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# Sevier

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

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## Sevier



Sevier County Courthouse

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## Chapter I - Administration

### Budget System

### County Audit

### Private Acts of 1931 Chapter 203

**SECTION 1.** That the provisions of this Act shall apply to all counties that have a population of not more than 20,490 nor less than 20,475, according to the Federal Census of 1930, or any subsequent Federal Census.

**SECTION 2.** That the Chairman or Judge of the County Court of all counties within the provisions of this Act shall, arrange and contract for an audit of all the following county offices, sheriff, trustee, register, the clerks of all the courts, the office of county judge or chairman, the Board of Education, Poor House Commission, all highway or pike commissioners; said audit to be annual and to be as of the last day of September of each year and said audit shall be made by or under the certification of a certified Public Accountant who is duly qualified under the law of this State and shall be for the purpose of ascertaining the correct financial condition of such office or officer in respect to all public funds, coming or that should have come into said office or officer, during the period covered by said audit.

**SECTION 3.** That this audit shall be made and promptly reported to the Chairman or County Judge of said county; and that the same shall be submitted to the consideration of the County Court at its next special or regular term of Court after the October Court; and that said audit shall be in lieu of the work and reports of the County Revenue Commissioners; and that the counties affected by this Act shall not at its July Court elect Revenue Commissioners.

**SECTION 4.** That all laws and parts of laws in conflict with this Act be and the same are hereby repealed and that this Act take effect from and after its passage, the public welfare requiring it.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: February 3, 1931.

### Private Acts of 1941 Chapter 543

**SECTION 1.** That in all Counties having a population of not less 23,285 nor more than 23,305 according to the Federal Census of 1940 or any subsequent Federal Census, it shall be unlawful for any County official operating under a budget to exceed the same during any budgetary period.

**SECTION 2.** That any official violating the provisions of this Act be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$500.00 and shall forfeit his office.

**SECTION 3.** That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed, and this Act take effect from and after its passage, the public welfare requiring.

Passed: February 15, 1941.

## Administration - Historical Notes

### Budget System

The following acts once created a budgeting system for Sevier County, but they have been specifically repealed or superseded by current law.

1. Private Acts of 1976, Chapter 223, would have amended Private Acts of 1941, Chapter 543, by deleting the words in Section 2 "and shall forfeit his office," but the Quarterly County Court of Sevier County rejected this act and it never became an effective law under the Home Rule Amendment to the State Constitution which required local approval.

### County Attorney

1. Private Acts of 1933, Chapter 880, created the office of County Attorney for Sevier County, using the 1930 Census figures, who would be elected by the Quarterly County Court for four year terms, the first one to be elected at the April term in 1933. Any vacancy occurring would be filled by the court. The Quarterly County Court would also set his salary between \$600 and \$900 per year, payable monthly out of regular county funds. The County Attorney would give legal advice and aid to all county officials, transact the legal business of the county, meet with the County Court and represent the county in all its litigation. The court was permitted to appropriate money to pay the

expenses incidental to the office under certain conditions and could pay additional fees to the County Attorney for extraordinary, or special services rendered by him. This act was specifically repealed by Private Acts of 1941, Chapter 121, below.

2. Private Acts of 1941, Chapter 121, expressly repealed Private Acts of 1933, Chapter 880, above.
3. Private Acts of 1941, Chapter 538, created the position of county solicitor. The first Solicitor would serve from the first Monday in April, 1941, until the regular election in August, 1942, wherein a successor would be elected for a four year term. The salary was set at \$1,200 per year, payable monthly and any vacancy would be filled by appointment of the County Judge until a successor could be elected at the next general election. The county would pay necessary expenses when the same were verified by a sworn, itemized statement. The duties of the Solicitor, who must be a licensed attorney, were quite similar to those mentioned in the prior act concerning the County Attorney with the responsibility of collecting delinquent taxes being added, but all fees to which he might be entitled as delinquent tax attorney would be paid to the County. Mr. O. M. Connatser was named as the first Solicitor for Sevier County.
4. Private Acts of 1949, Chapter 318, specifically repeals Private Acts of 1941, Chapter 538, above, but with the provision that this Act would not become effective until the expiration of the current term of the Solicitor for the county.
5. Private Acts of 1980, Chapter 308, would have empowered the county legislative body of Sevier County to employ legal counsel. This Act was either rejected or never acted upon, thereby rendering it void.

### **County Legislative Body**

1. The following acts once applied to the quarterly court or the county legislative body of Sevier County and are included herein for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.
2. Acts of 1794, Chapter 11, is the Act which created Sevier County and provided that the Court of Pleas and Quarter Sessions would meet on the last Monday in January, April, July and October at the house of Isaac, or at whatever place in the county to which the Justices might adjourn until a courthouse is built.
3. Acts of 1795, Chapter 7, changed the time for the meetings of the Quarterly County Court of Sevier County to the first Monday in, January, April, July and October, appointed commissioners to erect a courthouse and prison, and to establish a town.
4. Acts of 1797, Chapter 6, set the time for the regular meetings of the Court of Pleas and Quarter Sessions for Sevier County on the second Monday in February, May, August and November.
5. Acts of 1809, Chapter 93, set the times for the start of the regular terms of the Courts of Pleas and Quarter Sessions for every county in the State. Sevier County's Quarterly Court would meet on the third Monday in March, June, September and December.
6. Acts of 1820 (Ex. Sess.), Chapter 89, changed the regular court terms of the Quarterly County Court of Sevier County to the first Monday in March, June, September and December with all process made to conform to those dates. This act further ordered that some lawsuits, filed in Sevierville against various people for breaches of the laws of that town, based upon warrants issued from Justices of the Peace, and which have found their way into the County Court and the Quorum Court of the county and would be heard by those justices of the Quorum Court, be tried by Justices who were not on the Quorum Court.
7. Acts of 1855-56, Chapter 246, permitted the town of Sevierville to elect an additional Justice of the Peace for that city at an election to be held on the first Saturday in the coming month of April.
8. Private Acts of 1919, Chapter 564, provided that the compensation of the Justices of the Peace should be \$2.50 per day for each day's attendance at a regular, or called, meeting of the Quarterly County Court. They would also be paid mileage, as now required by law, of five cents per mile going to and returning from the court when the Justices lived more than five miles from the county seat; mileage payments being restricted to one day per term of court.
9. Private Acts of 1949, Chapter 149, stated that in Sevier County, using the population figures of the 1940 Census, the per diem payments to all Justices of the Peace duly elected and qualified for attending regular or special sessions of the Quarterly County Court shall be \$5.00 per day to be paid according to law.
10. Private Acts of 1955, Chapter 393, would have increased the per diem payments of the members of the Quarterly County Court for attendance at its regular or special meetings to \$10 per day, but this act was not approved at the local level and therefore did not become a law because of the

Home Rule Amendment to the State Constitution.

11. Private Acts of 1971, Chapter 195, increased the per diem compensation of the Justices of the Peace to \$25 per day in attendance at any regular or special meeting of the Quarterly County Court and repealed Private Acts of 1919, Chapter 564 above, and Private Acts of 1949, Chapter 149. This Act was properly ratified by the Quarterly Court but has been superseded by T.C.A. Section 5-5-107 which sets the minimum compensation of members of the county legislative body for attendance at meetings in counties of the fourth population class, including Sevier County, at \$30 per day.

### **County Mayor**

The references below are of acts which once applied to the office of county judge, or county executive in Sevier County. They are included herein for historical purposes only. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1855-1856, Chapter 253, created the post of County Judge for every county in the State, who would hold office for four years except for the first one who would hold until the next general county election after the passage of this act. The Quorum Courts of the county were abolished and their jurisdiction conferred upon the County, as well as the responsibilities of the Chairman of the County. The court's jurisdiction was outlined in Section 6. In addition, the County Judge would be the accounting officer and general agent of the county, his powers and duties as such being enumerated. The Judge would be paid \$5.00 per day when holding Monthly or Quarterly Courts and the Court could award him additional compensation for his other duties as they might desire. This act was repealed by Acts of 1857-58, Chapter 5, which also restored the Quorum Courts.
2. Public Acts of 1857-58, Chapter 38, again created the position of County Judge for Davidson, Shelby, Knox, Montgomery and Williamson Counties, and was later made to apply to Sevier County. The Judge would be learned in the law and elected to serve eight years, the first election to be held on first Saturday in March, 1858. The remainder of this act is virtually a verbatim copy of the terms and conditions of Acts of 1855-1856, Chapter 253, outlined above. This Act was cited as constitutional in Grainger County v. State, 111 Tenn. 277, 80 S.W. 750 (Tenn. 1904).
3. Private Acts of 1859-60, Chapter 176, made the Public Acts of 1857-1858, Chapter 38, above, applicable to Sevier County. Arrangements were made for the Sheriff to hold the election. The Judge would receive \$3.50 per day for sitting on the monthly and quarterly courts. This act required a referendum to be held before becoming effective.
4. Private Acts of 1935, Chapter 667, created the office of County Judge and appointed C. A. Temple, the chairman of the County Court, to the post, to hold it until the next regular election in August, 1936, when a successor would be elected to serve until September 1, 1942, and at that time, a Judge would be chosen to serve the full eight year term. The County Court would fill vacancies until the next general election. The Judge must be over 30 years of age and a resident of the county. The office of Chairman of the County Court was abolished and the duties of it assigned to the Judge who would fill the office and preside over the Court. The monthly court would be held on the first Monday of each month until the docket was completed and the Quarterly Court was slated to convene on the first Monday in April, July and October. The Judge was also designated to be the accounting officer and general agent. His salary was set at \$1,500 per year. This act was repealed by Private Acts of 1941, Chapter 487, below.
5. Private Acts of 1941, Chapter 487, expressly repealed Private Acts of 1935, Chapter 667, above, to take effect on the first Monday in October, 1942, to which date the present County Judge would continue to occupy the office mentioned above.
6. Private Acts of 1949, Chapter 850, as amended by Private Acts of 1957, Chapter 324, created the office of county judge and appointed E. T. King, the chairman of the County Court, to the post, to hold it until the next regular election in August, 1950, when a successor would be elected.
7. Private Acts of 1976, Chapter 222, amending Private Acts of 1973, Chapter 73, as amended by Private Acts of 1975, Chapter 105, would have given concurrent jurisdiction in all probate matters to the County Judge and the Trial Justice Court, but the act was disapproved by the Sevier County Quarterly Court and never took effect as a result.

### **County Register**

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

1. Private Acts of 1857-58, Chapter 128, provided that all written instruments required to be registered under the state law, where the same have been registered in Sevier County, upon production of a certified copy of the document, and upon proof that the other was burned in the

fire in March, 1856, the copy may be duly registered and will be valid in all things as if it had been the original.

### **Planning/Zoning**

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

1. Private Acts of 1989, Chapter 76, established planning and zoning regulations for areas not under the jurisdiction of a municipal, regional, or community planning commission. The regulations required anyone wishing to subdivide land to submit a plan of the proposed divisions to the Sevier County Commission Transportation Committee for approval of all roads.
2. Private Acts of 1995, Chapter 24, expressly repealed Private Acts of 1989, Chapter 76, in its entirety.
3. Private Acts of 2000, Chapter 110, authorized an advisory referendum relative to zoning in Sevier County to determine the will of the people regarding whether the county commission should adopt a zoning plan for unincorporated portions of Sevier County.

### **General Reference**

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

1. Acts of 1795, Chapter 7, recited that the act to appoint commissioners to erect a court house, prison, and stocks in Sevier County had proved ineffectual. This act appointed Peter Bryan, Joshua Gist, Mordecai Lewis and John Clark as Commissioners to act in conjunction with the Commissioners heretofore provided for, to agree and contract for 25 acres of land in Sevier County, as near the center as possible, and to agree and contract with workmen to build a court house, prison and stocks thereon. They would lay off the plat into one-half acre lots, lay out the streets and alleys in the 25 acres for a county seat which would be called Sevierville. The lots would be sold at public auction to the highest bidder and the proceeds used to build the public buildings. The purchaser must build on the lot within two years from purchase or land would revert into the Commissioner's hands.
2. Acts of 1798, Chapter 15, appointed Josiah Rodgers, William Henderson, Samuel Blair and Isaac Thomas as Commissioners for Sevierville, all to serve in addition to all the Commissioners heretofore appointed.
3. Acts of 1803, Chapter 1, was a statewide militia law organizing the state armed forces into their respective units and setting up the regulations under which they would operate. Sevier County's militia was assigned to the Eleventh Regiment and would be divided into Battalions, Companies and Platoons. They were required to hold at least one semi-annual muster.
4. Acts of 1805, Chapter 10, named William Porter, Isaac Love, John Brabson, Floyd Nichol, Robert Wear, Benjamin Ominet and William Mitchell as additional Commissioners for Sevierville and charged them with the same responsibilities given to the original Commissioners about laying out the town, selling the lots and causing the buildings to be erected. They must give a strict accounting of all monies received to the Treasurer.
5. Acts of 1805, Chapter 26, is indicated in some works as applying to Sevier County but this act which concerns the sale of some lots in Greenville does not apply. The jail lot in Greenville was sold by an agent named Valentine Sevier.
6. Acts of 1807, Chapter 26, appointed David Owens, Alexander Preston and William Frazier as additional Commissioners for Sevierville.
7. Acts of 1809, Chapter 23, corrected the name of David Owens in the above act to Stewart Owens.
8. Acts of 1815, Chapter 199, provided for a town to be established on the land of Ferrill Hester, in Sevier County, consisting of 30 one-half acre lots to be laid out in proper streets and alleys under Hester's direction. The town would be called Hesterville, and when the lots were sold, they would be subject to taxation as other lots were.
9. Acts of 1819, Chapter 20, gave the County Court of Sevier County full power and authority to appropriate any money now in the hands of the Trustee, or that may hereafter come into his hands, for the purpose of building a prison in Sevierville on such part of the public square as the Commissioners of the town may think proper. The commissioners were given the authority to sell



the old prison as the county court may direct.

10. Acts of 1820, Chapter 21, made it appear that the language in a grant was insufficient to give the title to 25 acres to the Commissioners in order for them to pass it on to purchasers of the same in Sevierville. This Act requires the Register to permit an amendment to the conveyance by removing the phrase "and heirs" from the grant by adding the phrase "and successors" in its place, thus curing the alleged defect in title.
11. Acts of 1822, Chapter 207, permitted John Brabson, of Sevier County, to build a dam across the south sluice of the French Broad River at the place where he is now building a set of mills, provided that the County Court of Jefferson County agrees that it is in the best interest of the community to do so.
12. Private Acts of 1823, Chapter 148, provided that Catherine Hardin, of Sevier County, was empowered to acquire and dispose of property, to contract, to sue and be sued, and to do all things belonging by law to an adult single woman, except that she cannot intermarry with another man. Nothing in this act shall be construed as prohibiting her from resorting to the divorce courts, if she should so desire.
13. Public Acts of 1825, Chapter 69, provided that Sevier County shall compose the 11th Regiment and hold a regimental muster on the second Saturday in October of each year. They were assigned to the First Brigade. The remainder of this lengthy Act was confined to the enactment of regulations for the organization, maintenance and operations of the State Militia.
14. Public Acts of 1826 (Ex. Sess.), Chapter 12, provided that all marriages celebrated under licenses obtained from the Clerk's office in Jefferson or Knox County which authorized marriages in those counties for citizens supposed to be residing therein but were in reality residing in Sevier County were hereby validated and legalized. Further, all entries of land heretofore made by citizens of Sevier County residing between Bays Mountain and the Holston River in the Entry Takers office in either Knox or Jefferson Counties describing land supposedly in Knox or Jefferson County, but actually located in Sevier County, are also made legal, valid and binding.
15. Private Acts of 1829, Chapter 108, provided that Elijah Robertson, of Sevier County, be released and discharged from the payment of a \$100 fine assessed by a jury for an assault and battery on the body of one Jeremiah Blalock at the June Session of the County Court. He is not released from the payment of costs in the cause, however.
16. Private Acts of 1831, Chapter 162, stated that all deeds, or other written instruments heretofore registered in Greene, Sevier, Cocke, Washington, Hawkins, Carter, Grainger, Claiborne, Campbell, Jefferson, Blount, Monroe and Sullivan Counties, although the certificates may not specify that the instruments were acknowledged by the grantor, or bargainor, yet the same shall be as good and valid, in law and equity as if they had been certified in a most formal and legal manner.
17. Private Acts of 1831, Chapter 257, stated that Knobb Creek in Sevier County, a branch of Boyd's Creek, is hereby declared to be navigable from the mouth of the said Creek up to the place where the public road leading from Sevierville to Maysville crosses same.
18. Public Acts of 1835-36, Chapter 21, was the next statewide Militia Law which assigned the two companies in Sevier County to the 19th Regiment of the 5th Brigade.
19. Public Acts of 1837-38, Chapter 157, amended the State Militia Law by requiring a county drill in every county in September of each year which would take place in the county seat. Sevier County would attend to this requirement on the second Friday and Saturday in September. The Regimental musters would be held in every county in October of each year.
20. Public Acts of 1867-68, Chapter 64, incorporated Matthew Tarwater, B. C. Andes, W.F. Nichols, J.M. Thomas, James P. Catlett, Isaac Trother, Jesse Stafford, R.W. Crowson, William Burns, M.P. Thomas, West J. Ernest, J.C. Murphy, Henry Butler, John Snapp, Harvey Keener and S.O. Dickey as the "The Sevier County Farmers' Club" which was authorized, among other things, to promote fairs, exhibitions, expositions and like events for which they might purchase land, build buildings and maintain and operate them.
21. Public Acts of 1899, Chapter 419, authorized Sevier County, at such place or places where ferries run, or may hereafter run, to purchase such boats and equipment, and employ such personnel as may be needed to operate the said ferries without any charge therefor, if the County Court should consider the same to be in the best interests of the county. Additional costs, if any, may be appropriated out of any funds belonging to the county.
22. Public Acts of 1909, Chapter 245, permitted the practice in Lauderdale, Gibson, and Sevier Counties for any person, firm, corporation, partnerships or combinations thereof to operate under one and the same management and to take out corporate charters to acquire both real and

personal property for putting into operation a system of waterworks, electric lighting and ice making plants under the same corporation. All powers, privileges and obligations conferred upon his type of outfit shall also be conferred upon others of similar nature which are formed in the same way.

23. Private Acts of 1933, Chapter 296, authorized the Quarterly Court upon a majority vote to subscribe for and purchase capital stock in any bank within the county. Article 2, Section 29 of the State Constitution declares that no county may invest in stock of a corporation until authorized to do so by a three-fourths vote of the people.
24. Private Acts of 1935, Chapter 156, removed all the disabilities of minority from Mrs. Flora Seaton, of Sevier County, giving her the right to conduct herself in all things as an adult.
25. Private Acts of 1937, Chapter 356, removed the minority from Frances Leatherwood, of Sevier County, given her the right to conduct herself in all things as an adult.
26. Private Acts of 1975, Chapter 33, would have established the requirement of obtaining a Building Permit from the Assessor of Property by anyone erecting or altering an existing building, the cost of which would exceed \$1,000 or by anyone seeking to set up a mobile home. The Assessor was directed to obtain certain information concerning the project, and the applicant must pay a fee for the permit according to a specified schedule. The act does not apply to those instances wherein another law would also require obtaining a building permit. This law was not approved by the Quarterly County Court, and as a result, did not become a law.
27. Private Acts of 1980, Chapter 204, authorized the county legislative body to forgive debts and obligations owed to the county. This authority ceased 180 days after its approval on April 21, 1980.
28. Private Acts of 1980, Chapter 339, placed the authority to elect or appoint the members of county boards or commissions, and all county department heads exclusively in the hands of the County Legislative Body. Appointments were to be recommended in writing by the County Executive, but the Legislative Body could substitute others, if they desired. The authority granted by the act also included all emergency appointments. No record has been found to indicate that the Sevier County Legislative Body ever approved this act. Therefore, it never became a law, having failed to meet the requirements of the Home Rule Amendment to the State Constitution.

## Chapter II - Animals and Fish

### Foxes

#### Private Acts of 1955 Chapter 265

**SECTION 1.** That there shall be a closed season upon red foxes at all times, and that red foxes may be chased with dogs at any time of the year except during such periods as may be fixed by the Game and Fish Commission for the protection of the species in all counties of his [sic] State having a population of not less than 23,350 and not more than 23,400 according to the Federal Census of 1950, or any subsequent Federal Census. It shall be lawful for the Landowner or his Agent to kill a red fox at any time in the county to which this Act applies when such fox is committing depredations upon live stock, domestic fowls, or crops.

Should the Game and Fish Commission determine that there is need for an open season on red foxes in any such county or counties, they shall have the power and authority to open same for such a period of time as they may deem necessary and advisable.

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

Passed: March 10, 1955.

#### Public Acts of 1970 Chapter 371

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

**SECTION 1.** It is unlawful to use any electrical or electronic device for the purpose of calling foxes in Sevier County. Violation of this Act is a misdemeanor, punishable as provided by general law.

