but the schedule in White County remained as it is stated in the preceding Act.
31. Acts of 1905, Chapter 120, rescheduled court terms for the Chancery Courts of the Fourth Division, again naming all the counties, and again leaving White County as stated in Item 29, above.
32. Private Acts of 1911, Chapter 507, rearranged the terms of the Courts in the Fourth Chancery Division. White County would begin the terms of the Chancery Court on the first Monday in June, and the first Monday after the fourth Monday in October.

Circuit Court

The following acts were once applicable to the circuit court of White 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 1806, Chapter 36, provided that all the courts in newly formed White County would be held at the home of Joseph Terry, near Rock Island until further ordered which courts would have the same jurisdiction and be under the same rules and regulations as other courts in the State of like nature.
2. Acts of 1809, Chapter 49, divided Tennessee into five Judicial Circuits. The Third Circuit was made up of the counties of Smith, Warren, Franklin, Sumner, Overton, White, and Jackson. Courts were to meet at least twice each year. White's terms coming on the first Monday in March and September. Provisions were incorporated for the selection of a substitute Judge and for cases to be continued if no one at all showed up to hold court.
3. Acts of 1812, Chapter 68, reset the terms of the Circuit Courts for several of the counties in the 3rd Judicial Circuit including White County which went to the first Monday in February and August.
4. Acts of 1817, Chapter 138, provided that the Circuit Courts of the counties in West Tennessee, in the 3rd, 4th, 5th, and 6th Judicial Circuits would meet at the times specified in this Act. In White county the Circuit Court would begin its terms on the first Monday in March and September.
5. Acts of 1819, Chapter 160, scheduled Court terms for all the counties in the Third Judicial Circuit which were Jackson, Overton, Warren, Smith, and White which would open on the first Monday in March and September at Sparta and remain in session for two weeks unless the docket was

cleared earlier.

6. Acts of 1821, Chapter 172, rearranged the schedule for Circuit Court terms in Franklin, Warren, Overton, Jackson, and White Counties, which would start on the fourth Monday in February and August for two weeks or, until docket was completed, whichever came first.
7. Acts of 1826, Chapter 150, provided that hereafter the Circuit Court for White County would be held at Sparta on the third Monday in February and August.
8. Acts of 1832, Chapter 20, changed Court terms for several of the counties in the Third Judicial Circuit assigning White County to the third Monday in May and November.
9. Acts of 1835-36, Chapter 5, was the organization of the Circuit Courts of the State subsequent to the adoption of the new Constitution. The Circuit Courts, as they were established, would meet three times per year instead of twice. The State was split up into eleven Judicial Circuits. Smith, Overton, White, Jackson, Fentress, and Warren Counties made up the Fourth Circuit. White County would begin the terms at Sparta on the first Monday of February, June, and October.
10. Acts of 1845-46, Chapter 82, rearranged the Circuit Court terms for the counties in the Fourth Judicial Circuit which now contained the counties of DeKalb, Fentress, Overton, Jackson, Macon, Smith, and White which would convene its Circuit Courts on the second Monday in February, June, and October.
11. Acts of 1851-52, Chapter 230, reset the Circuit Court terms in Fentress, Overton, and White Counties which went to first Monday in February, June, and October.
12. Acts of 1853-54, Chapter 111, reset the Circuit Court terms in White County to open on the last Monday in January, May, and September.
13. Acts of 1857-58, Chapter 95, created the 16th Judicial Circuit placing in it the counties of White, Morgan, Bledsoe, Scott, Cumberland, Marion, Sequatchie, Fentress, and Overton. A Judge for the Circuit would be elected at the earliest possible time and an Attorney-General would be appointed. Court would open at Sparta in White County on the fourth Monday in January, May, and September.
14. Acts of 1857-58, Chapter 98, organized the State into 16 Judicial Circuits. The Fifth Circuit was composed of the counties of Cumberland, White, Sequatchie, Marion, Bledsoe, Morgan, Scott, Fentress, and Overton. Court terms would start at Sparta on the second Monday in January, May, and September.
15. Acts of 1870, Chapter 31, delineated Tennessee into Fifteen regular, and one special, Circuits. The Fifth Judicial Circuit contained the counties of DeKalb, Overton, Putnam, White, Smith, Jackson, Macon, and Clay.
16. Acts of 1870, Chapter 46, set the times for the terms of the Circuit Courts in every county in this State. White County would begin the terms of the Circuit Courts on the third Monday of February, June, and October.
17. Acts of 1872, Chapter 15, reset the time to begin the terms of the Circuit Courts in White County to the fourth Monday in February, June, and October.
18. Acts of 1877, Chapter 141, removed White County from the Fifth Judicial Circuit and placed it in the 6th Judicial Circuit with the terms of Court set to begin on the fourth Monday of January, May, and September. The Court would be presided over by the Judge of the Sixth Judicial Circuit and the Attorney-General of the Sixth Judicial Circuit shall prosecute for the State.
19. Acts of 1881, Chapter 92, rescheduled the Circuit Court terms of all the counties in the 5th Judicial Circuit which listed White County to begin on the first Tuesday after the fourth Monday in February, June, and October, instead of as it was now scheduled by law. (No Act was located which moved White County back into the 5th Judicial Circuit.)
20. Acts of 1885 (Ex. Sess.), Chapter 20, restructured the whole lower Judicial System of the State into fourteen regular, and one special, Judicial Circuits. The Sixth Circuit comprised the counties of Van Buren, Grundy, Franklin, Coffee, Warren, Moore, Lincoln, DeKalb, and White. Terms would begin in White County on the first Tuesday after the fourth Monday in February, June, and October.
21. Acts of 1887, Chapter 8, reset the terms of the Circuit Courts in all the counties of the Sixth Judicial Circuit. White County would open its terms on the first Monday in March, July, and November.
22. Acts of 1889, Chapter 10, switched the line up of the Circuit Courts in some counties moving White County to the fourth Monday in January, May, and September to which all outstanding

process will be made to conform.

23. Acts of 1891 (Ex. Sess.), Chapter 3, moved Cumberland County from the 5th Judicial Circuit to the Third Judicial Circuit, and provided that the Judge of the Fifth Circuit would hold the courts of Putnam, Cumberland, Smith, Trousdale, and White Counties. The terms of the Circuit Court in White County would begin on the third Monday in January, May, and September.
24. Acts of 1897, Chapter 294, changed the terms of some of the Circuit Courts in the 5th Judicial Circuit but left White County as it was then scheduled by law.
25. Acts of 1899, Chapter 427, was a complete reorganization of the entire lower court system of the State, forming the Circuit Courts into fourteen Judicial Circuits. The 5th Judicial Circuit had in it the counties of Pickett, Cumberland, Putnam, Overton, Clay, Jackson, Smith, Trousdale, White, and Macon. Court would begin in White County on the third Monday in January, May and September.
26. Acts of 1901, Chapter 324, reset some of the terms of the Circuit Courts in the 5th Judicial Circuit but did not change White County's terms leaving them on the third Monday of January, May, and September.
27. Acts of 1903, Chapter 457, fixed the time for starting the Circuit Courts in Putnam, and White Counties. White would begin the Circuit Court terms on the first Tuesday after the first Monday in January, May, and September.
28. Acts of 1907, Chapter 85, amended Private Acts 1899, Chapter 427, and created the Criminal Court of the Fifth Judicial Circuit and set the schedule for the terms of this court.
29. Acts of 1907, Chapter 122, established a new schedule for the terms of the Circuit Courts in the 5th Judicial Circuit. White County's Circuit Court would convene on the first Tuesday after the third Monday in January, May, and September.
30. Private Acts of 1919, Chapter 97, detached White County from the Fifth Judicial Circuit, and from the Criminal Court of the said Fifth Judicial Circuit and attached it to the Seventh Judicial Circuit. The Judge of the Seventh Circuit has all the civil and criminal jurisdiction in White County he has had in all the other counties of the Seventh Judicial Circuit. This Act was repealed by Private Acts of 1919, Chapter 193.
31. Private Acts of 1919, Chapter 193, set the time for holding the Circuit and Criminal Courts of White County to be on the first Tuesday after the third Monday in March, July, and November. All process and bonds will be made to conform to these dates.
32. Private Acts of 1921, Chapter 332, repealed Private Acts of 1919, Chapter 97, in its entirety, detaches White County from the 7th Judicial Circuit and reattaches it to the 5th Judicial Circuit for both civil and criminal jurisdiction to try cases in White County. Courts would begin on the first Tuesday after the third Monday in March, July, and November.
33. Private Acts of 1923, Chapter 191, amended Private Acts of 1921, Chapter 332, Section 4, by adding a new Section which set the time for the Circuit and Criminal Court of White County to be on the second Monday in January, May, and September of each year. The criminal docket will stand on the first Monday and the Circuit docket will stand on the second Monday of the term, each being set on the days most convenient and suitable to the Judge and Counsel.
34. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, was the last reorganization of the courts printed in the Private Acts volumes, although it was a Public Act. The Circuit Court system was made over into twenty Judicial Circuits. The Fifth Circuit was composed of the counties of Clay, Overton, Jackson, Putnam, Cumberland, Pickett, and White which would meet on the third Monday in January, May, and September. The Criminal Division of the 5th Circuit had in it the counties of Putnam, Overton, Jackson, Macon, Trousdale, Smith, Wilson and White where the terms of court would begin on the second Monday in January, May, and September.
35. Public Acts of 1968, Chapter 433, amended Section 16-2-205(a) of the Tennessee Code Annotated by changing Court terms for one of the counties in the Fifth Judicial Circuit, which was White, whose terms would begin on the fourth Monday in February, June, and October where they still remain at this writing.

Clerk

The following acts have no current effect, but once applied to the White 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 1820, Chapter 2, was the authority for the Circuit Court Clerk of White County to build an

office on some part of the Public Square at Sparta which the Quarterly Court could designate. The one who succeeded the Clerk in office may have the use and benefit of the building provided he pays the Clerk, or his family, the fair market value of the building at the time.

