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Trousdale

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

Sincerely,

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Trousdale



Trousdale County Courthouse

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Chapter I - Administration

County Clerk

Private Acts of 1995 Chapter 19

SECTION 1. Prior to the issuance of any new business license, the County Clerk of Trousdale County shall require evidence that the location of the applicant's business is in compliance with county zoning ordinances. The county clerk may accept a statement of compliance signed by a planning or zoning officer of the county or municipality, that the location of the applicant's business is in conformity with the county or municipality, respectively. The county clerk shall verify the physical location of any applicant for a business license having a postal service box address. In any actions relative to the enforcement of provisions of a zoning ordinance by an enforcement officer, the issuance of such business license by the county clerk shall not be construed as evidence of compliance with zoning requirements in such actions.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Trousdale County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body of Trousdale 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 upon being approved as provided in Section 2.

Passed: March 9, 1995.

County Executive

Private Acts of 1995 Chapter 27

SECTION 1. The county legislative body of Trousdale County is authorized by resolution to designate the chairman pro tempore of the county commission to carry out the necessary duties of the county executive if the county executive of Trousdale County is chairman of the county commission and is absent or intends to be absent, or is temporarily unable to perform the regular necessary duties of such office for any period of less than twenty-one (21) days. If the county executive is not the chairman of the county commission, then such legislative body may designate the chairman of the county commission to carry out such duties of the county executive during such period. The county executive of Trousdale County shall by letter filed with the county clerk designate the periods of less than twenty-one (21) days that he or she intends to be absent or will be temporarily unable to perform the regular necessary duties of such office, if known in advance, and such chairman pro tempore or chairman, as appropriate, shall perform such duties. "Regular necessary duties" means such duties of the county executive which are routinely required to be performed for the day-to-day operation of the county.

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

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

Passed: March 27, 1995.

County Legislative Body

Private Acts of 1959 Chapter 248

COMPILER'S NOTE: This Act is published as the most recent authority for mileage payments in Trousdale County. The per diem compensation of the County Legislative Body is now regulated by T.C.A. 5-5-107.

SECTION 1. That the various Justices of the Peace of Trousdale County, Tennessee, shall receive the sum of \$15.00 per diem for each day's attendance as a member of the Quarterly County Court of Trousdale County for their attendance at each regular or special session of said Court.

In addition thereto each Justices of the Peace shall receive the sum of Ten cents (10¢) for each mile necessarily travelled in attending each regular or special session of the Quarterly County Court.

As amended by:

Private Acts of 1971, Chapter 18

SECTION 2. That the provisions of this Act shall become effective on September 1, 1960, provided the same shall be approved by a majority of the voters voting in a special election to be held for such purpose. Within sixty (60) days after the approval of this Act by the Governor, it shall be the duty of the Trousdale County Board of Election Commissioners to call a special election to be held in said County and said election shall be held not less than thirty (30) nor more than sixty (60) days from the date of such call for the purpose of approving or rejecting the provisions of this Act. The ballots used in such election shall have printed thereon the provisions of this Act and the voters shall vote for or against its adoption. The vote cast at such election shall be canvassed by the County Board of Election Commissioners on the first Monday occurring five (5) or more days after the date of such election and the results thereof shall be proclaimed by such election commission and certified to the Secretary of State, at Nashville. The qualification of the voters voting in said election shall be the same as now required of voters casting their ballot for members of the General Assembly and all laws applicable to general elections shall apply to the election to be held hereunder, the public welfare requiring it.

Passed: March 11, 1959.

Administration - Historical Notes

County Executive

The references below are of acts which once applied to the office of county judge, or county executive in Trousdale County. They are included herein for historical purposes only.

1. Private Acts of 1947, Chapter 462, established the office of County Judge in Trousdale County and abolished the office of Chairman of the County Court of Trousdale County. The County Judge was popularly elected for a term of eight years. The act provided for the County Judge to perform the duties formerly exercised by the Chairman and he was empowered to break tie votes of the Quarterly County Court. This act was superseded by Chapter 934 of the Public Acts of 1978 which created the office of County Executive and abolished the office of County Judge, transferring administrative duties to the County Executive and judicial duties to other courts.
2. Private Acts of 1955, Chapter 104, would have repealed Private Acts of 1947, Chapter 462, which created the office of County Judge effective on September 1, 1958. However, this Act was rejected in a referendum election by the people of Trousdale County and was therefore rendered null and void.
3. Private Acts of 1974, Chapter 255, would have amended Private Acts of 1947, Chapter 462, by increasing the annual salary of the County Judge from \$1,500 to \$6,600, but this Act was not approved by the Quarterly Court and never became effective.
4. Private Acts of 1974, Chapter 368, would have amended Private Acts of 1947, Chapter 462, by transferring effective September 1, 1974, every judicial function, authority and responsibility of the County Judge as a juvenile and probate court to the Judge of the General Sessions Court. The salary of the County Judge would not be diminished by the transfer of his judicial authority. This Act was not approved by the local authorities and never took effect.

County Legislative Body

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

- Private Acts of 1919, Chapter 242, fixed the per diem of the Justices of the Peace in Trousdale County at \$3 per day for each day he attends any regular, or special, session of the Quarterly County Court. The Act also specified that the Justices would be paid all the mileage, ferriage and toll fees as were then provided under the general law.
- Private Acts of 1923, Chapter 596, set the per diem payments to Justices of the Peace in Trousdale County at \$2 per day for each day of attendance at meetings of the Quarterly Court plus such mileage as the Quarterly Court may allow.
- Private Acts of 1929, Chapter 664, stated that after September 30, 1930, the Chairman of the County Court of Trousdale County would be elected by the members of the County Court instead of by the qualified voters of the county. The election would take place at the same time the county general election was held.

- Private Acts of 1931, Chapter 315, declared that in Trousdale County, the Justices of the Peace shall be entitled to receive as compensation for their services the sum of \$4 per day for each day he attends any regular or special session of the Quarterly County Court, plus such mileage, ferriage, and tolls as may be payable under the general law.
- Private Acts of 1943, Chapter 228, stated that hereafter the Quarterly County Court of Trousdale County would meet in regular session on the second Monday in January, April, July and October instead of on the first Monday in the same months.
- Private Acts of 1949, Chapter 732, provided that the Quarterly Court of Trousdale County would meet in regular session on the Wednesday after the first Monday in January, April, July and October instead of on the second Mondays in the same month. This Act was repealed by Private Acts of 1963, Chapter 95.

County Register

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

1. Private Acts of 1917, Chapter 538, provided that women over the age of 21 in Trousdale County would be eligible to serve as Deputy Register with all the responsibilities, duties and privileges of the office.
2. Private Acts of 1935, Chapter 321, amended Private Acts of 1933, Chapter 444, which set the maximums on the supplementary salaries of the Sheriff, the Clerk and Master, and the Circuit Court Clerk of Trousdale County, by adding the County Register to that list and setting the supplemental salary maximum of the Register at \$300 per year, which would be in addition to all the fees of the office.

Purchasing

The following act once affected the purchasing procedures of Trousdale County, but is no longer operative.

1. Private Acts of 1955, Chapter 321, set up a system for purchasing supplies, materials and equipment for Trousdale County. The officer in charge of each office, commission, board or agency would make all purchases in excess of \$100 through competitive bidding. The officer would receive no compensation for his duties as purchasing agent. This Act was rejected by the voters in a local referendum and consequently never took effect.

General Reference

The following private or local acts constitute part of the administrative and political history of Trousdale County but are today no longer operative because they have either been superseded, repealed, or failed to receive local approval.

1. Public Acts of 1870-71, Chapter 50, authorized the counties to impose taxes for county purposes subject to two conditions: (1) That all taxable property shall be taxed according to its value upon the principles established in regard to State taxation, and (2) That the credit of the county shall not be given or loaned to any person, company or association except upon the consent of a majority of the Justices of the Peace and upon approval of three-fourths of the voters in a local election. Trousdale and twenty-five other counties required only the approval of a majority of the voters until 1880.
2. Public Acts of 1897, Chapter 124, fixed the salaries for several of the county officials according to the population of the county in which the official was serving, provided certain requirements for filing a sworn, itemized statement of the fees collected in the office were observed. All fees would become the property of the county, and in no event shall the salary exceed the amount of the fees paid in. This Act was declared unconstitutional by the courts in Weaver v. Davidson County, 104 Tenn. 315, 59 S.W. 1105 (1900).
3. Private Acts of 1937, Chapter 442, gave the authority to the Quarterly County Court of Trousdale County to appropriate up to \$3,000 in funds to pay innocent purchasers of unpaid county warrants, which were purchased at face value, the amount such purchasers may have paid therefor.

Chapter II - Animals and Fish

Minnows

Private Acts of 1951 Chapter 673

SECTION 1. That it shall be unlawful in Trousdale or Macon Counties for any person to catch from the streams of Trousdale or Macon Counties minnows for the purpose of sale.

As amended by: Private Acts of 1957, Chapter 275

SECTION 2. That it shall be unlawful in Trousdale or Macon Counties for any person to possess more than one-hundred and fifty (150) minnows. Provided, however, that this Act shall not apply to any boat dock operator, fish hatchery operator or other person who possesses or sells minnows not caught in the streams of Trousdale or Macon Counties.

As amended by: Private Acts of 1957, Chapter 275

SECTION 3. That violation of this Act shall be a misdemeanor, punishable by a fine not to exceed Twenty-five Dollars (\$25.00).

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

Passed: March 16, 1951.

Rough Fish

Private Acts of 1959 Chapter 187

SECTION 1. That it shall be lawful to gig rough fish in the streams of Trousdale County, Tennessee, and the season in connection with the gigging of said rough fish is hereby declared open.

SECTION 2. That "rough fish" as contemplated by this Act, is hereby defined as being the following fish, to wit, carp, buffalo and high fin suckers.

SECTION 3. That the gigging of rough fish, as authorized under the provisions of this Act, shall only be allowed by any person except when said person shall be wading in the stream or gigging the said fish from the bank of the stream, it being expressly prohibited to gig any of such "rough fish" from any boat or canoe. In addition thereto, all persons who shall gig fish under the provisions of this Act shall have a valid fishing license issued by the State of Tennessee.

SECTION 4. That any person violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction therefor shall be fined not less than twenty-five dollars (\$25.00), nor more than fifty dollars (\$50.00), for the first offense, and upon conviction for more than one offense said person shall be fined the sum of fifty dollars (\$50.00).

SECTION 5. That the provisions of this Act shall become effective from and after its passage, provided the same shall be approved by a majority of the voters voting in a special election to be held for such purpose. Within sixty days (60) after the approval of this Act by the Governor, it shall be the duty of the Trousdale County Board of Election Commissioners to call a special election to be held in said County and said election shall be held not less than thirty (30) nor more than sixty (60) days from the date of such call for the purpose of approving or rejecting the provisions of this Act. The ballots used in such election shall have printed thereon the provisions of this Act and the voters shall vote for or against its adoption. The vote cast at such election shall be canvassed by the County Board of Election Commissioners on the first Monday occurring five (5) or more days after the date of such election and the results thereof shall be proclaimed by such election commission and certified to the Secretary of State, at Nashville. The qualification of the voters voting in said election shall be the same as now required of voters casting their ballot for members of the General Assembly and all laws applicable to general elections shall apply to the election to be held hereunder, the public welfare requiring it.

Passed: March 12, 1959.

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

1. Public Acts of 1887, Chapter 153, exempted Trousdale County from the provisions of the general fish law of the State of Tennessee. This Act was repealed by Private Acts of 1905, Chapter 263.
2. Private Acts of 1897, Chapter 296, amended Public Acts of 1895, Chapter 127, so as to make it lawful for any resident of Wilson, Cheatham and Trousdale Counties to catch fish for home

consumption in any stream in the county of their residence by any means other than the use of poisons or explosives.

3. Public Acts of 1899, Chapter 337, stated that anyone in Sumner, Trousdale and Robertson County, who catches, kills, injures or pursues any quail, partridge, grouse or pheasant for a period of five years after the passage of this Act is guilty of a misdemeanor and may be fined up to \$25, and/or confined in jail for a period of thirty days, or both. Quail and partridges may be lawfully hunted from November 1 until January 1 with a gun but not on the inclosed lands of another person without first obtaining written permission. The nests and the eggs of the above game birds could not be destroyed or molested.
4. Private Acts of 1905, Chapter 263, provided that hereafter fish shall be taken in Trousdale County only by ordinary hook and line, trot line, snatch hooks, double hooks, and by using the hands. Minnows for bait, however, may be caught with a net. Anyone caught taking fish otherwise than by the manner and means specified above would guilty of a misdemeanor and may be subject to fines from \$25 to \$50. The Grand Jury was given inquisitorial powers concerning this Act and the Judge shall charge its contents to the Grand Jury at each term of Court.
5. Private Acts of 1907, Chapter 115, declared it to be unlawful for livestock, such as cattle, horses, mules, hogs, sheep and goats, to be allowed by their owners or custodians to run at large in Trousdale County. Anyone violating the terms of this Act could be fined from \$2 to \$5 for each offense. A lien was granted to anyone damaged by the trespassing stock, which could be enforced against the stock. The animals could be taken up, fed, and cared for and the cost of these actions added to the lien for damages.
6. Private Acts of 1909, Chapter 502, was applicable to seven counties including Trousdale and defined a lawful fence for those counties. The fence could be made up of four strands of barbed or smooth wire, or a combination of the two, must be fastened to substantial posts no more than 16 feet apart, and eight feet at the corners. The first wire must be 12 inches above the ground, the second 12 inches above the first, the third 12 inches above the second, and the fourth 12 inches above the third, making a fence four feet high. The owners of livestock would be liable for damages done by their animals to lands which are enclosed by the type of fence described above.
7. Private Acts of 1911, Chapter 164, made it unlawful for livestock, such as cattle, horses, mules, hogs, sheep and goats to be allowed by their owners, or custodians, to run at large in Trousdale County, which, if done negligently or deliberately, could subject them to fines from \$2 to \$5. Any damage done by the livestock was declared to be a lien on the trespassing stock and the cost of care and feeding them could be added to the cost of the damages. This Act would in no wise change or modify the responsibility of railroads for killing or damaging stock.
8. Private Acts of 1911, Chapter 417, stated that in Trousdale, Macon and Wilson Counties, resident citizens could fish in any stream in the county by trot line, gigging, bait, net or seine, whose mesh shall not be less than one inch. No license, or fee, to do so shall be paid to the State Department of Fish, Game and Forestry.
9. Private Acts of 1915, Chapter 680, made it unlawful to catch fish in any of the streams in Trousdale County by any means other than hook and line or trot line.
10. Private Acts of 1919, Chapter 227, made it lawful to catch or kill fish in any of the streams of Trousdale County by any means and in any manner except by poisoning or by dynamiting.
11. Private Acts of 1919, Chapter 272, declared it lawful, after the passage of this Act, to catch and kill fish in any of the streams of Trousdale County in any manner except by dynamiting, explosives or poisons.
12. Private Acts of 1921, Chapter 666, placed a \$1 fee on every male dog, and a \$3 fee on every female dog, in Trousdale County, to be collected by the Trustee, or Tax Assessor. Accurate and proper records will be kept and the Tax Assessor shall turn the money he collects over to the Trustee at least annually. The money shall be kept in a "Rural School Fund." Penalties for non-compliance and the manner for collecting and enforcing them were provided in the Act. Any dog which harms, worries, or kills sheep may be killed under the conditions in the Act. Metal tags for the animals would be issued when payment is made. This Act was repealed by Private Acts of 1923, Chapter 67.
13. Private Acts of 1921, Chapter 815, expressly exempted Trousdale County from the provisions of Public Acts of 1919, Chapter 61, which was a statewide Act generally regulating the ownership and harboring of dogs.
14. Private Acts of 1929, Chapter 451, made it unlawful in Trousdale and Wilson Counties for any person to catch or kill for sale, any kind of fish less than seven inches long. It was not unlawful to

catch fish for sale by means of trammel nets, baskets, dip nets, but not to include seines, and provide further, that meshes in them should not be less than 1¼ inches when used in the Cumberland River.