**SECTION 2.** This Act shall take effect on becoming a law, the public welfare requiring it.

Passed: February 4, 1970

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

1. Acts of 1822 (Ex. Sess.), Chapter 61, made it the duty of the Ranger of Sevier County to receive from those who might take them up any estrays, the probate of them to be under the same rules, regulations and restrictions as now directed by law, and in the same manner as if the Ranger had been appointed by court. The law required also that those coming into possession of estrays should notify the Ranger of that fact promptly.
2. Acts of 1847-48, Chapter 153, made it legal for any person to build, construct and/or erect fish traps in the Little Pigeon River, in Sevier County, provided there would be no obstruction of the passage of boats on the river.
3. Acts of 1901, Chapter 217, declared that it was lawful to catch fish in Sevier County from April 1 to June 1 in any of its waters and by any means except poison, dynamite or other explosives, or by wing net or dam across any stream, or by trap. Violators would be fined from \$10 to \$25 for each offense.
4. Acts of 1903, Chapter 568, rendered it illegal for live stock of any description to run at large in Sevier County, using the 1900 Federal Census figures. Fines from \$5.00 to \$10.00 would be imposed upon violators which money would go into the public school fund. Any damage committed by trespassing live stock would be a lien against them, and the cost of taking up and caring for the stock could also be added to the damages. This Act must be approved in a referendum before it would become effective.
5. Acts of 1907, Chapter 146, provided that four barbed wires on good, substantial posts, set firmly in the ground, not more than fifteen feet apart with good, sound stays and braces no less than two inches thick, shall be considered to be a lawful fence in Sevier County. The wires would be placed twelve inches apart on the posts and the bottom one would be twelve inches above the ground. Provisions for plank and rail fences were also included if the specifications stated in the Act were met. The Act further declared it unlawful for sheep, goats, swine and geese to run at large, subject to fines from \$2.50 to \$10.00 and the lien for damages and care given to the animals.
6. Private Acts of 1911, Chapter 91, pronounced it unlawful to permit horses, mules, donkeys, cattle, sheep, goats, hogs or geese to run at large. The owner, or person in charge, who allows same is liable in damages for which the damaged party has a lien for thirty days after trespass or until suit has been filed to enforce the law. Again, the trespassing animals, or fowl, could be taken up and one doing so could recover the expenses incurred thereby.
7. Private Acts of 1911, Chapter 161, amended Public Acts of 1907, Chapter 489, so as to exempt Sevier County from that provision in that law which prohibited fishing by gig. The above amended law was a statewide Act declaring that the title to all fish in the State rested in the State Government, not as a proprietor, but as the sovereign representing all the people.
8. Private Acts of 1919, Chapter 46, made it unlawful in Sevier County, using the 1910 Federal Census figures, for any person or persons, to shoot any fox or to destroy the den of any young fox, or by means of snare, trap or other device, catch, maim or otherwise destroy or injure said fox. This law did not apply around the dwelling, barn or out house of a person, nor did it prohibit the killing of these animals when they were a threat or menace to person, poultry, livestock or crops. The fines prescribed for violations ranged from \$25 to \$100.
9. Private Acts of 1921, Chapter 405, exempted several counties, including Sevier County, from the operation of the provisions of Public Acts of 1919, Chapter 61, which was a rather stern, statewide law regulating the keeping and movement of dogs.
10. Private Acts of 1929, Chapter 851, made it unlawful for the next five years after the passage of this law, for any person, firm or corporation, to hunt, shoot, trap or kill any red or gray fox. Nothing in the Act shall be construed to prevent the hunting or catching of foxes with dogs, or with traps, if such trap is set at least ten inches in a hole, or underground, so that it is not easily accessible to any dog which might be engaged in a fox hunt or chase. A pelt obtained in the above manner may be bought and sold but not otherwise. The fines ranged from \$5.00 to \$10.00.

11. Private Acts of 1931, Chapter 322, declared it to be unlawful in Sevier County for any person to kill any fox, or other fur-bearing animal, or to destroy the den of any fox, or by means of snare, steel trap or other device, catch, maim, or otherwise destroy or injure any fox, or other fur-bearing animals. It was lawful to chase them with hounds, and to catch raccoons, opossum and skunks with dogs during properly constituted open seasons. One was permitted to set traps under water for muskrat, mink and otter; but otherwise, furs and fur pelts could not be sold or bought in Sevier County.
12. Private Acts of 1931, Chapter 790, amended Private Acts of 1911, Chapter 91, by adding at the end of the sentence in Section One after "geese" the words, "and/or other animals," and by adding at the end of Section 3-A, a provision that any person who consistently permits his animals to run at large to the damage of others is guilty of a misdemeanor and subject to a fine of \$5.00 to \$50.00 which would be in addition to all other penalties. All Justices of the Peace would have original jurisdiction of violations of this Act with appeals therefrom going to the Circuit Court.
13. Private Acts of 1935, Chapter 480, amended Private Acts of 1931, Chapter 322, by setting the open season on foxes and other fur-bearing animals from November 15 to February 15 of the year following.
14. Private Acts of 1937, Chapter 597, stated in the preamble that, despite a great need, neither Sevier nor Blount County has a licensed veterinarian; that W. E. Ballard is a graduate of a veterinarian school of medicine and has accumulated several years of experience. The act declares that W. E. Ballard is entitled to practice veterinary medicine, and surgery, anywhere within the boundaries of Sevier and Blount Counties, and he is vested with all the powers and privileges of any other veterinarian as long as he confines his practice to those areas.
15. Private Acts of 1957, Chapter 176, provided for a closed season of all species of sucker and red horse fish in counties where hatcheries are maintained by local sportsmen for the purpose of stocking and restocking the streams with these fish. This Act was not approved by the Quarterly County Court and therefore did not become a law under the Home Rule Amendment to the State Constitution.

## Chapter III - Bond Issues

### Bond Issues - Historical Notes

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

#### **Bridges**

1. Public & Private Acts of 1897, Chapter 298, authorized the Quarterly County Court of Sevier County to issue \$9,500 in bonds, at an interest rate not to exceed 5%, and on a maturity schedule not to exceed twenty years, which would be used to pay off four certain interest-bearing warrants issued to Schultz Bridge and Iron Company for construction of four bridges in the county. All the details of the issue were fixed in the Act, and a tax levy was required to amortize the bonds. The Chairman of the County Court would keep the records, and the Trustee would collect and be held accountable for the money.

#### **Courthouse**

1. Public Acts of 1893, Chapter 145, provided that the Quarterly County Court, threefourths of the Justices being present, could issue \$20,000 in bonds, at an interest rate up to 6% with a maturity schedule up to ten years, which would be used to build and furnish a Courthouse. All details were fixed and a tax levy provided for the sinking fund.
2. Public Acts of 1895, Chapter 102, amended Private Acts of 1893, Chapter 145, above, by increasing the amount of bonds which could be issued under the authority of that act from \$20,000 to \$30,000.

#### **Debts**

1. Acts of 1903, Chapter 297, allowed the Quarterly County Court of Sevier County to issue up to \$30,000 in 5%, 20 year bonds to pay off the present indebtedness of the county which was due by judgments and by county warrants. The Act prescribed the terms of the bond and proceedings regarding maturity.
2. Private Acts of 1913, Chapter 81, was the authorization for the Sevier County Quarterly Court to

issue bonds to pay debts which existed at the time of this Act whether they were due or not, the amount of the bond issue being limited to the amount of the debts. The Trustee would handle all the records and be held accountable for the funds.

3. Private Acts of 1929 (Ex. Sess.), Chapter 68, allowed the Quarterly County Court to issue up to \$200,000 in 5½%, 20-year bonds to fund the outstanding floating indebtedness now due and owing by the said county. The details were set out in the Act, a tax levy was required and the Trustee would handle all the records of the transactions.
4. Private Acts of 1933, Chapter 855, validated, confirmed and legalized all the prior proceedings of the Quarterly Court in connection with the issuance of \$157,000 in refunding bonds to pay off a like amount of outstanding debts, which bonds were dated on April 1, 1933, at 5% interest payable semi-annually until maturing on April 1, 1941. All of these bonds are declared to be the obligations of the county, notwithstanding the lack of statutory authority to issue the same. The County Court was required to levy an ad valorem tax in accordance with the terms of this law.
5. Private Acts of 1935, Chapter 571, validated and made legal all the prior actions of the County Court of Sevier County taken in connection with the issuance of \$115,000 in funding bonds which would be used to liquidate a like amount of indebtedness at a 5½% interest rate, payable semi-annually until April 1, 1955. These bonds were declared to be general obligation bonds for which an additional tax levy was required for the sinking fund.

### **General**

1. Private Acts of 1927, Chapter 677, provided that no interest bearing warrants or bonds shall be issued in Sevier County except on order of a majority vote of the Quarterly County Court and on the subsequent approval by at least a two-thirds majority of the legal voters of the County at an election held for that purpose. This Act would not apply when the bond issue was for schools or for the construction of roads in conjunction with the State. The election must be advertised for 60 days and held in the general manner of all other elections; the ballot being simply "For" or "Against" the proposed bond issue.
2. Private Acts of 1931, Chapter 703, authorized Sevier County to anticipate the collection of legal taxes for any county purpose and to borrow money against the said taxes to pay warrants issued for that purpose. Before any money could be borrowed, however, the tax must be already levied and a Resolution passed by the County Court authorizing the borrowing. The notes must draw a specified interest rate and become due no later than March 1 of the ensuing year. The notes, plus interest, shall in no wise exceed the amount of taxes collected.
3. Private Acts of 1931, Chapter 709, provided that the Quarterly County Court of Sevier County could appropriate money and issue bonds up to \$100,000 to be used whenever any other financial aid is offered from other governmental agencies, or individuals, for buying, equipping and maintaining, airports, parks, zoological gardens, game preserves or other civic enterprises for the public welfare. A tax may be levied for such purposes. The bond proceeds would be used to pay Sevier County's required contribution to the particular projects, but the bonds could not be issued unless the other aid was available to be used. The maximum interest rate was set at 5%, and the County Court was permitted to establish whatever maturity schedules were convenient for the County.

### **Hospitals**

1. Private Acts of 1957, Chapter 261, would have authorized the County Court to issue up to \$300,000 in bonds to acquire land, to erect, maintain, equip and operate a building or buildings for use as a general hospital for the county. The Court was also allowed to cooperate fully with other governmental bodies. These bonds were general obligation bonds, exempt from the taxation of all others, and could mature no later than 30 years after issuance. No fees or charges were to be paid to any county official on this issue. A five member Board of Hospital Directors was created with Phillip A. Wynn, Rellie Dodgen, R. B. Summitt, James McAfee and John B. Waters, Jr. being named as the members of the first Board, all future vacancies to be filled by the County Court. The qualifications of members were specified. The Board would select a Chairman and a Secretary and meet once a month with full and complete authority to accomplish all objectives. They were to institute a separate financial system for the hospital, employ an Administrator, set the salaries and supervise the employment of subordinate and staff people. The Quarterly County Court could levy a special tax for this purpose up to fifty cents per \$100.00 property valuation. This Act was disapproved and rejected by the Quarterly County Court and therefore did not become a law under the Home Rule Amendment to the State Constitution.

### **Railroads**

1. Private Acts of 1905, Chapter 465, provided that Sevier County, by virtue of the 1900 Federal Census figures, might give its credit, up to \$50,000, to any railroad incorporated under Tennessee law by complying with the terms of this Act. The railroad must run through the county or within one mile of the county seat. The President of the railroad must file an application giving plans, the amount of credit desired and the time within which the railroad would be constructed. Then the County Judge must call a special meeting of the Court within ten days to consider whether or not the question would be submitted to the people in an election, provided with "for" or "against" ballots, wherein three fourths must vote favorably. If defeated in the election, another one may be held after 60 days. The County would supervise the expenditure of the funds, if the decision should be in the affirmative.
2. Acts of 1907, Chapter 547, amended, Private Acts of 1905, Chapter 465, above, by increasing the limitation placed upon the amount of credit from \$50,000 to \$150,000 which the county could lend to railroads under certain conditions and to issue bonds therefor.

## **Roads**

1. Private Acts of 1866-67, Chapter 66, incorporated the Sevierville Turnpike Company naming Wyatt F. Nichol, Jesse Stafford, John C. Yett, Charles Inman and John McAndrew, as directors of the company which would macadamize a road from Sevierville in the direction of Newport in Cocke County, by way of Fair Garden. The County Court was authorized to issue up to \$10,000 in 6%, 10-year bonds to be applied to the building of the road. Toll gates could be established when the road was completed.
2. Public & Private Acts of 1897, Chapter 158, allowed the Sevier County Quarterly Court, two-thirds of the Justices being present, to \$75,000 in 6%, 15-year bonds, to build a pike road from Shook's Gap to Sevierville on or near the route now surveyed, and on to Newport. All the incidentals of a bond issue were contained in the act.
3. Acts of 1903, Chapter 312, allowed the Quarterly County Court to issue up to \$50,000 in 5%, 20-year bonds to repair and macadamize the present pike road from the Knox County line at Shook's Gap to Sevierville and on to Hadsden Bridge as it has been surveyed and built. All details of the bond issue were present in the Act along with the requirement that two-thirds of the Justices must be present at the vote.
4. Acts of 1907, Chapter 384, authorized Sevier County, using population figures of 1900, to issue bonds up to \$35,000, at interest rates up to 5%, and under maturity schedules not to exceed twenty years, to repair and macadamize the pike road from the Knox county line at Shook's Gap to Sevierville and to Hadsden Bridge beyond as the same has been surveyed and built. This is almost verbatim the same as in Private Acts of 1903, Chapter 312, above, and it is presumed that the bonds authorized here were in addition to those permitted under that Act. All other details essential to bond issues were in the Act.
5. Private Acts of 1911, Chapter 424, allowed the County Court to issue \$100,000 in 6%, 30-year bonds to repair and build certain roads which were listed in the Bill. The County Court could elect or appoint a Commissioner to employ an engineer to survey, inspect, change and classify the County Roads and to make maps showing them. A finance Commission may be appointed to advertise for and award bids for the work, but no bid could be accepted which exceeded the amount recommended by the Engineer, mentioned above. The County Trustee would handle all the financial details of the transactions.
6. Private Acts of 1913, Chapter 43, authorized Sevier County to issue \$185,000, in 5%, 40-year bonds to macadamize parts of nine major roads in the county in accordance with the amount allotted to each section. The roads would be no less than 40 feet wide unless so specified by the County Court, and no part of these funds was to be used to acquire rights of way. Three Commissioners would be appointed to supervise the work, solicit bids and award contracts, who would hold office for one year and be paid whatever compensation was fixed by the County Court. Cocke County would contribute to the cost incurred on one of the mutual roads listed in the Act.
7. Private Acts of 1919, Chapter 681, permitted the Quarterly Court of Sevier County to issue up to \$300,000 in 6%, 20-year bonds to lay out, survey and construct public roads in Sevier County. All necessary details to issue bonds were mentioned in the Act. They would be payable semi-annually over a schedule to be fashioned by the Court. Three citizens of specified qualifications were to be appointed as the Pike Commission to hold office for two years and draw such compensation as the Court directed. They would also employ an engineer to work with other agencies. A list of roads and the amount of money to be spent on each was specified in Act.
8. Private Acts of 1921, Chapter 498, permitted the issuance by the County Court of \$300,000 in 6%, 20-year bonds under terms and conditions similar to those in Private Acts of 1919, Chapter

681, summarized above.

9. Private Acts of 1923, Chapter 586, allowed the issuance of \$184,000 in bonds, subject to the outcome of a referendum to be held within 60 days after the passage of this Act. If defeated, another referendum could be held in one year. A three member "Good Roads Commission" was provided with the County Road Superintendent being an ex-officio member. The County Court would fill vacancies. Sixteen roads, and the amount allocated to each, were listed in Section 5 to be repaired or resurfaced. If any funds were left, the Commission could expend the remaining funds in its discretion. The duties of the Commission and the Chairman are enumerated. The salary of the Commission would be set by the Court, and procedures were established for the sale of the bonds and the award of contracts, all to be directed towards the improvement of the roads mentioned.
10. Private Acts of 1947, Chapter 622, permitted Sevier County to issue \$300,000 in 3%, 20-year bonds to be used in cooperation with the State and Federal Governments in the purchase of rights of way and the improvement of roads in Sevier County. These bonds would be sold as needed by a Committee to be appointed by the County Court. These bond funds could be used only on black top roads.
11. Private Acts of 1949, Chapter 742, allowed the Quarterly County Court to issue \$125,000 in 3%, 20-year bonds to provide funds to acquire rights of way for construction by the State and Federal Governments of certain highways in the county, enumerated and given the following priority: first, Highway 71 from near Pigeon Forge to Gatlinburg and second, on the Ben W. Hooper Highway from near the Cocke County line to Gatlinburg. These were general obligation bonds for which the full faith and credit of the county was pledged.

### **Schools**

1. Acts of 1813, Chapter 36, appointed as Trustees for Nancy Academy in Sevier County, Robert Wier, Josiah Rogers, James P. H. Porter, Isaac Love, Alexander Preston, Thomas Price and William Mitchell who would conduct a lottery for the benefit of the Academy to raise up to \$6,000. The lottery scheme must be published and the Trustee enter into bond to assure that the prizes advertised are paid and that the money realized from the lottery be applied to the academy. John Sharp was appointed as an added regular Trustee for the academy.

## Chapter IV - Boundaries

### Creation of the County

### Acts of 1794 (1st Session) Chapter 11

AN ACT TO DIVIDE THE COUNTY OF JEFFERSON INTO TO [sic] TWO DISTINCT COUNTIES.

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

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

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



and stocks.

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

Passed: September 27, 1794.

## Change of Boundary Lines

### Acts of 1795 Chapter 14

Be it enacted by the Governor, Legislative Council and House of Representatives of the Territory of the United States of America South of the river Ohio, That from and after passing of this act, the line that divides the aforesaid counties of Jefferson and Sevier, on the south side of French Broad river, shall begin on said river at the lower end of Hubbard's island, thence a direct line to where the dividing ridge that divides the waters of Flat creek from the waters of Peerey's creek intersects said river, thence with said ridge to the ridge that divides the waters of Flat creek from the waters of Muddy creek, thence with that ridge to the ridge that divides the waters of Little Pigeon from the waters of French Broad and Big Pigeon to the eastern boundary of this Territory.

Passed: July 11, 1795.

### Private Acts of 1796 Chapter 35

WHEREAS the lines between Sevier and Blount counties have not been sufficiently ascertained, to prevent disputes between the citizens of said counties

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, That the line dividing Sevier and Blount counties, begin at where the said lines intersect on the top of Bay's Mountain, thence taking the ridge that divides the water of Little River from the waters of French Broad, and with said ridge to the eastern boundary of this state.

Passed: July, 1796.

### Acts of 1809 Chapter 91

Be it enacted by the General Assembly of the State of Tennessee, That from and after the passing of this act, that part of Blount County included within the following lines, to wit: Beginning at the extreme height of the round top mountain near William Davie's in Weir's cove, from thence running due south until the said line intersects the Indian boundary line, thence along said line until it intersects Sevier county line, thence along said line to the beginning, be, and the same is hereby annexed to and shall in every respect whatever compose part of the said county of Sevier: Provided, the aforesaid location may not include any of the citizens of Tuokylechy cove in the county of Sevier; And provided also, that nothing in this law contained, shall prevent the sheriff of Blount from making such collections as he is authorized to make under the laws in force, previous to the passage of this act.

Passed: November 22, 1809.

**COMPILER'S NOTE:** This Act was cited, along with several others in the land dispute contained in the case of Hitchcock v. Southern Iron and Timber Company, 38 S.W. 593 (Tenn. 1896).

### Acts of 1849-50 Chapter 82

WHEREAS, it appears to this General Assembly by the petition of a number of the citizens of the counties of Knox and Sevier, that the dividing line between the said counties from the mouth of Criswell's Mill creek, to the top of Bay's mountain, or the butt thereof, has never been run as was provided for by the above recited act. Therefore,



**SECTION 1.** That John W. Legg, county Surveyor of the county of Knox, and F.A.R. McNutt, of the county of Knox; John Mullendore, county Surveyor of the county of Sevier; and Enoch Underwood, of the county of Sevier; be, and they are hereby appointed commissioners to run and mark said line, according to the provisions of the above recited act of 1794.

**SECTION 2.** That after said commissioners shall so have run and marked said dividing line, they shall make two fair plain plats or plans of survey of said line, one of which shall be by them filed with the clerk of the county court of Knox county, and the other with the clerk of the county court of Sevier county, which shall be by said clerks recorded in their respective offices, under the direction of said county courts, for which surveys so to be performed by said commissioners when the labor is done and performed, they and each of them shall be entitled to the sum of dollars each, for their services to be paid out of the county treasury.

Passed: February 4, 1850.

## Acts of 1879 Chapter 119

**SECTION 1.** That the County line between Blount and Sevier Counties be changed as follows:

Beginning on the Blount and Sevier County line, near Millstone Gap in Bluff Mountain; thence a direct line to Shook's Gap, in Bay's Mountain; thence with the top of said Mountain, to the Sevier County line.

**SECTION 2.** That the County Surveyors of the Counties of Blount and Sevier, together with J. R. Chandler and E. S. Thompson, of Sevier County, and Hugh Cox and Andrew McTeer, of Blount County, are hereby appointed Commissioners to run and mark said County line.

**SECTION 3.** That said Commissioners shall take an oath, before some Justice of the Peace, that they will faithfully, honestly and impartially perform the duties of said Commission; and they shall perform the duties above designated within six months after the passage of this Act.