2. Acts of 1841-42, Chapter 20, made it the duty of the Treasurer and Comptroller of the State of Tennessee to refund to William G. Sims, the Clerk of the Circuit Court of White County, the sum of \$263.20, which amount was wrongfully paid to the State Treasurer, and the Clerk, when repaid this sum, shall deliver the same to the County Trustee of White County.
3. Acts of 1903, Chapter 255, was a general law of the State establishing salaries for the Clerks of the Circuit Courts only, according to the population class of the County in which they served. The Act required the Clerk to file sworn, itemized statements annually with the County Judge, or Chairman, showing the total amount of fees collected in the office. If the fees did not equal the salary specified the county was ordered to pay the difference to the clerk, but, if the fees exceeded the salary, the clerk was allowed to retain the excess. The Clerk's salary in White County, according to the 1900 Federal Census figures would have been \$500 per year. This Act was among several of the older salary acts which finally culminated into our current laws on this subject.

Criminal Court

The following act once pertained to the White County Criminal Court, but is no longer current law.

1. Private Acts of 1909, Chapter 547, amended the act creating the Criminal Division of the Fifth Judicial Circuit by changing the terms of Court in Trousdale County only, no other Counties being mentioned.

District Attorney General - Assistants and Criminal Investigators

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

1. Acts of 1817, Chapter 65, divided the State into ten Solicitorial Districts. The 5th District consisted of the counties of Bledsoe, Warren, White, Overton, and Jackson.
2. Acts of 1819, Chapter 4, placed the Counties of Macon, Bledsoe, Warren, White, Overton, and Jackson in the 11th Solicitorial District.
3. Acts of 1835-36, Chapter 28, enacted subsequent to the adoption of the new State Constitution, provided that in the future each Solicitorial District would coincide with the boundaries of each Judicial Circuit having criminal jurisdiction.
4. Acts of 1907, Chapter 381, provided that the Attorney-General of the Fifth Judicial Circuit could appoint a suitable person as an Assistant Attorney-General, who shall be learned in the law and not under 25 years of age, who would serve at the pleasure and direction of the Attorney-General, and be paid \$1,800 a year out of the Treasury of the State of Tennessee. This Act was repealed by the one below.
5. Private Acts of 1919, Chapter 166, repealed Acts of 1907, Chapter 381, which created the office of Assistant Attorney-General in the 5th Judicial Circuit for White County.
6. Public Acts of 1970, Chapter 537, and Public Acts of 1976, Chapter 563, created offices for additional Assistant District Attorneys General for the Fifth Judicial Circuit, which included White County until the trial courts were redistricted according to T.C.A.16-2-506 (September 1, 1984). Public Acts of 1978, Chapter 770, as amended by Public Acts of 1980, Chapter 592, created the position of Criminal investigator for the Fifth Judicial Circuit and defined the powers of such investigator. These acts no longer apply to White County since T.eA. 16-2-506(13) places White County in the Thirteenth Judicial District, and provides positions for five (5) Assistant District Attorneys General and one (1) Criminal Investigator for that District.

General Sessions Court

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

1. Private Acts of 1953, Chapter 35, created the General Sessions Court of White County for which the County would furnish supplies and equipment. Court was vested with all the jurisdiction belonging to Justices of the Peace who retained their status as members of the Quarterly Court and the authority to perform marriages. In addition, the Court was given the power to hear and grant divorces, and \$1,000 was the upper limit of the pecuniary jurisdiction. Details on the

process of keeping both a civil and criminal docket are furnished, together with appellate procedures. The Judge must be licensed attorney, a resident of the County and sworn as are other Judges. C. C. Geer, of White County is appointed to serve until his successor can be elected by the people and take office for eight years on September 1, 1954. The Clerk of the Circuit Court shall serve as the clerk of this court and will be paid \$900 per year extra as compensation. The Judge was given specific power to issue fiats for injunctions and attachments. This Act was repealed by Public Acts of 1972, Chapter 505.

2. Private Acts of 1955, Chapter 192, amended Private Acts of 1953, Chapter 35, above, in Section 2 by granting Justices of the Peace authority to issue civil, criminal, and search warrants all of which would be returnable to the General Sessions Court; but it was reported that no action had been taken by the Quarterly Court on this Act.
3. Private Acts of 1961, Chapter 48, also amended Private Acts of 1953, Chapter 35, above, in the same way. This Act, however, was made subject to the approval of the people in a referendum to be held within ten days after the adjournment of the General Assembly. This Act was ratified by the Quarterly Court but no information is offered on the results of the required vote of the people. In any event both Acts are now repealed by virtue of Public Acts of 1972, Chapter 505.
4. Public Acts of 1975, Chapter 78, amended Public Acts of 1972, Chapter 505, Section 4, by adding the last paragraph on juvenile jurisdiction; Section 15 was amended by increasing the annual salary of the Judge of the General Sessions Court from \$9,200, which was shared by Van Buren County paying \$3,000 and White County paying \$6,200, to \$13,500 with Van Buren County contributing \$4,000 and White County paying \$9,500. Section 15 was further amended by adding the paragraph relative to the expense account.
5. Private Acts of 1979, Chapter 95, granted to the Court of General Sessions of White and Van Buren Counties probate jurisdiction when the Court was sitting as the General Sessions Court of VanBuren County which jurisdiction was formerly placed in the County Executive of that County.

Secretarial Assistance

The following acts are no longer in effect but are listed here for historical purposes. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Public Acts of 1959, Chapter 180, amended Public Acts of 1939, Chapter 156, which created the position of Secretary to the Judge of the Fifth Judicial Circuit by increasing the salary of the Secretary from \$720 to \$2,400 per year.
2. Public Acts of 1963, Chapter 242, also amended the 1939 Act by further raising the salary of the Secretary from \$2,400 to \$3,600 annually.
3. Public Acts of 1967, Chapter 134, repealed Public Acts of 1959, Chapter 180, and increased the Secretary's salary to \$3,600 per year. This act no longer applies to White County since T.C.A. 16-2- 506(13)(A) includes White County in the Thirteenth rather than the Fifth Judicial Circuit.

General

1. Acts of 1817, Chapter 118, provided that the Supreme Court of Errors and Appeals which had heretofore been held at Carthage in Smith County shall hereafter be held in the town of Sparta in White County. It shall be the duty and obligation of the Clerk of the Court to see that all the records and transcripts of cases properly before the Court are moved to Sparta within thirty days from the passage of this Act.
2. Acts of 1825, Chapter 148, released and forever discharged Adam Gardenhire and John Martindale from the payment of a judgment rendered against them in the Circuit Court of White County, as appearance bondsmen, on behalf of the State, in a case involving John Gardenhire.
3. Acts of 1827, Chapter 114, stated that the Court of Pleas and Quarter Sessions of White County, may, a majority of the Justices being present, at their discretion, release and discharge Zachariah Sullins and William Hitchcock from the payment of the forfeitures entered against them in the Circuit Court of White County in the sum of \$500.
4. Acts of 1835-36, Chapter 3, stated that the Supreme Court of Errors and Appeals would hold at least one Session each year at Knoxville, Nashville, and Jackson. White County, along with 23 others, was assigned to the middle Division at Nashville.

Chapter VI - Education and Schools

Board of Education

Private Acts of 1970 Chapter 342

SECTION 1. The County Board of Education of White County shall consist of seven (7) members, with one to be elected from each of seven (7) school districts. The school districts shall be co-extensive with the seven (7) magisterial districts of the County, respectively. At the August 1970 general election, members shall be elected to the County Board of Education, by the qualified voters of each district, as follows, to take office on September 1, 1970 and to serve for the terms indicated, and until their successors are elected and qualified:

School district 1 - one (1) member, to serve for a term of two (2) years.

School district 2 - one (1) member, to serve for a term of two (2) years.

School district 3 - one (1) member, to serve for a term of four (4) years.

School district 4 - one (1) member, to serve for a term of four (4) years.

School district 5 - one (1) member, to serve for a term of six (6) years.

School district 6 - one (1) member, to serve for a term of six (6) years.

School district 7 - one (1) member, to serve for a term of six (6) years.

As terms expire, successors shall be elected at the preceding August general election for terms of six (6) years.

The duties and compensation of members of the County Board of Education shall be as provided by law.

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 White County before May 1, 1970. Its approval or nonapproval shall be proclaimed by the presiding officer of the Court and certified by him to the Secretary of State.

SECTION 3. For the purpose of approving this Act as provided in Section 2, it shall take effect on becoming a law, but the other provisions of the Act shall be effective only upon being approved as provided in Section 2.

Passed: February 20, 1970.

Education and Schools - Historical Notes

Superintendent or Director of Schools

The act referenced below once affected the office of superintendent of education in White County, but is no longer operative.

1. Private Acts of 1933, Chapter 574, as amended by Private Acts of 1935, Chapter 39, provided for the election of county superintendents of public education in all counties of the state having a population of not less than 15,540 nor more than 15,546, according to the Federal Census of 1930, for a four (4) year term. The eligibility requirement for the superintendent of public education was set out in the general school laws of the state and shall have attained the age of 24 years.

General Reference

The following acts constitute part of the administrative and political heritage of the educational structure of White 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 1809, Chapter 109, was the act of incorporation for Alexander Lowry, Turner Lane, Isaac Taylor, Jr., John Bryant, John M. Carrick, Bird Smith, and Thomas K. Harris, as the Trustees for Priestly Academy, located in White County.
2. Acts of 1813, Chapter 60, appointed Westley W. Keais, Isaac Thomas, Jr., Anthony Debrell, William Glenn, Jacob A. Lane, and Lawson Nourse, as Commissioners to conduct a lottery for the benefit of Priestly Academy in White County. The Commissioners would draft and publish a scheme to raise the sum of \$5,000 by lottery, for which they were required to make a bond of \$50,000 to guarantee the payment of all the lottery prize money. The Trustees of the Academy shall pay the managers of the lottery a reasonable compensation for their services. Isaac Thomas, Jr., was appointed a Trustee in place of John M. Carrick, now deceased.