15. Private Acts of 1931, Chapter 134, made it lawful to catch fish in Trousdale County in any stream and by any means and manner except by dynamite and poison. It was also declared lawful to catch or kill any game, skunk, fox, or other fur-bearing animals in open season without the payment for a privilege license to hunt. Squirrels, rabbits, and ground hogs could be lawfully killed at any and all times without a license, and no license would be required for any activities related to these. The open and closed seasons on birds and fur-bearing animals not specifically mentioned in the Act would be as set by the State. This Act was repealed by Private Acts of 1933, Chapter 704.
16. Private Acts of 1931, Chapter 137, amended Private Acts of 1929, Chapter 451, so as to remove Wilson County from its provisions.
17. Private Acts of 1931, Chapter 655, declared it to be lawful in Trousdale County to take and catch fish by any means other than dynamite or poison. It was further made lawful to catch or kill any game, skunk, fox, or fur-bearing animal in open season without a license and none would be essential for hunting game of any kind. Open and closed seasons would conform to those declared by the State of Tennessee for birds and fur-bearing animals not specifically mentioned in the Act.
18. Private Acts of 1931 (2nd Ex. Sess.), Chapter 106, made it lawful for any person to hunt, catch or kill foxes in Trousdale County in any manner from November 15 to the following February 15.
19. Private Acts of 1935, Chapter 322, made it lawful for the citizens of Trousdale County to take, kill or capture fish of all kinds under the regulations of this Act without having to pay a fee or to buy a license, but this provision shall apply only to fishing by means of a hook and line, trot line, bank poles, and when using natural bait only. It was also rendered lawful for citizens and their families in Trousdale County to hunt, chase, fish, and to kill wild animals, wild birds, wild fowl, or fish, on their own lands without having to obtain a license. It was further deemed lawful to hunt fur-bearing animals without a license with the written permission of the landowner.
20. Private Acts of 1935, Chapter 711, stated that M. M. Kirby had actual experience in the practice of veterinary medicine and surgery for more than ten years, was over 21 years of age, of good moral character, and he is therefore authorized to continue the practice of the same in Trousdale County, provided he files with the State Board of Veterinary Examiners proof of the above facts. The Board will issue him a license upon the filing of the proof and he shall pay the normal cost thereof.
21. Private Acts of 1945, Chapter 292, recited that Oscar Carr had actual experience of more than ten years in the practice of veterinary surgery and medicine in Macon County. This Act authorizes Carr to continue the said practice in Trousdale and Macon Counties, as before, if he offers proof to the State Board of Veterinary Examiners and pays the required fees.
22. Private Acts of 1945, Chapter 294, recited that R. W. Stubblefield had practiced veterinary medicine and surgery for a number of years, is over 21 years of age, and of good moral character. This Act permits him to continue the said practice in Macon and Trousdale Counties provided he filed proof of the same with the State Board of Veterinary Examiners, who shall issue the license to him for which he shall pay the regular fees.
23. Private Acts of 1955, Chapter 162, amended the general game and fish laws of the State by making it lawful in Trousdale County to chase, capture, or kill any kind of wild fox, (2) to take fish by gig and by the use of light, (3) to kill squirrels during the months of June, July, August, September, October, November and December of each year, (4) to catch fish by means of a basket in any lake or stream, and (5) to take fish and turtles in any stream or lake by using one's hands. This Act was not approved in a referendum election and therefore never became effective.

Chapter III - Bond Issues

Bond Issues - Historical Notes

Bridge

1. Private Acts of 1929, Chapter 738, was the authority for the Quarterly Court of Trousdale County to issue interest bearing warrants at a rate not to exceed 5%, and in an amount not to exceed \$25,000 in any one year, for the purpose of building a bridge over the Cumberland River at Hart's

Ferry, which warrants would become due as the Court might designate. The Court was required to levy a tax to repay the outstanding warrants as they might become due and payable.

Debts

1. Private Acts of 1931, Chapter 264, ratified, confirmed, and validated all the prior proceedings of the Quarterly Court of Trousdale County held in connection with the issuance of \$100,000, in 5% interest bearing funding bonds, which would mature according to the schedule in the Act, and were dated March 1, 1931. Provision for a property tax levy was included.
2. Private Acts of 1949, Chapter 372, stated that all the actions heretofore taken by the Quarterly Court of Trousdale County with reference to the issuance of \$11,000 in Funding Bonds, dated January 1, 1949, at a 3% interest rate, and maturing serially through 1960, are hereby in all respects validated, confirmed, and ratified notwithstanding the lack of any statutory authority for their issuance. The bonds were made the general and incontestable obligations of the county, requiring the court to levy a tax to amortize them as long as they remained unpaid.

Memorial

1. Private Acts of 1945, Chapter 460, authorized the Quarterly Court of Trousdale County to issue negotiable interest bearing coupon bonds up to \$30,000 in order to acquire a site for the construction of a building to be a monument to all Trousdale County service personnel in World War II. The building would be used by some business to provide employment to veterans, but said building would remain under the jurisdiction of the Quarterly Court of Trousdale County. The bonds would mature over a period of up to 30 years, at the interest rate contracted for by the Chairman and County Court Clerk. A mandatory tax levy was required and the bonds were declared to be tax exempt from State, County and Municipal taxes.

Roads

1. Public Acts of 1883, Chapter 189, was the authority for the Quarterly Courts of Macon and Trousdale Counties to issue bonds in \$50, \$100 and \$1,000 sums, at an interest rate not to exceed 6%, with at least ten interest coupons attached, which may be given to parties in payment for work being done on roads. The Quarterly Courts were directed to levy a tax sufficient to pay the principal, plus interest which would be coming due in any one year, for as long as any remained unpaid. This Act would not be effective unless approved in a referendum vote by a majority of those voting.
2. Private Acts of 1913, Chapter 82, stated that, subject to the approval of the same in a referendum, the Quarterly Court of Trousdale County could issue up to \$50,000 in bonds to buy turnpikes and build, construct and improve public roads. The election would take place on the first Saturday in August, 1913, with the ballot marked simply "For" or "Against". If approved, the bonds would bear 4% interest and mature within 25 years. A privilege charge for using the roads under certain conditions was set up in the Act.
3. Private Acts of 1933, Chapter 128, validated, ratified, and approved all the prior actions of the Trousdale County Quarterly Court taken in connection with the issuance of \$31,000 in Highway Funding Bonds, at an interest rate of 5%, payable semi-annually on February 1, and August 1 of each year through February 1, 1948. These bonds were validated in all respects despite the lack of statutory authority. They were declared to be the general and incontestable obligations of the county. A tax levy was required to be made each year.

Chapter IV - Boundaries

Creation of the County

Acts of 1870 Chapter 27

SECTION 1. That a new county be, and the same is hereby established, out of fractions of the territory composing the counties of Sumner, Macon, Smith and Wilson, around the town of Hartsville, to be called "Trousdale," in honor of Governor Wm. Trousdale.

SECTION 2. That said county of Trousdale shall be bounded as follows, to wit: Beginning on the north bank of Cumberland River, near the house of Dr. James Alexander, in Smith County; running thence in a northeasterly direction on an arc ten miles from Carthage to a stake on the Hartsville and Carthage turnpike, near the house of Mrs. Bradley; thence north 45 degrees east to Mou's Hill; thence with the meanderings of said hill to a stake in the Macon county line near Raglan's; thence with said line some ten miles to where said line crosses the middle fork of Goose Creek, near Ephraim Parsley's; thence with the

meanderings of said creek to the mouth of the west branch of the middle fork; thence up said branch with its meanders to James Barnley's, at the mouth of "Love Hollow;" thence due west to the Macon county line; thence with said west boundary line southward to a mulberry tree, and south-west corner of Macon County; thence on a continuation of the south boundary line of Macon County, due west to where said line intersects the east fork of Bledsoe's Creek, near George Brown's; thence south to the Cumberland River, crossing the Gallatin and Hartsville turnpike ten miles from Gallatin, between Hallum's shop and the old toll-gate; thence up said river with its meanders, to David Jackson's in Wilson County; thence eastward on an arc eleven miles from Lebanon, to Cumberland River at the mouth of Everett's branch; thence up the river with its meanders to McDonald's warehouse; thence eastwardly on an arc eleven miles from Lebanon, near Fred Terry's and Whitson's, to a point in the Smith county line between James Calhoun's house and Henry Ward's; thence on an arc ten miles from Carthage, to the beginning.

SECTION 3. That for the purpose of perfecting the organization of said county of Trousdale, E. T. Seay, S. W. Lesueur, J. S. Dyer, Howard Young, Col. Jas. H. Vaughn, Robert Burford, Cyrus H. Lauderdale, John Carr and E. P. Lowe, are hereby appointed Commissioners, who shall, before entering upon the discharge of their duties, take an oath to faithfully and impartially discharge all the duties imposed on them by this Act; and all vacancies that may occur previous to the organization of the County Court of said county, shall be filled by the remaining Commissioners. A majority of said Commissioners shall constitute a board to transact all things enjoined on them, and it shall be the duty of said board to keep a true record of their proceedings as Commissioners, which shall be returned to the County Court of said county of Trousdale, at the first term, to be entered upon the record of said court, and said Commissioners shall make such other reports thereafter as said court shall require.

SECTION 4. That it shall be the duty of said Commissioners to designate three voting places in the Sumner fraction, one in the Macon fraction, four in the Smith fraction, and two in the Wilson fraction; and shall give ten days' notice by written or printed circulars, posted in five or more public places in each fraction taken from the respective counties of Sumner, Macon, Smith and Wilson, that an election will be held in which all persons entitled to vote for members of the General Assembly who have resided in the fraction proposed to be stricken off for six months immediately preceding said election, shall be entitled to vote, and each voter who desires to vote for the establishment of the new county, shall have on his ticket the words "New County," and those desiring to vote against the new county, shall have on their tickets "Old County," and if, upon the counting of all the votes cast at said election in that part of each of the counties of Sumner, Macon, Smith and Wilson proposed to be taken off to form said county of Trousdale, it shall appear that two-thirds of the qualified voters in each of the parts so taken off vote in favor of being attached to the new county, then that part shall be a part of the county of Trousdale, and the same is hereby declared to be a county, with all the powers, rights and privileges, and subject to all the liabilities and duties with other counties in this State; Provided, however, That if there should not be a two-thirds vote in the Wilson County fraction in favor of said new county, the fractions of Sumner, Macon and Smith shall constitute the county of Trousdale. Provided, the consent of two-thirds of the qualified voters residing in the part so taken off has been legally given.

SECTION 5. That said Commissioners shall appoint Judges and Clerks to hold said election, and also some suitable person as an officer in each place designated in each fraction, who shall have all the powers and perform all the duties imposed by law upon other officers holding elections under the laws of this State, and who shall, after the polls are closed and the vote counted, make out and certify the result and return the same with a copy of the poll books to the Chairman of said Board of Commissioners, who shall, when the returns are all received, in the presence of the said Board proceed to compare the vote and certify the result; and the election therein provided for shall be held on the same day in each of said fractions, and if, for any cause, the election as herein provided shall not be held in any of said fractions on the day appointed, said Board shall provide for another election as herein provided in such fraction.

SECTION 6. That said Commissioners shall have power, and it shall be their duty to mark the boundary lines of said county of Trousdale, guided by the marks and bearings set forth in the second section of this act before the election provided in the fourth section of this act, and it shall be their duty to divide the said county in such number of civil districts as the convenience of the inhabitants may require (but in no event shall there be less than ten civil districts in said county) designating the boundaries of and giving the place of holding in said districts, and they shall perform such other duties as may be necessary to carry out the provisions of this act.

SECTION 7. That said Commissioners shall appoint such suitable persons as they think proper, to open and hold the election for said county of Trousdale, and those so appointed shall have power to appoint Deputies, Clerks and Judges, and, by themselves and Deputies, to administer all the necessary oaths, and do and perform all other duties now imposed upon officers holding similar elections, and such Deputies shall open and hold an election within thirty days after the result of the first election is known, for the purpose of electing a full quota of county officers, which election shall be held in each civil district in said

county of Trousdale, and the officers so elected shall hold their offices until the next regular election of county officers takes place throughout the State; and that the Judges, Clerks and officers hereby appointed, shall hold the elections provided by law for judicial and other officers on the first Thursday in August, 1870.