**SECTION 4.** That said Commissioner shall make two plats of the survey, and shall accompany them with such report as may be necessary to explain said survey; and said plats of survey shall be signed by the Commissioners, and one copy filed in the Register's office of each County of Blount and Sevier, which shall be registered by the respective Registers thereof.

**SECTION 5.** That the Commissioners shall mark the line on such standing timber, with such fore and aft marks and side lines as they may deem necessary to make said line plainly known; and said County Surveyors shall be paid the sum of three dollars per day--while they are employed at said service, to be paid by their respective Counties.

**SECTION 6.** That the fractions of either of the above named Counties that may be added to the other County by the change of the County line as above provided for, shall continue to be liable for their pro rata of all debts contracted by their respective counties prior to said change, and shall be entitled to their proportion of any stock or credits belonging to the county from which said fractions are taken.

Passed: March 14, 1879.

## Private Acts of 1941 Chapter 459

**SECTION 1.** That the line between the Counties of Sevier and Blount in the State of Tennessee be and the same is hereby changed so as to include within the boundaries of Sevier County and in the present Ninth District thereof that part of Blount County in the Thirteenth District bounded and described as follows, to-wit:

Beginning on an iron pin on right-of-way of highway and runs S. 6. deg. 30 min. W. 128 feet to an iron pin, 3.57 min W. 90 feet to an iron pin, 3.20 min. W 305½ feet to an iron pin, S. 64 deg. W. 320 feet to an iron pin. All the foregoing calls run along north side of roadway leading toward Levalor State Highway N. 36 deg. 30 min. W. 258½ feet to Cunningham line with same, N. 32½ E. 231 feet N. 38 deg. 30 min. E. 414 feet to beginning of right-of-way, S. 70 deg., E. 114 feet to a concrete post, N. 15 E. 9 feet to concrete post, S. 70 deg., E. 187½ feet to the beginning, containing 4½ acres, more or less, being the lands of S. E. Williams of Blount County in the Thirteenth Civil District.

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

Passed: February 14, 1941.

## Boundaries - Historical Notes

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

1. Acts of 1796, Chapter 34, appointed Joseph Greer, Abraham M'Clery and William Bailes, or a majority of them, as Commissioners to run the lines between Knox County and Sevier County according to the description in the 1794 Act creating Sevier County. They may start at any point they choose and each would be paid \$2.00 per day, plus \$1.00 per day for a marker, for each actual day worked which would be paid equally by the two counties.
2. Acts of 1805, Chapter 14, appointed Peter Bryan and Joshua Gid as Commissioners to ascertain the line between Jefferson and Sevier County, and Mordecai Lewis of Jefferson County who would work with them, all being given compensation at the rate of \$2.00 per day. All chain carriers hired would be paid \$1.00 a day.
3. Private Acts of 1832 (Ex. Sess.), Chapter 64, appointed John Mullendore of Sevier County and Robert Wier of Blount County to run and mark the line between the two counties in accordance with the acts of the assembly; and provided that the county courts of both counties compensate these men in an adequate fashion. They shall report to their County Courts, and the line they determine shall be the line between the two counties.
4. Acts of 1839-40, Chapter 36, required the county surveyors of Sevier and Blount Counties to run and mark the line which was changed between the two counties commencing at a point of said line on the top of Round Top Mountain and running from thence a due south course to the North Carolina line, at such compensation as their County Courts may direct. Either of the two counties may act independently of the other, and when completed, the line established from such will be the line between the two counties. This act was repealed by Acts of 1845-46, Chapter 98.
5. Acts of 1845-46, Chapter 174, changed the boundary between Sevier and Jefferson Counties so as to include all the lands of and the house of William Thompson in Jefferson County.
6. Acts of 1849-50, Chapter 98, expressly repealed Acts of 1839, Chapter 36, in its entirety.
7. Acts of 1851-52, Chapter 189, so altered the lines between Jefferson and Sevier Counties at Creswell's Creek, so as to include all the lands of Thomas Stringfield in Jefferson County.
8. Acts of 1853-54, Chapter 177, recites in the preamble that lawsuits have been filed in the Courts of Knox County to settle a boundary line dispute between that County and Sevier County. Therefore to settle same, all the lands belonging to William Moulden and to the heirs of D. Adams are declared to be in Knox County.
9. Acts of 1881, Chapter 54, transferred all the lands belonging to S.A. Sims from Jefferson County over to Sevier County.
10. Acts of 1883, Chapter 38, moved all the land and improvements belonging to John Russell, William Felker and Benjamin Manning from Jefferson County to Sevier County.
11. Acts of 1883, Chapter 54, also transferred lands belonging to B.C. Thornburgh, James A. Caldwell and John Caldwell from Sevier County to Jefferson County.
12. Acts of 1887, Chapter 51, provided that the land belonging to Andrew Creswell, deceased, and now belonging to W. G. Creswell and M. G. Creswell, formerly located in Sevier County, is now included in Blount County.
13. Acts of 1887, Chapter 132, changed the lines between Knox and Sevier counties so that all properties belonging to G. W. Underdown and George King be included in Knox County.
14. Acts of 1887, Chapter 136, transferred the entire farms belonging to W. P. Keener, J. G. Cannon, the heirs of William Thomas, deceased, and Rufus Kelly from Knox County into Sevier County.
15. Acts of 1889, Chapter 106, altered the boundaries between Jefferson and Sevier Counties so that the lands of S.A. Sims and Benjamin Manning be included in Sevier County.
16. Public Acts of 1895, Chapter 95, detached about 50 acres belonging to D.A. Ferguson from Sevier County and attached them to Knox County, thus placing all his land in Knox County and making the road running east and west on the boundary of his property the county line.
17. Public Acts of 1899, Chapter 117, reclassified the farm and residence of T.F. Adams from Sevier County into Knox County.
18. Public Acts of 1899, Chapter 256, changed the lines between Sevier and Knox Counties so as to include in Knox County all the land lying in the 14th District of Sevier County belonging to H.C. Blair, J.G. Cannon, E.W. Houseley, J.N. McMillin, Rufus Kelly, Lula J. Walker, S.G. Randles and J.W. Creswell, thereby making the county line run with the French Broad River.

19. Acts of 1901, Chapter 208, moved all the lands belonging to Sam L. Pickens from Sevier into Blount County making the new county line run the south corner of S. H. Cunningham's and run with his line and Pickett's to the Knoxville and Sevier Pike, then with the Pike to Shook's Gap.
20. Acts of 1901, Chapter 260, detached the farms belonging to James Langston and M.A. Langston from Sevier County and attached them to Jefferson.
21. Acts of 1901, Chapter 283, moved all the lands from Sevier County into Jefferson County which belonged to W.G. Cate, J.W. Douglass, J.P. Moore, W.G. Bull and E. Bull.
22. Acts of 1903, Chapter 55, transferred the property belonging to Hugh Garner from Sevier County into Blount County.
23. Acts of 1903, Chapter 478, changed the line between Sevier and Blount County so as to begin on the extreme top of Roundtop Mountain at the southwest corner of Wear's valley and running due south to the state line of North Carolina and Tennessee, all conflicts being repealed.
24. Acts of 1903, Chapter 514, transferred all the properties of Hugh Gamble and Park P. Delozier from Sevier County into Blount County.
25. Private Acts of 1917, Chapter 816, transferred about 50 acres known as the James Gamble farm from the Tenth Civil District of Sevier County to Blount County described as being bounded on the south by the county line, on the west by the lands of Andrew Davis, on the north by the lands of A.J. Davis and on the east by the lands of Thomas Meddling and Mrs. Erven Rogers.
26. Private Acts of 1933, Chapter 355, moved from Sevier County into Knox all the lands of George Creswell, J.B. Kelly, C.M. McAfee, Lula Walker, George Maples, Paul Styles, Mollie Lafollette, Henry Lafollette and Veda M. Freels which lie on the north side of the French Broad River.
27. Private Acts of 1935, Chapter 672, contains a metes and bounds description of the property subject to the act, but simply moves the land of George Petty, then located in Jefferson County, into Sevier County.
28. Private Acts of 1939, Chapter 303, detached a 50 acre tract of land belonging to J. Ed Ogle from the 13th Civil District of Blount County and attached the same to the 9th Civil District of Sevier County. The second part of the act transferred from Sevier County to Blount County a 12 acre tract belonging to Mattie E. Carr, a seven acre tract belonging to Walter E. Ogle and a 31 acre tract belonging to E. H. Carr.
29. Private Acts of 1941, Chapter 458, changed the lines between Sevier and Blount Counties to remove from the 16th Civil District of Sevier and place in the 18th Civil District of Blount that part of land owned by Tipton Brothers and the 75 acre tract belonging to J. T. Trotter.
30. Private Acts of 1945, Chapter 610, transferred about eight acres belonging to O. L. Boyd and John H. Kerr from the 13th Civil District of Blount County to the 9th Civil District of Sevier County which was described by metes and bounds.
31. Public Acts of 1975, Chapter 134, transferred the property belonging to Fred M. Pierce from Blount County to Sevier County. The Act contains a metes and bounds description of the approximately ten acres transferred.

## Chapter V - Court System

### Circuit Court

### Circuit Court Clerk

### Private Acts of 1971 Chapter 68

**SECTION 1.** The Circuit Court Clerk in counties having a population of not less than 28,200 nor more than 28,300, according to the United States Census of Population of 1970 or any subsequent United States Census of Population, may employ the necessary clerical help for his office. Any person so employed shall be paid an annual salary of not less than four thousand eight hundred dollars (\$4,800) nor more than six thousand dollars (\$6,000), the amount to be fixed by the Quarterly County Court of the county. The salary thus fixed shall be paid in equal monthly installments on the first day of each month out of the general fund of the county, by warrant of the County Judge or Chairman of the Quarterly County Court or the Trustee.

**SECTION 2.** Chapter 566 of the Private Acts of 1953 is repealed.

**SECTION 3.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of any county to which it may apply before December 1, 1971. Its approval or non-approval shall be proclaimed by the presiding officer of such Quarterly Court and certified by him to the Secretary of State.

**SECTION 4.** For the purpose of approving or disapproving this Act as provided in Section 3, it shall take effect on becoming a law, the public welfare requiring it, but the other provisions of the Act shall be effective only upon being approved as provided in Section 3.

Passed: April 14, 1971.

## Public Acts of 1963 Chapter 344

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

**SECTION 1.** That regular terms of the Circuit Court of Sevier County, with general jurisdiction to try and dispose of civil and criminal cases, shall continue to convene and be held on the Third Monday in February, June and October of each year as now provided by law; and that, in addition to such regular terms, monthly terms of said Circuit Court shall convene and be held on the Third Monday of each and every month of the year, with jurisdiction to try and dispose of all civil cases within the jurisdiction of said Circuit Court as now defined by law, except cases in which a jury trial shall have been or shall be regularly demanded.

**SECTION 2.** That all leading process hereafter issuing from said Circuit Court in civil cases shall be made returnable to the next Third Monday of the month coming five or more days after the issuance of such process; and if, on the return day of such process, or in the first pleading tendering an issue, or on the first day of any term at which the case shall stand for trial, a jury trial shall be demanded, then the case shall automatically go over to the next regular term of said Circuit Court as distinguished from said monthly terms, and shall stand for trial in the regular way.

**SECTION 3.** That the jurisdiction of said Circuit Court at said monthly terms herein provided for shall be limited to the trial of non-jury cases, cases appealed from Justice of the Peace Courts, divorce cases and other cases involving domestic relations, equity cases coming within the jurisdiction of the Circuit Courts under the general law, and to the hearing and disposition of all issues and questions arising on demurrers, dilatory pleas, motions, and applications to amend pleadings in any civil case pending in said Court.

**SECTION 4.** That this Act shall be liberally construed and interpreted, and its provisions are hereby declared to be severable. If any of its sections, provisions, sentences, or phrases are held to be unconstitutional or void, the remainder shall remain in full force and effect, it being the legislative intent now hereby declared that this Act would have been adopted and passed even if such unconstitutional or void matter had not been included herein.

**SECTION 5.** That all laws or parts of laws in conflict with this Act be and the same are hereby repealed.

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

Passed: March 21, 1963.

## Public Acts of 1975 Chapter 304

**COMPILER'S NOTE:** Only a portion of this act appears in the Tennessee Code Annotated. Therefore, the entire act is published herein.

**SECTION 1.** [Repealed by Public Acts of 1984, Chapter 931, Section 15.] **SECTION 2.** The Second Judicial Circuit shall be served by two (2) Circuit Judges. The Judges shall serve respectively as Judges of Division I and Division II of the Circuit Court. The presiding judge shall be responsible for the assignment of duties of judges within the circuit, for designation of special terms, for establishing rules of Court, for docketing and assignment of cases, both civil and criminal. Among the special responsibilities of the presiding Judge of the Second Judicial Circuit is the appointment, supervision and replacement of all appointed or designated officers of the Court, Grand Jury foremen, jury commissioners and other officers provided by law. The presiding judge shall be the chief administrative officer of the Court.

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

**SECTION 4.** The Governor of the State of Tennessee shall within thirty (30) days after this Act shall take

effect, appoint a Judge of Division II of the Second Judicial Circuit who shall hold office until his or her successor is elected and qualified in accordance with general law. Thereafter, Judges of the Second Judicial Circuit shall qualify as candidates for Division I or Division II of the Circuit and shall be elected by the qualified voters as Judge of the respective Division for which they qualified.

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

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

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

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

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

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

Passed: May 15, 1975.

## District Attorney General

## Assistants and Criminal Investigators

## Public Acts of 1975 Chapter 253

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

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

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

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

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

Passed: May 15, 1975.

## Public Acts of 1977 Chapter 377

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

**SECTION 2.** The person so appointed to serve as Assistant District Attorney General shall be admitted to the practice of law in the State of Tennessee, and shall, upon his or her appointment execute the Affidavit of Intent required of full-time Assistant District Attorneys General by the provisions of Tennessee Code Annotated, Section 8-708.

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

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



law.

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

Passed: May 16, 1977.

## Public Acts of 1978 Chapter 631

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

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

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

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

Passed: March 9, 1978.

## General Sessions Court

## Private Acts of 1998 Chapter 104

**SECTION 1.** Effective September 1, 1998, Chapter 34 of the Private Acts of 1973, as amended by Chapter 105 of the Private Acts of 1975, Chapter 222 of the Private Acts of 1976 and Chapter 65 of the Private Acts of 1979 is repealed.

**SECTION 2.** In the regular August election in 1998, the qualified voters of Sevier County shall elect two (2) general sessions court judges to serve as the judges of Part I and Part II of the General Sessions Court of Sevier County. Except as provided herein with respect to jurisdiction, the General Sessions Court of Sevier County shall be governed by Tennessee Code Annotated, Title 16, Chapter 15.

**SECTION 3.** In addition to the jurisdiction established by general law over civil and criminal matters, the General Sessions Court of Sevier County shall have jurisdiction over probate and juvenile matters.

### **SECTION 4.**

(a) At the regular August election in 2002 and every four (4) years thereafter, the qualified voters of Sevier County shall elect a General Sessions Court Clerk. The General Sessions Court Clerk shall take office on September 1 immediately following the election and shall serve a term of four (4) years and until a successor is elected and qualified. Before entering into the duties of the office, the General Sessions Court Clerk shall take an oath of office and post an official bond in the same manner as provided by general law for the clerk of the circuit court. The General Sessions Court Clerk shall perform all clerking duties relative to the General Sessions Court of Sevier County, including all matters within the jurisdiction of said court, except duties relative to the probate of wills and administration of decedent's estates. The compensation of the General Sessions Court Clerk shall be determined according to general law.

(b) Clerking duties relative to the jurisdiction of the General Sessions Court of Sevier County over the probate of wills and administration of decedent's estates shall continue to be performed by the County Clerk of Sevier County.

(c) All records of the General Sessions Court of Sevier County, other than records pertaining to the probate of wills and administration of decedent's estates, shall be transferred to the custody of the General Sessions Court Clerk as soon as is practical after the approval of this act.

As amended by: Private Acts of 2002, Chapter 71

**SECTION 5.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Sevier County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified to the Secretary of State.

**SECTION 6.** 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 the purpose of authorizing candidates to qualify and run for election for the two parts of the General Sessions Court of Sevier County in the 1998 regular August election, this act shall take effect upon approval as provided in Section 4. For all other purposes, this act shall take effect September 1, 1998.

Passed: February 5, 1998.

## Public Defender

### Private Acts of 1979 Chapter 158

**SECTION 1.** Any county of this state having a population of not less than twentyeight thousand one hundred (28,100) nor more than twenty-eight thousand five hundred (28,500) according to the 1970 United States Census or any subsequent Federal Census may create the office of public defender upon the adoption of a resolution establishing such under the provisions of this Act.

**SECTION 2.** The legislative body of such county shall create a public defender committee composed of the county executive, four (4) members of the county legislative body, and two (2) attorneys who are members of the local county bar association, nominated by the local county bar association and certified by the president or secretary of the local county bar association to the county clerk.

**SECTION 3.** The public defender committee of the county legislative body shall nominate and recommend a person qualified and licensed to practice law in the state of Tennessee, and such nomination of the committee shall be approved by a majority of such county legislative body at the next regular or called meeting, and after approval, the county legislative body shall appoint such person to be the public defender. If such person is not approved by the county legislative body, the public defender committee shall nominate and recommend other persons for the office of public defender. The term of office for the public defender shall be four (4) years from the date of appointment by the county legislative body. Any and all successors shall be selected in the manner provided in this section for terms of four (4) years.

**SECTION 4.** The duties of the public defender will be to defend, without expense, and to represent generally, all persons who are without means to employ counsel and are charged with a crime at any level, except those persons charged with violations of city ordinances in municipal courts, and in particular, to perform the duties required of counsel for indigents set forth in Tennessee Code Annotated, Title 40, Chapter 20, or subsequent state law.

**SECTION 5.** The public defender committee shall propose and submit to the county legislative body a budget for the operation expense of the public defender's office. The budget shall provide for a salary for the public defender to be paid in the same manner as other county officials and for a stenographer, office rent, telephone and travel expense, office supplies and other expense items, which the committee shall determine to be proper for the conduct of such office. The county legislative body shall approve, reject or modify the budget submitted and shall appropriate funds for the operation of the public defender's office by majority vote of the county legislative body. The county legislative body may accept and appropriate such funds, grants or donations as may be received for the establishment, operation and maintenance of such office from any other public or private agency or commission, including but not limited to the state of Tennessee, the United States Government and any division or agency thereof.

**SECTION 6.** The public defender shall take and file the constitutional oath of office with the clerk of the circuit or criminal court of such county which is served by the public defender.

**SECTION 7.** The public defender may appoint assistant public defenders or a deputy public defender, who shall be person(s) licensed to practice law in the state of Tennessee. Every such appointment shall be in writing, signed by the public defender and filed in the office of the circuit or criminal court of the county and the person so appointed shall take and file with such clerk, the constitutional oath of office before entering upon his duties. The public defender may also appoint an acting public defender to serve in the absence from the county or other disability of the public defender. Every such appointment may be revoked at the pleasure of the public defender by written notice filed with the clerk of the circuit or criminal court.

**SECTION 8.** The public defender shall not engage in the private practice of criminal law but may conclude all criminal matters pending when appointed. The public defender may engage in the private practice of civil law provided that it does not substantially interfere with his duties as public defender.

**SECTION 9.** The public defender shall not be removed during his term of office except for cause and his salary during his term shall not be reduced. The public defender may be removed for cause only after charges specified, notice given, and a hearing before a panel of judges made up of all judges of courts or records which have jurisdiction within the county that the public defender serves, including, but not limited to, circuit, criminal, and chancery judges. Their decision shall be administrative and sufficient to either set the charges aside, or by a two-thirds (2/3) vote, to remove a public defender from office.

**SECTION 10.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of such counties affected. Its approval or non-approval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

**SECTION 11.** For the purpose of approving or rejecting the provisions of this Act, it shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, it shall take effect upon being approved as provided in Section 10 of this Act.

Passed: May 15, 1979.

## Court System - Historical Notes

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

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

1. Private Acts of 1943, Chapter 371, created a Board of Jury Commissioners for Sevier County. The Board would consist of three members appointed by the Circuit Judge who were freeholders and nonlitigants. Vacancies on the Board would be filled the same way. Two members could transact the business of the Board for whom the Circuit Court Clerk would act as a Clerk. The Clerk and the Board members must take an oath of secrecy. The Board would select from public sources at least 800 names once a year which would be written upon slips of paper and deposited in a jury box. At least twenty days before the term of court began, the Board would meet and forty names would be drawn from the box by a child under ten years of age. The Clerk records the names which have been drawn and the Commissioners seal up the slips of paper and present them to the Judge certifying them as the jurors for that term of court. At least ten days before court convenes, the names are given to the Sheriff who shall summon them to duty. The Grand Jury members will be drawn from these forty names in open court in the presence of the Judge, but the Judge shall name the Foreman thereof. Special veniremen and juries are provided for. Jurors will be paid \$4.00 per day not to exceed \$20.00 per year. No one may be excused from duty except by the Judge. This act was repealed by Private Acts of 1945, Chapter 111.
2. Private Acts of 1945, Chapter 111, expressly repealed Chapter 371, Private Acts of 1943, above, which created a Board of Jury Commissioners for Sevier County, in its entirety.
3. Private Acts of 1949, Chapter 319, stated that in Sevier County, using the 1940 Federal Census figures, every regular and every special petit juror in all the courts of the said county, and every Grand Juror shall receive \$4.00 per day for each day's attendance in such Court as on such Grand Jury. The Foreman of the Grand Jury would get \$6.00 per day.
4. Private Acts of 1961, Chapter 267, provided that all persons serving as jurors in Sevier County shall receive as compensation a sum to be determined by the County Court but not to exceed \$8.00 per day, except that the Foreman of the Grand Jury shall receive a sum not to exceed \$10.00 per day.