3. Acts of 1817, Chapter 165, appointed John Catron, Jacob Lane, Anthony Debrill, and Lawson Nourse as additional Trustees for Priestly Academy in White County, all of whom would have and could exercise the same power and authority as was given to the other Trustees. The specific authority was granted to purchase other lands for the benefit of the Academy after selling Lots #86 and #87 in the city of Sparta.
4. Acts of 1839-40, Chapter 158, stated that an academy was thereby established in White County to be known by the name of Haywood Academy to be located on the south side of Cherry Creek and on the west side of the Calf Killer River. The Acts named David Snodgrass, William Glenn, James Dearing, Thomas Snodgrass, John Brown, Joel Yeager, and William R. Tucker as Trustees of the new Academy, who would locate the school, acquire the site for it, and then build the same, all being subject to the same rules applicable to other academies.
5. Acts of 1845-46, Chapter 71, recited that when fractions of White, Overton, and Jackson counties, formerly composing Putnam County, were in the other original counties, the County Court Clerks made returns on the scholastic population for the year 1844-45, therein, and these counties did not receive the school funds which would be due them. The Comptroller of the State was directed to pay to the Trustees of each one of these counties the amount due to each of them which was lost under the above conditions.
6. Acts of 1845-46, Chapter 185, required the Trustees of the counties of Overton, Jackson, and White to settle with the former school commissioners of the school districts in said counties and, if, upon said settlements, the Commissioners had paid out more money than they received, or had in their hands, and the district school fund is obligated to them, the Trustees shall refund to them the total amount due.
7. Acts of 1847-48, Chapter 31, provided that the balance of the school fund for Putnam County for the year 1844, which remains undrawn from the Treasury, shall be paid to the Trustees of White, Overton, and Jackson Counties according to their respective pro rata share of the scholastic population, and, since the 1845 funds were never apportioned, they shall likewise be divided among the three counties.
8. Acts of 1851-52, Chapter 112, required that Warren Leftwich, L. Carrick, Montgomery C. Dibrell, Milton J. Brockett, and John F. Vass, Trustees of the Priestly Academy, to pay over to the Nourse Female Academy any funds then belonging to Priestly Academy. They were to sell the Academy building on such terms as they might consider appropriate. John Warren, Jabez G. Mitchell, W. W. Moore, Simeon Bramlet, Joseph Snodgrass, are named as Trustees, plus those named above, of Nourse Female Academy, which would be called Nourse Seminary in Sparta.
9. Acts of 1857-58, Chapter 95, incorporated, for a period of 99 years, Thomas E. Hutton, Joseph W. Clark, Pleasant A. Gleeson, John Swindle, and Joseph Roberts as Trustees of Spring Hill Academy in White County, granting them the powers generally incidental to corporate institutions and giving them the authority to control and manage the Academy including the promulgation of all regulations concerning internal discipline.
10. Acts of 1859-60, Chapter 158, incorporated, granting to them the usual corporative powers, Joseph Herdson, John Herd, Samuel Parker, Hampdon Hudgin, and Charles Meeks, as Trustees for White Seminary in White County, the corporate charter being set for 99 years.
11. Acts of 1871, Chapter 117, recited in the preamble that the Trustees of Nourse Academy in Sparta had executed their note to the Bank for \$464.72, and that the Bank is indebted to the said Academy in a far larger amount according to Section 1051, Code of Tennessee, this Act directs the Trustee and the Attorney of the Bank to return the said note to the Trustees of the Nourse Academy making no effort whatever to collect the same.
12. Acts of 1887, Chapter 221, authorized the Trustees of the Nourse Female Academy to transfer the Academy grounds located in Sparta, in White County, to the Dibrell Normal Institute, also located in Sparta, and to make a quitclaim deed for the same to the Institute.
13. Acts of 1905, Chapter 270, created an independent School District in the 5th Civil district of White County, to be known as the 15th School District, embracing the area specifically described in the Act. This school district shall have and enjoy all the rights and privileges, plus the endowments, granted to other school districts. The District would be controlled by three Directors, appointed by the Superintendent of Schools, who would serve until the next general election when their successors would be chosen by the people.
14. Acts of 1907, Chapter 236, abolished all the District Directors of the schools in the State and created a Board of Education and District Advisory Boards for every county, except the few which exempted themselves in Section 17. The County Court was required to divide the county into five

school districts, composed of whole civil districts, from each of which one member of the Board of Education would be elected; the Superintendent would be the Secretary; the duties of the Chairman, the Secretary and the members of the Board are outlined in the Act; each Board member would inspect and report on the schools in his district and would be paid from \$1.50 to \$3 per day, set by the County Court, for each day devoted to the duties assigned hereunder. Three member Advisory Boards would be elected in each district to discharge the duties specifically imposed upon them in this law and those incidental thereto. The Act did not apply to any city school system. A case regarding this Act was decided by the Supreme Court in *Whitthorne vs. Turner*, 155 Tennessee 303, 293 SW 147 (1927).

15. Private Acts of 1911, Chapter 51, amends Acts of 1909, Chapter 543, Section 1, which applies only to Jefferson and Monroe Counties, and not to White by reducing the maximum age under which children were compelled to attend school from sixteen years to fourteen years. This Act is listed in some indices as being applicable to White County.
16. Private Acts of 1911, Chapter 157, incorporated the area described in the Act, located in both White and Cumberland Counties and including the town of Clifty, as the Clifty Independent School District. The Election Commissioners of the county were required to hold an election every two years in the area to choose three school Directors to control and manage the same. In the interim, the Superintendent of Schools would appoint three to serve until the Board would organize by selecting a Chairman and a Secretary from their own number. The Clerk would furnish an accurate list of the pupils in the area each year to the Superintendent who would, in turn, pass it to the Trustee who would send the District their pro rated share of school funds.
17. Private Acts of 1919, Chapter 544, provided that each member of the Board of Education in White County, identified by the use of the 1910 Federal Census figures, shall receive mileage of three cents per mile while attending meetings of the County Board of Education and would be reimbursed their actual expenses while visiting schools, provided the same were itemized by each member of the Board and approved by the whole Board.
18. Private Acts of 1921, Chapter 639, amended Private Acts of 1911, Chapter 157, Section 2, Item 16, above, by changing the date of the biennial election from the first Saturday in July, 1911, to the day of the next general August election and every two years thereafter.
19. Public Acts of 1925, Chapter 115, which has been codified as Title 49, Tennessee Code Annotated, provided in Section 33 that all school districts which were not taxing districts were abolished, and that those which were taxing districts could hold a referendum on the question of their abolition, and that where all the debts of any special school district were paid, the district could join the county system.
20. Private Acts of 1925, Chapter 722, stated that in White County the Superintendents of Public Instruction would be elected by the qualified voters for two year terms at the regular general August elections and their terms would begin on the first day of January, following. This Act would in no way affect the duties or the compensation of the Superintendent as they are now prescribed under the law.
21. Private Acts of 1929, Chapter 626, was the authority for the County Board of Education in White County to borrow money on the credit of the said Board in its official capacity, to secure funds with which to pay the current salaries of teachers but at no time shall the amount be borrowed which exceeds the budget appropriation.
22. Private Acts of 1931, Chapter 175, stated that hereafter the County Superintendent of Public Instruction would be elected by the County Board of Education at the regular meeting to be held on the second Thursday in December, 1932, and every two years thereafter, to take office on January 1, 1933, and every two years thereafter. The duties and compensation of the Superintendent shall remain as they are established under existing law.
23. Private Acts of 1933, Chapter 191, authorized and required the Election Commission of White County to hold an election, within ten days after the passage of this Act, in Sparta to ascertain the will of the people in regard to placing the schools in the city of Sparta under the jurisdiction and control of the County Board of Education and the County Superintendent. The ballot would simply be either "For" or "Against" this proposal.
24. Private Acts of 1933, Chapter 561, created five educational districts, or zones, in White County, composed of whole Civil Districts. A five member Board of School Supervisors is also created, composed of one member elected by popular vote to two year terms in each of the above educational Districts. The present Board of Education will serve until September 1, 1934. No member of the County Court, nor any county office holder, was eligible for membership. The Board must choose a Chairman and a Secretary from their own number, must hold at least eight

- regular meetings in a year, for which they shall be paid \$2 a day, and ten cents per mile, for each day spent and each mile traveled. The Board would have exclusive and complete control over elementary and high schools, and all educational personnel expenditures must be kept within the budget appropriations. Several standards are prescribed which must be met in regard to the holding of meetings of the Board; in case of contagious diseases affecting pupils or faculty; and in employing personnel both professional, and nonprofessional. The Act has a general repealer but would repeal by implication virtually all prior Acts in this regard.
25. Private Acts of 1935, Chapter 235, amended Private Acts of 1933, Chapter 561, by striking therefrom in their entirety Sections 5 through Section 26, which was by far the biggest portion of the Act.
 26. Private Acts of 1937, Chapter 873, provided for a seven member Board of School Supervisors naming James Osborne, Tom Scott, Ed Jernigan, Ray Ward, Ed Carter, R. J. Snodgrass, and Will W. Slatten to the first Board, giving them staggered terms from two to eight years, and requiring them to serve until their successors were elected for a regular term of eight years from the county at large. The Board would meet within 90 days from the passage of this Act and choose a Chairman to preside at meetings and the Secretary to keep proper written records. Meetings were limited to the items contained on the agenda published in the notice of the meeting. The Board shall do and perform all other duties imposed on like Boards under any State and local law. The Act only had a general repealing clause but would clearly supersede prior acts on this subject.
 27. Private Acts of 1937 (3rd Ex. Sess.), Chapter 36, created seven school districts in White County which were composed of whole Civil Districts from each of which a member of the seven member Board of Education would be elected for seven year terms. The initial terms were spaced a year apart so that one member of the Board would be elected each year. The Act named E. E. Carter, A. E. Haston, Ray Ward, Ed Jernigan, Tom Scott, Fred Brown, and James Osborn as the first Board to serve until September 1, 1938, when their successors would take office. No Justice of the Peace, or county official, was eligible for this office. All the powers, duties, and responsibilities conducive to other Boards were generally conferred on this one. This Act repealed all laws in conflict with it.
 28. Private Acts of 1941, Chapter 281, formed a seven member Board of Education, one member each to be elected from seven School Districts composed of whole Civil Districts. The terms of office were changed to six years each, and vacancies would be filled by the Quarterly Court until the next regular election when a successor would be elected. The Board would possess and exercise all the powers conferred by general law upon like Boards.
 29. Private Acts of 1943, Chapter 7, amended Private Acts of 1935, Chapter 39, by adding a provision at the end of Section One which stated that, in the event the County Superintendent of Schools should enter into the Armed Services of the United States, the Board of Education shall elect an acting Superintendent in his place to serve until such time as the Superintendent returned and signified in writing his intentions to return to that position. The acting Superintendent shall perform the same duties and responsibilities and draw the same salary as the regular Superintendent while filling that position.
 30. Private Acts of 1947, Chapter 317, amended Private Acts of 1941, Chapter 281, by reducing the term of the members of the Board of Education in Section 4 from six years to two years, and by striking out of Section 4 the provision which allowed the voters of each school district to elect a member of the Board of Education for two years. This Act was repealed by Private Acts of 1951, Chapter 465.
 31. Private Acts of 1947, Chapter 845, was duplicate of Private Acts of 1947, Chapter 317, above, providing for the same amendments to the same part of the same Act. This Act was repealed by Private Acts of 1951, Chapter 466.
 32. Private Acts of 1951, Chapter 465, repealed Private Acts of 1947, Chapter 317.
 33. Private Acts of 1951, Chapter 466, repealed Private Acts of 1947, Chapter 845.
 34. Private Acts of 1951, Chapter 490, amended Private Acts of 1941, Chapter 281, by setting the term of the members of the Board of Education in White County at four years instead of two, and by adding a provision that School Districts Two, Four, and Six, would each elect a Board member for a full four year term, and that School Districts One, Three, Five and Seven would elect members for two year terms in the August election of 1952, and for four year terms at the appropriate time thereafter.
 35. Private Acts of 1953, Chapter 272, provided for a Board of Education of five members, one from District One to be elected at large and one in the District for a term of four years, and one each

from School Districts Two, Three, and Four for two years. The School Districts were to be co-extensive with the Civil Districts as they were established when the county was redistricted. Purchasing was to be accomplished under the terms of the new purchasing provision of Private Acts of 1953, Chapter 36.