SECTION 8. That said Board of Commissioners at its first meeting, shall designate a place within the limits of said county of Trousdale where said Board shall meet. They shall meet upon their own adjournment and may be convened at any time by their chairman.

SECTION 9. That the different courts of said county of Trousdale shall be held in the town of Hartsville, and all process issuing from any of said courts returnable to this place shall be legal, and such courts shall be subject to such rules and regulations, and exercise the same powers as courts of similar jurisdiction in other counties. The County Court of Trousdale shall have the powers conferred by law upon County Courts, and meet at the time prescribed by law.

SECTION 10. That when both parties to a suit at law or equity reside in the County of Trousdale, upon application of either party to the Court in which suit is pending, it shall be removed to the new county, and the Clerk of the Court in the old county shall transmit a transcript of the records in such suit to the appropriate Clerk of the new county; and when the defendant to such suit resides within the new county and the plaintiff does not, then upon application of the defendant to the Court in which said suit is pending, it shall be transferred to the appropriate Court of the new county.

SECTION 11. That all officers of the said county shall continue to hold their offices and perform the duties thereof until others are elected and qualified according to law.

SECTION 12. That it shall be the duty of the Tax Collectors of Sumner, Macon, Smith and Wilson Counties, to pay over to the Trustee of Trousdale County, when elected and qualified, that portion of the county tax of said counties which has been collected by said Tax Collectors within the boundaries of Trousdale County for 1870, and the said Trustee's receipt shall be a voucher to said Tax Collectors on settlement with the Trustees of their respective counties.

SECTION 13. That the Commissioners herein provided for shall receive such compensation as may be allowed them by the County Court after the organization of the county.

SECTION 14. That it shall be the duty of the County Court of the said County of Trousdale, within three months after their organization to submit to a vote of the qualified voters of said county the permanent location of the county site, and whatever place receives the highest number of votes shall be the county site.

SECTION 15. That no tax shall be imposed upon the people of said County of Trousdale for the purpose of building a Court-house within four years after its organization.

SECTION 16. That the fractions taken from the Counties of Sumner, Smith, Macon and Wilson, to form the County of Trousdale, shall continue liable for their pro rata of all debts contracts by their respective counties prior to their separation, and be entitled to their proportion of any stock or credit belonging to such old counties; and this act shall take effect from and after its passage, the public welfare requiring it. Passed: June 21, 1870

Change of Boundary Lines

Private Acts of 1929 Chapter 707

SECTION 1. That the County line between Sumner and Trousdale Counties be changed and established as follows: Beginning at a point in the mouth of Canoe Branch where it empties into Cumberland River near Canoe Branch Ferry, and at low water mark, thence in a northerly direction with the southwest margin of the Public Road running from the River at Canoe Branch Ferry to the Castillian Springs and Hunters Point Road to a point where said road intersects with the Castillian Springs and Hunters Point Road, thence eastwardly with the Southern margin of said road about one-fourth mile to an old Oak Stump in the present county line between said Counties, said line as above designated detaches from Sumner County and attaches to Trousdale County the property of Callie Cunningham and perhaps others.

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

Passed: April 11, 1929

Private Acts of 1961 Chapter 215

SECTION 1. That a certain forty-foot roadway easement located in the Twelfth Civil District of Macon

County is hereby detached from Macon County and attached to and the same shall be a part of Trousdale County. Said road is six tenths of a mile in length and begins at the Anna Rankin property line, or the present Trousdale County line, and said road and roadway easement extends in a northwesterly direction to the intersection of the Halltown road or old Lafayette Pike. Said road and roadway easement is also known as the Middle Fork road. That the above-described road and forty-foot roadway easement shall become a part of the Trousdale County road system, and the same shall be under the jurisdiction and supervision of the Trousdale County Highway Department and the same shall likewise be maintained and repaired by the Trousdale County Highway Department.

SECTION 2. That this Act shall have no effect unless the same shall be approved by a two-thirds vote of both the Quarterly County Courts of Macon County and Trousdale County and its approval or non-approval shall be proclaimed by the presiding officer of each of said bodies having jurisdiction to approve or the reverse, and the same shall be certified by them to the Secretary of State.

SECTION 3. That this Act shall take effect from and after its passage, the public welfare requiring it.
Passed: March 8, 1961.

Private Acts of 1961 Chapter 297

SECTION 1. That a certain County forty-foot roadway, or right of way, located in the First Civil District of Sumner County, Tennessee, is hereby detached from Sumner County and the same is hereby attached to and shall become a part of Trousdale County. Said County road is known as the Canoe Branch road, and it begins at the present Sumner County boundary line at the Ed Brozier property line, and extends in a westerly and northwesterly direction for a distance of approximately .55 miles, more or less. The above-described road and forty-foot roadway easement shall become a part of the Trousdale County road system and the same shall be under the jurisdiction and supervision of the Trousdale County Highway Department and the same shall likewise be maintained and repaired by the Trousdale County Highway Department.

SECTION 2. That this Act shall have no effect unless the same shall be approved by a two-thirds (2/3) vote of both the Quarterly County Courts of Sumner County and Trousdale County, and its approval or non-approval shall be proclaimed by the presiding officer of each of said bodies having jurisdiction to approve or the reverse, and the same shall be certified by them to the Secretary of State.

SECTION 3. That this Act shall take effect from and after its passage, the public welfare requiring it.
Passed: March 13, 1961.

Private Acts of 1972 Chapter 713

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

SECTION 1. The boundary line between the counties of Smith and Trousdale is changed so as to detach from Smith County and attach to Trousdale County, the following described property:

A road and roadway easement fifty (50) feet in width, referred to as Smith County Rural Road Project R 7035-(5) beginning at the Carl Dickerson property, the present Smith County and Trousdale County line and extending in a southerly direction three tenths (3/10) of a mile to the intersection of the Young Branch Road at the property of Mrs. Gilbert Dickerson.

SECTION 2. The road and roadway easement detached from Smith County and attached to Trousdale County shall be a part of the Trousdale County Road System and shall be under the jurisdiction and supervision of and maintained and repaired by the Trousdale County Highway Department.

SECTION 3. This Act shall take effect upon becoming a law, the public welfare requiring it.
Passed: March 30, 1972.

Boundaries - Historical Notes

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

1. Public Acts of 1879, Chapter 60, altered the line between Wilson and Trousdale Counties so as to include all the lands of David G. Jackson in Wilson County.
2. Public Acts of 1879, Chapter 137, Section 14, detached from Wilson County all the lands belonging to E. B. Marshall, C. W. Brantley, James Johnson, Clay Massey, T. L. Webster, Pleasant Turner and R. S. Badgeth and attached all of them to Trousdale County.

3. Public Acts of 1885, Chapter 146, moved the property of E. B. Marshall, which was located within the boundaries of Wilson County, about 88 acres, out of Wilson County and into Trousdale.
4. Public Acts of 1889, Chapter 118, recited that the lands of Green Williams were partly located in the Counties of Macon, Sumner and Trousdale. This Act transferred the portions in Macon and Sumner Counties into Trousdale County so that the entire Williams property was located in Trousdale County. The county surveyor of Trousdale County was directed to run and mark the boundaries in accordance with the directives of this Act.
5. Private Acts of 1905, Chapter 86, changed the boundary lines between Smith County and Trousdale County so that all the lands of G. W. Evitts was moved out of the Fourth Civil District of Smith County and into the Second Civil District of Trousdale County.
6. Private Acts of 1909, Chapter 514, transferred a 77 acre tract of land belonging to W. A. Jackson into Wilson County from the 8th Civil District of Trousdale County.
7. Private Acts of 1919, Chapter 787, changed the boundary lines between Macon and Trousdale Counties so that all the lands of those named were moved into Trousdale County. The lands belonged to Albert Creasey, Jeff Carr, B. P. Carr, H. W. Griggs, B. J. Coker, Dan Carr, Henry Hall, William Cook, J. W. Thompson, E. T. Story, and John Seath.

Chapter V - Court System

General Sessions Court

Private Acts of 1939 Chapter 390

SECTION 1. That there is hereby created and established a court in and for Trousdale County, Tennessee, which shall be designated Court of General Sessions of Trousdale County, Tennessee. Said county shall provide a court room at Hartsville, dockets, furnishings and necessary supplies for the equipment and maintenance of said court, and pay for same out of the ordinary funds of said county.

SECTION 2. That the Court of General Sessions is hereby vested with all the jurisdiction and shall exercise the authority conferred by the Legislature upon Justices of the Peace in Civil and Criminal cases, suits and actions; and the Justices of the Peace of said county are hereby divested all such jurisdiction and authority, but any Justice of the Peace elected for any district except the district in which Hartsville is situated, may issue criminal and search warrants against and accept appearance bonds from any person charged with an offense committed in the district for which such Justice of the Peace was elected, and may issue civil process on any cause of action heretofore triable in his district, such warrants and process to be returnable to and triable by said Court of General Sessions. The authority of said Justices of the Peace in their capacity as members of the Quarterly Court or in the performance of the rites of matrimony is in no wise affected by this Act.

SECTION 3. That before the issuance of any warrant in a civil case, the plaintiff shall secure the costs by executing a cost bond with good security in the sum of \$25.00, or by making a cash cost deposit of not less than \$2.50 or more than \$25.00, or shall take the oath prescribed for poor persons, and on motion, the Court may increase the amount of such bond or deposit.

SECTION 4. That the rules of pleading and practice, forms of writs and process, stay of and appeals from judgments in civil cases of said Court shall be same as of Justices of the Peace, except no appeal shall be granted from a judgment dismissing a suit or judgment which does not exceed the amount of \$50.00, exclusive of interest and cost; however, a new trial of said excepted cases may be had and with as full rights as if on appeal to the Circuit Court, provided a petition for a writ of certiorari showing merit and sworn to has been filed with the Circuit Court within ten days from the date of the judgment complained of, and the writ has been granted. No execution shall issue during said period of ten days unless said writ has been previously denied.

SECTION 5. That in all matters the costs and fees of said Court of General Sessions shall be the same as those provided by law for Justices of the Peace. The fees and other compensation of the sheriff, his deputies, constables, Game Wardens and State Highway Patrolmen, Game Wardens and other officers, for services to said court, and the fines and forfeitures adjudged by it shall be handled, accounted for and disbursed as required by law.

SECTION 6. That separate dockets shall be kept in said court for Civil and Criminal cases. Upon the civil docket shall be entered the style of each case, the date of issuance of the warrant or process, and the return of the process, in brief form, action of the court on the case, both interlocutory and final orders,

judgments, executions, garnishments, lists of the fees of the court, the Sheriff, his deputies, Constables, Game Wardens and State Highway Patrolmen for their services, fees of witnesses for attendance et cetera, and credits for payments upon the judgment and upon the costs. All cases shall be indexed and the dockets shall be substantially in the form of those of Justices of the Peace. The Criminal Docket shall be kept in like manner.

SECTION 7. That there shall be one Judge for said Court, with the same qualifications as provided by the constitution of the State of Tennessee for Judges of inferior courts, and the oath and terms of office of said Judge shall be the same as that prescribed for circuit judges and chancellors.

As amended by: Private Acts of 1945, Chapter 10

SECTION 8. That the compensation of said judge shall be Nine Hundred (\$900.00) Dollars per annum, payable in equal monthly installments, on the first day of each month. It shall be paid out of the ordinary funds of the county, and shall not be increased or diminished during the time for which said Judge is elected. Said Judge may practice his profession in the other courts of the State so long as it does not interfere with his duties as Judge of the Court of General Sessions. Provided, further, however, he shall not give advice nor render any legal services in connection with any matter coming within the jurisdiction of his Court.

SECTION 9. That for the purpose of carrying out the provisions of this Act L. E. McKlusky is hereby appointed Judge of the Court of General Sessions for Trousdale County, Tennessee, to serve until the regular election in August, 1940, and until his successor has been elected and qualified. His successor shall be elected by the qualified voters of the county at the election for judicial and other civil officers on the first Thursday of August, 1940, and shall hold said office from the 1st day of September, 1940, until the 1st day of September, 1942, or until his successor is qualified. His successor shall be elected every eight years at such election for the term provided by law for judges of inferior courts.

SECTION 10. That if the Judge of said court fails to attend, cannot preside in a pending cause, or for any reason hold court, a majority of the attorneys present in such court may elect one of their number, who has the qualifications of such a judge, and when elected shall have the same authority as a regular judge to hold the court for the occasion.

SECTION 11. That in the case of a vacancy for any cause the Governor shall have the power to appoint some qualified person to fill such vacancy.

SECTION 12. That the Clerk of the Circuit and Criminal Courts of said county shall act as Clerk of said Court of General Sessions, and when acting as Clerk of said court, shall be designated "Clerk of Court of General Sessions of Trousdale County". The fees, commissions and emoluments of said Court of General Sessions shall accrue to said county. The Clerk of said court shall receive as compensation for his services the sum of Six Hundred (\$600.00) Dollars per annum payable in equal monthly installments, on the first of each month, out of the ordinary funds of said county, and shall pay to said county monthly all fees, commissions and emoluments of said Court of General Sessions.

While receiving compensation for acting as Clerk of this Court of General Sessions the clerk shall receive no compensation for services rendered in any other Court by reason of judgment over cases arising in this Court of General Sessions; and should any such compensation by this Section excluded be paid said Clerk the county chairman issuing warrant for same shall be personally liable to the county for the amount thereof. Provided, further, that the books and records of the Clerk of the Court of General Sessions of Trousdale County shall be audited by the County Audit Commission quarterly and a detailed report made to the County Court at each quarterly session of said County Court.

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

As amended by: Private Acts of 1947, Chapter 464

SECTION 13. That the Sheriff of said county, or any deputy sheriff or constable thereof, shall serve legal processes, writs and papers issued by said court with the same authority as provided by law in the other inferior courts.

SECTION 14. That this Act shall in no wise impair the right, title or interest of any Justice of the Peace of said county to any unpaid fees, or funds in which he had a right or interest in any proceedings, judgment or suit, whether said cause is disposed of or pending when this Act becomes effective.

SECTION 15. That all of the official dockets, records and papers in cases that are undisposed of or pending in the offices of Justices of the Peace of said county at the time this Act become effective shall be delivered to said Court of General Sessions. The official dockets, records and papers in possession of Justices of the Peace of said county in cases which have been completed shall be turned over to said county, as provided by law.