### **Chancery Court**

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

1. For the first few years after Sevier County was created, the Chancery Court for the county was probably held at Greenville. The Supreme Court Justices held the Chancery Court, and the entire state made up one Chancery district.
2. Public Acts of 1824 (Ex. Sess.), Chapter 14, provided that the Judges of the Supreme Court should arrange to hold Chancery Court twice a year in all the counties of the State. Chancery Court would be held at Greenville for Carter, Washington, Cocke, Green, Jefferson and Sevier Counties on the third Monday in May and November.
3. Public Acts of 1827, Chapter 79, divided the State into two Chancery Districts. The Eastern District was composed of those courts held at Rogersville, Greenville, Kingston, Carthage and McMinnville.
4. Public Acts of 1827, Chapter 88, was almost a repetition of Public Acts of 1824 (Ex. Sess.), Chapter 14, above. The Court at Greenville for Greene, Cocke, Washington, Jefferson, Carter and Sevier Counties would be held on the third Monday in May and November and for two weeks, or longer if the business of the court demanded it.
5. Public Acts of 1829, Chapter 27, changed the Court dates for the Chancery Court at Greenville to the second Monday in May and November.
6. Public Acts of 1832 (Ex. Sess.), Chapter 19, changed the Court terms for some of the Courts in



- the Eastern Chancery Division, but the Court at Knoxville would continue to meet on the third Monday in April and October.
7. Public Acts of 1835-36, Chapter 4, divided Tennessee into three Chancery Divisions and provided for the appointment of a Chancellor for each Division by the Legislature. The 5th District of the Eastern Division was composed of Jefferson, Cocke and Sevier Counties. The Court for this District would meet at Dandridge on the first Monday in April and October.
  8. Acts of 1837-38, Chapter 116, rescheduled the terms of the Chancery Courts in the Eastern Division assigning the Court at Dandridge to the third Monday in June and December.
  9. Acts of 1839-40, Chapter 21, changed the times for holding the Chancery Courts of the Eastern Division, 5th District, to the second Monday in June and December at Dandridge in Jefferson County. Section 12 of this same Act states that Sevier County shall compose one Chancery District, and the court will be held at the courthouse in Sevierville on the second Monday in April and October of each year. This also repeals all other laws in Section 14 which made Sevier County a part of any other Chancery District.
  10. Acts of 1843-44, Chapter 201, declared that the citizens of Cocke County may file their Bills in Chancery at both Dandridge and Sevierville at their option and convenience.
  11. Public Acts of 1857-58, Chapter 88, divided Tennessee into the Eastern, Middle, Western, 4th, 5th and 6th Chancery Divisions. Sevier County was in the Eastern Division with Court terms to begin in Sevierville on the second Monday in April and October.
  12. Public Acts of 1859-60, Chapter 59, changed the court terms for the Chancery Court in Sevier County at Sevierville to the third Monday in March and July of each year with the requirement that process be made to conform to those dates.
  13. Acts of 1865, Chapter 7, was a post Civil War Statute which created the 8th Chancery Division composed of Sevier, Blount, Monroe, Roane, Knox, Anderson and McMinn Counties. A Chancellor would be appointed who would enjoy all the powers of other Chancellors and draw the same salary.
  14. Acts of 1865, Chapter 14, established Court terms for the counties in the 8th Chancery Division, listed above, and assigned Sevier County's Chancery Court to the second Monday in April and October. The Chancellor of this Division may interchange with the Chancellors of the others.
  15. Acts of 1869-70, Chapter 32, reorganized the lower system of equity courts of the State into twelve Chancery Divisions. The Second Chancery Division consisted of Knox, Sevier, Campbell, Union, Anderson, Roane, Monroe, Blount, Scott, Morgan, Fentress and Christiana, if established.
  16. Acts of 1869-70, Chapter 47, scheduled the Court terms for the Chancery Courts of all the Counties. Sevier County would begin the terms of the Chancery Court on the second Monday in April and October.
  17. Acts of 1872 (Ex. Sess.), Chapter 15, changed Court terms for some of the counties in the Second Chancery Division, but left Sevier County's terms on the second Monday in April and October.
  18. Acts of 1883, Chapter 85, changed the starting days for the Sevier County Chancery Court to the fourth Monday in April and October instead of the second Monday. Conflicting acts were repealed and process would be adjusted to conform to the changed dates.
  19. Acts of 1885 (Ex. Sess.) Chapter 20, divided the State into eleven Chancery Divisions. The Second Division was made up of Knox, Campbell, Sevier, Union, Anderson, Blount, Roane, Loudon, Morgan and Scott Counties. Court terms in Sevier would begin on the fourth Monday in April and October. This Act was the basis for litigation in the case of *Flynn v. State*, 203 Tenn. 337, 313 S.W.2d 248 (Tenn. 1958), but only the criminal court in Memphis was involved.
  20. Acts of 1887, Chapter 92, changed court terms for several of the counties in the Second Chancery Division, but left Sevier County on the fourth Monday in April and October.
  21. Public Acts of 1899, Chapter 212, abolished the Second Chancery Division of the State of Tennessee.
  22. Public Acts of 1899, Chapter 214, added Sevier, Blount and Loudon Counties to the First Chancery Division and the remainder of those counties in the abolished Second Chancery Division were assigned to the 12th Chancery Division. Sevier County would continue to start the terms of Chancery Court on the fourth Monday in April and October.
  23. Public Acts of 1899, Chapter 427, reorganized the lower judicial system into ten Chancery Divisions. The Second Division was composed of Sevier, Blount, Loudon, Campbell, Anderson, Roane, Morgan, Scott, Union, Fentress and Jefferson. Court terms would begin in Sevier County

on the first Monday in January and July.

24. Acts of 1901, Chapter 438, amended the 1899 Act which reorganized the lower courts by placing Sullivan, Johnson, Carter, Washington, Unicoi, Greene, Cocke, Jefferson, Sevier and Blount Counties in the First Chancery Division with Court terms commencing in Sevier County on the fourth Monday in April and October.
25. Acts of 1907, Chapter 382, changed the time for starting the terms of the Chancery Court in Sevier County to the second Monday in April and October instead of the fourth.
26. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, also reorganized the lower Judicial structure of the State into fourteen Chancery Divisions. This Act placed Sevier County in the 13th Chancery Division where it still remains. The original counties in that Division were Cocke, Blount, Hamblen, Greene, Jefferson, Union, Grainger and Sevier. The terms of Court for Sevier County would begin on the third Monday in April and October. Court changes would occur only through public acts from this date.
27. Public Acts of 1955, Chapter 255, amended the time of holding the Chancery Court in Sevier County in the Thirteenth Chancery Division. The time for starting the terms of court for Sevier County were set for the first Mondays in June and December. The provisions of this act were superseded by Public Acts of 1984, Chapter 931.

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

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

1. Private Acts of 1917, Chapter 156, provided that women over the age of 21 and residents of the county which appoints them shall be eligible to serve as a Deputy Clerk and Master with all the rights, privileges, duties and obligations as other Deputies.

### **Circuit Court**

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

1. Acts of 1794, Chapter 12, provided that Sevier County, newly created, would become a part of the Hamilton District for all purposes both civil, for courts, and military, and be just as much a part as it was before being taken from the counties of Jefferson and Knox.
2. Acts of 1809, Chapter 49, divided Tennessee into five Judicial Circuits of which the Second Judicial Circuit consisted of Cocke, Jefferson, Sevier, Blount, Knox, Anderson, Roane, Rhea and Bledsoe counties. Circuit Courts would be held twice annually, and in Sevier County this would occur on the fourth Monday in January and July. The Judge of the Circuit would appoint a Clerk for each of the courts over which he was to preside.
3. Private Acts of 1833, Chapter 201, made it the duty of the Judge and the Attorney- General of the Second Judicial Circuit to examine, certify and allow under the existing law of the State, the bill of costs the State is liable to pay in the case of State v. Thomas D. Allen, which was decided in Sevier County during the year of 1828.
4. Public Acts of 1835-36, Chapter 5, divided Tennessee into eleven Judicial Circuits with provisions for holding Court three times a year. The Second Judicial Circuit consisted of Cocke, Jefferson, Sevier, Blount, Knox, Campbell, Anderson and Morgan Counties. Circuit Court terms in Sevier County would commence on the fourth Monday in January, May and September. Chancellors and Circuit Judges were to be paid a salary of \$1,500 per year.
5. Acts of 1837-38, Chapter 3, organized the State's lower civil judicial structure into fourteen Judicial Circuits. The 12th Judicial Circuit consisted of Cocke, Sevier, Jefferson, Grainger, Claiborne and Campbell counties. Court terms in Sevier would begin on the fourth Monday in April, August and December.
6. Acts of 1837-38, Chapter 116, changed the time for holding the Circuit Court in Sevier County to the second Monday in April, August and December. The terms for the other counties in the Circuit were also changed.
7. Acts of 1839-40, Chapter 5, provided that the terms of the Circuit Court in Sevier County would begin on the first Monday in April, August and December and continue for two weeks, or longer, at each term, or until the business of the court was completed.
8. Acts of 1851-52, Chapter 352, stated that the Circuit Court for Sevier County would begin on the third Monday of March, July and November, and if necessary, would continue for two weeks.
9. Public Acts of 1857-58, Chapter 98, reorganized the Circuit Courts of the State into sixteen

Judicial Circuits. The Second was made up of Campbell, Claiborne, Union, Grainger, Cocke, Jefferson and Sevier Counties whose Court sessions would start on the third Monday in March, July and November.

10. Private Acts of 1857-58, Chapter 112, stated in the preamble that a fire had destroyed the courthouse in Sevierville in March, 1856, which destroyed many valuable papers and the Reports of the State. The Clerk of the Circuit Court has since bought another set of Reports and is willing to sell them to the county at his cost. This Act authorizes the Comptroller of the Treasury to issue a draft for \$150 to M. W. McCown to pay for the set of Reports which would become the property of the Circuit Court Clerk's office in Sevier County.
11. Acts of 1869-70, Chapter 31, divided Tennessee into 15 Judicial Circuits. The Second Circuit was composed of Cocke, Jefferson, Grainger, Union, Sevier, Scott, Campbell, Claiborne and Hamblen counties.
12. Acts of 1869-70, Chapter 46, scheduled the terms of the Circuit Court for all the counties in the State. Sevier County, in the Second Judicial Circuit, would start on the third Monday of March, July and November.
13. Acts of 1885 (Ex. Sess.), Chapter 20, created fourteen regular judicial circuits and one special judicial circuit in the State. The Second Judicial Circuit contained the counties of Claiborne, Campbell, Grainger, Union, Hamblen, Jefferson, Cocke, Anderson and Sevier, whose terms of court would commence on the third Monday in March, July and November. This act was the subject of litigation in *Flynn v. State*, 203 Tenn. 337, 313 S.W.2d 248 (Tenn. 1958), but only involved the court at Memphis.
14. Public and Private Acts of 1897, Chapter 223, removed Sevier County from the Second Judicial Circuit for criminal court purposes and included it in the criminal District for Knox County. The act made it the duty of the Judge of the Criminal Court of Knox County to hold the court and the District Attorney of the same District shall attend Court and prosecute cases.
15. Public Acts of 1899, Chapter 427, reorganized the entire number of Circuit Courts into fourteen Judicial Circuits. The Second Circuit was made up of the counties of Jefferson, Grainger, Hamblen, Cocke, Morgan, Scott, Campbell, Anderson, Union, Fentress and Sevier whose court terms, would begin on the third Monday in January, May and September.
16. Acts of 1899, Chapter 409, predates Acts of 1899, Chapter 427, above, and conferred the Circuit Court jurisdiction of Sevier County upon the Law Court of Knox County along with all of the Knox County criminal jurisdiction. Sevier County would hold court on the first Monday in January, May and September.
17. Acts of 1903, Chapter 227, changed the court terms for all the counties in the 2nd Judicial Circuit switching Sevier County to the first Monday in March, July and November.
18. Private Acts of 1905, Chapter 101, amended Acts of 1903, Chapter 227, above, by changing the beginning dates for several terms of the Circuit Court in the Second Judicial Circuit. Sevier County went from the first to the third Monday in March, July and November.
19. Private Acts of 1905, Chapter 477, again changed the beginning dates for the Circuit Court terms for counties in the Second Judicial Circuit, assigning Sevier County to the fourth Monday in February, June and October.
20. Acts of 1907, Chapter 205, changed the schedule of the Circuit Court terms in Sevier County to the first Monday instead of the fourth Monday in February, June and October.
21. Private Acts of 1923, Chapter 15, changed the beginning dates for the terms of the Circuit Court in Hamblen and Sevier Counties to the first Monday in March, July and November. All bonds and process would be adjusted to fit those dates.
22. Public Acts of 1931 (2nd Ex. Sess.), Chapter 18, corrected some errors which were made when the General Assembly amended the 1932 Code, which was enacted in 1931, with reference to the Second Judicial Circuit. The correct counties were Cocke, Union, Sevier, Jefferson, Grainger and Hancock with Sevier starting its terms on the first Monday in March, July and November.
23. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, reorganized the lower judicial structure of the State into twenty Judicial Circuits. The Second Circuit consisted of Cocke, Union, Jefferson, Grainger, Hancock and Sevier counties. Court days in Sevier remained on the first Monday in March, July and November.
24. Public Acts of 1955, Chapter 19, fixed the time of holding the Circuit Court of the Second Judicial Circuit of Tennessee. Court days for Sevier County were set for the forth Monday in February, June and October. The act repealed all laws in conflict with it with one exception regarding certain

provisions for Cocke County. This act was repealed by Public Acts of 1955, Chapter 19, below.

25. Public Acts of 1959, Chapter 99, fixed the time of holding the Circuit Court of the Second Judicial Circuit of Tennessee. Court days for Sevier County were set for the third Monday in February, June and October. The act repealed all laws in conflict with it with one exception regarding certain provisions for Cocke County. The provisions of this act were superseded by Public Acts of 1984, Chapter 931.

### **Circuit Court - Clerk**

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

1. Acts of 1903, Chapter 255, was a salary act concerning only Circuit Court Clerks but statewide in its application. The salary was based upon the population of the county according to the 1900 Federal Census. According to our calculations, the Circuit Court Clerk of Sevier County would have received \$1,000 per year under the terms of this law.
2. Private Acts of 1923, Chapter 226, sets the salary of the Circuit Court Clerk of Sevier County at no less than \$1,200 per year, and, if the fees of the office do not equal that amount, the County Judge shall issue a warrant to pay the difference. The clerk must file, by the first Monday in September, a sworn, itemized statement with the County Judge or Chairman, showing the amount of fees collected by his office and the difference between the fees and the \$1,200 will be paid, but, if the fees exceed that amount the excess will go into the County treasury. This act was repealed by the Private Acts of 1927, Chapter 612, below.
3. Private Acts of 1927, Chapter 612, provided that the Circuit Court Clerk of Sevier County shall be paid \$900 a year in monthly installments on the first day of the month out of the general funds of the county upon the warrant of the County Judge or Chairman. In addition the clerk will be entitled to retain all the fees collected by his office. This Act specifically repeals Private Acts of 1923, Chapter 226.
4. Private Acts of 1953, Chapter 566, amended Private Acts of 1927, Chapter 612, so as to provide that the Circuit Court Clerk may employ clerical help at a salary of \$900 per year, payable monthly, on the warrant of the County Judge or Chairman out of the general funds of the County. This act was repealed by Private Acts of 1971, Chapter 68, published herein.
5. Private Acts of 1959, Chapter 289, would have amended Private Acts of 1947, Chapter 424, by increasing the amount of the extra salary paid to the Circuit Court Clerk from \$1,500 to \$2,400 but this Act was never presented to the County Court for ratification and therefore never became a law, having failed to meet the requirements of the Home Rule Amendment to the State Constitution.

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

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

1. Acts of 1796 (1st Session), Chapter 8, appointed three attorneys [sic] general for the state: one for the district of Washington, one for the district of Hamilton (of which Sevier County was a part), and one for the district of Mero, whose duty it was to prosecute, on behalf of the state, all matters cognizable in the superior courts of law.
2. Public Acts of 1939, Chapter 65, created the position of Criminal Investigator for the Second Judicial Circuit which act was amended by Public Acts of 1976, Chapter 611, so as to remove the qualification from the act that the Criminal Investigator be a practicing attorney.

### **Juvenile Court**

**COMPILER'S NOTE:** Private Acts of 1998, Chapter 104, which established a General Sessions Court for Sevier County, also granted jurisdiction over juvenile matters to that court. This private act is reproduced in the section of this compilation pertaining to General Sessions Court.

### **Trial Justice Court**

The following acts pertained to the Trial Justice Court in Sevier County but are not effective today.

1. Private Acts of 1973, Chapter 34, created and established the Trial Justice Court of Sevier County. The court was vested with the civil and criminal jurisdiction of the General Sessions Court and was in many ways similar to that court except that it was a court of record. This act, as amended, was repealed by Private Acts of 1998, Chapter 104.

2. Private Acts of 1975, Chapter 105, extensively amended Private Acts of 1973, Chapter 34, relative to the places where court may be held, the jurisdiction of the court, the security required of plaintiffs, the procedures to be followed in the court, the return of process and the setting of cases, appeals from the court, the availability of records of the court, costs and fees, the age requirements for the judge of the court, and the interchange of the judge of the court with other judges. This act, as an amendatory act to Private Acts of 1973, Chapter 34, was repealed by Private Acts of 1998, Chapter 104.
3. Private Acts of 1976, Chapter 222, would have amended Private Acts of 1973, Chapter 73, in Section 2 by giving the Trial Justice Court and the County Judge concurrent jurisdiction in probate matters. The Chapter citation in this Act is in error as it should have referenced Private Acts of 1973, Chapter 34. Since this Act was rejected by the Quarterly Court of Sevier County and therefore never took effect, the error in citation was of no consequence. Although it never took effect, it was nevertheless expressly listed as an amendatory act to Private Acts of 1973, Chapter 34, by the act which repealed it, Private Acts of 1998, Chapter 104.
4. Private Acts of 1979, Chapter 65, amended Private Acts of 1973, Chapter 34, and was approved by the Sevier County Legislative Body on June 25, 1979, except for Section 10, subsection 28, which was vetoed by the County Executive. See also the case of *Water v. State, ex rel. Schmutzer and Ogle*, 583 S.W.2d 756 (Tenn. 1979). This act, as an amendatory act to Private Acts of 1973, Chapter 34, was repealed by Private Acts of 1998, Chapter 104.
5. Private Acts of 1980, Chapter 211, amended Private Acts of 1973, Chapter 34, relative to the compensation, benefits and expenses of the Juvenile Judge of Sevier County. This act, as an amendatory act to Private Acts of 1973, Chapter 34, was repealed by Private Acts of 1998, Chapter 104.
6. Private Acts of 1983, Chapter 121, amended Private Acts of 1973, Chapter 34, relative to the compensation of the judge of the Trial Justice Court of Sevier County. This act, as an amendatory act to Private Acts of 1973, Chapter 34, was repealed by Private Acts of 1998, Chapter 104.

### **Court System**

1. Acts of 1794, Chapter 12, stated that Sevier County shall compose a part of the District of Hamilton in the same manner and for all purposes, civil and military, as it did where undivided from the counties of Jefferson and Knox and the counties forming the Hamilton District at the next term of the Superior Court of Law and Equity shall furnish jurors for the court. Knox County will furnish 14 jurors, Jefferson County will furnish 11, and Sevier County will furnish 11.
2. Acts of 1795, Chapter 7, stated that Sevier County would furnish seven jurors for the Grand Jury of the Hamilton District.
3. Acts of 1797, Chapter 6, provided for the Superior Court of Law and Equity to hold Court in the Hamilton District on the fourth Monday in March and September.
4. Acts of 1797, Chapter 7, stated that Sevier County shall furnish four jurors for the Grand Jury of the Hamilton District; Knox County will furnish twelve, Blount County will furnish five, Cocke County will furnish four, Jefferson County will furnish seven, and Grainger County will furnish five.
5. Acts of 1817, Chapter 65, established and laid off solicitorial districts. Sevier County was placed in the third district along with Cocke, Jefferson, and Blount counties. The act further provided that there shall be appointed one attorney general for each district to prosecute on behalf of the state. The attorney general shall have the duty to attend the county and circuit courts, attend to appeals that may be taken in criminal cases from the county court to the circuit court and discharge all duties required by law for the county solicitor and attorney general. The act provided for the payment of \$125 from the state treasury to the attorney general and allowed for an additional allowance out of the county treasury up to \$50 per year.
6. Public Acts of 1835-36, Chapter 3, provided for three Divisions of the State wherein the Supreme Court would hear cases. These were the Eastern, Middle and Western Divisions with courts at Knoxville, Nashville and Jackson. Sevier County was in the Eastern Section.
7. Public Acts of 1835-36, Chapter 28, declared that each Judicial Circuit in the State would also be a Solicitorial District for the prosecution of crimes.
8. Public and Private Acts of 1897, Chapter 223, removed Sevier County from the Second Judicial Circuit and assigned it to the Criminal District of Knox County for the hearing of criminal cases. The act made it the duty of the Judge of the Criminal Court of Knox County to hold the Circuit Court of Sevier County and the District Attorney to attend the terms of court and prosecute the cases.