36. Private Acts of 1963, Chapter 192, amended Private Acts of 1953, Chapter 272, by rearranging some of the Civil Districts to compose School Districts different from those established in the above Act. This Act was rejected by the Quarterly County Court and therefore did not become effective under the Home Rule Amendment to the State Constitution.

Chapter VII - Elections

Districts - Reapportionment

Private Acts of 1961 Chapter 12

SECTION 1. That Chapter 34 of the Private Acts of 1953, entitled, "AN ACT to redistrict counties in this State with a population of not less than 16,100, nor more than 16,400, by the Federal Census of 1950, or any subsequent Federal Census, and to provide for the election of justices in such counties as are redistricted", be and the same is hereby repealed and the civil districts established as they existed prior to the enactment of the statute herein repealed.

SECTION 2. That there shall be fourteen civil districts. Civil district No.1, as presently constituted, shall be Civil district No.1, as redistricted. Civil districts 2, 3, and 4, as now constituted are hereby redistricted into thirteen civil districts, which shall have boundaries identical with the thirteen civil districts which were redistricted into civil districts 2, 3, and 4, by Chapter 34 of the Private Acts of 1953.

SECTION 3. That this Act shall have no effect unless the same shall be approved by a majority of the voters of said county voting in an election to be held for such purpose. It shall be the duty of the Secretary of State to certify a true and perfect copy of this Act to the County Board of Election Commissioners within twenty (20) days after its passage. Within ten (10) days after the sine die adjournment of this General Assembly, it shall be the duty of the County Board of Election Commissioners to call an election for such county to be held not less than two (2) nor more than thirty (30) days from the date of such call, for the purpose of accepting or rejecting the provisions of this Act. The ballot used in such election shall have printed thereon the title of this Act and voters shall vote for or against its adoption. The votes cast shall be canvassed by the County Board of Election Commissioners upon the first Monday occurring five (5) or more days next after the date of such election and the result shall be proclaimed by such Board and certified to the Secretary of State. The qualification of voters shall be that provided by law for participation in general elections and all laws applicable to general elections shall apply to an election held hereunder.

SECTION 4. That this Act shall take effect from and after its passage, so far as the new districts are concerned, on and after September 1, 1962, but justices of the peace shall be elected at the August election, 1962, to fill the offices created by this redistricting of said counties. The persons so elected shall hold office until September 1, 1966, and subsequent elections shall be for the constitutional term of six years, the public welfare requiring it.

Passed: January 31, 1961.

Elections - Historical Notes

Districts- Reapportionment

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

1. Private Acts of 1953, Chapter 34, set up four Civil Districts in White County which were composed of old Civil Districts as they had apparently existed since shortly after the formation of the County. Civil District #2 was composed of old Civil Districts 2, 10, 11, 12, 13, and 14. Civil District #3 contained old Civil Districts 3, 4, and 5, and Civil District #4 had in it old Civil Districts 6, 7, 8, and 9. Proper arrangements were made about the Magistrates and Constables. This Act was repealed by Private Acts of 1961, Chapter 12.
2. Private Acts of 1963, Chapter 98, redistricted White County into eight Civil Districts,describing

each one by adequate metes and bounds descriptions. Two Justices of the Peace would be elected from each District for six years except the First, which had the county town, would elect four. One Constable would be elected from each District except the First which would elect two. Those currently occupying these offices would continue to do so until September 1, 1966. This Act was rejected by the Quarterly Court of White County and never became a law under the provisions of the House Rule Amendment to the Constitution of the State.

Elections

The following is a listing of acts for White County which affected the elective process, but which have been superseded or repealed. They are listed here for historical and reference purposes.

1. Acts of 1806, Chapter 41, provided for two separate elections to be held in newly formed White County: one at the house of William Chis sum (sic) on the waters of the Colin's River, and all the inhabitants living west of Colin's River shall meet and vote at that place, and the other at the house of John Allen, and all living north of the north fork of the Caney Fork River would vote at the Allen house.
2. Acts of 1807, Chapter 74, set up the Electoral District, five in number, for the election of the President and Vice President. The election would be held on the second Thursday in November, 1808. The Fourth Electoral District was composed of the Counties of Smith, Jackson, Overton, White, Sumner, Wilson, Warren, and Franklin.
3. Acts of 1809, Chapter 1, stated that the State of Tennessee would elect three Representatives to the United States Congress, one from the Washington District, one from the Hamilton District, and one from the combined Winchester, Robertson, and Mero Districts.
4. Acts of 1811, Chapter 57, repealed so much of the 1806 Act which established elections in White County at the homes of William Chisum and John Allen and provided that the election at Chisum's would hereafter be held at the house of Major Joseph Smith and the one held at John Allen's will hereafter take place at Robert Armstrong's home, any law to the contrary notwithstanding.
5. Acts of 1812, Chapter 5, divided Tennessee into eight Presidential Electoral Districts. The Fourth District contained the Counties of Rhea, Bledsoe, Overton, White, Warren, Franklin, and Jackson. Polls would be counted at Sparta.
6. Acts of 1812, Chapter 27, established six U. S. Congressional Districts in the State assigning the Counties of Anderson, Campbell, Roane, Rhea, Bledsoe, Overton, White, Warren, and Franklin to the Third District.
7. Acts of 1812, Chapter 57, apportioned the State for the General Assembly. Of the twenty State Senators, Overton, Jackson, and White Counties would elect one jointly, and the polls would be counted at White Plains in White County. Every county would elect at least one of the 40 Representatives except several of the more populous counties would elect more than one.
8. Acts of 1815, Chapter 31, delineated eight Presidential Electoral Districts in the State assigning the same counties to the same Districts given them in the 1812 Act.
9. Acts of 1819, Chapter 5, fixed additional election precincts for several of the counties. The new precincts in White County were located at the homes of James Netherton and James Day.
10. Acts of 1819, Chapter 69, was the next apportionment of the State for the General Assembly of 20 Senators and 40 Representatives. White, Overton, and Jackson Counties would elect a Senator together and White would elect one Representative alone, counting polls at White Plains.
11. Acts of 1820, Chapter 56, established a precinct voting place at the home of Thomas Ellison in White County which would be operated under the same rules, regulations, and laws as all other election precincts.
12. Acts of 1822, Chapter 1, divided Tennessee into eight U. S. Congressional Districts. The Fourth District consisted of the Counties of Franklin, Warren, White, Overton, and Jackson.
13. Acts of 1823, Chapter 57, designated the Counties of Franklin, Warren, White, Overton, and Jackson as the 5th Presidential Electoral District in the eleven established in the State.
14. Acts of 1824, Chapter 1, set up eleven Presidential Electoral Districts in the State of which the Fifth District had in it the Counties of Franklin, Warren, White, Overton, Fentress, and Jackson. Returns were to be counted at Sparta.
15. Acts of 1826, Chapter 3, reapportioned Tennessee's General Assembly according to the enumeration of citizens furnished by the counties. White, Overton, Fentress and Jackson Counties