SECTION 16. That said court shall have authority to hear and determine all undisposed of cases arising in the Courts of Justices of the Peace of said county as if such cases had originated in said Court of General Sessions.

SECTION 17. That the Judge of the Court of General Sessions of Trousdale County is hereby given inquisitorial powers in all misdemeanor cases and shall have the authority to go into the facts of all cases brought before him and upon investigation thereof, if, in his opinion, the facts are not sufficient to convict, he shall have the authority to dispose of the same. The Judge of said Court is hereby vested with and shall have interchangeable and concurrent jurisdiction with the Chancery, Circuit, and Criminal Courts to grant fiats and writs of injunction, attachment, and other such action in which fiats are necessary.

As amended by: Private Acts of 1947, Chapter 464

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

SECTION 19. That all laws or parts of laws in conflict with the provisions of this Act be and they hereby are repealed.

SECTION 20. That this Act shall take effect immediately after its passage, the public welfare requiring it.

Passed: March 9, 1939.

COMPILER'S NOTE: See Gregory v. Trousdale County, 193 Tenn. 57, 242 S.W.2d 80 (1951), in which this Act was challenged by the former Clerk of the Circuit and General Sessions Courts of Trousdale County.

Private Acts of 1941 Chapter 264

SECTION 1. That the Court of General Sessions for Trousdale County, Tennessee, is hereby vested with jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before said Court by warrant or information wherein the person charged with such misdemeanor offense enters a plea of guilty or requests a trial upon the merits, and expressly waives an indictment, presentment and a Grand Jury investigation, and a jury trial. In such cases the trial shall proceed before the Judge and without a jury. The final judgment of such court may be appealed to the Criminal Court of Trousdale County, where such appeal shall be tried by a Judge of such court without a jury, and without indictment or presentment.

SECTION 2. That it shall be the mandatory duty of the Judge of the Court of General Sessions when a defendant is brought before such court upon arraignment or trial, to advise such defendant of his constitutional right to the aid of counsel, the right to be tried only upon presentment or indictment by a Grand Jury, the right to make a statement in reference to the accusation or the right to waive such statement, and the right to a trial by jury. Upon the defendant agreeing in writing to waive the right to be put to trial only by presentment or indictment by a Grand Jury and the right to be tried by a jury of his peers, such courts may proceed to hear and determine said case as is provided in Section 1 hereof. Said waiver shall be written or attached to the warrant substantially in words and figures as follows:

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

SECTION 3. That the Clerk of the Criminal and/or Circuit Court of Trousdale County shall act as clerk of said Court of General Sessions in all criminal cases and when acting in such capacity shall be designated "Clerk of Court of General Sessions of Trousdale County." Said Clerk is hereby authorized to perform the duties of the respective parts of said Court of General Sessions in Criminal cases.

As amended by: Private Acts of 1943, Chapter 230

SECTION 4. That in all trials provided by this Act and finally determined in the Court of General Sessions Court, the costs and fees incident to such trial shall be the same as those provided by law for Justices of the Peace and shall be assessed, taxed and certified as now provided by law.

The fees and other compensation of the Sheriff, his Deputies, Constables, Game Warden 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 said Court as those provided by law of the Courts of Justice of the Peace.

Said Costs, fees and mileage of witnesses, the fees, commissions and emoluments of the Sheriff, his Deputies, Constables, State Highway Patrolmen, Game Warden, and other officers, for services to said Court, and the fines and forfeitures adjudged by it shall be handled, accounted for and disbursed as required by law.

As amended by: Private Acts of 1943, Chapter 230

SECTION 5. That in all cases where defendants should be bound over to the Grand Jury of Trousdale County by the Judge of the City of Hartsville such defendant shall be forthwith brought before the Court of General Sessions upon any State's Warrant outstanding, or any State's Warrant or information filed against them, and there arraigned as if such cases originate in the Court of General Sessions as is provided for in Section 1 and 2 of this Act.

SECTION 6. That no warrant or information charging a person with an offense against the laws of the State shall be delivered to any peace officer for the arrest of such person until after an entry in the Misdemeanor Docket has been made by the Clerk showing the names of the person or persons accused, the prosecutor, the officer to whom to be delivered and his signature upon said docket showing receipt of such process. All of such warrants, information, dockets and other records of said Court of General Sessions shall be available to the District Attorney- General for any legal purpose.

SECTION 7. That all bail bonds, recognizance bonds and appearance bonds of persons charged with misdemeanors for their appearance for arraignment or trial in said Court of General Sessions shall be taken by the Clerk of the Criminal and/or Circuit Court.

SECTION 8. That the Legislature expressly declares that each section, paragraph and provision of this Act is severable, and that should any portion of the Act be held unconstitutional or invalid the same shall not affect the remainder of this Act, but such unconstitutional and invalid portion shall be elided, and the Legislature declares that it would have enacted this Act with such unconstitutional and invalid parts elided therefrom.

SECTION 9. That all laws or parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

SECTION 10. That this Act shall take effect thirty days after its passage, the public welfare requiring it.

Passed: February 7, 1941.

COMPILER'S NOTE: See *Gregory v. Trousdale County*, 193 Tenn. 57, 242 S.W.2d 80 (1951), and the rehearing of that same case in 194 Tenn. 670, 254 S.W.2d 753 (1953).

Court System - Historical Notes

Board of Jury Commissioners - Jurors

The following act once affected jurors or boards of jury commissioners in Trousdale County, but is no longer operative.

1. Private Acts of 1955, Chapter 109, created a three member Board of Jury Commissioners for Trousdale County who would be elected by the people for two year terms. The necessary qualifications were specified in the Act. Lloyd J. Donly, Jack A. Key and Hubert Winn were named as the first Board until their successors could be elected. The Clerk of the Circuit Court would serve as Clerk of the Board. The Board would select the names of not less than 300 resident citizens who would comprise the jury list. Between 25 and 20 days before the start of the court term the Board would unlock the jury box and the names of the jurors for that term would be drawn from the box. The Jury Commissioners would receive \$50 per annum compensation plus the same per diem and mileage for each day's service. This Act was rejected by the voters of Trousdale County and consequently never became an effective law because of the Home Rule provisions of the State Constitution.

Chancery Court

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

1. Public Acts of 1870, Chapter 32, divided the State into twelve Chancery Districts assigning to the 6th District the Counties of Wilson, Sumner, Robertson, Montgomery, Stewart, Cheatham and Trousdale, if established.
2. Public Acts of 1870, Chapter 47, established a schedule for the terms of the Chancery Courts for every county in the State. Trousdale County would begin the terms of the Chancery Court on the

third Monday in February and August.

3. Public Acts of 1873, Chapter 12, repealed that part of Public Acts of 1870, Chapter 47, concerning the opening dates of the terms of the Chancery Court for all the counties in the 6th Chancery Division. The terms of the Trousdale Chancery Court would now begin on the first Monday in February and August at Hartsville.
4. Public Acts of 1877, Chapter 47, reset the terms of the Chancery Courts in the 6th Chancery Division shifting Trousdale County to the fourth Monday in January and June at Hartsville.
5. Public Acts of 1879, Chapter 36, rescheduled the terms of the Chancery Courts in the 6th Chancery Division but Trousdale County's Chancery Court would continue to meet on the fourth Monday in January and June.
6. Public Acts of 1883, Chapter 31, amended Public Acts of 1879, Chapter 36, by rearranging the schedule of the Chancery Court terms in the 6th Chancery Division moving Trousdale County to the third Monday in January and June at Hartsville.
7. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the entire lower court system in the State of Tennessee in which eleven Chancery Divisions were formed. The 8th Chancery Division had in it the Counties of Sumner, Robertson, Montgomery, Wilson, Stewart, Houston, Cheatham, Humphreys, and Trousdale whose courts would continue to convene on the third Monday in January and June.
8. Public Acts of 1899, Chapter 427, was a major overhaul of the lower judicial organization in Tennessee. There were ten Chancery Divisions formed of which the Fourth Division was made up of the Counties of Cumberland, Pickett, Overton, Clay, Jackson, Putnam, White, DeKalb, Smith, Macon, Van Buren, Cannon, and Trousdale whose courts would convene at Hartsville on the second Monday in January and July.
9. Private Acts of 1903, Chapter 97, stated that the Chancery Courts in the Fourth Chancery Division would be held as directed in this Act. The Chancery Courts in Trousdale County would begin its terms on the second Tuesday in January and July.
10. Private Acts of 1905, Chapter 120, changed the schedule of opening dates for Chancery Court terms in the Fourth Chancery Division. Trousdale County would call the Chancery Court to meet on the first Tuesday after the second Monday in January and July.
11. Private Acts of 1911, Chapter 507, changed some of the court dates for the Chancery Courts of the counties in the Fourth Chancery Division but Trousdale's Court would continue to meet on the first Tuesday after the second Monday in January and July.
12. Private Acts of 1927, Chapter 40, rearranged the Chancery Court terms for Trousdale, Smith, Macon and Pickett Counties in the Fourth Chancery Division scheduling Trousdale to begin on the second Monday in January and July.
13. Public Acts of 1969, Chapter 198, provided that the Seventeenth Chancery Division be created to serve Wilson, Sumner, Macon, Smith and Trousdale Counties. This act was superseded by the general law codified at T.C.A. 16-2-506.

Chancery Court - Clerk and Master

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

1. Private Acts of 1915, Chapter 190, stated that in Trousdale County the Clerk and Master of the Chancery Court shall receive \$600 per year as salary, but he must file a sworn, itemized statement with the County Judge, or Chairman, each Quarter showing the total amount of fees collected in the office. If the fees did not equal the salary, the County would pay the difference each quarter, but if the fees exceeded the salary, the Clerk and Master could retain the excess.
2. Private Acts of 1917, Chapter 104, amended Private Acts of 1915, Chapter 190, by adding a provision which did not require the Clerk and Master to account for the fees received for transcripts, for commissions on the sale of lands, and for their compensation as receivers and special commissioners, when the Clerk and Master filed the report of fees with the County Judge, or Chairman.
3. Private Acts of 1917, Chapter 305, declared that, in Trousdale County, women over the age of 21 years shall be eligible to the office of Deputy Clerk and Master with all the duties and responsibilities now conferred by law upon that position.
4. Private Acts of 1923, Chapter 597, fixed the amount of the ex-officio or supplemental salary of the Sheriff, the Circuit Court Clerk, and the Clerk and Master of Trousdale County. The Clerk and

Master would be paid \$360 per year over and above and in addition to all the fees of the office, the above amount being payable quarterly out of the regular county funds. This Act was repealed by Private Acts of 1933, Chapter 447.

5. Private Acts of 1925, Chapter 386, fixed the salary of the Clerk and Master of Trousdale County at \$750 per year which amount would be paid quarterly out of the regular county funds on a warrant drawn by the County Judge or Chairman. This salary would be in addition to the fees collected in the office. This Act was also repealed by Private Acts of 1933, Chapter 447.
6. Private Acts of 1933, Chapter 444, authorized the Quarterly Court of Trousdale County to supplement the ex-officio salaries of the Sheriff, the Circuit Court Clerk, and the Clerk and Master whose salary supplement shall not exceed \$750 per year.
7. Private Acts of 1945, Chapter 180, was the authority for the Quarterly Court of Trousdale County to set the salary of the Clerk and Master in an amount not to exceed \$1,000 per year. The fees and the commissions shall continue to be the fees and commissions of the office which the Clerk and Master would retain.

Circuit Court

The following acts were once applicable to the circuit court of Trousdale 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. Public Acts of 1870-71, Chapter 76, attached Trousdale County to the Seventh Judicial Circuit whose Judge would hold the Trousdale County Circuit Court at Hartsville on the first Monday in January, May and September. This Act was repealed by Public Acts of 1879, Chapter 184.
2. Public Acts of 1873, Chapter 22, Section 5, detached Trousdale County from the Seventh Judicial Circuit and attached it to the Fifth Judicial Circuit, changing the terms of Court to begin on the fourth Monday in January, May and September. The Judge of that Circuit would hold the Court and the Attorney-General of that Circuit would prosecute the cases in Trousdale County.
3. Public Acts of 1875, Chapter 137, Section 6, provided that after June 1, 1875, the Circuit Court of Trousdale County would begin its terms on the fourth Monday of April, August, and December.
4. Public Acts of 1877, Chapter 26, stated that the term of the Circuit Court in Trousdale County which began on the fourth Monday in December shall hereafter begin on the third Monday in December and all process shall be made to conform to that date.
5. Public Acts of 1879, Chapter 184, stated that since some question had been raised about the constitutionality of Public Acts of 1873, Chapter 22, this Act was passed so as to remove any doubt. Trousdale County was hereby attached to the Fifth Judicial Circuit and court would be held on the fourth Monday of April and August and the third Monday of December.
6. Public Acts of 1881, Chapter 92, rearranged the terms of Court for the Circuit Courts of the 5th Judicial Circuit which included the counties of DeKalb, Smith, Jackson, Clay, Putnam, White, and Trousdale whose Courts would convene on the first Tuesday after the fourth Monday in April and August, and on the first Tuesday after the third Monday in December.
7. Acts of 1885 (Ex. Sess.), Chapter 20, constituted a major reorganization of the lower judicial structure in Tennessee in which fourteen judicial circuits were formed. The Fifth Circuit was composed of the counties of Pickett, Fentress, Cumberland, Putnam, Overton, Clay, Jackson, Smith, Macon and Trousdale where the Circuit Court would start on the first Tuesday after the third Monday in March, July and November.
8. Public Acts of 1887, Chapter 12, rescheduled the dates for opening the terms of the Circuit courts in the 5th Judicial Circuit moving Trousdale County to the fourth Monday in March, July and November.
9. Acts of 1891 (Ex. Sess.), Chapter 3, changed the dates for the terms of the Circuit Courts in the 5th Judicial Circuit including Trousdale County whose courts would commence on the second Monday after the fourth Monday in March, July and November.
10. Public Acts of 1897, Chapter 43, Section 6, amended Acts of 1885 (Ex. Sess.), Chapter 43, to reschedule the times for holding court in the Fifth Judicial Circuit. Trousdale County's Circuit Court would meet on the third Monday in April, July and November.
11. Private Acts of 1897, Chapter 294, amended Public Acts of 1897, Chapter 43, to reset the terms of the Circuit Courts of the Counties in the 5th Judicial Circuit listing them as Putnam, White, Overton, Pickett, Clay, Jackson, Macon, Smith, Cumberland, and Trousdale whose court would meet on the second Monday after the fourth Monday in March, July, and November.