## Chapter VI - Education/Schools

### Annual Tuition Fees

#### Private Acts of 1976 Chapter 226

**SECTION 1.** An annual tuition fee not to exceed per pupil, per annum, an amount equal to the amount of funds actually raised and used for school purposes from the county during the preceding school year, including tuition and fees, divided by the number of pupils in average daily attendance in the public schools of the county during the preceding year, shall be charged all students attending the public schools of Sevier County who are nonresidents of Sevier County. The Sevier County Board of Education shall collect such tuition fees, which shall be credited to the appropriate school budgets and accounted for as provided by law.

**SECTION 2.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Sevier County. Its approval or non-approval shall be proclaimed by the presiding officer of the court and certified by him to the Secretary of State.

**SECTION 3.** For the purpose of approving this act as provided in Section 2, it shall take effect on becoming a law, the public welfare requiring it, but for all other purposes, it shall take effect upon being approved as provided in Section 2.

Passed: February 25, 1976.

### Board of Education

#### Private Acts of 2002 Chapter 73

**SECTION 1.** Notwithstanding any provision of law to the contrary, beginning with the election for members of boards of education to be held in the year 2002, the Sevier County legislative body may conduct a nonpartisan primary election for members of the school board at the county primary election. If one (1) candidate for a board of education election receives a majority of votes cast in the nonpartisan primary, then such candidate's name shall appear on the ballot in the general election. If no candidate for a board of education election receives a majority of votes cast in the nonpartisan primary, then the two (2) candidates receiving the two (2) highest vote totals shall run against one another in the regular election.

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

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

Passed: February 5, 2002.

#### Private Acts of 2002 Chapter 74

**SECTION 1.** Chapter 380 of the Private Acts of 1927, as amended by Chapter 351 of the Private Acts of 1939; Chapter 539 of the Private Acts of 1941; Chapter 178 of the Private Acts of 1943; Chapter 484 of the Private Acts of 1947 and Chapter 150 of the Private Acts of 1949, and all other acts amendatory thereto, is hereby repealed.

**SECTION 2.** Sevier County shall be divided into five (5) school board districts of substantially equal population, which shall be established by resolution of the county legislative body from time to time, pursuant to Tennessee Code Annotated, Section 49-2- 201(a)(1).

**SECTION 3.** The Sevier County Board of Education (the Board) shall consist of five (5) members, with one (1) member of the Board being elected by the qualified voters in each school board district on a non-partisan basis. Board members shall be elected to staggered four-year terms. Person elected in the regular August general elections shall take office on September 1 following the election and shall serve until their successors are duly elected and qualified.

**SECTION 4.** The Board shall have the same powers, duties, and privileges and qualifications as the Board of Education established pursuant to Tennessee Code Annotated, Title 49.

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

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

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

Passed: February 7, 2002.

## Tenure

### Private Acts of 1941 Chapter 308

**SECTION 1.** That in all counties of this State having a population of not less than 23,285 and not more than 23,295, according to the Federal Census of 1940, or any subsequent Federal Census, civil service or permanent tenure shall apply to all employees of the Boards of Education of said counties occupying the positions of principals and teachers; provided, that no persons occupying the positions of principals and teachers shall be deemed to be under civil service or permanent tenure unless they have been employed by the Board of Education of the counties coming within the provisions of this Act for three years from the time of their appointment or employment; and provided further, that said teachers and principals are elected for the fourth year.

**SECTION 2.** That neither the Board of Education, nor any member thereof, nor the Superintendent of Schools, nor any other official of the Board or Department of Education of any of the counties coming within the provisions of this Act, shall have any right to dismiss or discharge any employee made subject to civil service or permanent tenure by the provisions of this Act, unless and until charges as specified herein shall have first been filed and sustained against such employee in the manner hereinafter provided; however, that in making up the school budget the Board of Education of any such counties ascertain that there is a surplusage of employees in the system, by reason of a natural diminution of the number of pupils in any school, or otherwise, the Board of Education of any such counties may reduce the number of employees in the system to the number required by first dismissing any or all of those who have not been appointed or employed for the fourth year from the time of their appointment or employment. If the reduction so made is inadequate or insufficient in the opinion of the Board of Education of any of such counties, the Board may then dismiss civil service employees without charges being filed or sustained, but such dismissals shall be made according to seniority of service.

**SECTION 3.** That employees under civil service or permanent tenure by the provisions of the Act may be suspended or discharged from service upon conviction of any crime, or for inefficiency, incompetency, neglect of duty, use of narcotics or intoxicating liquors, insubordination, immorality, conduct unbecoming to their profession, failure or refusal to pay his or her honest debts in the following manner:

(a) The principal, superintendent or any ten patrons of the same school may file charges against any teacher or principal subject hereinafter defined "against any such employee." Any person or persons filing charges shall first post a cost bond, which shall be paid in case the charges fail. Anyone filing such charges against any teacher, and it shall be proved such charges are without foundation, said persons shall be subject to the liabilities and penalties as further set forth in this Act. Such charges shall be in writing, but may be in any written form, and no charge shall ever be dismissed because lacking in form. A copy of such charge shall be delivered to the employee so charged, and a certificate of the principal stating that he has delivered a copy of such charges shall be sufficient evidence of the fact of delivery. No charge shall ever be dismissed for insufficiency, and any charge may be amended at any time, but if the said charge is amended after employee has testified, the employee shall be given a reasonable time in which to make defense to the amended charge.

(b) After the filing of charges as hereinbefore set out, the employee charged shall be entitled to a hearing before the Board of Education. Pending this hearing, the employee may be suspended by the Superintendent, but charges shall be filed and a copy thereof furnished the employee within twenty-four hours after such suspension. The Board of Education shall hear all charges within five days after a copy of such charges have been furnished the employee so charged, unless the hearing is further postponed at the request of, or with the consent of the employee under charge. At such

hearing the employee under charge may appear and defend in his own right, or he may appear and defend by counsel. The Board of Education shall render its decision within ten days after the conclusion of the hearing, exclusive of the day of the hearing.

(c) Any person dissatisfied with the decision of the Board of Education shall have the right to appeal therefrom to the Court of appropriate jurisdiction, within three days thereafter, exclusive of the day upon which such decision is rendered. Upon written notice of such appeal being given to the Superintendent, it shall be his duty to prepare a copy of the proceedings, evidence, etc., before the Board of Education transmit the same to the Court to which appeal is made, which Court shall hear the appeal on such record. No new evidence shall be introduced, but the court may send the record back if they are of the opinion that additional evidence is necessary to reach a correct decision.

(d) The Superintendent shall issue writs of subpoena on request of either party to compel attendance of witnesses to testify at the hearing of such investigation; such subpoena shall be signed by him and be served by any constable, the sheriff or any deputy sheriff of said County, and shall be obeyed by the witness in the same manner as subpoenas issued by Justices of the Peace or the clerks of Common Law Courts of this State under the General Statutes of Tennessee, and any failure to obey such subpoenas may be enforced in the same manner and to the same extent as is now provided by law for the enforcement or the punishment for failure to obey subpoenas by Justices of the Peace or the clerks of the Common Law Courts of this State. The cost of the service of such subpoenas by any lawful officer shall be the same as provided by existing laws for service of like character and shall be paid by the Board of Education of any such County. The Superintendent is authorized and empowered to administer oath to the witnesses and parties at such hearings. Such hearings shall be held at such places in said counties as may be designated by the said Superintendent, and shall be public unless private hearings are agreeable to the Superintendent and employee so charged, regardless of whether such hearing is being conducted before the Board of Education or the Court of Appeal.

**SECTION 4.** That if on final disposition of the case the employee so charged is not dismissed or suspended on final hearing, any unpaid salary accruing during his or her suspension before final hearing shall be paid in full by the Board of Education of such County.

**SECTION 5.** That if any sentence, clause, or section of this Act be held unconstitutional, or the application of this Act be held unconstitutional, with respect to any person or circumstance, such holding shall not affect any other person or circumstance.

**SECTION 6.** That all laws or parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act take effect from and after July 1, 1941, the public welfare requiring it.

Passed: February 14, 1941.

## Education/Schools - Historical Notes

### **Board of Education**

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

1. Private Acts of 1927, Chapter 380, as amended by Private Acts of 1939, Chapter 351, Private Acts of 1941, Chapter 539, Private Acts of 1943, Chapter 178, Private Acts of 1947, Chapter 484 and Private Acts of 1949, Chapter 150, created a board of education in Sevier County. The Private Acts of 1927, Chapter 380, as amended, was repealed by Private Acts of 2002, Chapter 74

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

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

1. Private Acts of 1927, Chapter 290, as amended by Private Acts of 1943, Chapter 281, provided that the county superintendent of public instruction in counties having a population of not less than 22,384 and not more than 22,390 according to the 1920 Federal Census be elected by qualified voters of said counties.
2. Private Acts of 1931, Chapter 701, set the salary of the County Superintendent in Sevier County at \$1,500 annually, payable in equal monthly installments out of the county treasury as other salaries are paid. The act further provided that the Superintendent would have supervision, control and the right to select all teachers for the Smith-Hughes vocational work in the county. This act was repealed by Private Acts of 1933, Chapter 186, below.
3. Private Acts of 1933, Chapter 186, repealed expressly Private Acts of 1931, Chapter 701, and



provided that all acts which may have been repealed by that Chapter were restored as fully and to the extent that it had never been passed.

### **General Reference**

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

1. Acts of 1807, Chapter 56, named Nathaniel Buckingham and William Mitchell as Trustees for Nancy Academy in Sevier County who would have and exercise the same powers as other Trustees.
2. Private Acts of 1832, Chapter 76, declared that the Clerk and the Treasurer of the Board of Common School commissioners for Bledsoe, Marion, Sullivan, Washington, Cocke, Greene and Sevier counties are empowered and directed to perform all the duties required of the late Bank Agents in those counties under the same rules laid down by the General Assembly for Campbell County. All notes, papers and books will be promptly handed over to the Clerk and the Treasurer, as provided therein.
3. Private Acts of 1833, Chapter 221, provided that the Commissioners of the Common School Fund in Sevier County were authorized to invest the common school fund in the stock of the Smoky Mountain Turnpike road, in such manner and upon such terms as the Commissioners should consider best and advisable for the school fund, provided that a majority of the Commission consent thereto in writing, and the writing be filed with the County Court Clerk before the investment is made.
4. Acts of 1841-42, Chapter 6, stated that Samuel Pickens, Henry G. Hodges, Sr., Allen S. Bryan, George McCowen, Stewart O. Dickey, Albert T. W. Clendenen and Henry M. Thomas were appointed as Commissioners to settle the business of the recent Board of Common School Commissioners of Sevier County as created by the General Assembly. The Commissioners would organize themselves into a Board immediately and call upon the Clerk of the former Board to deliver any papers, notes, books, funds and money of any kind whereupon all business of the former Board would be settled and whatever remained would be turned over to the Nancy Academy in Sevier County. This act was repealed by the Acts of 1845-46, Chapter 186, below.
5. Acts of 1845-46, Chapter 186, repealed Acts of 1841, Chapter 6, above, entirely and made it the duty of the institution's Trustees to make a sworn written report to Circuit Court at each December term showing the situation and condition of the institution (Nancy Academy) and how the funds have been spent. If waste of funds is present, judgment by motion may be had against the Trustees.
6. Acts of 1847-48, Chapter 103, repealed all the laws which required the county academy to be located within one mile of the county seat as the same would apply to Sevier County. George McMahan, Daniel Emert, John Walker, Robert H. Hodsden, John Mullendore, William Catlett, James Cummings, John W. Trundle, Allen S. Bryan, Alexander McCallie and Benjamin J. Tipton were appointed as Commissioners to select a site for the Academy as near the county seat as possible but not more than two and one-quarter miles from it.
7. Private Acts of 1865-66, Chapter 6, incorporated W. H. Trotter, James P. McMahan, Isaac Ogle, Tilman Fox, John Butler, G. W. Seaton and Isaac Trotter as Trustees for "Middle Creek Academy" in Sevier County who would have and possess all the powers incidental to academic incorporations.
8. Public Acts of 1893, Chapter 85, appointed trustees for Rocky Springs Academy in Sevier County and authorized such trustees to sell the academy and invest the money in the purchase of other school property to benefit the public schools of the civil district where the academy was located.
9. Acts of 1901, Chapter 403, created the Tuckahoe School District out of portions of Sevier and Knox Counties as the area was described therein. An election would be held on May 25, 1901 for three school Directors who would serve until the regular election in August, 1902, when successors would be elected for two year terms. The District was attached to Knox County and would become a part of that system being governed thereby in all things as though it lay wholly within Knox County. The District would be given its pro rata share of school funds from both counties.
10. Acts of 1903, Chapter 319, amended Acts of 1901, Chapter 403, above, so as to provide that the biennial elections to be held in the said school district, created therein, shall be held on the fourth Saturday in May, 1904 and every two years thereafter.

11. Private Acts of 1905, Chapter 149, created a Special School District in the Seventh Civil School District of Sevier County and contained the area described within the Act. The Directors of the Seventh Civil School District were required to pay over the pro rata share of school funds to the Directors of this District. The County Superintendent of Public Instruction would appoint three school Directors to serve until their successors could be elected. Upon a three-fourths affirmative vote of the legal voters in the District the Directors could levy a tax so as to have sufficient funds to operate the school for eight months a year.
12. Acts of 1907, Chapter 236, created a Board of Education for every county in the State, and the office of District Directors were abolished. All counties would be divided into five, or less school districts from each of which one member of the Board of Education would be elected by the County Court. The qualifications of the office, the duties of the Chairman, Secretary and Members of the Board were enumerated. The County Superintendent would be the ex-officio Secretary. Terms of school guidelines for locations of schools and the requirements for a records system were all enunciated. There would be three-member local Advisory Boards in each District who would be elected by the voters of the District. Several counties exempted themselves from the operation of this law, but Sevier County was not among their number.
13. Private Acts of 1907, Chapter 269, is an almost exact duplicate of the above Private Acts of 1905, Chapter 149, and created the Special School District in the Seventh Civil School District.
14. Public Acts of 1909, Chapter 235, provided that every parent or guardian must send every child in their custody and control between the ages of eight and sixteen to a public school for at least 12 weeks, or 60 days, or for as long as school is in session, if the term is shorter, unless excused by the District or City School Director or other officer having control of the public school. This act would not prohibit attending a private school or being tutored privately. The county may make an appropriation to the family if the child is helping support them. An occasional absence would not be construed as a violation for which fines from \$2.00 to \$10.00 were provided. The act would not apply if the student's home were more than two miles distant from the school. The Sheriff or Constable would enforce this law, and the teachers who did not keep good attendance records for pupils would not be paid.
15. Private Acts of 1915, Chapter 674, amends Public Acts of 1913, Chapter 9, by making that act apply to Sevier County when making a child attend school for 80 days in the school term, but they do not have to be consecutive days. This amendment applied only to Sevier County.
16. Public Acts of 1925, Chapter 115, established a statewide public education program, outlined the duties of the state and local Boards of Education and teacher certification requirements. Section 33 abolished all Special School Districts that were not taxing Districts and any taxing district was permitted to hold a referendum on the question of abolition. When all debts are paid, the District may join the county system of schools.
17. Private Acts of 1925, Chapter 621, recited in the preamble that a school house had been built in the Belmont Community of Sevier County and had been used for many years but a new school had been now built with public funds about a mile away and there was no further need for the old one. Therefore, it is lawful for the Trustees of the old school and they are hereby empowered, to advertise and sell the school to the highest bidder and to deliver the proceeds of the sale to the County Board of Education for use in the Sevier County School System.
18. Public Acts of 1933, Chapter 98, provided that all school property within the Great Smoky Mountain National Park be conveyed to the State of Tennessee.
19. Private Acts of 1933, Chapter 520, recited that Charles King had taught for fifteen years, or more, in the county schools but had met some difficulty in securing a certificate in 1931-32. He was directed to open and teach a school by L. H. Tarwater and Edward Brannom, of the County Board of Education, which King did. However, there has arisen some question as to whether King could be legally paid and to this date, he has not been paid. This act permits the County Court to appropriate \$675 with which to pay King for his services in opening and teaching the Dudley Creek School. The Trustee was instructed to receive and honor such a warrant.
20. Private Acts of 1941, Chapter 539, amended Private Acts of 1927, Chapter 380, Section 6, as published herein, by striking the said Section entirely and inserting a new Section directing the County Board of Education to elect a Truant officer for one year who would have all the power and authority of a Constable in regard to executing papers incident to school, school work and non-attendance of classes. He shall receive the same fees for his services as are now provided by law for such acts and, in addition, he may be paid \$800, or less, per year, and four cents a mile for travel. This act was repealed by Private Acts of 1943, Chapter 179, below.
21. Private Acts of 1943, Chapter 179, specifically repealed Private Acts of 1941, Chapter 539, above,

in its entirety.

22. Private Acts of 1943, Chapter 281, amended Private Acts of 1927, Chapter 290, by increasing the term of the Superintendent of Public Instruction from two years to four years beginning in 1944.
23. Private Acts of 1955, Chapter 395, would have amended Private Acts of 1927, Chapter 380, by increasing the compensation of members of the County Board of Education, duly elected and serving under the authority of the act, to \$10 per day when attending regular or special meetings of the Board, or when engaged in the discharge of any other duty imposed by law upon them, but this Act was disapproved and rejected by the Quarterly County Court and never took effect.
24. Private Acts of 1965, Chapter 284, amends Acts of 1865 (Ex. Sess.), Chapter 6, by striking the names of W. H. Trotter, James P. McMahan, Isaac Ogle, Tilman Fox, John Butler, G. W. Seaton and Isaac Trotter from the Board of Trustees of Middle Creek Academy and inserting therein the names of O. E. McMahan, Glen McMahan and Florita Butler McMahan instead. This act does not require local approval according to the publishers.

## Chapter VII - Elections

### Elections - Historical Notes

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

1. Acts of 1796, Chapter 4, appointed electors for the President and Vice-President of the United States in every County of the State. Samuel McGahey, Joshua Gist and Alexander Montgomery were chosen to represent Sevier County.
2. Acts of 1798, Chapter 16, apportioned four Senators and eight Representatives to the Hamilton District of Tennessee. Sevier would have one Representative alone and share a State Senator with Blount County. The Sheriffs of Blount and Sevier Counties would meet at the home of Joseph Vance in Sevier County to compare the votes.
3. Acts of 1812 (Ex. Sess.), Chapter 27, divided Tennessee into six U. S. Congressional Districts. The Second District numbered Jefferson, Grainger, Claiborne, Knox, Sevier, Blount and Cocke among its counties.
4. Acts of 1812 (Ex. Sess.), Chapter 57, apportioned the State into 20 Senatorial Districts and 40 Representative Districts. Sevier County would elect one Representative alone and share a State Senator with Blount County.
5. Acts of 1819, Chapter 69, also allotted 20 Senators and 40 Representatives to counties. Sevier County still had one Representative for itself but shared a Senator with Cocke, Blount and Monroe Counties. The place for counting the votes for each district was also named in this Act.
6. Acts of 1822, Chapter 1, reorganized the State into eight U. S. Congressional Districts. Grainger, Claiborne, Cocke, Jefferson, Knox, Blount and Sevier Counties were all in the Second District.
7. Public Acts of 1826, Chapter 3, reapportioned the State but did not change the number of Senators and Representatives. Washington, Greene, Cocke and Sevier Counties made up one State Senatorial District whose votes would be counted at Greenville. Cocke and Sevier County would share a Representative, the vote to be compared at the house of Jacob Bird.
8. Public Acts of 1832, Chapter 4, divided Tennessee into 13 U. S. Congressional Districts. The Third District consisted of Anderson, Knox, Sevier, Blount and Monroe Counties.
9. Public Acts of 1832, Chapter 9, established electoral Districts for the election of the President and Vice President. There were 15 of these Districts of which Cocke, Sevier, Blount and Monroe Counties composed the Third.
10. Public Acts of 1833, Chapter 71, reapportioned the State. Sevier, Blount, Monroe and McMinn Counties made up the Fourth State Senatorial District and the polls would be compared at the house of A. Congers in Blount County. Blount and Sevier County would jointly elect one Representative, and the votes would be counted at the home of Robert McCaskie in Sevier County.
11. Acts of 1842 (Ex. Sess.), Chapter 1, apportioned Tennessee for the General Assembly into 25 Senatorial District of which Cocke, Blount and Sevier Counties made up the Third. Sevier and Cocke Counties would elect one Representative jointly. All polls would be compared at Sevierville.