- were to elect one Senator jointly and White and Fentress Counties shared a Representative.
16. Acts of 1827, Chapter 17, divided Tennessee into eleven Presidential Electoral Districts. The Fifth District comprised the Counties of Franklin, Warren, White, Overton, Fentress, and Jackson.
 17. Acts of 1827, Chapter 22, provided that the election precinct and the counting of the polls which had heretofore been done at White Plains in White County shall hereafter be accomplished at the house of William Burton in Jackson County under the same rules and regulations.
 18. Acts of 1827, Chapter 160, set up precincts in White County in Milledgeville (sic) at the house of Robert Cook, at Hunter's Mill on Falling Water River at the house of James Davis, at Brown's Mill, and at Bluford Warren's, on Cumberland Mountain, and at the old precinct on the road leading up the Calf Killer.
 19. Acts of 1829, Chapter 129, made it the duty of the returning officers in White, Overton, Fentress, and Jackson Counties to meet to compare the votes received for the election of Governor, U. S. Congress, and General Assembly at the house of Henry Matlock in Overton County on the first Monday after the first Thursday and Friday in August.
 20. Acts of 1832, Chapter 4, divided the State into thirteen U. S. Congressional Districts. The 5th District had in it the Counties of Fentress, White, Overton, Warren, and Franklin.
 21. Acts of 1832, Chapter 9, organized the State into fifteen Presidential Electoral Districts of which the 6th District included the Counties of Jackson, White, Overton, Fentress, and Warren.
 22. Acts of 1833, Chapter 71, divided the representation in the State Legislature. White and Fentress Counties would share one Representative, and White was placed in a Senatorial District with Overton, Fentress, and Jackson Counties, polls being counted at McKinney's in Overton County.
 23. Acts of 1833, Chapter 76, provided for the election of the 60 member delegates to the upcoming Constitutional Convention who would be elected on the first Thursday and Friday in March, and meet in Nashville on the third Monday in May. White County was allowed one delegate.
 24. Acts of 1835-36, Chapter 39, delineated fifteen Presidential Electoral Districts in Tennessee giving the Counties of Jackson, White, Overton, Fentress, and Warren to the 6th District.
 25. Acts of 1839-40, Chapter 79, made each one of the U. S. Congressional Districts to be the Presidential Electoral Districts for the Presidential elections to follow.
 26. Acts of 1842, Chapter 1, was the next apportionment of the General Assembly. White County would elect one Representative and share another with Fentress and Van Buren, polls being counted at Sparta. Fentress, Overton, Jackson, White, and Van Buren Counties formed one Senatorial District.
 27. Acts of 1842, Chapter 7, created eleven U. S. Congressional Districts in Tennessee. The Fourth District was composed of the Counties of Fentress, Overton, Jackson, White, DeKalb, Van Buren, Warren, and Coffee.
 28. Acts of 1851-52, Chapter 196, fashioned Tennessee into ten U. S. Congressional Districts. The Fourth District contained the Counties of Jackson, Macon, Smith, DeKalb, White, Warren, Coffee, Grundy, and Van Buren.
 29. Acts of 1851-52, Chapter 197, was the next Act for the apportionment of the General Assembly. White County would elect one Representative alone and White, Jackson, and Macon Counties would share a State Senator, the polls being counted at Gainsboro.
 30. Acts of 1865, Chapter 34, created 8 U. S. Congressional Districts in Tennessee immediately after the Civil War. The Third District had in it the Counties of Meigs, Rhea, Hamilton, Marion, Grundy, Bledsoe, Van Buren, Sequatchie, Warren, Smith, Cumberland, Putnam, Jackson, Macon, Overton, DeKalb, and Fentress.
 31. Acts of 1871, Chapter 146, reapportioned the State Legislature according to the 1870 Census and pursuant to the latest edition of the State Constitution. White and Putnam Counties would join together in the election of one Representative and the 5th State Senatorial District was made up of the Counties of Campbell, Morgan, Scott, Roane, Fentress, Overton, Putnam, White, and Cumberland.
 32. Acts of 1872, Chapter 7, set up nine U. S. Congressional Districts in the State of which the Second District was composed of the Counties of Sevier, Knox, Jefferson, Anderson, Campbell, Scott, Morgan, Fentress, Cumberland, White, Putnam, Overton, Jackson, Smith, Macon, and Clay.
 33. Acts of 1873, Chapter 27, added another U. S. Congressional District to the State making ten in all. The Third District contained the Counties of Polk, McMinn, Meigs, Rhea, Bradley, James, Hamilton, Marion, Grundy, Sequatchie, Bledsoe, Van Buren, White, Warren, DeKalb, Cannon, and

Cumberland.

34. Acts of 1881 (Ex. Sess.), Chapter 5, made the number of Senators in the Tennessee General Assembly 33 permanently, and the number of Representatives at 99.
35. Acts of 1881 (Ex. Sess.), Chapter 6, apportioned the State in accordance with the new allotment of members of the General Assembly. White County would elect one Representative alone under the new system and share a Senator with Grundy, Sequatchie, Bledsoe, Van Buren, Rhea, Cumberland, and Morgan Counties.
36. Acts of 1882 (Ex. Sess.), Chapter 27, retained the ten U. S. Congressional Districts assigning Monroe, Polk, Bradley, Hamilton, James, McMinn, Bledsoe, Sequatchie, Marion, Grundy, Van Buren, White, and Warren Counties to the Third District.
37. Acts of 1883, Chapter 237, added Rhea, Meigs, and Cumberland Counties to the Third U.S. Congressional District.
38. Acts of 1891 (Ex. Sess.), Chapter 10, divided the representation in the State General Assembly according to the 1890 Census. White County continued to elect one Representative alone and would share the 9th Senatorial District with Rhea, Bledsoe, Cumberland, Sequatchie, Van Buren, and Morgan Counties.
39. Acts of 1901, Chapter 109, stayed with the ten U. S. Congressional Districts but reassigned counties according to the 1900 census taking. The Third U. S. Congressional District was composed of the Counties of Monroe, Polk, McMinn, Meigs, Bradley, James, Hamilton, Marion, Sequatchie, Bledsoe, Van Buren, Grundy, White, Warren, and Franklin.
40. Acts of 1901, Chapter 122, was the last reapportionment of the Tennessee General Assembly for more than 60 years. White County still had the one State Representative and was placed in the 9th State Senatorial District with Rhea, Meigs, Bledsoe, Sequatchie, Van Buren, and Cumberland Counties.
41. Private Acts of 1919, Chapter 59, stated that in all national, State, County, District, and municipal elections, registration of voters shall not be a prerequisite to voting in White County, and the Dortch Ballot law likewise does not have to be complied with in order to have a valid election in open view of the public.
42. Private Acts of 1943, Chapter 62, changed the Second Civil District voting precinct known as the old Oil Well to the Hickory Valley School House.

Chapter VIII - Health

Hospital

Private Acts of 1957 Chapter 406

SECTION 1. That a non-profit hospital, to be known as the "White County Memorial Hospital", is hereby created and established for and in behalf of White County, Tennessee.

SECTION 2. That all actions to be taken by said County under the authority of this Act, or other applicable law, not herein or by other applicable law expressly or by necessary implication, authorized to be otherwise taken for and on behalf of said County, shall occur by or pursuant to action of the Quarterly County Court of said County, as its governing body.

SECTION 3. That the hospital established under the provisions of this Act shall be governed and controlled by a Board of Directors composed of seven (7) members who shall serve without compensation, to-wit: Ed Knowles, present County Judge of White County, Tennessee, and/or his successor in office, shall be Chairman of the Board of Directors and have a vote in like manner as any other Board member, but he may vote only once; Bailey Bockman, present Mayor of Sparta, Tennessee, and/or his successor in office. The other five (5) of said Board shall be elected by the Quarterly County Court of White County, Tennessee, at its regular session in July, 1957, one of such members to be elected from each of the Civil Districts of White County and one member from the County at large. The terms of office of the County Judge, as Board member, shall coincide with his term of office as County Judge. The term of office of the Mayor, as Board member, shall coincide with his term of office as Mayor. The terms of office of the five remaining members of the Board shall be for five (5) years except that the member elected from the First Civil District shall be elected initially for one year; the member from the Second Civil District for two years; the member from the Third Civil District for three years; the member from the Fourth Civil District

for four years, and the member from the County at large for five years. At the expiration of the respective terms of office they shall each be elected for a full five year term, thus setting up a staggered system of membership so that there shall always be both new and experienced personnel on the Board and so as to prevent a complete inexperienced Board having control at any time; provided further than no physician, druggist or member of the healing arts shall be eligible for membership on said Board of Directors; nor more than two members shall be members of the County Court.

SECTION 4. That the said Board of Directors shall have full power and authority to manage and control said hospital and to make all rules and regulations necessary for the administration of same; to employ a Hospital Administrator and the necessary personnel for the operation thereof, to fix their compensation, and whose duties and responsibilities shall be determined and prescribed by the Board of Directors, except as hereinafter provided; to purchase such supplies and repairs deemed necessary; provided, however, that any expense of such supplies and repairs to be paid for by White County the same shall be approved by the Purchasing Agent. No person shall be selected by the Board of Directors as Hospital Administrator except such person as shall be approved by a majority of the membership of the White County Medical Association, and in the event the White County Medical Association does not make such recommendation after it becomes necessary to do so, within thirty (30) days the Board of Directors may choose an Administrator of their own selection without regard to the will and desire of the membership of the Medical Association.

SECTION 5. That the said Board of Directors shall receive no compensation for their services but may be paid their necessary expenses incurred in the proper discharge of their duties as Board members upon the presentation of proper vouchers showing such expenditures, which expenses will be paid as any other expenses of the hospital are paid.

SECTION 6. (a) The Board shall, in the exercise of its discretion, delegate to the Medical Staff the responsibility for providing appropriate medical care to the hospital's patients. The Board shall determine the membership and the extent of privileges and responsibilities incumbent upon membership on the Medical Staff in accordance with the procedures set forth in the Medical Staff By-Laws. Although not made members of the hospital staff, members in good standing of the Dental Society and members of the Tennessee or American Medical Associations regularly engaged in the practice of their profession may by courtesy and with the approval of the Medical Staff use the facilities of the hospital when it becomes necessary in the regular treatment of a patient. (b) The organization and government of the Medical Staff shall be regulated by the By-Laws, rules and regulations, subject to approval by the Board, which approval shall not be withheld unreasonably. The Medical Staff shall recommend to the Board the adoption of any proposed By-Laws, rules and regulations including any amendments thereto, and they shall conduct a continuing review and appraisal of the quality of professional care rendered in the hospital, reporting such activities and their results to the Board. (c) Decisions of the Medical Staff regarding applications for membership on the hospital staff may be appealed to the Board by the following procedure:

- (1) The Director of the hospital shall receive any request for an appeal and convey it to the Chairman of the Board, who shall set a date for hearing the appeal, which date shall not exceed thirty (30) days from the date of the request;
- (2) The Director of the hospital shall notify both the applicant and the President of the Medical Staff as to the date, time, and place of the hearing;
- (3) Each party at the hearing may be accompanied by counsel;
- (4) Procedure at the hearing shall be established by the Board;
- (5) Within one (1) week following the hearing, the Board shall provide both applicant and Medical Staff with a copy of its decision;
- (6) The decision of the Board shall be final, subject only to review by a court of competent jurisdiction.

As amended by: Private Acts of 1977, Chapter 9.

SECTION 7. That said hospital, under rules and regulations promulgated by its Board of Directors, is authorized to make charges for services rendered to persons receiving treatment or admitted as patients in said hospital. Only persons who are indigent and are unable to pay for professional, medical and surgical services, including room and board in said hospital, shall be admitted thereto without paying the fees prescribed by the Board of Directors. No person other than an emergency case shall be admitted thereto without paying the fees prescribed by the Board of Directors. No person other than an emergency case shall be admitted to said hospital without arrangements made to pay, except upon order of the Administrator of the hospital or the Board of Directors, who are hereby authorized to determine in their discretion whether or not any applicant is entitled to admission to the hospital as a charity patient.

SECTION 8. That it shall be the duty of the Board of Directors to hold a meeting at least once a month at some place designated by them. They shall meet at any other time upon call of the Chairman, or upon call of any four Directors, which call shall be in writing and delivered to the other members five (5) days in

advance of such called meeting. Said Board shall keep a complete, permanent record and minutes reflecting all business transactions of the Board. Such Board shall, at its regular meeting in July of each year, organize by electing one of its members as Secretary.