12. Acts of 1899, Chapter 83, amended Private Acts of 1897, Chapter 294, to change the dates for the terms of the Circuit Court in Trousdale County to the third Monday in March, and the second Monday after the fourth Monday in July and November.
13. Acts of 1899, Chapter 357, amended Private Acts of 1897, Chapter 294, by changing the terms of the Circuit Courts in Macon, Smith, and Trousdale Counties. Trousdale would start the Circuit Court terms on the third Monday in March, and the fourth Monday in July and November.
14. Public Acts of 1899, Chapter 427, reorganized the lower court system in Tennessee into fourteen Judicial Circuits. The Fifth Judicial Circuit contained the counties of Pickett, Cumberland, Putnam, Overton, Clay, Jackson, Smith, Trousdale, White, and Macon. The Circuit Court would begin in Trousdale County on the second Monday after the fourth Monday in March, July and November.
15. Private Acts of 1901, Chapter 324, fixed the terms of the Circuit Court for all the counties in the 5th Judicial Circuit. Trousdale was changed to the fourth Monday in March, July and November.
16. Private Acts of 1907, Chapter 122, stated that the Circuit Courts for the counties of the 5th Judicial Circuit would be held as scheduled in this Act. Trousdale County was scheduled for the fourth Monday in March, July and November.
17. Public Acts of 1967, Chapter 10, removed Jackson, Smith, Macon, Trousdale and Wilson Counties from the Fifth Judicial Circuit for civil jurisdiction purposes and placed these counties in a new Twenty-fifth Judicial Circuit with a new circuit judge. This act was superseded by the general law codified at T.C.A. 16-2-506

Circuit Court - Clerk

The following acts have no current effect, but once applied to the Trousdale 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. Private Acts of 1919, Chapter 206, provided that the Circuit Court Clerk of Trousdale County shall receive \$600 as his annual salary provided a sworn, itemized statement showing all the fees collected by the office is filed quarterly with the County Judge, or Chairman. Fees for transcripts and commissions received on sales of land and while serving as a receiver were exempted. If the fees were less than the salary, the county would pay the difference to the Clerk. If the fees exceeded the salary, the Clerk would pay the excess to the County.
2. Private Acts of 1923, Chapter 597, set the ex-officio or supplementary salaries for the Sheriff, the Clerk and Master, and the Circuit Court Clerk of Trousdale County. The Circuit Court Clerk would receive, in addition to all the fees and commissions of the office, the sum of \$240 per year, payable quarterly. This Act was repealed by Private Acts of 1933, Chapter 447.
3. Private Acts of 1931, Chapter 107, Pages 244, fixed the ex-officio salary of the Circuit Court Clerk of Trousdale County at \$600 per year which would be paid quarterly out of regular County funds on the warrant of the County Judge, or Chairman. This salary was in addition to and over and above all the fees and emoluments of the office. This Act was repealed by Private Acts of 1933, Chapter 447.
4. Private Acts of 1933, Chapter 444, allowed the Quarterly Court of Trousdale County in their discretion to supplement the ex-officio salaries of the Sheriff, the Clerk and Master, and the Circuit Court Clerk but the salary supplement of the Circuit Court Clerk could not exceed \$840 per year.
5. Private Acts of 1945, Chapter 66, was the authority for the Quarterly Court to fix the salary of the Circuit and Criminal Court Clerks in an amount not to exceed \$125 per month. All the fees of the office would be paid over to the general fund of the County, it being the intention of this Act that the Clerk only be compensated by the salary fixed in the Act.

Criminal Court

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

1. Private Acts of 1907, Chapter 85, created the Criminal Court of the Fifth Judicial Circuit in the following counties: White, Putnam, Cumberland, Overton, Pickett, Clay, Jackson, Macon, Trousdale, and Smith. Court would be held in Trousdale County on the fourth Monday in March, July and November. The Circuit Court Clerk would serve as Clerk of the Criminal Court. The Judge of this Court would also hold the Circuit Courts in Pickett, Macon and Trousdale counties.
2. Private Acts of 1909, Chapter 547, amended Private Acts of 1907, Chapter 85, to reset the terms for the Criminal Courts in Trousdale and Smith Counties. Trousdale Criminal Court would meet on the first Monday after the fourth Monday in March, July and November.

3. Private Acts of 1911, Chapter 648, amended Private Acts of 1907, Chapter 85, so as to change the opening dates for Smith and Trousdale counties. The Criminal Court in Trousdale County would meet on the fourth Monday in March and November and the first Monday in August.
4. Public Acts of 1978, Chapter 798, created a criminal court for the Twenty-Fifth Judicial Circuit, designating judges and other officials of the criminal court for Division II of the Fifth Judicial Circuit as the judges and officials of the criminal court of the Twenty-fifth Judicial Circuit. This act was superseded by the general law codified at T.C.A. 16-2-506.

District Attorney General - Assistants and Criminal Investigators

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

1. Private Acts of 1907, Chapter 381, created the office of Assistant Attorney- General in the Fifth Judicial Circuit who would serve at the pleasure of and in accordance with the assignments of the District Attorney. The Assistant Attorney General would be at least 25 years of age, learned in the law, and would be paid a salary of \$1,800 per year. This Act was repealed by Private Acts of 1919, Chapter 166, page 396.

General Sessions

The following acts once affected the general sessions court of Trousdale County, but are no longer in effect and are included herein for reference purposes.

1. Private Acts of 1961, Chapter 52, created and established the office of Night Judge for the General Sessions Court of Trousdale County, who would be subject to call and be able to perform all the duties of the General Sessions Judge at night and after the regular hours of the Court. The regular Judge would be permitted to serve as the Night Judge and he would be compensated at the rate of \$35 per month for this extra duty. This Act was not approved by the Quarterly Court of Trousdale County and never became an effective law.
2. Private Acts of 1974, Chapter 368, would have transferred all the jurisdiction of the County Judge in juvenile and probate matters to the Court of General Sessions of Trousdale County. This Act was not approved by the Quarterly County Court and never took effect.

Chapter VI - Education/Schools

Board of Education

Private Acts of 1945 Chapter 461

SECTION 1. That in all Counties in Tennessee having a population of not less than 6,100 nor more than 6,123, according to the Federal Census of 1940, or any subsequent Federal Census, there is hereby created a Board of Education which shall be composed of five members to be elected by the Quarterly Court of said County.

SECTION 2. That at the regular July, 1946, meeting of the Quarterly Court there shall be elected to said board a resident of the first or second civil district who shall serve for one year; another member to said Board shall be elected from the third or fourth civil district of said county who shall serve for two years; a third member of said board shall likewise be elected from the fifth or sixth civil district who shall serve for three years; a fourth member of said board shall be elected from the seventh district of said county who shall serve four years; and the fifth member of said board shall be elected from the eighth, ninth or tenth district and he shall serve for a period of five years.

SECTION 3. That the members of said board elected as described in Section 2 hereof shall take office on the first Monday in September, 1946, and that at the meeting of the Quarterly Court in July preceding the expiration of a member's term of office his successor shall be elected from the respective districts from which the member was elected to said board to succeed those elected at the July, 1946, term shall serve for a period of five years, it being the intention of this Act that the term shall be five years but that not more than one new member shall be elected in any one year.

The term of office for the members of the Board of Education of Trousdale County shall be for a term of seven years. Beginning at the July Term, 1963 and at each July Term thereafter, the Quarterly County Court of Trousdale County shall elect the members of the Board of Education for a term of seven years preceding the expiration of their present term of office. In addition to the foregoing, the Quarterly County

Court of Trousdale County at the July Term, 1963 is hereby directed and authorized to appoint two additional members to said Board of Education, and their term of office shall be for seven years and until their successors are elected and qualified. Provided further, that one (1) of the additional members shall be resident and elected from the Seventh Civil District of said County. The other additional member shall be elected from the County at large. Provided that such Board members shall receive twenty-five dollars (\$25) per day and the Chairman shall receive thirty dollars (\$30) per day for each day's actual attendance at meetings of said Board.

As amended by: Private Acts of 1963, Chapter 106, Page 341,
Private Acts of 1975, Chapter 63, Page 219.

SECTION 4. That members of said board shall receive \$3.00 for each regular or duly called meeting except that the chairman shall receive \$4.00, the same to be paid from the general fund of the county.

SECTION 5. That the duties and powers of said Board of Education shall, except as provided by this Act, be the same in all things as provided by the general law of the State of Tennessee applying to the County Board of Education.

SECTION 6. That if any Section or part thereof of this Act shall be declared unconstitutional, the invalidity of such Section or part thereof shall not affect the validity of remainder of said Act.

SECTION 7. That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed and this Act shall take effect on July 1, 1946, the public welfare requiring it. Passed: February 26, 1945

Retirement Pay

Private Acts of 1941 Chapter 61

SECTION 1. That the County Boards of Education and/or County Board of School Commissioners of Counties of this State having a population of not less than 6,100, nor more than 6,113, according to the Federal Census of 1940, or any other subsequent Federal Census, shall pay out of the County School Fund to any teacher who has taught in the public schools of said Counties and who is seventy years of age, or over, and who has taught in said public schools for thirty or more school years, and who wishes to retire, or has retired from serving in said public schools, an annual pension equal to two-thirds of the salary received by said teacher in the last year of service in said public schools.

SECTION 2. That the Board of Education and/or the County Board of School Commissioners shall have the authority to direct the retirement upon like pension, pensions required in the first Section of this Act, of any teacher over seventy years of age who has taught in said public schools for thirty years or more school years.

SECTION 3. That in computing the period of teaching in said public schools under the terms of this Act said period need not be consecutive, provided, that the aggregate period of teaching by any teacher in said public schools equals the time provided in this Act.

SECTION 4. That all laws and parts of law in conflict with the provisions of this Act be and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it. Passed: January 22, 1941.

Superintendent

Private Acts of 1959 Chapter 48

SECTION 1. That, in all counties in Tennessee having a population as described in the caption, a county superintendent of education shall be elected by the people at the regular August election of county officers, for a four-year term, to take office September 1 thereafter, the compensation therefor to be as now provided by law. So as not to abridge the term of office of the present incumbent the first election hereunder shall be held in August 1960, the person elected to take office at the expiration of the term of the present incumbent, to serve until September 1, 1964.

SECTION 2. That if any section or part of this Act should be declared unconstitutional, the invalidity thereof shall not affect the validity of the remainder.

SECTION 3. That this Act shall be void and of no effect unless the same shall be approved by a majority of voters voting in a special election to be held for such purpose. Within sixty (60) days after the approval of this Act by the Governor, it shall be the duty of the Trousdale County Board of Election Commissioners to call a special election to be held in said County and said election shall be held not less than thirty (30)

nor more than sixty (60) days from the date of such call for the purpose of approving or rejecting the provisions of this Act. The ballots used in such election shall have printed thereon the provisions of this Act and the voters shall vote for or against its adoption. The vote cast at such election shall be canvassed by the County Board of Election Commissioners on the first Monday occurring five (5) or more days after the date of such election and the result thereof shall be proclaimed by such Election Commission and certified to the Secretary of State at Nashville. The qualification of the voters voting in said election shall be the same as now required of voters casting their ballot for members of the General Assembly and all laws applicable to general elections shall apply to the election to be held hereunder, the public welfare requiring it

As amended by: Private Acts of 1959, Chapter 139

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

Passed: _____.

COMPILER'S NOTE: The date the Act passed was left blank in the original Act.

Education/Schools - Historical Notes

Board of Education

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

1. Public Acts of 1873, Chapter 25, established a uniform system of public schools in Tennessee which would be administered by a State Superintendent, County Superintendents, and District School Directors. Three Directors would be elected by the people of the district to three year terms.
2. Private Acts of 1907, Chapter 236, abolished the office of District Directors and established a Board of Education for most counties in the State, assisted by a District Board of Advisors. The Quarterly Court was directed to divide the county into five school districts, composed of whole civil districts, from each of which one member of the Board would be elected by the Quarterly Court. The Superintendent would serve as Secretary. The duties of the Chairman, the Secretary, and the Board members were enumerated in the Act. A three member Advisory Board would be elected by the people in each district, who would serve two year terms and discharge the duties specified for them in the Act.
3. Private Acts of 1909, Chapter 327, amended Public Acts of 1873, Chapter 25, to provide for a County Board of Education in Trousdale, Houston, and Shelby counties, composed of one member from each civil district, the County Judge or Chairman of the County Court, and the County Superintendent of Public Instruction who would be ex-officio Chairman of the Board. The Superintendent would appoint the initial members of the Board but their successors would be elected by popular vote in each civil district to two year terms. The duties of the Chairman, the Secretary who would be selected by the members, and the Board members themselves were all specifically enumerated in the Act. No member of the Board would be compensated under this Act.
4. Private Acts of 1941, Chapter 233, created a Board of School Commissioners in which was vested the administration, management, supervision, and control of the school system in Trousdale County. The Commissioners would be elected by the voters of the District for two year terms, one from each Civil District except the Seventh where two would be elected. The Board would have all the powers of a Board of Education which the general law conferred. A special election would be held to select the first members and vacancies would be filled in the same way. The Board would hold regular meetings on the first Monday in June, September, December and March. The Chairman would be paid \$4, and the members, \$3, per day but not for over 15 days in one year. The Superintendent of Public Instruction would serve as ex officio Secretary to the Board keeping minutes of all the meetings but having no vote. This Act was repealed by Private Acts of 1943, Chapter 226.
5. Private Acts of 1943, Chapter 227, created a Board of Education composed of eleven members, one member from each Civil District and two from the District of the county seat, who would be elected for two years by the people of the District wherein they resided. The Act named L. S. Carman, John Gregory, Jesse Merryman, Dan B. Carr, Donnie Thompson, H. M. Byars, E. A. Brown, A. A. Lauderdale, Benton King, R. B. Piercy, and Eddie Harris, to serve as members until their successors could be elected in August, 1944. The Chairman would be paid \$4 per day, and the members of the Board would receive, \$3 for each day served in that capacity. The Board

would have and exercise all the powers and privileges given to the Boards of Education under the general law of the State. This Act was repealed by Private Acts of 1945, Chapter 459.