12. Acts of 1842 (Ex. Sess.), Chapter 7, divided the State into eleven U. S. Congressional Districts. The Second District consisted of Jefferson, Grainger, Claiborne, Campbell, Anderson, Morgan, Sevier, Blount and Monroe Counties.
13. Acts of 1865, Chapter 34, was apparently the first apportionment of the State after the Civil War. There were eight U. S. Congressional Districts of which the First was made up of Johnson, Carter, Sullivan, Washington, Hawkins, Hancock, Greene, Cocke, Jefferson, Grainger and Sevier.
14. Acts of 1869-70, Chapter 25, provided that under the new Constitution, the General Assembly would consist of seventy-five representatives until the State reached one and one half million in population. One Representative each was given to Johnson, Carter, Campbell, Anderson, Union, Sevier, Macon and Hancock counties and the remainder allocated to various combinations, some populous counties having more than one Representative.
15. Acts of 1871, Chapter 146, immediately followed the Constitutional provisions incorporated into the act above by the reapportioning the State. Cocke and Sevier County would elect one Representative between them and with Jefferson and Blount counties added, they would constitute the Third of Twenty-Five Senatorial Districts.
16. Acts of 1872 (Ex. Sess.), Chapter 7, divided Tennessee into nine U.S. Congressional Districts. The Second District was made up of Sevier, Knox, Jefferson, Anderson, Campbell, Scott, Morgan, Fentress, Cumberland, White, Putnam, Overton, Jackson, Smith, Macon and Clay Counties.
17. Acts of 1873, Chapter 27, reapportioned Tennessee into ten U.S. Congressional Districts using the recently compiled census figures. The Second District was assigned on this occasion the counties of Jefferson, Sevier, Blount, Monroe, Loudon, Roane, Knox, Anderson, Campbell, Scott, Morgan and Union.
18. Acts of 1881 (Ex. Sess.), Chapter 6, apportioned the General Assembly based on the 1880 Census figures. Sevier County would elect one Representative alone and be a part of the Third State Senatorial District with Cocke, Jefferson and Hamblen Counties.
19. Acts of 1882 (Ex. Sess.), Chapter 27, also reapportioned the U.S. Congressional Districts according to the 1880 census. The counties in the Second U.S. Congressional District remained as they were named in the Acts of 1873, Chapter 27, except Monroe County was removed, leaving eleven counties.
20. Acts of 1891 (Ex. Sess.), Chapter 10, reapportioned Tennessee for the General Assembly according to the 1880 census. Sevier, Knox, Jefferson and Cocke Counties were in the 5th State Senatorial District, and Sevier was given one Representative alone.
21. Acts of 1901, Chapter 109, established ten U.S. Congressional Districts in the State under the 1900 Census report. Sullivan, Johnson, Carter, Unicoi, Washington, Greene, Hawkins, Hancock, Claiborne, Grainger, Cocke and Sevier Counties composed the First U. S. Congressional District.
22. Acts of 1901, Chapter 122, again apportioned Tennessee according to the 1900 Federal Census figures. Sevier County retained its Representative and joined Cocke, Hamblen, Jefferson and Blount counties in the 4th State Senatorial District.
22. Private Acts of 1915, Chapter 303, stated that no registration of voters shall be had in Sevier County, and the registration of a voter shall not be a prerequisite to his right to vote in any National, State, County, City, Civil District or any other election to be held in said County. All conflicting laws were repealed.
23. Private Acts of 1947, Chapter 435, provided that all officers, Judges, Clerks and election officials holding all general, regular or primary elections in Sevier County will receive \$2.00 per day as compensation for their services.
24. Private Acts of 1949, Chapter 148, set the compensation of all election officials, judges, clerks and officers holding a general or primary election in Sevier County at \$5.00 per day for such services but would be paid for one day only.
25. Private Acts of 1955, Chapter 22, would have created an 18th Civil District from the 5th Civil District of Sevier County containing an area described by a metes and bounds description. The new District would be part of the 5th Educational District. Two Justices of the Peace and one Constable would be elected in the new District at the regular election in August 1956. This act was rejected by the Quarterly County Court and never became effective.

## Chapter VIII - Health

## Fire Protection

### Private Acts of 1977 Chapter 81

**SECTION 1.** After the effective date of this Act, all public and private water and waterworks companies shall require the installation of at least one (1) standard fire hydrant prior to installing or connecting service to any subdivision for which ten (10) or more residences are planned or built. Such fire hydrant shall be installed within such subdivision not less than ten (10) nor more than twenty (20) feet from a public road in a location which is readily accessible to fire engines. For each additional thirty (30) residences beyond the original ten (10) residences planned or built, at least one (1) other fire hydrant shall be installed in a like manner.

**SECTION 2.** After the effective date of this Act, all public and private water and waterworks companies shall require the installation of a standard fire hydrant every two (2) kilometers in rural, unincorporated areas on all extensions of water lines in such areas.

**SECTION 3.** If any provision of this Act conflicts with any rule, regulation, ordinance, or standard of any municipality or utility district, the stricter standard shall prevail.

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

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

Passed: May 9, 1977.

## Hospital Loans

### Private Acts of 1979 Chapter 128

**SECTION 1.** The legislative body of Sevier County by appropriate resolution of such body is authorized and empowered to extend the general credit of Sevier County on behalf of the Sevier County Hospital/ Medical Center to guarantee or to make necessary open loans to such center from any banking source in an amount not to exceed seven hundred fifty thousand dollars (\$750,000.00).

**SECTION 2.** Such loans provided in Section 1 shall be repaid at the discretion of such county legislative body in one or all of the following manners and in the following order:

- (a) From funds created from the operations of the Sevier County Hospital/Medical Center.
- (b) From any other source of funds authorized by such county legislative body by appropriate resolution including but not limited to property tax levy, business taxes, sales taxes and all general revenues.

**SECTION 3.** That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

**SECTION 4.** If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this Act are declared to be severable.

**SECTION 5.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Sevier County. Its approval or nonapproval shall be proclaimed by the presiding officer of such county legislative body and certified by him to the Secretary of State.

**SECTION 6.** 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 5.

Passed: May 7, 1979.

## Health - Historical Notes

### **Fire Protection**

The following act regarding fire protection in Sevier County passed the General Assembly, but does not

appear to have been properly ratified locally.

1. Private Acts of 1989, Chapter 117, authorized the county executive of Sevier County, during periods of dryness or high winds, in his discretion, or upon the petition of a majority of the fire chiefs of Sevier County, to issue orders prohibiting open burning in all areas within Sevier County except those within the corporate limits of any municipality. An individual, company, corporation, or other legal entity violating the terms or conditions of an order issued by the county executive was subject to a civil penalty of \$50. The Secretary of the State has no record of the act ever being approved locally. There is a resolution on file with the Sevier county clerk indicating that the county legislative body adopted the private act; however, it is dated prior to the time the act was passed by the General Assembly and signed into law and the language of the resolution does not conform to the language of the private act as it ultimately passed. Hence, it appears the act was never properly ratified locally after passage by the General Assembly and therefore never became an effective law under the Home Rule Amendment to the State Constitution which requires local approval.

## Chapter IX - Highways and Roads

### Road Law

### Private Acts of 1969 Chapter 133

**SECTION 1.** That this Act apply only to counties in the State of Tennessee having a population of not less than 24,250 nor more than 24,265, according to the Federal Census of 1960, or any subsequent Federal Census.

**SECTION 2.** That for the purpose of this Act, the public roads within the limits of the Counties to which this Act applies shall be classified as: (1) Interstate, or Federal Roads or Highways; (2) State of Inter-County Roads or Highways; (3) County Roads or Highways.

**SECTION 3.** That there is hereby created the Office of County Road Superintendent for such counties as this Act applies to, and said County Road Superintendent shall be twenty-one years of age, or over, of good moral character, and shall be a resident citizen and a freeholder of said county, and qualified for the duties imposed upon said superintendent. Said County Road Superintendent shall be elected by popular vote at the General August Election of 1970 and shall take office on the first day of September, 1970, and shall serve for a period of four (4) years, and until his successor shall have been elected and qualified.

At every August Election every four years after the August Election of 1970, there shall be elected a County Road Superintendent who shall serve for a period of four years beginning on September 1.

In case of a vacancy in said County Road Superintendent's office, the vacancy shall be filled by the Quarterly County Court until the next General August Election, when his successor shall be elected.

In the election of said County Road Superintendent, the candidates shall qualify in the same manner as candidates for other county offices are required by law to qualify.

**SECTION 4.** That all municipal corporations in the counties shall have charge of and control of all roads, highways and streets within the boundaries thereof provided; said Road Superintendent shall have power and authority to cooperate with the respective municipal authorities relative to the joint laying out, construction and maintenance of any road or highway intersecting or leading into any municipal corporation, or of any bridges or viaducts on such roads or highways.

**SECTION 5.** That the County Road Superintendent, before entering upon the discharge of his duties, shall take and do subscribe to an oath before the County Court Clerk that he will faithfully perform the duties of his office, and shall enter into a bond of five thousand (\$5,000.00) dollars for the faithful accounting of all money and property coming into his hands and for the faithful performance of the duties and obligations of said County Road Superintendent.

**SECTION 6.** That effective September 1, 1970, and thereafter, the compensation shall be fixed by the Quarterly County Court of such county of [sic] counties and at the commencement of any term thereafter at not less than ten thousand (\$10,000.00) dollars and an expense account of one thousand (\$1,000.00) dollars per annum which sum shall be paid in equal monthly installments out of the general highway fund hereinafter created. Provided, further, that said County Road Superintendent shall at the same time he submits his budget to the quarterly county court at its July session, prepare an estimate of his expenses to be incurred in the performance of his duties, itemizing the same and present it to the quarterly county court for their action on the same. And he shall file at the same time he files his quarterly report to the

court an itemized account showing the expenses incurred in the performance of his duty, setting out in detail for what paid and to whom paid, which account shall be sworn to and shall state that the expenses incurred were necessarily incurred in the performance of his duties. Provided, further, that said County Road Superintendent shall give his entire time to the duties of his said office.

**SECTION 7.** That said County Road Superintendent shall make to the quarterly county court at each regular session a written itemized report of all receipts and disbursements during the quarter, showing to whom paid and for what services rendered; and he shall show in said report the total amount of outstanding warrants and indebtedness for machinery, supplies, labor, etc., due by the road department, said reports being subject to the approval of the quarterly county court, and shall be recorded on the minutes of said quarterly county court.

**SECTION 8.** That there is hereby created a General Highway fund for said counties to which this Act applies, which fund shall be made up of all the highway funds and moneys which come into the hands of the county for road purposes from [sic] whatever source, and all moneys received by said county for road purposes shall go into this one fund. Said County Road Superintendent shall have authority and power to expend all of said money as and where proper and expedient for the best interest of the county, subject to the limitations of the quarterly county court as provided herein, and to the Purchasing Committee as provided for in Section 13 hereof.

**SECTION 9.** That all persons between the ages of twenty-one and forty-five years, or any other age, shall not be required to work the public roads of said county or pay money in lieu thereof, and any laws or parts of laws in conflict with this provision in so far as they apply to the counties to which this Act applies are hereby repealed.

**SECTION 10.** That the County Road Superintendent shall be the county's agent in dealing with the State Department of Highways or Federal Highway officials in all highway matters, and in such matters between the County and State, or County and Federal Government, the County Road Superintendent shall be recognized as the County's representative.

**SECTION 11.** That it shall be the duty of the quarterly county court of said counties to which this Act applies to levy a public road tax on all the property taxable by law in the county of not less than ten (\$.10) cents nor more than thirty (\$.30) cents on each one hundred (\$100.00) dollars worth of taxable property, which taxes, when collected by the County Trustee, shall be kept in the General Highway Fund.

**SECTION 12.** That the County Road Superintendent shall have general charge and supervision of all the public roads, highways, bridges, culverts and public ferries, outside of the limits of municipalities, suitable shops for repair of machinery and tools, garages and buildings for the storage and distribution of gasoline, oils and greases as it becomes advisable and proper and to keep same in repair.

**SECTION 13.** That a Purchasing Committee consisting of the County Road Superintendent and a five (5) man committee to be elected by quarterly county court to become effective September, 1970, and whose duties are to approve by a majority of the Committee all purchases by the County Road Superintendent before authority to purchase same upon recommendation of the County Road Superintendent, such wagons, trucks, automobiles, materials and supplies, tractors, rock crushers, grading machinery and implements as the County Road Superintendent may deem necessary and proper for the use in carrying out his duties, and he shall have full control of all of the property belonging to the County Road Department for his use in performing his duties, and the County Road Superintendent, with the approval of a majority of the Purchasing Committee, shall have the authority to sell and dispose of any and all equipment and/or materials in his hands which is not suitable and/or necessary for highway work. Provided, said County Road Superintendent shall prepare a budget or list of the probable needs of machinery, equipment, materials, tools and supplies to be used for a period of twelve months, and shall submit same to the July term of the quarterly county court, and when authorized by a majority of the Purchasing Committee shall advertise for competitive bids for same in some newspaper circulated in the county to which this Act applies for at least three consecutive weeks and shall post a copy of the said advertisement on the bulletin board at the front of the courthouse at least 15 days before receiving bids for same, for all machinery, equipment and supplies when the article shall cost \$1,000.00 or more, and award the contract to the best and lowest bidder, reserving the right to reject any and all bids. Provided that this requirement for competitive bids shall not apply to the purchase of gasoline, oils and greases which shall be bought in wholesale quantities in the open market upon approval of a majority of the Purchasing Committee. Provided that emergency repairs, regardless of the cost, may be bought without competitive bids or advertising. Members of the Purchasing Committee shall be allowed the same mileage and per diem as a Justice of the Peace when meeting on special business. The Chairman of the Committee shall report to the quarterly county court, at each regular session, the activities of the committee and make such recommendations as they deem advisable. This Section of this Act shall become effective September 1, 1970.



**SECTION 14.** That any workhouse prisoners of the county shall be used by and placed under the control of the said County Road Commissioner, to be worked on the pikes, roads, culverts, bridges and in and about any quarries that may be operated or leased by said County Road Superintendent. Provided that nothing herein shall be construed to relieve the Sheriff or jailer of the county of any responsibility for such prisoners now or hereafter imposed by law, except when such prisoners are actually at work under the orders of said County Road Superintendent. Provided, further, that all laws or parts of laws, insofar as they apply to counties coming under this Act, providing for a workhouse commission are repealed and the County Judge, the Sheriff and the County Road Superintendent are hereby clothed with the powers, and it is made their duty to perform all the duties now imposed upon workhouse commissioners in such counties.

**SECTION 15.** That the County Road Superintendent shall have full power to build or repair roads, highways, bridges, culverts or public ferries, etc., by contract; provided, however, that such contracts shall be let on competitive bids by due advertisement at least three consecutive weeks in a newspaper circulated in a county to which this Act applies, and said contracts shall be to the lowest competent responsible bidder or bidders, and the successful bidder or bidders shall give a solvent bond to faithfully perform said contract.

**SECTION 16.** That the County Road Superintendent shall maintain an office at the county seat of said counties to which this Act applies and he is authorized to employ competent help to conduct said office, to serve at the will of the County Road Superintendent at a salary he deems sufficient for duties performed. Provided that the County Road Superintendent shall submit to the quarterly county court at its July term, 1970, a list of all other employees he deems necessary to conduct the affairs and duties of the office, classifying them according to the duties he expects them to perform, and make recommendations for the salary or hourly wage scale for each class of employees, and the quarterly county court is authorized to fix the rate of pay for the employees of the County Road Superintendent, and provide further, that the quarterly county court may at any subsequent term, upon the recommendation of the County Road Superintendent, adjust the wage scale accordingly. Provided, further that the provisions of this Section shall take effect July 1, 1970.

**SECTION 17.** That the County Road Superintendent shall be the custodian of all records, books, contracts, vouchers, maps, etc., and he causes the Clerk to keep a full and current inventory of all machinery, tools, materials and equipment on hand at all times and to submit to the July term of the quarterly county court a copy of said inventory including all machinery and equipment under lease, and provided further, that the County Road Superintendent shall cause all motor equipment belonging to the County Road Department, including any leased equipment, to be marked with the letters "Property of SEVIER COUNTY, Road Department" by painting or decals on the sides of said vehicles, plainly visible with the words "SEVIER COUNTY" with letters not less than three (3) inches in height.

**SECTION 18.** That if the said County Road Superintendent shall determine that for the proper and efficient conduct of his office he should employ a competent engineer, then he shall bring the same to the attention of the quarterly county court and make recommendation to the court and suggest that they fix his compensation and authorize the County Road Superintendent to employ a competent engineer to serve at the pleasure of the County Road Superintendent and that the salary of the engineer if such be employed, be fixed by the said county court and paid monthly out of the General Highway Funds.

**SECTION 19.** That the County Road Superintendent shall have power and authority, in the name of the county, to condemn under the laws of eminent domain, all lands necessary for roads, highways, bridges, ferries, rock quarries, gravel pits, borrow pits, chert beds, and other material necessary for building, repairing and maintaining pikes, highways, roads, bridges, and ferries of the county, in the manner provided by law for the taking of private property for roads for ingress and egress to rock quarries, rock crushers, gravel pits, borrow pits or chert beds. Provided, that the County Road Superintendent may contract with and acquire for temporary use and/or acquire the fee to any rock quarry, gravel pit, borrow pit, chert bed or right-of-way to same for and in the name of the county upon the approval of the majority of the Purchasing Committee herein created.

**SECTION 20.** That all applications to open, change, close or restore to public use any and all roads shall be made by written petition to the County Road Superintendent, stating the district in which the road is located, giving complete description of the present road and the proposed changes, and the names of the land owners to be affected, and within ten days after the filing of the application or petition, the County Road Superintendent, if he believes there is a probable cause to believe that said petition should be allowed, shall notify by written notice the first person names on the petition and the landowners affected by the proposed change, or the date on which said Superintendent will be present at the place designated as the beginning point in the petition to act on said application, which notice shall be served at least five days before the date for acting on the petition. If any landowner affected by the proposed change is a non-resident of the State, or if his place of residence is unknown, publication shall be made for four



consecutive weeks in a newspaper published in the county, of the time and place of acting on said petition. Written notice addressed to the parties at their last known address and dispatched to them by registered or certified mail with return receipt requested shall be sufficient if the return receipt is received from residents of the State.

Upon giving the required notice as above, the County Road Superintendent shall attend at the appointed time and place and shall act upon the application, and if he decides the proposed change is for the best interest of the county, assess whatever damages there may be, if any, against the county, and report in writing his action thereon to the Judge of the County Court, and with said report he shall file with the Clerk of the County Court the original petition and copies of all notices to land owners. The Judge of the County Court shall consider the report and the facts connected with the matter and pass such orders as he may deem for the welfare and best interest of the county. Any of the parties or party affected may, within ten days from the date of the entry of the decision or judgement of the Judge of the County Court, appeal to the next term of the Circuit Court upon execution of proper appeal bond. Provided that the County Road Superintendent may of his own motion, on notice as above provided, make an order and report his action as above provided, to open, close, or change any road he may deem proper, which report shall be acted on by the Judge of the County Court as above provided.

**SECTION 21.** That the County Road Superintendent shall not spend or contract to spend during any one year, funds exceeding the funds received from [sic] all sources for such General Highway purposes for that year; provided, however, that nothing herein contained shall prohibit any bond issue or special appropriation of the quarterly county court and the funds derived thereunder from being expended in any year in which the funds therefrom are placed to the account of the General Highway Fund.

**SECTION 22.** That the County Road Superintendent shall draw all warrants on the Trustee of said county for the disbursements from the General Highway Fund under this Act, which warrants shall be signed by the County Road Superintendent and countersigned by the County Judge. A warrant book shall be kept by said Superintendent, which shall show the number and date of each warrant, the person to whom issued, the purpose for which it was issued and to whom delivered.

**SECTION 23.** That the County Road Superintendent shall have the authority to remove or cause to be removed any obstruction from the pikes, roads, highways or ditches or drains and rights-of-ways of said pikes, roads, and highways and anyone failing or refusing to remove any such obstruction places in said pikes, roads, highways, ditches or drains and on the right-of-way by himself or under his direction, shall be guilty of a misdemeanor; and upon conviction shall be fined not less than ten (\$10.00) dollars nor more than fifty (\$50.00) dollars for each offense.

It shall be a misdemeanor for any person, firm or corporation to place any post, pole, brush, rock, glass or any other obstruction upon said pikes, roads, highways or bridges, or right-of-way or allow the same to remain upon same; provided that transmission lines, telephone and telegraph poles, conduits for gas, water and sewer lines may be placed along said rights-of-way under authority or permission of the quarterly county court; provided, said poles and conduits are so placed that they will be outside of the macadam or surface of said roads or highways and of the ditches, gutters or drains of any pikes, roads, highways, bridges or culverts of the county.

**SECTION 24.** That the County Road Superintendent is authorized to cooperate with both State and Federal Highway Departments on all highway matters. But no expenditure of funds of the county is authorized beyond the amount covered by the general taxes and by such other revenues as shall belong to said road fund; unless funds are provided in other legal manner and authorized by the quarterly county court.