SECTION 9. That the powers and duties of said Board, among other things, shall include that, specifically to engage, employ, contract with or otherwise obtain, retain, regulate and control the services of a Hospital Administrator or Superintendent, with the restrictions hereinafter provided for, to be in immediate charge of and to personally administer or superintend the maintenance and operation of such a hospital by the County, which. Administrator or Superintendent shall so serve at the will, consistent with any applicable contract provisions, of the Board and to be directly responsible and accountable to it for and in connections with such operation of the hospital. The compensation of such Administrator or Superintendent, and any other benefits or other matters in connection with his compensation or basis therefor, shall be as prescribed by the Board. Such Administrator or Superintendent shall execute and remain under surety bond payable to the State of Tennessee for the use and benefit of the County in such amount and with such surety or sureties as may be prescribed by the Board and be approved by its Chairman and Secretary, to be conditioned so as to assure the full, faithful, complete and honest performance of the duties of such Administrator or Superintendent and the accounting for and paying over into the office of the County Trustee, in the manner as hereinafter provided, all funds collected or otherwise received in or by virtue of the operation of the hospital by the County, and to account for, preserve or turn over to the Board all funds on hand, materials, supplies and equipment. Any person authorized by the Board to countersign checks shall also be required to execute a like surety bond in an amount to be determined by the Board. The services of such Hospital Administrator shall be contracted for in writing, such contract to be for a definite period of time, and said contract shall contain a general provision to the effect that such Administrator may not be removed except for cause during the term of his or her contract. The term "cause", for the purpose of this Act, shall mean malfeasance or misfeasance in office, incompetency or failure to properly keep the books and records of the hospital and to faithfully account for the funds of the same, and any conduct on the part of an Administrator which would subject him to prosecution for violation of any of the statutes of the State of Tennessee.

SECTION 10. That the Board of Directors shall administer its own financial affairs and maintain separate banking arrangements from the County. All disbursements made by the Board shall be made by check, signed by the Hospital Administrator and counter-signed by either the Chairman or Secretary of the Board of Directors. The Board shall install and maintain a system of double entry accounting of all funds received and expended. Said Board shall annually prepare and submit to the Quarterly County Court a budget reflecting in detail all estimated receipts and disbursements of the hospital. Said budget shall be for the fiscal year July 1st to June 30th, and shall be submitted by the Board and placed on record in the office of the County Court Clerk not later than June 1st, prior to the commencement of the fiscal year. The initial Board shall prepare and submit such budget as soon after the effective date of this Act as may be practical; but, in any event, not more than sixty (60) days after the commencement of the terms of the members of said Board. The Board shall be required to operate said hospital within the budget adopted by the Quarterly County Court and on a cash or pay-as-you-go basis.

SECTION 11. That the Quarterly County Court be, and the same is, hereby authorized to appropriate to the Board of Hospital Directors from the general funds of the County, such sums as may be required and necessary, in its discretion and within the budgetary requirements of the hospital, to commence and maintain the operation of such hospital, and thereafter such sums as may be required to pay any deficits arising in the operation and maintenance of said hospital; and said Quarterly County Court is further authorized and empowered to levy a hospital tax sufficient for this purpose upon all of the taxable properties located in said County, said tax to be a special tax and not to exceed Forty (40) Cents upon each One Hundred (\$100.00) Dollars worth of taxable property; and provided that the funds derived from such levy shall be carried on the official books and records of said County, separate and apart from other accounts, and which tax shall be in addition to the levy for general county purposes.

SECTION 12. That on the first day of July of every year hereinafter, such profits or funds as are in the hands of the Board of Hospital Directors, after retaining such amount as they may deem necessary or advisable for working capital, shall be delivered over to the Trustee of White County, taking his receipt therefor, and said funds shall be applied to the requirement of the amount previously advanced by the County for working capital and/or operating expenses.

SECTION 13. That the Board of Directors shall cause an audit to be made annually of the books and records of said hospital by a Certified Public Accountant and reports of said audit, properly certified, shall be delivered to the County Judge who shall present the same to the Quarterly County Court. A copy of said audit shall be filed with the County Court Clerk, which shall become a public record and be open to the inspection of any interested citizen or taxpayer, and is required to be filed not later than thirty (30) days before the first day of July of each year.

SECTION 14. That should any section, or part of a section, word, phrase or paragraph of this Act be declared unconstitutional, or for any reason invalid, same shall not be held to impair or invalidate the constitutionality, validity, force or effect of any other section of this Act, it being expressly declared by the General Assembly that this Act and the remaining sections, would have been approved without regard to the invalidity or unconstitutionality of the material referred to.

SECTION 15. That this Act shall have no effect unless and until the same shall have been approved by two-thirds (2/3) of the Quarterly County Court of White County, Tennessee, on or before the regular meeting of said Quarterly County Court occurring more than sixty (60) days after its approval by the Chief Executive of the State. Its approval or non-approval shall be proclaimed by the Chairman of the Quarterly County Court of White County, Tennessee, and shall be certified by him to the Secretary of State.

SECTION 16. That all laws, or parts of laws, in conflict with or inconsistent with the provisions of this Act, or any part thereof, are hereby repealed, and this Act shall take effect from and after its passage and approval by two-thirds (2/3) majority of the Quarterly County Court, as hereinabove provided for, the Public Welfare requiring it.

Passed: March 22, 1957.

Chapter IX - Highways and Roads

Highways and Roads - Historical Notes

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

1. Acts of 1809, Chapter 82, appointed Alexander Lowry, John Walden, and Turner Lane, as Commissioners to view and select the most eligible way to open a public road from the present place of holding court in White County, which way would be the nearest and best way by the reviewer's camp on the Caney Fork River, to intersect the road leading from the Southwest Point to Carthage. When the way has been selected, they shall let the contract to build the turnpike, and, when it is completed, tolls may be charged as they are scheduled in the Act, and for as long as the road is in good repair.
2. Acts of 1819, Chapter 98, stated that John W. Simpson shall have the benefit of the turnpike gate on the road from Sparta to Daddy's Creek for the next ten years, if he keep the said road in good repair. He must widen it to 20 feet and keep it clear of undergrowth out to a width of at least 12 feet. William Glenn, of Sparta, is the Commissioner to inspect the road at least once every quarter and report its condition to the Quarterly Court of White County.
3. Acts of 1820, Chapter 23, appointed George Dawson as the Commissioner for the Cumberland Turnpike Road and John W. Simpson's Turnpike Road in the room and stead of William Glenn, who resigned. He shall be bound to the same duties and obligations as was Glenn.
4. Acts of 1821, Chapter 6, required the Quarterly Courts of all the counties to index and to classify the roads in their respective counties primarily according to width and surfacing. There were three classes down to a road which was wide enough to pass two horses and riders on the way to mill or market. There were stipulated penalties for obstructing roads.
5. Acts of 1822, Chapter 171, recited that the General Assembly passed an Act in 1821 which authorized Joseph Franks to open and keep a turnpike road and the said Franks has since removed from the area, this Act grants the same rights and privileges to Thomas Hopkins, except that neither Hopkins, nor his gatekeeper shall demand or receive any toll from the citizens passing from White County to Warren County, or vice versa, on normal business.
6. Acts of 1825, Chapter 144, was the authority for Reuben Ross to build a bridge over the Caney Fork River in White County on the road from McMinnville to Sparta and, once completed, the said Ross may charge the tolls set out in the Act provided he keeps the bridge in good repair, but persons going to and fro to attend military affairs shall not be made to pay the toll.
7. Acts of 1826, Chapter 31, authorized James Rogers to open and keep a turnpike road starting near Crain's old place on the south side of the Caney Fork River in White County and running thence the nearest and best way possible to intersect Gordon's Road in or near Grassy Cove, in Bledsoe County. Some specifications are set up to be met, and James Devers, of Bledsoe County, and Robert Gamble, of White County, are named as Commissioners to inspect the road.

8. Acts of 1826, Chapter 108, was the authority for Jesse Lincoln, of White County, to open and maintain a turnpike road from Sparta by way of the nearest and best route, to Liberty in Smith County. The toll gate on the road shall not be within ten miles of either place. The road shall be opened under the same circumstances as are stated in the Act authorizing Lincoln to build a road from Sparta to the Crab Orchard. Adam Dale, of Smith County, and Jesse Allen, of Warren County, are nominated the Commissioners to inspect and supervise the road.
9. Acts of 1826, Chapter 180, repealed so much of the Act which permitted Reuben Ross to build a bridge across the Caney Fork in White County (Acts of 1825, Chapter 144), and which allowed Ross to charge certain tolls to cross. Section 2 gave the County Court of White County the authority to fix the rates which Ross could charge.
10. Acts of 1826, Chapter 183, allowed Nathan Haggard and James McKinley to open a turnpike road from Sparta in White County to Lebanon in Wilson County, by way of Milledgeville in White County. When completed, a toll gate could be erected and the tolls specified in the Act could be charged against people using it.
11. Acts of 1829, Chapter 251, permitted one John Brown to open and keep a turnpike road leading from Sparta in White County, intersecting the old Cumberland Road at Kinner's Stand, and to straighten the same as he deems best. The road shall be kept in good repair as is required of all roads in the area. William Glenn and John Kinner are appointed Commissioners to inspect the road and to enforce the same regulations as are in effect on Lincoln's Road in the same area.
12. Acts of 1831, Chapter 60, was the authority for Joseph C. Dew, and Company, to build a toll bridge across the Falling Water in White County, at or near Milledgeville and they may charge tolls according to the schedule approved in the Act except that the citizens of White and Jackson Counties and the U. S. Mail stage may cross the bridge free of toll at all times.
13. Acts of 1831, Chapter 90, appointed John Gillentine, as Commissioner upon the turnpike road leading from the foot of the Cumberland Mountain near Crow's in White County to the foot of the same mountain at Pikeville. He is given the right to open the gate and be paid \$1.50 per day for every day spent discharging his duties hereunder. If the proprietor should open the gate or fail to comply herewith, he shall pay \$25 to the Commissioner for each day of default.
14. Acts of 1831, Chapter 276, allowed John Dale, of White County, to erect a mill dam across the Caney Fork River where his land and mill is now located, provided he does not injure the ford, or the springs of the citizens upon the said river, by the construction of the dam.
15. Acts of 1832, Chapter 13, appointed Patrick Potts of White County as the Commissioner for the turnpike road leading through Overton and White Counties of which Robert Officer is the proprietor. Potts will succeed Enoch Murphey, and receive the same pay and perform the same duties as other Commissioners in the State, and on the same road.
16. Acts of 1832, Chapter 17, declared it to be unlawful for the Quarterly Court of White County to pay more than \$50 per annum, or to lay a tax for more than that amount, to keep the bridge across the Calf Killer River at Sparta in good repair.
17. Acts of 1832, Chapter 34, authorized Daniel Walling to build a toll bridge over the Caney Fork River in White County and he will be entitled to receive the same toll, and enjoy the same privileges and emoluments as are provided by law for the bridge across the said River at Rock Island, provided that Walling keeps up the road to the top of the hill and on each side of the said river at his own personal expense.
18. Acts of 1832, Chapter 38, was the lawful authority given to Jesse Lincoln and William Ussery of White County, to open a turnpike road from "a point on the road leading from Sparta in White County, to Liberty, in Smith County, known by the name of the Knotty Oak, in White County, three miles from Allen's Ferry, and to cross the Caney Fork at or near Lockhart's, or at the ford in the River." The road shall be at least 30 feet wide at level places and 16 feet wide on the hills. William Bruster and Henry Lydy, of White County, and Leonard Lamberton, and William C. Garrison, of Smith County, are all appointed to be Commissioners of the said road.
19. Acts of 1832, Chapter 105, allowed John Burk nine more months to complete his road from Sparta to Crab Orchard and commissioned Jesse Lincoln, John Kimmer, and John Ledder to supervise and inspect the said road at \$2.50 per day for each day spent in the discharge of those responsibilities. Section 2 was the authority for John Rose to open a turnpike from Arthur Frogg's in Fentress County which would intersect the road leading from Sparta to Kingston at or near Nathaniel Davis' place in White County. William Simpson and David Snodgrass were named Commissioners on this road at \$2 a day. Each worked to enforce the specifications of the road set out in the law.