6. Private Acts of 1955, Chapter 102, formed a seven member County Board of Education to be elected at large by the people of the County for two year terms. Carl Dickerson and Lawrence Thompson were named to fill the two additional spots created by this Act, and the incumbent members of the Board would remain in office until their successors could be elected. All general school laws in effect and not in conflict with the provisions of this Act would prevail. The efficacy of this Act was made subject to an affirmative referendum vote. This Act was rejected by the voters of Trousdale County and never became effective.
7. Private Acts of 1959, Chapter 47, set up a seven member County Board of Education who would be chosen at large by the Quarterly Court of Trousdale County to staggered terms with successors to be elected one each year for permanent seven year terms. In all other respects the Board would be subject to the general education laws of the State. This Act was not approved by the Quarterly Court which action rendered it null and void.

Superintendent or Director of Schools

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

1. Private Acts of 1941, Chapter 464, provided for the popular election of the County Superintendent of Schools for Trousdale County beginning at the general election in August, 1942, beginning the term on January 1, 1943, and every two years thereafter, but provided further, that Brown Draper, the present Superintendent shall serve through December 31, 1942. The candidates must file satisfactory proof of their qualifications for the job before having their name placed on the ballot. The salary for the position will be \$2,000 per year, half of which shall be paid by the State. This Act was repealed by Private Acts of 1945, Chapter 462, Page 1427.
2. Private Acts of 1945, Chapter 462, repealed Private Acts of 1941, Chapter 464, effective on September 1, 1948.
3. Private Acts of 1947, Chapter 456, amended Private Acts of 1945, Chapter 462, by making its repeal of Private Acts of 1941, Chapter 464, effective immediately.
4. Private Acts of 1955, Chapter 103, declared that the County Superintendent of Education in Trousdale County shall be elected for a two year term by a popular vote in the manner and at the time of the general election of other county officials. The salary of the position would be the same as was fixed under the general education law. The Superintendent was allowed to employ one other person to assist in the operation of the office at a salary to be determined by the rules of the general education law. The Superintendent shall make and keep a list of all purchases over \$100 which shall be published in some newspaper. This Act was rejected by the voters of the county which action rendered the Act null and void.

General Reference

The following acts constitute part of the administrative and political heritage of the educational structure of Trousdale 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. Private Acts of 1909, Chapter 494, provided that in Trousdale County, any parent, guardian, or other person legally responsible for the control of any child over eight years of age and under fourteen years of age shall cause that child to attend some public school at least four months or eighty days consecutively each year. Some exceptions were made. Parents could be fined \$1 per day for each day the child was absent. This Act was repealed by Public Acts of 1978, Chapter 716.
2. Private Acts of 1911, Chapter 221, amended Private Acts of 1909, Chapter 494, so as to include Knox County within its provisions. This Act was repealed by Public Acts of 1978, Chapter 716.
3. Private Acts of 1911, Chapter 306, was identical to Private Acts of 1911, Chapter 221. This Act was repealed by Public Acts of 1978, Chapter 716.

Chapter VII - Elections

Elections - Historical Notes

Districts - Reapportionment

The act listed below once affected the civil districts in Trousdale County, but is no longer operative regarding elections.

1. Private Acts of 1955, Chapter 184, redistricted part of Trousdale County, defining the Seventh Civil District as all the territory of the present Seventh Civil District lying east of the center line of Little Goose Creek. The new 8th Civil District consisted of all the territory of the present 8th Civil District plus that part of the old 7th District lying west of Little Goose Creek, all being subject to the approval of the electorate in a referendum. This Act was also rejected by the people of Trousdale County rendering it null and void.

Elections

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

1. Public Acts of 1871, Chapter 154, apportioned Tennessee for Representation in the General Assembly. Wilson, Trousdale, and DeKalb Counties would jointly elect one Representative, and the 9th State Senatorial District had in it the counties of Macon, Smith, Clay, Trousdale, Sumner, and Jackson.
2. Acts of 1872 (Ex. Sess.), Chapter 7, provided for the representation of Tennessee in the U.S. Congress, forming nine U. S. Congressional Districts. The 5th District was composed of the counties of Robertson, Cheatham, Davidson, Sumner, Wilson, Trousdale, and DeKalb.
3. Public Acts of 1873, Chapter 27, reapportioned the State into ten U. S. Congressional Districts of which the Fourth District had in it the counties of Fentress, Overton, Putnam, Jackson, Clay, Macon, Smith, Trousdale, Wilson, Sumner, and Robertson.
4. Public Acts of 1881 (Ex. Sess.), Chapter 5, fixed the number of Senators at 33 and the number of Representatives at 99 in the General Assembly, which would be the composition of that body on a permanent basis.
5. Public Acts of 1881 (Ex. Sess.), Chapter 6, redistricted the representation of the General Assembly in accordance with Public Acts of 1881 (Ex. Sess.), Chapter 5, and the 1881 enumeration. Trousdale, Sumner, and Smith Counties would jointly elect one Representative and Trousdale County joined Sumner and Robertson Counties as the 12th State Senatorial District.
6. Public Acts of 1882 (2nd Ex. Sess.), Chapter 27, apportioned the Counties of Tennessee into ten U. S. Congressional Districts. The Fourth District comprised the Counties of Sumner, Wilson, Macon, Trousdale, Smith, DeKalb, Clay, Jackson, Putnam, Overton, Fentress and Pickett.
7. Acts of 1891 (Ex. Sess.), Chapter 10, apportioned the General Assembly according to the latest enumeration. Trousdale, Sumner and Wilson Counties would share one of the 99 Representatives as the Ninth District, and Trousdale, Macon, and Sumner Counties constituted the 14th State Senatorial District.
8. Public Acts of 1901, Chapter 109, formed the counties of Tennessee into ten U. S. Congressional Districts. The Fourth District was made up of the counties of Sumner, Wilson, Putnam, Trousdale, Jackson, Clay, Overton, Smith, Macon, Pickett, Fentress, Morgan, Cumberland, and Rhea.
9. Public Acts of 1901, Chapter 122, reapportioned the State for the General Assembly. The 14th State Senatorial District contained the counties of Sumner, Trousdale, and Macon while the same counties would also share one Representative as the 14th State Representative District.
10. Private Acts of 1937, Chapter 272, made the general election laws of the State apply to all the primary elections in Trousdale County. The officer of elections shall be selected by the political party holding the election and the officers would conduct the election as was provided by the general law. The Executive Committee of the political party would prepare the ballots whose candidates must meet the qualifications established in this Act. The regular Registrar would serve in all primary elections of his party, and would appoint an additional Registrar to serve with him. The cost of the primary election would be assumed by the party conducting it. This Act was repealed by Private Acts of 1943, Chapter 299.
11. Private Acts of 1937, Chapter 743, amended Private Acts of 1937, Chapter 272, by changing the date of the first primary election to be held under the auspices of that Act from April, 1938, to September 1937, on the first Saturday in the month, and biennially thereafter.
12. Private Acts of 1945, Chapter 13, stated that the Quarterly Court of Trousdale County was hereby authorized to pay the Registrars of the County for attending to the duties of that office in an

amount not to exceed \$50 per month.

13. Private Acts of 1949, Chapter 552, established two voting precincts in the Seventh Civil District of Trousdale County. All voters residing north of Goose Creek shall vote at the school house and constitute one voting precinct. All voters residing south of Goose Creek shall vote at the Courthouse and be the other precinct. The Sixth Civil District would constitute one voting precinct which would vote at the Walnut Grove School-house.
14. Private Acts of 1951, Chapter 60, amended Private Acts of 1949, Chapter 552, by setting up two precincts for voting in the 6th Civil District, one at the Walnut Grove schoolhouse and the other at the Barthelia schoolhouse. The voters in the 6th Civil District were permitted to vote in either of the precincts.
15. Private Acts of 1955, Chapter 185, declared that the new Seventh Civil District shall constitute one voting precinct and all the voters residing therein shall vote at the Trousdale County High School. The voters in the new 8th Civil District would vote at the Courthouse which was also classed as a precinct. All of the above was subject to affirmation by the people in a referendum but this Act was rejected by the people of the County and thus rendered ineffective.

Chapter VIII - Health

Currently, there are no Private Acts.

Chapter IX - Highways and Roads

Memorial Bridge

Private Acts of 1982 Chapter 544

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

WHEREAS, the state of Tennessee has recently completed construction of a new bridge across the Cumberland River on Highway 141 South in Trousdale County; and
WHEREAS, such bridge was constructed to replace the old Coleman Winston Memorial Bridge; and
WHEREAS, it is desirable to many local residents to have the new bridge named Coleman Winston Memorial Bridge; now, therefore.

SECTION 1. The new bridge across the Cumberland River on Highway 141 South in Trousdale County is hereby designated as the "Coleman Winston Memorial Bridge". The Tennessee department of transportation is hereby directed to erect appropriate memorial plaques at each end of the bridge.

SECTION 2. This Act shall take effect July 1, 1981, the public welfare requiring it.

Passed: February 1, 1982.

Road Law

Private Acts of 1983 Chapter 38

SECTION 1. There is hereby created a Trousdale County Board of Highway Commissioners. Said Board shall consist of three (3) members, the County Executive, the County Superintendent of Roads, hereinafter provided for, and a citizen and free-holder of the County, elected by the County Legislative Body at its regular January meeting in January, 1985, and every two (2) years thereafter. Such citizen and freeholder shall not be an elected official of the County. The member so appointed shall serve a two (2) year term and until his successor is elected. The adoption of this Act shall not operate to alter the term of the current appointed member of the Board of Highway Commissioners, Clide Marshall, who was appointed in January 1983 for two a (2) year term.

SECTION 2. Said Board of Highway Commissioners shall not receive, directly or indirectly, any benefit, interest or profit arising out of any work or contract, nor any gift or gratuity from any person or corporation interested in any work or contract under the supervision or control of the Board. Any violations of this Act shall be deemed a misdemeanor and upon conviction shall be punishable by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or imprisonment in the

county jail or both in the discretion of the Court.

The salary of each member of the Board of Highway Commissioners, except the County Superintendent of Roads, shall be the sum of six hundred dollars (\$600.00) per year, payable quarterly.

SECTION 3. There is hereby created the office of County Superintendent of Roads who shall be elected by the qualified voters of Trousdale County, who shall hold office for a term of four (4) years and until a successor is elected and qualified. Such election shall be held at the regular August election and each term shall begin on September 1 after said election. Persons seeking the office of County Superintendent of Roads must comply with the procedure and have the necessary qualifications for the office of chief administrative officer as established in the County Uniform Highway Law in Tennessee Code Annotated, Section 54-7-104, prior to their name being placed on the ballot for such office. The County Superintendent of Roads shall devote his full time to the duties of his office and shall receive compensation as provided in the County Uniform Highway Law. The adoption of this act shall not operate to alter the term of the current Superintendent of Roads, Charles Beasley, who was elected in August 1980 to serve a four (4) year term.

SECTION 4. The Board of Highway Commissioners, hereinafter referred to as the Board, shall have general supervision of the expenditure of all road funds, whether said funds be collected from a direct tax levy by the County Legislative Body or whether they be received from the state or federal government or from whatever source received. Said Board shall have supervision over the location, relocation, construction, reconstruction, repair and maintenance of the county road system, including bridges. The Board shall classify the roads and highways in the county road system and shall designate which roads, highways and bridges shall be worked by the county highway department. The Board may adopt any procedures necessary for classifying the roads in the county, endeavoring at all times to apportion the work and improve as equally as possible all roads according to their importance and/or condition.

SECTION 5. The Board shall superintend the letting of all contracts for construction and repair of all roads, bridges, culverts, ferries and other matters pertaining to said roads and highways and for the purchasing of supplies, materials and equipment for use on or in connection with the same. All such contracts and purchases shall be made in full compliance with the County Uniform Highway law and the provisions of T.C.A., Section 54-7-113. No contract shall be entered into except at a regular meeting of the Board with at least two (2) members present and agreeing thereto, which assent shall be entered upon the Minute Book and signed by at least two (2) members before same shall become operative or binding. Provided, however, that in case of emergency, the County Superintendent of Roads may make such emergency purchases as necessary in accordance with the emergency purchase provisions of the County Uniform Highway Law in T.C.A., Section 54-7-113(c)(1)(C). A full report of such emergency purchases shall be made at the next meeting of the Board, otherwise the Superintendent shall be personally responsible for said purchases and not the County.

SECTION 6. It shall be the duty of the Board of Highway Commissioners to meet at least every thirty (30) days at the office of the Superintendent of Roads. The County Executive shall be the Chairman of the Board of Highway Commissioners. Two (2) members of the Board shall constitute a quorum for the transaction of business. A minute record of all transactions of the Board shall be kept in the office of the Superintendent of Roads.

SECTION 7. The Superintendent of Roads shall have all duties, responsibilities and authorities prescribed, in the County Uniform Highway Law, for the chief administrative officer under that law. The Superintendent of Roads shall execute a bond in accordance with and in the amount required by the County Uniform Highway Law in T.C.A., Section 54-7-108, for the faithful performance of his duties, prior to entering upon the duties of the office.

SECTION 8. The Superintendent shall make and keep on file at his office and in the office of the County Clerk a map or maps showing the location of all roads in the county which will be worked by the county highway department. Such maps shall be updated from time to time as necessary but at least annually.

The Superintendent shall keep himself informed as to the needs and conditions of all roads and shall have immediate charge of the work, repair, construction, maintenance and altering, and changing, of such roads, and shall have immediate charge of all the highway supplies, equipment and personnel of the county highway department. He shall make all contracts regarding such roads and the material, machinery, and supplies, subject to the approval of the Board, and shall be liable on his official bond for the faithful performance on the part of any contractor with whom he deals with respect to such matters and for his protection he is hereby authorized to require bond or bonds from said contractors. He shall be the active agent

through whom the Board exercises the powers and duties conferred upon it. He shall sign all warrants for the payment of the road and highway funds, and all warrants and orders for the county's pro rata share of

the gasoline tax (county aid fund), which when countersigned by the County Executive, shall be paid by the County Trustee. Provided, however, in cases of absence, sickness or refusal on the part of the County Executive to countersign warrants and orders on the gasoline tax fund (county aid fund) when approved by the Board as herein provided, the Board by a vote of two (2) members of said Board may designate one of its members to countersign said warrants or orders against the road funds in his hands, notifying the County Executive of such action on their part.