**SECTION 25.** That the County Road Superintendent shall have the authority to designate the maximum tonnage or weight of automobiles, trucks, and other vehicles that are permitted to travel over and on such public roads, highways, ferries and bridges which are maintained by the County Road Department; and in case of a violation of the regulations prescribed in such instances, the person or persons violating same shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$10.00 nor more than \$50.00 for each violation.

**SECTION 26.** That the County Road Superintendent shall prepare and submit at the July term of the quarterly county court a full and detailed estimate or budget showing the cost of work and expenditures necessary for the improvement and maintenance of the highways, roads, bridges and culverts for the ensuing year, upon which the quarterly county court may base the appropriations and levy taxes to meet the expenses of such road construction, improvement and maintenance as said report or budget shows necessary, or may be found by the court to be needed.

**SECTION 27.** That, in an emergency, the County Road Superintendent is authorized to enter rental contracts for the securing of machinery and equipment for use in his department for a period of one

month. Provided that, after a period of one month, machinery and equipment rentals are still necessary, said rental contracts shall be approved by a majority of the Purchasing Committee.

**SECTION 28.** That the County Road Superintendent shall secure's workmen's compensation insurance and liability insurance with solvent companies for not less than ten thousand (\$10,000.00) dollars and keep the same in force, paying the premiums from the General Highway Fund.

**SECTION 29.** That the provisions of this Act are hereby declared to be severable. If any of the sections, provisions, exceptions, sentences, clauses, phrases or parts thereof be held unconstitutional, invalid or void, the remainder of this Act shall continue in full force and effect, it being hereby declared to be the legislative intent that this Act would have been adopted even if such unconstitutional, invalid or void section, provision or matter had not been included therein. Nothing in this Act shall be construed as interfering with the term or emoluments of the office of the present County Road Superintendent in the County to which this Act applies and holding office under Chapter 10, Private Acts of 1933, until the end of the term for which he has been elected.

**SECTION 30.** That Chapter 10, Private Acts of 1933 and all amendments to said Act which in substance is an Act creating the office of County Road Superintendent and setting up a system of county roads which applies to Sevier County, be and the same is repealed and all other Acts in conflict with the provisions of this Act are hereby repealed.

**SECTION 31.** That this Act shall be of no effect until approved by a two-thirds vote of the Quarterly County Court of any county affected at a regular session occurring more than thirty (30) days subsequent to the approval hereof by the Chief Executive of the State. The presiding officer of the quarterly county court shall proclaim the approval or disapproval thereof and shall certify the same to the Secretary of State at Nashville.

**SECTION 32.** That this Act shall take effect for the purpose of validating the same as provided for in Section 29 from and after its passage and for other purposes on the date and dates set out in this Act, and for any purpose, the effective date for which is not otherwise specified, on and after September 1, 1970, the public welfare requiring it.

Passed: May 2, 1969.

## Highways and Roads - Historical Notes

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

1. Acts of 1801, Chapter 72, authorized the County Court of Sevier County, as a body politic, to open a road from Sevierville to the boundary of the State in a direction towards the most convenient part or commercial place in Georgia. The court could appoint one or more viewers to view, lay off and mark the road at a compensation of \$2.00 per day. The Court was authorized to levy a road tax to defray the expenses of building the said road, and, in addition, could appoint toll gate keepers to collect tolls in accordance with the schedule set up in this law. The Court could make such other rules and regulations deemed necessary to accomplish the objective. Anyone passing a toll gate without paying was subject to a fine of \$10.
2. Acts of 1803, Chapter 38, permitted the County Court to contract with any person, or persons, to open, clear and keep in repair a road (unidentified in the act but apparently well known to the County Court), and the Court may grant such person toll collecting rights not to exceed twenty years and may cause a toll to be collected for the use and benefit of the county for a period not to exceed twenty years.
3. Acts of 1819, Chapter 40, recited that it had been represented to the General Assembly that James P. H. Porter, and others, had viewed and marked a road from David Frazier's place in Sevier County to the top of Smoky Mountain running from Knoxville to Augusta, Georgia by way of Sevierville, which would reduce the distance by 80 to 100 miles. This Act appointed Porter, above, Alexander Preston, Robert H. Rodgers, William Henderson and James Wilson, as Commissioners to superintend the opening and completing of the said road. They were required to make a bond and would not be paid for serving as Commissioners. When, and if, it became impossible to keep the road going by means of subscription, the Court of Pleas and Quarter Sessions may levy a tax to sustain it.
4. Public Acts of 1821, Chapter 6, required the County Courts of the various counties to classify all the roads in the County into three different classes and to index them which was the first step towards a statewide system of roads and the pattern for many road laws to follow. Width and

surfacing were the two standards to be used and penalties were incorporated for damaging or obstructing public roads for the first time.

5. Private Acts of 1821, Chapter 105, incorporated James P. H. Porter, Alexander Preston, Simeon Perry and Robert Rogers of Sevier County and Peter Bryan and William Cate of Jefferson County as the Smoky Mountain Turnpike Company to build a road from Sevierville towards the Georgia line. Anyone working for one week on this road in Sevier County could travel it for one year toll free.
6. Private Acts of 1835-36, Chapter 87, appointed James P. H. Porter, Micajah C. Rogers, Anthony Lawson, John Mullendore and Elijah Cate, as Commissioners to lay off and build a road of the first class from the end of the Smoky Mountain Turnpike Road in Sevier County to the public road in or near Cumberland Gap in Claiborne County. They were to make reports to the County Courts through which the road would pass whereupon the Court shall appoint an overseer and hands to keep the road in good repair. Any failure to comply could lead to indictment and trial.
7. Acts of 1839-40, Chapter 78, appointed Alexander E. Smith and William Jack of Cocke County; Barnett Thorton, Joseph Hill and James Webb of Jefferson County; and James P.H. Porter, Senior, and Micajah C. Rogers of Sevier County as commissioners of view. These commissioners were directed to mark and lay off an alternation in the location of a certain part of the road leading from Newport, in Cocke County, to Sevierville, in Sevier County, passing through a portion of Jefferson County. Once the commissioners of view reported their actions to the county courts of the respective counties, the county courts were directed to appoint overseers to perform the alterations and to keep the road in good repair as a road of the first class. Once these changes were accomplished, the road's location was not to be changed except by order of two-thirds (2/3) of the county court of the county wherein the changes were proposed.
8. Acts of 1841-42, Chapter 32, appointed William Ogle, Senior, Andrew Pearce, Robert Shealds, George W. Cowan, William Catlet, Ira M. Hill, Allen S. Bryan, Jesse Langston and William Thompson, as Commissioners, to open books and to receive subscriptions of stock up to \$25,000 to make a turnpike road from the northern end of Smoky Mountain Turnpike to some point on the route leading to Cumberland Gap which point would be designated by the Commissioners. The point, however, would be kept below the Pigeon River mountains. When the road was completed, one toll gate could be erected, but no resident of Sevier County would be compelled to pay any toll charges.
9. Private Acts of 1843-44, Chapter 52, appointed Alexander E. Smith, John German, William A. Simms of Cocke County; Joseph Hill, James Webb and John Dickey of Jefferson County; and James P. H. Porter, John Walker, Lemuel Bogart, George Fox and John Bird of Sevier County, as Commissioners to view, mark and lay off an alteration in the location of the road leading from Newport in Cocke County to Sevierville. When the alteration has been marked by this group of Commissioners, it shall not be changed by anyone else.
10. Private Acts of 1843-44, Chapter 203, appointed George McCown, John Mullendore, William Henderson, Martin Shults, William Ogle, Senior, William Trentham, Robert Shields, William Catlett, John Ellis, Samuel Bailey, John Walker, J. M. Hammer, G. W. Porter and George Fox, as Commissioners, to open the books and receive up to \$10,000 in stock subscriptions for a road to run from the north end of the Smoky Mountain Turnpike to Pigeon Forge on the west fork of the Little Pigeon River. Shares would be sold at \$20 each, and this company could purchase all the shares of the Turnpike Company, if it so desired.
11. Private Acts of 1845-46, Chapter 150, authorized James P. H. Porter, John Mullendore, Allen S. Bryan, William Catlett, George McCowen, John Walker, William Ogle, Senior, J. H. Hammer and William S. J. Ford and their associates, to incorporate as the Sevier County Turnpike Company to build apparently the same road described in Private Acts of 1843-44, Chapter 203, above. They could issue up to \$6,000 in \$20 shares. The act had a schedule of tolls to be charged at the one toll gate to be allowed, but residents were exempted from paying it.
12. Private Acts of 1851-52, Chapter 276, incorporated M. W. McCown, William Catlett, Milton Carter, West J. Emert, William Ogle, Senior, Daniel W. Ragan and H.M. Thomas as the Sevier County Turnpike Co., with up to \$5,000 capital to build a road from the top of Smoky Mountain on a line between North Carolina and Tennessee to the first ford of the west fork of the Little Pigeon River above West J. Emert's place in Sevier County. There were rules for the operation of the company and specifications for the road which must be met. A schedule of tolls to be charged was included and provisions made for periodic examinations to be conducted both of the physical aspects of the road and the financial records of the company.
13. Acts of 1901, Chapter 136, was a statewide road law for all counties under 70,000 in population.

The County Court would elect one Road Commissioner in each Road District which would be co-extensive with Civil Districts who would serve two-year terms. Their duties were set out for which they would receive \$1.00 per day for each day actually worked, not to exceed ten days in one year. A road tax of two cents per \$100 of property valuation was levied and the duties of the courts, the chairman of the Road Commission and the members of the Commission were enumerated fairly extensively. All males between the ages of 21 and 45 were subject to work on the roads as the County Courts might determine and penalties established for any failure to do so. Prisoners were also required to work on the roads under prescribed conditions. Procedures to open, close or change roads were promulgated which must be observed by anyone desiring them. Work on the highways could be contracted under certain conditions. This Act was involved in litigation in the case of *Carroll v. Griffith*, 117 Tenn. 500, 97 S.W. 66 (Tenn. 1906).

14. Public Acts of 1905, Chapter 478, amended Public Acts of 1901, Chapter 136, above, in several minor particulars but primarily in the procedures to be followed to open, close or change a road.
15. Public Acts of 1909, Chapter 60, seemed to be a typical county road law, but it did not apply to Sevier County as some had previously indicated.
16. Private Acts of 1915, Chapter 496, allowed the Quarterly County Court to issue \$5,000 in interest bearing warrants which would be used to macadamize certain roads in Sevier County on the most direct routes as determined by the Road Commission. An equal amount would be spent on the roads until they intersected and the remainder on such as were left after that. Authority to levy a tax to pay the warrants was granted in this Act.
17. Private Acts of 1915, Chapter 616, authorized the Quarterly County Court of Sevier County to levy an annual tax not to exceed more than 30 cents per \$100 of taxable property to lay out, open, grade and macadamize a public road of the first class from the present forks of the public road at the new pike near Mrs. Mollie Hicks residence in the 4th Civil District, to the new pike survey at a point on the southwest side of the big East Fork of Little Pigeon near Long ford and to construct a suitable bridge across the river between Red Bank Church and Mitchell's ford. Three commissioners were to be appointed to supervise the contract and the work and to report to the Quarterly Court. They may employ an engineer to oversee the work, if deemed essential.
18. Private Acts of 1915, Chapter 626, amended Acts of 1913, Chapter 43, by allowing the County Court of Sevier County to direct the Pike Commissioners to expend the remainder of the \$25,000 provided in Subsection 7 thereof upon the public roads leaving the present new grade near Sheldon Ogle's and leading up Bird's Creek to or near the mouth of Campbell's Branch and on to Emert's Cove.
19. Private Acts of 1923, Chapter 472, created the office of Road Superintendent in Sevier County, who would be elected by the County Court at its July term for two years. He must take an oath, make bond and be in full charge of the roads and the road tools and equipment. He will be the Chairman of all the road commissions and the Chief engineer of the county. He shall be 30 years old, or older, a civil engineer with at least two years experience and a person of good character. His salary is set at \$2,400 annually, payable in monthly installments.
20. Private Acts of 1929, Chapter 634, was a road law for Sevier County which classified roads into four classes according to width and to surfacing materials. Cities would continue to exercise control over their streets. Edd Sheperd, Roy Fox and P.J. Ward were named to the first County Highway Commission, serving staggered three-year terms taking an oath and posting a \$2,500 bond as required. The Commission would have regular and called meetings. They would exercise supervision over all roads, designating the ones to be improved, expending the road funds, and may employ an engineer and attorney, if needed. They would get \$4.00 per day, and expenses, but must file an itemized, sworn statement. The Secretary would keep the records, and the Commission would report to the Court. Each Civil District would constitute a road district. Each section of road would have a foreman who would serve for two years and be in charge of maintaining that section of road. All males 21 to 50 years old, were required to work six, ten hour days on the roads, or pay \$1.00 for each day missed. Penalties were provided for violations of this Section, and procedures were established to enforce the working of the roads. Work could be contracted out but not in excess of the money available. The Commission was required to act on the petitions to open, close or change the roads and could set the allowable weights for vehicles. The Court could levy a tax from 20 cents to 50 cents per \$100 of taxable property for roads. District Road Commissioners were abolished.
21. Private Acts of 1931, Chapter 199, amended Public Acts of 1929, Chapter 54, by adding a provision that convicts may be worked on public roads and quarries in Sevier County from morning until night as deemed practical by the Chairman of the County Highway Commission, and

further, that all petitions to open, close or change a road be addressed to the District Road Commissioner who shall immediately initiate the procedures provided in the law for hearings and appeals therefrom, if necessary. The limits on the road tax were increased from 30 cents to 60 cents per \$100 property valuation. Males aged 21 to 45 were required to work six, ten hour days on the roads or pay \$4.50 as a commutation charge, but would not be required to work outside his district. All commutation fees would be spent in the district from which they were collected. All tools were to be given to the County Highway Commission whose compensation was increased to \$5.00 per day, plus expenses when outside the county. This Act was repealed by Private Acts of 1933, Chapter 435, below.

22. Private Acts of 1931, Chapter 204, exempted Sevier County from the provisions of Public Acts of 1901, Chapter 136, the statewide road law, as that law involved District Road Commissioners and Section overseers. The District Road Commissioners would turn over all money in their hands to the Trustee of Sevier County and all the tools and property which came into their hands and under their control as District Road Commissioners to the County Highway Commission.
23. Private Acts of 1931 (2nd Ex. Sess.), Chapter 75, amended Private Acts of 1931, Chapter 199, by striking out Section 4 entirely and inserting a provision which declared that no citizen of Sevier County, regardless of age, shall be required to work on the public roads, or pay any money in lieu thereof. All laws in conflict with this provision are hereby repealed.
24. Private Acts of 1933, Chapter 10, created the position of County Road Superintendent and became the next road law for Sevier County. The Superintendent would be elected by popular vote for two-year terms beginning in August, 1934, vacancies occurring between elections to be filled by the County Court. His salary would be \$1,500 annually, payable in monthly installments, plus actual expenses incurred in the discharge of his duties, when supported by sworn, itemized statements. O.E. McMahan was appointed to serve as Road Superintendent until the election. All materials, tools, supplies, records and anything in the hands of the County Highway Commission would be turned over to the Superintendent. He would be the county agent in dealing with the State and expend the road funds derived from all sources, including the gas tax. The Court could levy a road tax from 20 cents to 30 cents per \$100 which shall be used only for road purposes. The Road Superintendent was vested with the authority, duty and obligations formerly possessed by the Highway Commission. Prisoners could be worked on the roads as specified, and the Superintendent could employ a Secretary at a salary of \$75 per month, or less, to keep the office open, as required. He could also employ an engineer, when needed, and do all other acts incidental to the discharge of his duties. Employees would work a ten hour day and be paid at the rates established in the Act. Those powers mentioned before, such as condemnation, and disposal of petitions to open, close or change roads are repeated herein. This act had only a general repealing clause.
25. Private Acts of 1933, Chapter 435, expressly repealed Private Acts of 1931, Chapter 199, which was the former road law of Sevier County, in its entirety.
26. Private Acts of 1933, Chapter 439, amended Public Acts of 1929, Chapter 54, by adding a provision at the end of Section One which exempted Sevier County from its provisions.
27. Private Acts of 1939, Chapter 592, amended Private Acts of 1933, Chapter 10, Section 3, by extending the term of the County Road Superintendent from two years to four years, but he could not succeed himself.
28. Private Acts of 1943, Chapter 236, amended Private Acts of 1939, Chapter 592, above, by removing the prohibition of succeeding himself from the County Road Superintendent.
29. Private Acts of 1943, Chapter 305, amended Private Acts of 1933, Chapter 10, by increasing all the daily rates of pay set out in that section for various road employees by 50 cents per day.
30. Private Acts of 1945, Chapter 205, amended Private Acts of 1933, Chapter 10, by rewriting Section 22 so as to provide for a ten hour working day for county highway employees at 50 cents per hour and 60 cents per hour for skilled labor. Accurate records were required to be kept for each employee showing his rate of pay.
31. Private Acts of 1949, Chapter 289, amended Private Acts of 1933, Chapter 10, by increasing the salary of the Road Superintendent from \$1,500 to \$2,400 per year, the salary of the Secretary from \$75 per month to \$1,500 per year, and the hourly wage of unskilled labor from 50 cents to 60 cents per hour and of skilled labor from 60 cents to \$1.00 per hour, all raises to take effect on January 1, 1949.
32. Private Acts of 1951, Chapter 611, amended Private Acts of 1933, Chapter 10, by reducing the term of the County Road Superintendent beginning in 1952 to two years, as it formerly was.

33. Private Acts of 1953, Chapter 253, amended Private Acts of 1933, Chapter 10, by increasing the salary of the Secretary from \$1,500 to \$1,800 annually.
34. Private Acts of 1955, Chapter 394, would have increased the salary of the County Road Superintendent from \$2,400 to \$3,600 a year beginning September 1, 1956, but the act was disapproved by the Quarterly County Court and never became a law.
35. Private Acts of 1957, Chapter 122, amended Private Acts of 1933, Chapter 10, by increasing the salary of the County Road Superintendent from \$2,400 to \$3,600 and by changing the hourly rate of pay for skilled workers in Section 22 from \$1.00 to \$1.25. The amendment for the Road Superintendent would take effect on September 1, 1958.
36. Private Acts of 1959, Chapter 232, amended Private Acts of 1933, Chapter 10, by striking "not to exceed \$75 per month" as it appeared in Section 17, and inserting "not to exceed \$200 per month", thus raising the limitation on the Secretary's salary.
37. Private Acts of 1961, Chapter 334, amended Private Acts of 1933, Chapter 10, Section 6, by increasing the salary of the Road Superintendent from \$3,600 to \$4,500 per year.
38. Private Acts of 1965, Chapter 248, was a road law for Sevier County but was not approved by the Quarterly County Court and thus never became effective. The act created the office of County Road Superintendent who would be elected by popular vote for a two year term, any vacancy to be filled by the County Court until the next general election. He would take an oath, make a \$5,000 bond and receive a salary set by the County Court between \$5,000 and \$6,500 per annum. He must submit budget requests and itemized expenditure reports. The Superintendent would have charge of all roads, highways, bridges and culverts in the county except city streets which would remain under the jurisdiction of the city government. The Superintendent's office must be kept open during regular hours, but he could employ a Secretary whose salary limit was fixed at \$300 a month and an engineer, if need be, at a contract price. The act created a highway fund, repealed all compulsory road labor requirements except prisoners could be worked as may be agreed on with the Sheriff. A Purchasing Committee was formed consisting of the County Judge, the Road Superintendent, the County Court Clerk and the County Trustee, who would approve all purchases with the requirement that all purchases over \$500 must be by bid. Procedures to open, close and change roads were established and the road levy could not exceed 30 cents per \$100 property valuation. All tools and equipment must be plainly marked as the act directs. An advisory board of one member from each Road District was formed. This Act repealed Private Acts of 1933, Chapter 10, and all its amendments.
39. Private Acts of 1965, Chapter 292, amended Private Acts of 1933, Chapter 10, by setting the hourly wage for unskilled labor at \$1.00 to \$1.25 per hour and for skilled labor at \$1.25 to \$1.75 per hour. The salary limit placed on the Secretary to the Superintendent was increased from \$200 to \$300 per month.
40. Private Acts of 1969, Chapter 104, would have been the next complete road law but was not acted on by the Quarterly County Court. This Act was very similar to Private Acts of 1965, chapter 248, which was also rejected by the Quarterly County Court. The important changes were that a minimum road tax of thirty cents per \$100 property valuation was established in Section 11. Section 16 was changed to remove the restrictions placed upon the Road Superintendent in the hiring of those who were to assist him. A new Section 17 was added, but it was almost identical with the latter half of old Section 16. Section 25 required the Budget to be submitted at the July term instead of the January term of the Court. Section 27 had some minor alterations, and the Advisory Committee was omitted in this Act.
41. Public Acts of 1974, Chapter 809, directed the State Transportation Department to construct or rebuild a bridge on old State Route 66 in Sevier County. The Act also appropriated \$500,000 from the state highway fund for these purposes.
42. Public Acts of 1981, Chapter 87, named the bridge crossing the French Broad River on old State Highway 66 in Sevier County, the "Dr. Hobart Ford Bridge" and provided for appropriate markers for the bridge.