20. Acts of 1832, Chapter 141, permitted James Hudson, and Patrick Potts and Company, both of White County, to build a dam for a powder mill across the Calf Killer River between Samuel Johnson's and John Settle's places provided, however, that the dam is built above Mr. Spark's spring.
21. Acts of 1833, Chapter 48, appointed Abijah Crane, and Peter Hoodenpile, as Commissioners on Hall's Turnpike leading from the foot of the Cumberland Mountain near Crane's place in White County, to Pikeville, in Bledsoe County, who would inspect the road and report on its condition at wages of \$1.50 per day for each day worked. Section 6, of the same Act, commissioned Sims Dearing and Patrick Potts, of White County to inspect the turnpike road running through White, Overton, and Bledsoe County.
22. Acts of 1833, Chapter 83, allowed Solomon Charles, of White County to build a bridge across the Caney Fork River at or near the mouth of his spring branch and he shall have the same toll rates and be subject to the same rules and regulations applied by law to the bridge across the Caney Fork at Rock Island.
23. Acts of 1833, Chapter 210, stated that the title to the turnpike road previously granted to Jesse Lincoln and William Ussery, which runs from Knotty Oak to Kennedy's old place towards Liberty, in Smith County, is hereby vested in Jesse Lincoln, above, and he is authorized to extend the said road westwardly to the foot of Snow's Hill in Smith County.
24. Acts of 1837-38, Chapter 240, named Leonard Lumberson, E. Wright, Bernard Richard, Luke McDowell, and Martin Phillips, of Cannon County; William Bruster, Nicholas Oldham, Anthony Dibrell, Eli Sims, William Lisk, Thomas Eastland, James Snodgrass, and Layman Leftwich, all of White County, as Commissioners to open the books for \$100,000 in stock to build a turnpike road from Lebanon, in Wilson County, to Sparta, in White County. The Commissioners will meet at Dibrell's Ford on the Caney Fork to organize. As soon as \$5,000 is subscribed, a meeting will be called to elect the Directors. If proper, these Commissioners may purchase the turnpike road owned by Montgomery C. Dibrell.
25. Acts of 1845-46, Chapter 11, incorporated Daniel Clark, Mark Lowrey, Madison Fiske and Barlowe Fiske, under the name of the Sparta and Crab Orchard Turnpike Company. The corporation was authorized to charge a toll. Joseph Herd and Smith J. Wallings were named Commissioners.
26. Acts of 1845-46, Chapter 24, directed the Board of Internal Improvement to examine the Claim of Lebanon and Sparta Turnpike Company which has been filed against the State and recommend to the Governor the amount of bonds to be issued which may be equitable due said Company, but one-half of the net proceeds of the said road must be paid to the State each year if the bonds are issued.
27. Acts of 1845-46, Chapter 213, incorporated Austin Young, John Lisk, and Warren Clark, all of White County, for the purpose of constructing a turnpike from Sandys Center's in Roane County, crossing Emery River where it passes through Walden's Ridge to intersect the turnpike road leading from Sparta to the Crab Orchard at some point between Charles Lowry's place on the said road and the Crab Orchard. The corporation was authorized to erect all the necessary bridges. After completion of the road, they may charge to same rate of toll as is charged by others in similar circumstances. Thornton Kindeed and David Alley, of Morgan, and Samuel V. Carrick, of White, were named Commissioners.
28. Acts of 1847-48, Chapter 218, authorized Samuel Parker, Forister Fifer, Joseph G. Mitchell, Joseph W. Copeland, and Daniel M. Doyel, all of White County, and Fines Plumley, Joseph Cummings, William L. Mitchell, Gabriel P. Cummings, William Dotson, and W. B. Huddleston, all of Van Buren County, to sell stock for the purpose of building a bridge across the Caney Fork River at such point as a majority of those named above should choose. The authorized capital was \$2,000 and they could organize when \$1,000 of that amount was subscribed. When the bridge was completed they could charge tolls at the rate set out in the Act and no other.
29. Acts of 1901, Chapter 136, was a statewide road law applying to all counties under 70,000 in population. At the July term in 1902, and every two years thereafter, the County Courts would elect a Road Commissioner from each civil district who would be in charge of all the roads and bridges in that district. This Act was subjected to judicial review in the case of Carroll vs. Griffith, 117 Tennessee 500, 97 SW 66 (1906).
30. Acts of 1905, Chapter 478, amended the above Acts, Chapter 136, in several minor particulars but substantially in those portions concerning the hearing and disposition of the petition to open, close, or change roads, especially when the exercise of eminent domain was necessary to accomplish those purposes.

31. Private Acts of 1913, Chapter 104, was a Road Law for White County which provided for a three member Board of Public Road Commissioners who would be elected by the County Court, for which no Justice of the Peace was eligible, and who would be appointed initially for staggered terms of one, two, and three years, and then for three years thereafter. The Commissioner could employ a road Superintendent, at \$1,000 per year, including all expenses, and who would be required to furnish his own horse and conveyance. This Act was repealed by the one below.
32. Private Acts of 1915, Chapter 201, repealed Private Acts of 1913, Chapter 104, above, in its entirety. This Act then provided for a three member Board of Public Road Commissioners, naming J. F. Wilhite for two years, R. L. Hill for four years, and J. M. Taylor for six years, to serve those terms on the Board or until their successors were elected for six year terms. They would select a Chairman and employ a Road Supervisor for a term of three years, who would be sworn, bonded, qualified, in charge of all roads and crews, could enter upon land to clear out obstructions and who would be paid \$1,000 per year, plus expenses. The Supervisor would also act as the Secretary for the Board keeping records of all the proceedings.
33. Private Acts of 1915, Chapter 422, recites that it amends Private Acts of 1913, Chapter 104, Item 30, above, by repealing so much of that Act as levies a poll tax for road purposes (no tax, called a poll tax, is levied under the 1913 Act) and substitutes the authority for the Court to levy a labor tax on every able bodied male between the ages of 21 and 50 in White County, to work at least five and no more than ten days on the roads in the district in which he resides, or pay 75 cents per day for each day assessed against them. The Court may borrow money in anticipation of the receipt of the above tax monies but the amount borrowed was not to exceed the assessment for the year. People living in incorporated cities were expressly exempted from these provisions.
34. Private Acts of 1919, Chapter 486, amended Private Acts of 1915, Chapter 201, Section 4, by providing for a Board of Public Road Commissioners who would organize within ten days of their selection and the passage of this Act by selecting a chairman from their own number to serve for two years, and two members would be a quorum to do business. The Board would be in charge of all the public roads in the county except State Highways, Civil Districts and road districts would be co-extensive with each other. A District Road Superintendent would be designated in charge of the roads in the district who would not be paid more than \$25 per year. Section 6, 7, and 8 were deleted and a provision inserted that the Board shall appoint a Clerk to keep his office in the Courthouse where the Boards would meet at least once each month. This Act was repealed by Private Acts of 1921, Chapter 488, below.
35. Private Acts of 1920, Chapter 54, amended Private Acts of 1919, Chapter 486, Section 5, Item 33, above, by establishing the limits of the special tax levy for road purposes by the County Court of White County at no less than five cents nor more than fifty cents on each \$100.00 property valuation.
36. Private Acts of 1921, Chapter 488, repealed Private Acts of 1919, Chapter 486. This Act created a five member Board of Public Road Commissioners, naming J. S. Sims, R. L. Hill, Rogers Cope, J. H. Potter, and J. M. Taylor, to serve until their successors are elected. The term of office was five years, the County Court selecting one each year as the term expired. Vacancies would be filled for the unexpired term. The Board would select their Chairman and Secretary to serve for one year each and three would constitute a quorum. The Board had the authority to decide all requests to open, close, or change roads; to accept State, or Federal aid; and to purchase tools and equipment but could not lend them out. Prisoners could be worked on roads under certain circumstances and all males outside cities, between 21 and 50 years of age must work five days on the roads or pay \$7.50 as a commutation fee.
37. Private Acts of 1925, Chapter 627, amended Private Acts of 1921, Chapter 488, above, by striking out a portion of Section 12 and inserting provisions that the person's age for purposes of performing road duty would be determined as of January 10 of each year. The owners of two horse and four horse teams and wagons were required to furnish them for road work or to pay \$3.50 per day for each day not worked. The Act set a privilege tax for autos and trucks of various weights, which would be collected by the County Court Clerk. Violations of any of the provisions was a misdemeanor making the guilty ones subject to a fine.
38. Private Acts of 1927, Chapter 688, which created a Board of Road Commissioners for White County, was repealed by Private Acts of 1987, Chapter 15.
39. Private Acts of 1933, Chapter 892, was the authority for the County Board of Road Commissioners in White County to compensate John Sims for doctor and hospital bills incurred by him because of an injury received while he was serving as a County Road Commissioner, and for the time lost from his work because of the said injury, but the total amount of all shall not exceed \$600.