The Superintendent shall make and keep, and file with the County Executive monthly, an itemized statement showing a true account of all funds spent and the purposes for which each warrant was issued, showing to whom all the money went. He shall make and submit quarterly to the County Legislative Body, a report showing the expenditures of all funds of the county highway department.

SECTION 9. At the time the County Legislative Body shall levy taxes for other purposes, it shall levy a road tax for the purpose of building public roads and bridges and repairing and maintaining same, which tax shall not be more than seventy-five cents (75¢) upon the One Hundred Dollars (\$100.00) worth of taxable property. Said road tax shall be assessed and collected in the same manner as any other property taxes and held by the Trustee subject to the order of the Board; provided, that it shall not be compulsory upon the taxable property of the County unless it appears that the funds being received as the County's share of the gasoline tax (county aid fund) is not sufficient to maintain and build the roads in a satisfactory manner, in which event it shall be the duty of said County Legislative Body to levy a County road tax as hereinabove provided.

SECTION 10. That it shall be unlawful for the Board or Superintendent to expend or to issue any warrants on the Trustee for road purposes or any orders on the gasoline tax fund (county aid fund) unless the funds shall at that time be already in the hands of the Trustee or a County tax levy shall have been made in sufficient amount to cover the same; provided, however, that said Board shall have the right to anticipate as much as one month of the County's pro rata share of the gasoline tax (county aid fund) due from the State; and provided further; that nothing herein shall prevent the Board from entering into a contract authorizing the expenditure of more money than is then on hand with the Trustee or for which a tax levy has not been made, provided that said funds can reasonably be expected to be available at the time said expenditure will be due according to the terms of said contract. Any member of the Board violating this section, or casting a vote known at the time to be in violation of this section shall be guilty of a fraudulent Breach of Trust and shall be punished in accordance with the law providing for the punishment of said offense.

SECTION 11. The Superintendent of Roads and the Board of Highway Commissioners shall not authorize or knowingly permit county road equipment, materials, supplies or labor to be used for any private use or for the use or benefit of any individual for private purposes. Failure to see that this provision is enforced is a misdemeanor, punishable, upon conviction, by a fine of not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) or confinement in the county jail for a period of not less than ten (10) days nor more than thirty (30) days or both in the discretion of the court. Any employee of the county road department who shall use any truck or other road equipment, rock, crushed stone or other road material for his personal use, or sell or give away the same shall be immediately discharged. No truck or other road equipment or any road material shall be used to work private roads or for private purposes of owners thereof. Any person whose property is improved by having road material placed thereon in violation of this Act or the County Uniform Highway Law shall be liable to suit for the value of such improvements.

SECTION 12. That public roads may be opened, or changed at any time by the Board upon its own motion or upon application of any citizen of the County and section affected. All applications to open, close or to change roads shall be made by written petition addressed to the Board, stating its purpose and giving the general directions and description of the road involved, and the facts showing the necessity for the road or change proposed, which petition shall be considered by the Board within ten (10) days after it is filed, and it shall be a misdemeanor in office for said Board to fail or refuse to act on said petition within ten (10) days after it is filed, and the members thereof shall be subject to removal from office for such failure of action on such petition. But the Board, in its discretion, may either grant or refuse the road or change petitioned. In case the petition is allowed and a road is to be opened or changed, the parties whose lands are to be affected or touched by the proposed road shall be served with a five (5) days written notice if they are residents of the State, and if non-residents of the State said notice shall be served on their agents or attorneys, and if no resident agent or attorney, then said notice shall be mailed to the parties last known address at least fifteen (15) days before action is taken and also published in some newspaper in the County at least fifteen (15) days before action is taken. Said notice shall state when and where the Board will be present to take action in the premises, and at said time and place, said Board shall be present and hear any matter the interested parties may present and act in the premises. The Board shall lay out the proposed road or change, and summon three (3) freeholders, who, after first being duly sworn, shall constitute a jury of view, and who shall proceed to condemn such land

as may be necessary and assess the damages therefor. In assessing damages, the jury of view shall take into consideration the increase in value, if any, which the improvement on the road will make in the lands affected, and shall assess the damages in accordance with the tax valuation of the lands affected. The record of all of which shall be filed in the office of the Superintendent. Either the Board or any of the interested parties may appeal from said assessment or action of the jury of view to the Circuit Court and from the Circuit Court to other appellate Courts in the usual way. Where parties appeal, bonds for cost and damages or pauper's oath shall be required. The jury of view shall each receive twenty-five dollars (\$25.00) per day for their services. The damages and such costs as may be properly taxed against the County shall be paid by the Trustee on the order of the Superintendent, properly countersigned by the County Executive.

SECTION 13. That the Grand Jury shall have inquisitorial powers over all offenses committed under this Act, and this Act shall be given especially in charge to the Grand Jury by the Circuit and Criminal Judges.

SECTION 14. The Trousdale County Board of Highway Commissioners, Superintendent of Roads and the county highway department are subject to the provisions of the County Uniform Highway Law found in Tennessee Code Annotated, Sections 54-7-101 et seq. and to the provisions of this Act. Any conflicts in this Act with the County Uniform Highway Law shall be resolved in favor of the County Uniform Highway Law.

SECTION 15. All Act (sic) or parts of Acts in conflict with this Act are hereby repealed. The provisions of this Act are hereby declared severable. If any of its sections, provisions, exceptions, sentences, clauses, phrases or parts be held unconstitutional, unconstitutional in application or void, the remainder of this Act shall continue in full force and effect, it being the legislative intent that this Act would have been passed even if such unconstitutional or void matter had not been included herein.

SECTION 16. This Act shall have no effect unless it shall be approved by two-thirds (2/3) majority of the County Legislative Body of Trousdale County. Its approval or nonapproval by that body shall be certified by the presiding officer to the Secretary of State.

SECTION 17. For the purpose of approving or rejecting the provisions of this Act, it shall become effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon adoption as provided in Section 16.

Passed: March 10, 1983.

Highways and Roads - Historical Notes

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

1. Private Acts of 1909, Chapter 386, created a five member Board of Public Road Commissioners in Trousdale County who would be chosen for two year terms by the County Court which would also fill all vacancies. No State, County, or City official was eligible to serve on the Board. They would organize by selecting a Chairman and Secretary from their membership. The Board would receive such compensation as fixed by the County Court. The Board would manage and control the roads and bridges in the county exercising such powers as were expressed in the Act and necessarily implied, which included the employment of a civil engineer or surveyor to assist them. The Board would assign road hands to work areas, including the prisoners in the county workhouse. The County Court would levy a special road tax of five to twenty-five cents per \$100 property valuation, and fix the number of days to be worked between five and fifteen for all males between the ages of 21 and 65. The Board may select as many Road Overseers as necessary who would be paid \$1.25 a day. The rate of pay for commutation was 75 cents for labor and \$2.50 for a wagon and team. The Board would handle in a proper manner all requests to open, close, or change roads.
2. Private Acts of 1911, Chapter 439, was a road law for both Trousdale and Macon counties. A five member Board of Public Road Commissioners was created whose members would be elected by the Quarterly Court to two year terms. No State, County or City official could serve on the Board, nor could any member have any personal interest in any contract or transaction. The members would be compensated as the Quarterly Court directed. The Board would be in charge of all roads, bridges, road hands, and county prisoners, could employ a civil engineer or surveyor to aid them, and must make such records, maps, plats, and street guides as necessary to classify and index all the public roads. The Quarterly Court must levy a special road tax from ten to thirty cents per \$100 property valuation. All males between ages of 21 and 50 must work the number of days between four and six decided by the Court or commute at the rate of 75 cents for labor and \$2.50

- per wagon and team. The Commissioners could appoint as many Overseers as needed to be in immediate charge of the sections of road who would be paid \$1 per day. The Board would have the power to open, close, or change roads.
3. Private Acts of 1919, Chapter 208, was a Road Law applicable only to Trousdale County and was substantially a repetition of prior laws creating the five member Board of Public Road Commissioners insofar as their powers and duties were concerned. The limits on the special road tax to be levied by the Quarterly Court was from 15 to 40 cents per \$100 property valuation, and the Act made males from 21 to 50 subject to road duty of between five and ten days per year. Two dollars was allowed for a day's labor and \$5 for the use of a double team, wagon, and driver. Provisions for opening, closing, or changing roads were essentially the same as in previous Acts.
 4. Private Acts of 1921, Chapter 113, created a three member Board of Public Road Commissioners who would be elected by the Quarterly Court to two year terms. The powers of the Board were similar to those granted in previous Acts. The special road tax levy was to be fixed between 20 cents and 50 cents, and the number of days for road work between five and ten, as set by the Court. Road overseers would be paid \$1.50 a day. A road hand could commute by paying \$1 for each day not worked, and those with teams and wagons had to pay \$3 to commute for one day. This Act was repealed by Private Acts of 1935, Chapter 27.
 5. Private Acts of 1921, Chapter 594, amended Private Acts of 1921, Chapter 113, by reducing the minimum amount of the road tax specified in that Act from twenty cents to five cents. This Act was repealed by Private Acts of 1935, Chapter 27.
 6. Private Acts of 1921, Chapter 801, recited in the preamble that certain counties have purchased from private enterprise turnpikes and ferries at a great cost to the taxpayers, which turnpikes are now falling into a state of disrepair because of a lack of funds to be spent for that purpose, but they need to be kept up, therefore, this Act allows the Quarterly Courts of the counties to reopen the toll gates on the turnpikes to produce revenue as they may direct, charging such tolls as they may deem proper, and to designate the Road Commissioners as Turnpike Commissioners to supervise the roads. All funds derived from the reopening of the toll gates shall be used exclusively to repair the said roads. When other funds became available, these roads would become free public roads. This Act was repealed by Private Acts of 1935, Chapter 27.
 7. Private Acts of 1925, Chapter 600, provided that in Trousdale County one Road Commissioner shall be elected by the people for a two year term, the first election to be at the regular August election in 1926, the term of office to being immediately after the election. The duties of the member would be as prescribed by law, and his compensation would be \$3.50 per day for each day actually worked.
 8. Private Acts of 1927, Chapter 498, provided for a County Road Commissioner who would be elected at the regular August election in 1928 for a term of four years, taking office on September 1, following. The salary would be \$100 a month with the Commissioner furnishing his own transportation, but, if his work carries him out of the county, the county would pay his expenses. He would control and manage all the roads, bridges, workhouse and jail, road hands and laborers on the county roads. He may employ a civil engineer or surveyor to assist him. The Commissioner would supervise all materials, machinery and tools, assign the same to areas where needed, conduct the annual settlements with overseers, and keep sufficient records of all receipts and disbursements. The special road tax limitations were fixed at 20 to 50 cents per \$100, and the days to be worked would be fixed by the Court between five and ten. Overseers would be paid \$2 a day. Road hands could commute at the rate of \$1.50 per day. The County Road Commissioner would handle applications to open, close or change roads. This Act was repealed by Private Acts of 1935, Chapter 27.
 9. Private Acts of 1931, Chapter 106, provided for a County Road Commissioner in Trousdale County who would be elected for a four year term at the regular August election in 1932, and take office on the first Monday in September following. The Road Commissioner would receive a salary of \$150 per month but must furnish his own transportation. He could use gas and oil from the county tanks while performing his duties. The Commissioner would have control and management of roads, bridges, the workhouse and jail, and the laborers on the roads. He could employ a civil engineer or surveyor to assist in laying out roads, making maps, plats, and surveys, and assist in other ways as the best interests of the county might dictate for which he would fix the compensation. He may erect a suitable building for a garage or warehouse. The special road tax levied by the County Court would run from 20 to 75 cents per \$100, and the males subject to road work in the county must work from six to twelve days as the Court should decide. If the tax did not produce sufficient revenue, additional taxes could be levied. Commutation fees were set at \$5 per year for laborers. This Act was repealed by Private Acts of 1935, Chapter 27.