40. Private Acts of 1935, Chapter 237, repeals Private Acts of 1933, Chapter 650, which was an amendment to the Road Law for White County rendered unconstitutional in the case of Hill v. Snodgrass, 167 Tenn. 286, 68 S.W.2d 943 (1934). Private Acts of 1987, Chapter 15, also repeals Private Acts of 1933, Chapter 650, and repeals Private Acts of 1935, Chapter 237, in Section 15.
41. Private Acts of 1935, Chapter 243, amended Private Acts of 1927, Chapter 688. Both were repealed by Private Acts of 1987, Chapter 15.
42. Private Acts of 1937, Chapter 533, provided that all the male inhabitants of White County shall be exempt from the provisions of Section 2773 and 2774 of the 1932 Code of Tennessee which required the male inhabitants between certain ages in the counties to work on the public roads of the county.
43. Private Acts of 1941, Chapter 274, amended Private Act of 1927, Chapter 688, by inserting a new Section 3, which was in turn removed by Private Acts of 1953, Chapter 271.
44. Private Acts of 1945, Chapter 219, is listed in some volumes as being applicable to White County and the population figures quoted does bring White County within its range but it is obvious that Act applies only to Scott County.
45. Private Acts of 1945, Chapter 370, amended Private Acts of 1927, Chapter 688, and was repealed as applicable to White county by Private Acts of 1987, Chapter 15. Private Acts of 1927, Chapter 688, was also repealed.
46. Private Acts of 1947, Chapter 269, amended Private Acts of 1927, Chapter 688. Both were repealed by Private Acts of 1987, Chapter 15.
47. Private Acts of 1951, Chapter 91, authorized the Board of Road Commissioners to fix the compensation of the County Road Supervisors, and was repealed by Private Acts of 1987, Chapter 15.
48. Private Acts of 1951, Chapter 596, amended Private Acts of 1945, Chapter 219 (may have intended to amend the Private Acts of 1945, Chapter 370) and was repealed by Private acts of 1987, Chapter 15.
49. Private Acts of 1953, Chapter 271, amended Private Acts of 1941, Chapter 274. Both were repealed by Private Acts of 1987, Chapter 15.
50. Private Acts of 1970, Chapter 309, amended Private Acts of 1927, Chapter 688. Both were repealed by Private Acts of 1987, Chapter 15.
51. Private Acts of 1978, Chapter 187, created the office of Chief Administrative Officer of the White County Highway Department who would be elected by popular vote for terms of four years and to whom were transferred all the duties, power, and authority of the Board of Public Road Commissioners and the Road Supervisor. This Act was disapproved by the Quarterly Court on May 4, 1978, and never took effect, although the efficacy of the Act rested upon the affirmative vote of a referendum.
52. Private Acts of 1986, Chapter 183, was disapproved according to Book 59, Page 86 of the minutes of the White County Legislative Body on July 14, 1986
53. Private Acts of 1987, Chapter 5, was disapproved according to Book 59, Pages 356-365 of the minutes of the White County Legislative Body on April 20, 1987.
54. Private Acts of 1987, Chapter 15, created a board of highway commissioners and a superintendent of the highway department. This act was repealed by Private Acts of 1991, Chapter 67.
55. Private Acts of 1990, Chapter 135, amended Private Acts of 1987, Chapter 15, regarding duties of the superintendent of highways. This act was repealed by Private Acts of 1991, Chapter
56. Private Acts of 1991, Chapter 7, repealed Private Acts of 1987, Chapter 15, and Private Acts of 1990, Chapter 135. This act did not receive local approval and was "repealed" by Private Acts of 1991, Chapter 67.
57. Private Acts of 1991, Chapter 67, repealed Private Acts of 1987, Chapter 15, Private Acts of 1990, Chapter 135, and Private Acts of 1991, Chapter 7. It further provided that the act should not 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 the official was elected.

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 White County Sheriffs office.

1. Acts of 1821, Chapter 180, was the authority and direction for the Sheriffs of Overton and White Counties to advertise all lands which were to be sold by them under execution, or otherwise, in some newspaper in the town of Sparta. The Rangers in the county were required to do the same thing in the matter of disposing of strays they had picked up.
2. Acts of 1837-38, Chapter 61, Section 8, stated that, if for any reason the Sheriffs of Cannon, Jackson, White, and Warren Counties failed to hold an election as was required by the Act establishing DeKalb County, then he may hold the same on Tuesday, January 30, 1838, or, if he cannot hold the election at that time, he shall hold it at the earliest practical day and make the proper returns required by law.
3. Acts of 1843-44, Resolution #38, authorized and required the Treasurer of the State on the warrant of the Comptroller to take the notes of the securities for J. T. Bradley, late Sheriff of White County, in two equal annual payments with properly charged interest.

Chapter XI - Taxation

Hotel/Motel Tax

Private Acts of 1992 Chapter 145

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

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

SECTION 2. The legislative body of White County is authorized, by resolution of the county legislative body, to levy a privilege tax upon the privilege of occupancy in any hotel of each transient in an amount not to exceed five percent (5%) of the rate charged by the operator. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided in this act.

SECTION 3. The proceeds received by the county from the tax shall be retained by the county and deposited into the general fund of the county, to be designated and used for such purposes as specified by resolution of the county legislative body.

SECTION 4. Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of the hotel and given directly or transmitted to the transient. Such tax shall be collected by such operator from the transient and remitted to the county clerk as provided in Section 5. When a person has maintained occupancy for thirty (30) continuous days, that person shall receive from

the operator a refund or credit for the tax previously collected or charged and the operator shall receive credit for the amount of such tax if previously paid or reported to the county.

SECTION 5.

- (a) The tax levied shall be remitted by all operators who lease, rent or charge for any rooms, lodgings, spaces or accommodations in hotels within the county to the clerk or such other officer as may by resolution be charged with the duty of collection thereof, such tax to be remitted to such officer not later than the twentieth (20th) day of each month for the preceding month. The operator is required to collect the tax from the transient at the time of the presentation of the invoice for such occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient, then the obligation to the county entitled to such tax shall be that of the operator.
- (b) For the purpose of compensating the operator for remitting the tax levied by this act, the operator shall be allowed two percent (2%) of the amount of the tax due and remitted to the clerk in the form of a deduction in submitting the report and paying the amount due by such operator, provided the amount due was not delinquent at the time of payment.

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

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

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

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

SECTION 10. The clerk in administering and enforcing the provisions of this act has an additional powers, those powers and duties with respect to collecting taxes as provided in Title 67 of Tennessee Code Annotated or otherwise provided by law. For services in administering and enforcing the provisions of this act, the clerk is entitled to retain as a commission five percent (5%) of the taxes collected. Upon any claim of illegal assessment and collection, the taxpayer has the remedies provided in Tennessee Code Annotated, Title 67. It is the intent of this act that the provisions of law which apply to the recovery of state taxes illegally assessed and collected shall also apply to the tax levied under the authority of this act. The provisions of Tennessee Code Annotated, Section 67-1-707, shall be applicable to adjustments and refunds of such tax. With respect to the adjustment and settlement with taxpayers, all errors of county taxes collected by the clerk under authority of this act shall be refunded by the clerk.

SECTION 11. The tax levied pursuant to the provisions of this act shall only apply in accordance with the provisions of Tennessee Code Annotated, Section 67-4-1425.

SECTION 12. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 13. This act shall have no effect unless it is approved by a two thirds (2/3) vote of the county legislative body of White County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and shall be certified by such presiding officer 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 be effective

upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect upon being approved as provided in Section 13.

Passed: February 13, 1992.

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 White County Assessor.

1. Private Acts of 1927, Chapter 480, stated that the Tax Assessor, and his deputies, shall receive their compensation in White County as follows: fifty cents for each person assessed with real and personal estate, exceeding \$1,000; fifty cents for each person assessed with personal estate only, exceeding \$1,000; thirty cents for any person assessed with real estate only, and 30 cents for each additional parcel; and the schedule ranged all the way down to ten cents for each person assessed only with a poll tax.
2. Private Acts of 1945, Chapter 54, stated that the salary of the Tax Assessor of White County shall be \$1,500 per annum, payable monthly out of the County Treasury, on the warrant of the County Judge, or Chairman.

Taxation

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

1. Acts of 1809, Chapter 23, granted Robert Armstrong, the collector of the public tax in White County, until January 1, 1811, to finish and make up his collection. He may collect from the citizens of Jackson and Franklin Counties when they are liable to pay. The County Court will give him proper credit when he is due to receive it, and any judgments obtained against him are hereby superseded.
2. Private Acts of 1943, Chapter 239, required the owners of the electric properties located in Sparta to pay to the city, as taxes, the same amount on their real and personal property which a private utility would pay under normal circumstances. The Tax Assessor shall assess them at the same time and in the same manner as he assesses other properties. Taxes would be paid under the provisions of this Act only so long as the governing body of that city does not levy a property tax against them.
3. Private Acts of 1967-68, Chapter 72, provided a litigation tax of two dollars (\$2.00) to be taxed as part of the costs in all civil and criminal actions in the court of general sessions, the circuit court, the criminal court and the chancery court of White County, Tennessee. This tax was to be placed in a separate fund which was designated to the White County Capital Improvement Fund to be spent exclusively for improvements on the jail and courthouse and grounds, construction of a new courthouse, construction of a new jail. This act was repealed by Private Acts of 1993, Chapter 13.
4. Private Acts of 1980, Chapter 213, provided for a severance tax, by resolution of the county legislative body, on all sand, gravel, limestone, phosphate rock, and all other mineral products severed from the ground. The tax was allocated to the county. This act was repealed by Private Acts of 1991, Chapter 12.
5. Private Acts of 1982, Chapter 293, amended Private Acts of 1980, Chapter 213. This act was repealed by Private Acts of 1991, Chapter 12.
6. Private Acts of 1992, Chapter 159, amended Private Acts of 1967-68, Chapter 72, by raising the litigation tax to the maximum amount allowable by law. This act was repealed by Private Acts of 1993, Chapter 13.

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