10. Private Acts of 1931, Chapter 109, amended Private Acts of 1927, Chapter 498, by increasing the salary of the County Road Commissioner from \$100 to \$150 per month. This Act was repealed by Private Acts of 1935, Chapter 27.
11. Private Acts of 1935, Chapter 31, established a three member Board of Highway Commissioners composed of the Chairman of the County Court, the County Superintendent of Roads, and one resident citizen who would be appointed by the Quarterly Court to a two year term. The Act named Jack B. Carey to serve on the Board as the citizen member until the first Monday in January, 1937. Compensation, except for the Superintendent of Roads, would be \$3 per day up to \$100 a year. The Superintendent of Roads, whose salary was set at \$100 per month, would be elected by popular vote for four year terms, and must furnish his own transportation for which he would be given gasoline and oil. Walter J. Beasley would serve as Road Superintendent until his successor was elected. The Commissioners, who would be in charge and control of all the aspects of the county road system, the road funds, the materials and supplies, the machinery and equipment, and all the personnel, were required to meet at least once every thirty days. Purchases of over \$500 had to be done through solicitation of bids. The special road tax could not exceed 75 cents per \$100. Males between the ages of 21 and 50, must labor on the roads the number of days between six and twelve which was fixed by the Quarterly Court, or pay \$1 for each day missed. Overseers must work six days but would be paid \$2 for every day over that. Applications to open, close or change roads would be made to the Commission.
12. Private Acts of 1935, Chapter 525, amended Private Acts of 1935, Chapter 31, by rewriting the section concerning the office of County Superintendent of Roads. This new section appointed Walter J. Beasley as the first County Superintendent of Roads who would hold office until the regular August election of 1938.
13. Private Acts of 1935 (Ex. Sess.), Chapter 92, was a virtual duplicate of Private Acts of 1935, Chapter 525, except for the addition of an additional qualification for the office of County Superintendent of Roads. This qualification would render ineligible any person who had served as County Road Commissioner for as long as four years in the eight year period preceding the August, 1936 election. This provision of the Act was declared unconstitutional in the case of *Beasley v. Cunningham*, 171 Tenn. 334, 103 S.W.2d 18 (1937), because it unreasonably deprived the defendant of a constitutional privilege.
14. Private Acts of 1943, Chapter 217, amended Private Acts of 1935 (Ex. Sess.), Chapter 92, by removing the restriction of serving only two consecutive terms from the County Superintendent of Roads. The people of Trousdale County were also specifically given the right to elect whomsoever they chose to the office of County Superintendent of Roads.
15. Private Acts of 1945, Chapter 64, amended Private Acts of 1935 (Ex. Sess.), Chapter 92, by increasing the monthly salary of the County Superintendent of Roads from \$100 to \$150 per month, and by removing the requisite that purchases over \$500 must be advertised and bids taken under the procedures established in that Act.
16. Private Acts of 1949, Chapter 95, amended Private Acts of 1945, Chapter 64, by raising the monthly salary of the County Superintendent of Roads from \$150 to \$200.
17. Private Acts of 1953, Chapter 575, was a road law for Sequatchie County but which used population figures from the 1950 Federal Census which would also make the law applicable to Trousdale County. The Act provided for a full time Road Supervisor to be popularly elected to a term of two years.
18. Private Acts of 1955, Chapter 359, would have given Trousdale County a new Road Law, repealing Private Acts of 1935 (Ex. Sess.), Chapter 92, but this Act was not approved in a referendum election and never became effective. This Act created the office of Superintendent of Roads who would be the executive head of the Department of Roads at a \$3,000 annual salary. He would have general and immediate supervision over all the facets of the road program in Trousdale County. He would be elected to a four year term by popular vote beginning in 1956.
19. Private Acts of 1957, Chapter 233, amended Private Acts of 1935 (Ex. Sess.), Chapter 92, by adding a new Section to that Act which provided for the Superintendent of Roads to be reimbursed for all necessary and legitimate expenses incurred by him in the execution of the duties of his office but not to exceed \$100 per month. The amount of his approved expenses would be added to the warrant paying him his salary each month, after he had filed a sworn, itemized statement of the same, which would be approved by the County Judge. This Act was repealed by Private Acts of 1972, Chapter 217.
20. Private Acts of 1957, Chapter 234, recited in its preamble that Private Acts of 1935 (Ex. Sess.), Chapter 92, as amended, was enacted to provide a county road system for Trousdale County, and

that Private Acts of 1953, Chapter 575, was intended to provide a county road system for Sequatchie County but had unintentionally included Trousdale County within its provisions, therefore this Act declared Private Acts of 1935 (Ex. Sess.), Chapter 92, as amended, to be in full force and effect in Trousdale County.

21. Private Acts of 1967-68, Chapter 380, amended Private Acts of 1935 (Ex. Sess.), Chapter 92, to increase the monthly salary of the County Superintendent of Roads from \$200 to \$350.
22. Private Acts of 1967-68, Chapter 381, amended Private Acts of 1935 (Ex. Sess.), Chapter 92, by raising the compensation of the members of the Board of Highway Commissioners from \$3 per day spent in service to \$300 a year, payable quarterly.
23. Private Acts of 1972, Chapter 217, amended Private Acts of 1935 (Ex. Sess.), Chapter 92, to increase the monthly salary of the County Superintendent of Roads from \$350 to \$500 in an Act which was properly ratified by the Quarterly Court.
24. Private Acts of 1974, Chapter 253, amended Private Acts of 1935 (Ex. Sess.), Chapter 92, to increase the salary of the County Superintendent of Roads from \$500 per month to \$10,000 a year.
25. Private Acts of 1974, Chapter 254, amended Private Acts of 1935 (Ex. Sess.), Chapter 92, to raise the compensation of the members of the Board of County Highway Commissioners from \$300 to \$600 a year, payable quarterly.
26. Private Acts of 1979, Chapter 8, amended Private Acts of 1935 (Ex. Sess.), Chapter 92, to revise the salary of the members of the Board of Highway Commissioners from \$10,000 to \$14,122.88 annually, and to further provide that the Superintendent of Roads would draw the same salary as that of the Property Assessor, the Sheriff and the Trustee of Trousdale County.

Chapter X - Law Enforcement

Law Enforcement - Historical Notes

Jails and Prisoners

The following act once affected jails and prisoners in Trousdale County, but is no longer operative.

1. Private Acts of 1943, Chapter 254, authorized the Quarterly Court of Trousdale County to compensate the county jailer in an amount at their discretion, but not to exceed \$1 per day per prisoner.

Offenses

Some counties in Tennessee have made various activities illegal within their boundaries by the enactment of private legislation. The acts briefly summarized below fell into this category in Trousdale County.

1. Private Acts of 1907, Chapter 359, made it unlawful after the passage of this Act to erect or construct a building, the principal material of which is wood or similar combustible material, within two hundred feet of the Courthouse in Trousdale County. Those guilty of violating this Act could be fined from \$100 to \$500 plus costs, and, in addition, shall also pay the cost of the removal of the building.
2. Private Acts of 1911, Chapter 346, declared it to be unlawful to erect or construct a building, the principal material of which is wood or a similar combustible material, within two hundred feet of the Courthouse in Trousdale County. Those guilty of the same could be made to remove the building and pay a fine from \$100 to \$500 plus costs of the suit. If the owner refused to remove the structure offending, others could do so and the owner could be compelled to defray the expenses thereof.

Sheriff

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

1. Private Acts of 1915, Chapter 353, stated that the Sheriff of Trousdale County would receive an annual salary of \$750, payable semi-annually, provided he files a sworn, itemized statement with the County Judge, or Chairman, showing the total amount of fees collected and all income from every source with the exception of all fees for boarding prisoners and turnkeys. The Sheriff was prohibited from donating his fees to anyone. If the fees failed to equal the amount of the salary,

the county would pay the difference.

2. Private Acts of 1921, Chapter 927, declared that the Sheriff would be paid \$1,200 annually in Trousdale County, payable quarterly, on the warrant of the County Judge, or Chairman, provided that the Sheriff file a sworn, itemized statement quarterly with the County Judge, or Chairman, showing the amount of fees collected and the source of all the income of the office except those fees for boarding prisoners and turnkeys, and those allowed for court officers. It was unlawful for the Sheriff, or his deputies, to donate their fees to anyone.
3. Private Acts of 1923, Chapter 597, set the ex-officio or supplementary salaries of the Sheriff, the Circuit Court Clerk, and the Clerk and Master of the Chancery Court. The Sheriff would receive the sum of \$800 annually, payable quarterly, in addition to all the fees of the office. This Act was repealed by Private Acts of 1933, Chapter 447.
4. Private Acts of 1933, Chapter 444, permitted the Quarterly Court of Trousdale County in their discretion to supplement the ex-officio salaries of the Sheriff, but he would not be allowed more than \$800 per annum.
5. Private Acts of 1945, Chapter 65, authorized the Quarterly Court of Trousdale County to set the salary of the Sheriff of the county in an amount which would not be greater than \$100 per month.

Chapter XI - Taxation

Adequate Facilities Tax

Private Acts of 2000 Chapter 71

SECTION 1. This chapter shall be known and cited as the "Trousdale County Adequate Facilities Tax".

SECTION 2. As used in this act, unless a different meaning appears from the context:

- (a) "Building" means any structure built for the support, shelter, or enclosure of persons, chattels, or movable property of any kind; the term includes a mobile home. "Building" does not mean any structures used primarily for agricultural purposes.
- (b) "Building Permit" means a permit for development issued in Trousdale County, whether by the county or by any city therein.
- (c) "Certificate of Occupancy" means a license for occupancy of a building or structure issued in Trousdale County, whether by the county or by any entity therein.
- (d) "Commercial" means the development of any property for commercial use, except as may be exempted by this act.
- (e) "Development" means the construction, building, erection, or improvement to land providing a building or structure or the addition to any building or structure, or any part thereof, which provides, adds to, or increases, the floor area of a residential or commercial use.
- (f) "Dwelling Unit" means a room or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease on a daily, weekly, monthly, or longer basis; physically separated from any other room(s) or dwelling units which may be in the same structure; and containing independent cooking and sleeping facilities.
- (g) "Floor Area" for residential development means the total of the gross horizontal area of all floors, including basements, cellars, or attics which is heated and/or air-conditioned living space, or designed to be finished into heated and/or air-conditioned living space at a future date.
- (h) "Governing Body" means the County Commission of Trousdale County, Tennessee.
- (i) "Person" means any individual, firm, co-partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or other group or combination acting as a unit, and the plural as well as the singular number.
- (j) "Place of Worship" means that portion of a building, owned by a religious institution which has tax-exempt status, which is used for worship services and related functions; provided, however, that a place of worship does not include buildings or portions of buildings which are used for purposes other than for worship and related functions or which are not intended to be leased, rented or used by persons who do not have tax-exempt status.
- (k) "Public Buildings" means a building owned by the State of Tennessee or any agency thereof, a political subdivision of the State of Tennessee, including but not necessarily limited to counties,

cities, school districts and special districts, or the federal government or any agency thereof.

(l) "Public Facility or Facilities" means a physical improvement undertaken by the county or city, including, but not limited, to the following: roads and bridges, parks and recreational facilities, jails and law enforcement facilities, schools, libraries, government buildings, fire stations, sanitary landfills, water, wastewater and drainage projects, airport facilities and other governmental, capital improvements benefiting the citizens of the county and/or city.

(m) "Residential" means the development of any property for a dwelling unit or units.

SECTION 3. It is the intent and purpose of this act to authorize Trousdale County to impose a tax on new development in the county payable at the time of issuance of a building permit so as to ensure and require that the persons responsible for new development share in the burdens of growth by paying their fair share for the cost of new and expanded public facilities made necessary by such development.

SECTION 4. Engaging in the act of new development within Trousdale County, except as provided in Section 6 herein, is declared to be a privilege upon which Trousdale County may, by resolution of the governing body, levy a tax.

SECTION 5. The governing body shall, by resolution, adopt administrative guidelines, procedures, regulations and forms necessary to properly implement, administer and enforce the provisions of this act.

SECTION 6. This act shall not apply to development of:

- (a) Public buildings;
- (b) Places of worship;
- (c) Barns or outbuildings used for agricultural purposes;
- (d) Replacement structures for previously existing structures destroyed by fire or other disaster;
- (e) A structure owned by a non-profit corporation which is a qualified 501(c)3 corporation under the Internal Revenue Code;
- (f) Permanent residential structures replacing mobile homes where the mobile home is removed within thirty (30) days of the issuance of the certificate of occupancy for the permanent residential structure, provided that the permanent structure is a residence for the owner and occupant of the mobile home and that owner and occupant have resided on the property for a period of not less than three (3) years; and
- (g) Buildings moved from one (1) site within the county to another site within the county.

SECTION 7. For the exercise of the privilege described herein, Trousdale County may develop a tax rate schedule by which residential and commercial uses are classified by type for the purpose of imposition of the tax authorized herein.

SECTION 8. The tax established in this act shall be collected at the time of application for a building permit for the development as herein defined by the county or city official duly authorized in such jurisdiction to issue building permits or certificates of occupancy. The revenue collected from this tax shall be collected by the county building inspector, and the proceeds deposited with the County Trustee and used exclusively for capital projects including, but not limited to, debt service related to such improvements or projects, in the general fund, school fund, special revenue funds, highway fund, debt service fund or other capital project funds as designated by resolution of the board of County Commissioners of Trousdale County. No building permit for development as herein defined shall be issued in Trousdale County unless the tax has been paid in full to the county.

SECTION 9. The authority to impose this privilege tax on new development in Trousdale County is in addition to all other authority to impose taxes, fees, assessments, or other revenue- raising or land development regulatory measures granted either by the private or public acts of the State of Tennessee and the imposition of such tax, in addition to any other authorized tax, fee, assessment or charge, shall not be deemed to constitute double taxation.

SECTION 10. The provisions of this act shall in no manner repeal, modify or interfere with the authority granted by any other public or private law applicable to Trousdale County. This act shall be deemed to create an additional and alternative method for Trousdale County to impose and collect taxes for the purpose of providing public facilities made necessary by new development in the county.

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

SECTION 12. This act shall have no effect unless it is approved by a two-thirds (2/3) majority of the Legislative Body of Trousdale County. Its approval or non-approval shall be proclaimed by the presiding officer of the Legislative Body and certified to the Secretary of State.

SECTION 13. 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 12.

Passed: May 22, 2000

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

1. Private Acts of 1911, Chapter 411, Page 1141, amended Public Acts of 1907, Chapter 602, which addressed itself to tax collection in the State, by setting the annual salary of the Tax Assessors in several counties. Under the terms of this Act, Trousdale County would pay its Tax Assessor \$300 annually out of the general county fund.
2. Private Acts of 1921, Chapter 885, Page 2707, stated that in Trousdale County, the Tax Assessor would be paid \$500 a year, payable semi-annually on the first day of January and July out of the regular funds in the county treasury. This Act was repealed by Private Acts of 1923, Chapter 598, Page 2226.
3. Private Acts of 1941, Chapter 72, Page 248, fixed the salary of the Tax Assessor of Trousdale County at \$600 a year, payable monthly out of the regular county funds on the warrant of the County Judge or Chairman.
4. Private Acts of 1949, Chapter 550, Page 1524, stated that in Trousdale County, the Tax Assessor would be paid the sum of \$900 a year, payable on the first day of each month in equal installments, which would come out of the regular funds of the County on properly drawn warrants.

Taxation

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

1. Public Acts of 1870-71, Chapter 50, Page 58, stated that counties and cities may levy taxes for county and municipal purposes if the following requisites were observed, (1) that all property be taxed according to its value upon the principles established for State taxation, and (2) that the credit of no county or city be loaned to any person, firm, or corporation, unless it is first agreed to by a majority of the Quarterly County Court and then to a referendum vote of the people wherein it must be approved by a three-fourths majority. Several counties, including Trousdale County, exempted themselves for the next ten years from the requirement of the three-fourths approval by the people stating that a simple majority approval would be sufficient.
2. Private Acts of 1963, Chapter 137, providing for a litigation tax in all civil and criminal actions in general sessions, circuit and chancery court with the proceeds being divided between the county general fund and the "Courthouse and Jail Maintenance Repair Fund" was repealed by Private Acts of 1990, Chapter 144.

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