## Chapter X - Law Enforcement

### Offenses

### Fireworks

## Private Acts of 1947 Chapter 433

**SECTION 1.** That from and after the effective date of this Act, it shall be unlawful for any person, firm or corporation to possess, store, use, manufacture or sell pyrotechnics, as hereinafter defined, in all Counties of this State having a population of not less than 23,291 and not more than 23,295 inhabitants, according to the Federal Census of 1940, or any subsequent Federal Census.

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

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

**SECTION 3.** That any person guilty of violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Ten (\$10.00) Dollars and not more than Fifty (\$50.00) Dollars, or by confinement in the County jail for not less than thirty days and not more than eleven months and twenty-nine days, or by both such fine and imprisonment, in the discretion of the Court.

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

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

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

Passed: February 24, 1947.

## Stream Pollution

## Private Acts of 1943 Chapter 438

**SECTION 1.** That it shall be unlawful for any person, firm, or corporation to throw into, or place in the waters of any river, creek, stream, or course of running water; (or place and leave, or abandon upon the banks thereof in such proximity to such stream or streams as to be carried into said stream or streams during periods of normal high water) any tin cans, bottles, glass, paper, crates or packing cases (either of wood or of fibre board construction) any decayed or decaying animal or vegetable matter, garbage, or raw sewerage.

**SECTION 2.** That any person, firm, or corporation violating any of the provisions of Section 1 hereof shall be subject to a fine of not less than \$5.00 nor more than \$50.00 for each offense; and that the trial of any person, firm, or corporation upon the charge of the violation of any of the provisions of this Act may be had before any magistrate within the County wherein the offense was committed, under the procedure provided for the trial of Small Offenses by the Code of 1932. Provided, however, that in cases of habitual or persistent violations the District Attorney General may, in his discretion [sic], abate the same as a public nuisance by appropriate proceedings. Provided further, that the Grand Juries of the Counties of this State shall have inquisitorial powers concerning the violations of this Act.

**SECTION 3.** That this Act shall only apply to Counties in this State having a population of not less than 23,200 persons, nor more than 23,300 persons by the Federal Census of 1940, or any subsequent Federal Census; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 10, 1943.

## Law Enforcement - Historical Notes



## **Sheriff**

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

1. Private Acts of 1823, Chapter 258, authorized Samuel Blair and Peter Bryan, securities of the late William Mitchell, Sheriff of Sevier County to collect for one year all the uncollected taxes the said Mitchell could have collected while he was in office. People who might owe taxes will be permitted to set off any claim they might have had against Mitchell, or they may apply the same as partial payment on the taxes owed. If agreement cannot be reached, a Justice of the Peace shall hear the case and render judgment accordingly, either party being given the right to appeal. All money collected will be divided pro rata between these and other securities of the Sheriff.
2. Private Acts of 1927, Chapter 668, provided that the Sheriff of Sevier County shall receive all the fees of that office which are now provided under the law and, in addition thereto, \$600 per year payable in monthly payments of \$50 out of regular county funds in the hands of the Trustee on warrant from the County Judge. No compensation shall be paid for ex-officio services of the Sheriff, the above being intended to take its place.
3. Private Acts of 1943, Chapter 370, amended Private Acts of 1927, Chapter 668, Section One, by increasing the additional compensation of the Sheriff of Sevier County from \$600 to \$1,800 per year, payable at the rate of \$150 per month.
4. Private Acts of 1959, Chapter 288, amended Private Acts of 1943, Chapter 370, above, in Section One by raising the extra compensation of the Sheriff from \$1,800 to \$3,600 per year, payable at \$300 per month. This Act, according to our information, was never presented to the Quarterly County Court and consequently never became a law.

## Chapter XI - Library

### Library Commission

### Private Acts of 1957 Chapter 228

**SECTION 1.** That a Commission be and the same is hereby created for Sevier County, Tennessee, said Commission to be known as the "Sevier County Governmental Library Commission." Said Commission shall be composed of four members to be appointed, one by the Judge of the Circuit Court, one by the Judge or Chancellor holding the Chancery Court, one by the Judge of the County Court, and one by the President of the Sevier County Bar Association. Said Commissioners are to be appointed for a term of two years or until their successors are appointed, but they shall serve without compensation and shall themselves elect a Chairman and Secretary from their members. In event of vacancy in the office of Commissioner by death, resignation, refusal to serve or otherwise such vacancy shall be filled for the balance of said term of two years by the official, or his successor in office, who made the original appointment of said Commissioner.

**SECTION 2.** That the purpose of said Commission shall be to establish, acquire, maintain and operate a County Governmental Library for the assistance of the Court, Judges, public officials, attorneys and the public of said County, and the Commission shall have full power and authority to acquire by purchase, gift, loan or otherwise such law books, codes, treatises and other works of law, government, medicine, history or literature that it may deem necessary or beneficial to the Courts, public officials of the State, County or City, members of the Bar and the public for study on questions of law or Government; also in like manner to acquire all furniture and equipment necessary to establish, maintain and operate said County Governmental Library, together with the right to employ and discharge Librarians and assistants, if necessary, and to fix the salary of such employees, and in their discretion to make all reasonable rules and regulations governing the operation and use of said Library; to lease, rent or acquire by any means other than purchase, space in which to house said Library provided space in the Court House or other public building is insufficient, but so long as sufficient space can be given in the Court House or other public building of the County, same shall be furnished the Library without charge. All books, furniture, and equipment purchased or acquired, other than by loan, shall become the property of said County. If necessary to provide sufficient operating funds for said Library said commission is empowered to fix, assess and collect reasonable dues for its use from all persons using the Library except Judges or other public officials.

**SECTION 3.** That for the purpose of financing said Library, there shall be taxed, as costs, in each suit, Criminal, Civil or Equitable, now pending or hereafter filed in or arising in any Court of record in Sevier County in which a litigation tax is now charged and collected, the sum of one dollar. The costs taxed in pursuance of this Section shall be collected as other costs in such cases are collected and the same shall be designated "County Governmental Library Tax." On or before the last day of each month the Clerks of the respective Courts shall pay to the County Trustee all amounts collected as County Governmental Library Tax in the preceding calendar month. The sum paid to the County Trustee shall be designated "County Governmental Library Fund," and used only for the purposes set out in this Act. On approval of the majority of the Commission the Chairman and Secretary shall draw warrants on the County Trustee for expenditures of the Commission, indicating on each warrant the fund against which it is drawn, and the County Trustee is hereby authorized and directed to make payment out of said fund upon the presentation of warrants so issued in compliance with the provisions of this Act.

**SECTION 4.** That all dues, charges and other funds received by said Library Commission directly shall be paid into the office of the County Trustee in a like manner and at like times as money collected hereunder shall be paid by the Clerks of the various Courts to said County Trustee.

**SECTION 5.** That said Commission shall keep written minutes of its meetings, at which meetings a majority of said Commission then serving shall constitute a quorum for the transaction of business and said Commission shall keep a record of all money received and disbursed, purchases, loans or destruction of books and other property and a proper inventory with reasonable accuracy.

**SECTION 6.** That if any clause, sentence, paragraph, section or part of this Act shall be held or declared to be unconstitutional and void, it shall not affect the remaining parts of this Act, it being hereby declared to be the legislative intent to have passed the remainder of this Act notwithstanding the part so held to be invalid, if any.

**SECTION 7.** That this Act shall have no effect unless the same shall have been approved by two-thirds of the Quarterly County Court of Sevier County on or before October 15, 1957. Upon such approval this Act shall become effective immediately, the Public Welfare requiring it. The approval or lack of approval by October 15, 1957 of this Act shall be proclaimed by the presiding officer of the Quarterly Court of Sevier County and shall be certified by him to the Secretary of State as promptly as is reasonably possible.

Passed: March 15, 1957.

## Chapter XII - Taxation

### Assessor of Property

### Annual Assessment

### Private Acts of 1961 Chapter 335

**SECTION 1.** That in counties having a population of not less than 24,245 nor more than 24,255, according to the Federal Census of 1960 or any subsequent Federal Census, real property shall be assessed annually. Not later than April 20 of each year the assessment of all real property in the county shall be made by the tax assessor, and such assessment shall be the assessment for that year.

**SECTION 2.** That this Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the governing body of any county to which this Act applies or before the next regular meeting of such body occurring more than thirty (30) days after its approval by the governor. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse and shall be certified by him to the Secretary of State.

**SECTION 3.** That for the purpose of ratifying this Act as provided in Section 2, it shall be effective upon passage and approval by the governor, or upon becoming a law without such approval, the public welfare requiring it; and for all other purposes, it shall take effect January 1, 1962.

Passed: March 15, 1961.

## Construction Report

### Private Acts of 1959 Chapter 176

**SECTION 1.** That in counties having a population of not less than 24,245 nor more than 24,255,

according to the Federal Census of 1960 or any subsequent Federal Census, real property shall be assessed annually. Not later than April 20 of each year the assessment of all real property in the county shall be made by the tax assessor, and such assessment shall be the assessment for that year.

**SECTION 2.** That this Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the governing body of any county to which this Act applies or before the next regular meeting of such body occurring more than thirty (30) days after its approval by the governor. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse and shall be certified by him to the Secretary of State.

**SECTION 3.** That for the purpose of ratifying this Act as provided in Section 2, it shall be effective upon passage and approval by the governor, or upon becoming a law without such approval, the public welfare requiring it; and for all other purposes, it shall take effect January 1, 1962.

Passed: March 15, 1961.

## Expense Account and Additional Duties

### Private Acts of 1953 Chapter 521

**SECTION 1.** That hereafter the Tax Assessor in all counties of this state having a population of not less than 23,350 and not more than 23,400, according to the Federal census of 1950, or any subsequent Federal Census, shall have and receive the additional sum of Three Hundred (\$300.00) Dollars per annum for extra expenses for traveling over his respective county, and going upon the property for the purpose of adjusting taxes for the respective property owners, and the salary of the Tax Assessor of said county shall remain the same; but the additional allowance of Three Hundred (\$300.00) Dollars per annum shall be paid to the Tax Assessor for extra expenses incurred, and said sum is hereby appropriated out of the County Treasury of said counties coming under the provisions of this Act to pay such expenses, and the same shall be paid to such Tax Assessors by warrants on the County Treasury, and said warrants shall be issued monthly for the amount due.

**SECTION 2.** That the Tax Assessor of said counties coming under this act are hereby authorized to appoint or name a part time clerk, whose duties shall be to work under, and by the direction of the Tax Assessor, and the sum of Six Hundred Fifty (\$650.00) Dollars is hereby appropriated out of the ordinary County funds, and said sums shall be paid by warrants drawn on the County's Treasury, and said warrants are to issue upon the certificate of the Tax Assessor to the County Judge, Fiscal Agent or Chairman of such county. The said sum of Six Hundred Fifty (\$650.00) Dollars per annum shall be paid to the Tax Assessors of such counties as come under the present Act, and said payments shall be paid in the manner hereinabove prescribed, and by county warrants which shall issue monthly for the amount due said Tax Assessor, for additional clerical assistance.

**SECTION 3.** That it shall be the duty of the Tax Assessor to stamp or cause to be stamped all deeds of conveyance presented for recording before they are released by the Register of Deeds with a stamp showing that he has copied the names of the vendors and vendees in said deed of conveyance for the purpose of making proper corrections on his roll of assessments. It shall be the duty of the Tax Assessor to correct his tax rolls in all such cases so that the Tax Assessor's rolls in all such counties will be kept up-to-date and will show the correct owners of real estate to the end that property may be assessed in the name of the true owners thereof.

**SECTION 4.** That the failure of any Tax Assessor to comply with the provisions of Section 3 of this Act shall constitute misconduct in office and subject him to removal from office under Section 1877 et seq. of the Code of Tennessee.

**SECTION 5.** That, if any section, paragraph, or sentence of this Act be held unconstitutional for any reason, it is the expressed intent of the Legislature that such holding shall not invalidate any other portion of this Act in that the same would have been enacted without such section, paragraph, or sentence.

**SECTION 6.** That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 8, 1953.

## Duties

### Private Acts of 1931 Chapter 708

**SECTION 1.** That the County Tax Assessor be required to keep an office in the Court House at the County

Seat, and that he likewise make and keep a record of all realty transfers for the purpose of keeping the lands in the county assessed to the true owner thereof.

**SECTION 2.** That the County Tax Assessor shall make an actual annual assessment of all property both personal and real in his county.

**SECTION 3.** That the County Tax Assessor shall submit annually to the County Equalization Board, at the first day of the meeting of same, an itemized list of all assessments raised since the last assessment, and a similar list of all assessments; lowered since the last assessment; and that after each item in said lists he state briefly his reason for changing the former assessment. That said list shall comply substantially with the following form:

**List of taxes (Raised-Lowered) in the \_\_\_\_\_ Civil District of \_\_\_\_\_**  
**County, Tennessee, by the assessment of the year \_\_\_\_\_.**

Owner (if property has changed hands, indicate both present and former owner.)	Acreage (Or nature of property)	Old Account	New Account	Reason for Change
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**COMPILER'S NOTE:** The original Section 4 of this Act was stricken from said bill in its entirety and the succeeding sections are renumbered in accordance therewith by Chapter 297, Private Acts of 1943.

**SECTION 4.** That the salary of the Tax Assessor shall hereafter be increased from Fifteen Hundred (\$1,500.00) Dollars per annum to Two Thousand Four Hundred and Fifty (\$2,450.00) Dollars per annum. (See General Note for current salary of Tax Assessor.)

As amended by: Private Acts of 1949, Chapter 849

**SECTION 5.** That this Act shall apply only to counties having a population of not less than twenty thousand four hundred and seventy-five (20,475) nor more than twenty thousand five hundred (20,500), according to the Federal Census of 1930 or any subsequent Federal Census.

**SECTION 6.** That the failure of the County Tax Assessor of said county to comply with any of the provisions of this Act shall constitute a misdemeanor in office, and upon conviction therefor the defendant shall be liable to a fine of not less than One Hundred (\$100.00) Dollars nor more than Two Hundred Fifty (\$250.00) Dollars for each offense; and on conviction shall automatically forfeit his office. And in event the Tax Assessor shall be convicted and prays an appeal, he shall stand suspended until the final hearing and determination on appeal, and he shall not, during this time, be entitled to receive any emoluments of his office or to perform the duties thereof.

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

Passed: July 2, 1931.

## Gasoline Tax

### Public Acts of 1983 Chapter 178

**SECTION 1.** (a). Tennessee Code Annotated, Section 67-63-103(a), is hereby amended by inserting after the words "which operates" and before the words "or in the future" the following words "or in which is operated by a municipality in a county whose population is not less than forty-one thousand (41,000) nor more than forty-one thousand five hundred (41,500) according to the 1980 Federal Census of Population or any subsequent federal census";

(b) Tennessee Code Annotated, Section 67-63-105(a), is amended by inserting the following language as a new subitem to be designated as subitem (3):

If the tax authorized herein shall be levied by a county in which is operated a public transportation system by a municipality in a county whose population is not less than fortyone thousand (41,000) nor more than forty-one thousand five hundred (41,500) according to the 1980 Federal Census of Population or any subsequent federal census, except as provided in amendatory subsection (c) of Section 1 of this Act, the net proceeds shall be apportioned to such county levying such tax and shall be used for support of public transportation services provided wholly or partly within such governmental unit, which shall include necessary road and street repair in support of such public transportation services, in accordance with the provisions of amendatory subsection (c) of Section 1 of this act.

(c) Tennessee Code Annotated, Section 67-63-104(a), is hereby amended by adding the following sentence at the end of such section:

"All proceeds collected from within a municipality which already qualifies as a mass transit system under Section 67-63-102(b)(3) in a county whose population is not less than forty-one thousand (41,000) nor more than forty-one thousand five hundred (41,500) according to the 1980 Federal Census of Population or any subsequent federal census shall be remitted to said municipality by the Department of Revenue after the department deducts their administrative and collection costs provided pursuant to Section 67-63-104."

**SECTION 2.** It is hereby declared that the sections, clauses, sentences, and parts of this bill are severable, are not matters of mutual essential inducement, and any of them shall be elided if any provision would otherwise be unconstitutional or ineffective. If any one or more sections, clauses, sentences or parts shall for any reason be questioned in any court, and shall be adjudged unconstitutional or invalid, such judgement shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provision or provisions so held unconstitutional or invalid, and the inapplicability or invalidity of any section, clause, sentence or part in any one or more instances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance.

**SECTION 3.** This act shall take effect on July 1, 1983, the public welfare requiring it.

PASSED: April 18, 1983

## Hotel/Motel Tax

## Private Acts of 2007 Chapter 12

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

- (1) "Clerk" means the county clerk of Sevier County, Tennessee or such other officer as the county legislative body may direct.
- (2) "Consideration" means the consideration charged, whether or not received, for the occupancy in a lodging valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.
- (3) "County" means Sevier County, Tennessee.
- (4) "Lodging" means any structure or space, or any portion thereof, which is occupied or intended or designed for occupancy by transients for dwelling or sleeping purposes, and located outside the boundaries of any incorporated municipality which has prior to the effective date of this act imposed a similar tax on a transient exercising or entitled to occupancy for any rooms, spaces, or accommodations in a lodging; such term includes any lodging facility, including but not limited to, inn, tourist camp, tourist court, cabin rental, campground or any place in which rooms, spaces or accommodations are furnished to transients for a consideration.
- (5) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any lodging.
- (6) "Operator" means the person operating the lodging whether as owner, lessee or otherwise, and shall include governmental entities.
- (7) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, governmental unit other than the United States or any of its agencies, or any other group or combination acting as a unit.
- (8) "Tourist related activities" means infrastructure needs, advertising, marketing, chamber of commerce expenditures, and convention visitor bureau expenses all related to tourism; and
- (9) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings, spaces or accommodations in a lodging for a period of less than thirty (30) continuous days, including time-share use when the time-share is used for overnight occupancy. The term "transient" does not include any person who occupies a timeshare project, as defined in title 66, chapter 32, pursuant to an exchange of one timeshare interval for another timeshare interval through an exchange program.

**SECTION 2.** The legislative body of Sevier County is authorized to levy a privilege tax upon the privilege of occupancy in any lodging of each transient, in an amount not to exceed three percent (3%) of the rate charged by the operator. The tax imposed is a privilege tax upon the transient occupying such room or other accommodation and is to be collected and distributed as herein provided. The rate of the tax may be modified by the county legislative body subject to the three percent limitation. Such tax shall be in addition to all other taxes levied or authorized to be levied whether in the form of excise, license, or privilege taxes, and shall be in addition to all other fees and taxes now levied or authorized to be levied.

**SECTION 3.** Such tax shall be added by each operator to each invoice prepared by the operator for the occupancy of the lodging. Such invoice shall be given directly or transmitted to the transient, a copy thereof to be retained and filed by the operator as provided in Section 8.

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

**SECTION 4.** No operator of a lodging shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator or that it will not be added to the rent, or that if added, any part will be refunded.

**SECTION 5.**

(a) The tax levied shall be remitted by all operators who lease, rent or charge for any rooms or spaces in lodgings within the county, to the clerk not later than the twentieth day of each month for the preceding month. The operator is required to collect the tax from the transient at the time of the presentation of the invoice for occupancy, whether prior to, during or after occupancy, as may be the custom of the operator. If credit is granted by the operator to the transient, then the obligation to the county entitled to such tax shall be that of the operator.

(b) For the purpose of compensating the county clerk for collecting the tax, the clerk shall be allowed five percent (5%) of the amount of the tax remitted by the operators.

(c) The clerk shall faithfully account for, make proper reports of, and pay over to the trustee of the county at monthly intervals, all funds paid to, and received by, such clerk for the privilege tax authorized by this act.

**SECTION 6.** The county clerk shall be responsible for the collection of the tax and shall place the proceeds of such tax in accounts as designated in Section 10 for the purposes stated herein. A monthly tax return shall be filed under oath with the clerk by the operator with such number of copies thereof as the clerk may reasonably require for the collection of such tax. The report of the operator shall include such facts and information as may be deemed reasonable for the verification of the tax due. The form of such report shall be developed by the clerk and approved by the county legislative body prior to use. The clerk shall audit each operator in the county at least once per year and shall report on the audits made on a quarterly basis to the county legislative body.

The county legislative body is hereby authorized to adopt resolutions to provide reasonable rules and regulations for the implementation of the provisions of this act, including the form for such reports.

**SECTION 7.**

(a) Taxes collected by an operator which are not remitted to the clerk on or before the due dates are delinquent. An operator is liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and is liable for an additional penalty of one percent (1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted.

(b) Each occurrence of knowing refusal of an operator to collect or remit the tax or knowing refusal of a transient to pay the tax imposed is a separate violation of this act and may result in the imposition of a civil penalty, to be imposed separately for each violation, not to exceed fifty dollars (\$50.00) upon a finding of such knowing refusal by a court of competent jurisdiction. As used in this section, "each occurrence" means each day.

(c) Nothing in this section shall be construed to prevent the county clerk or other authorized collector of the tax from pursuing any civil remedy available to the collector by law, including issuing distress warrants and the seizure of assets, to collect any taxes due or delinquent under this act.

**SECTION 8.** It shall be the duty of every operator liable for the collection and payment to the county of any tax levied pursuant to this act to keep and preserve for a period of three (3) years all records necessary to determine the amount of such tax, which records the clerk shall have the right to inspect at



all reasonable times.

**SECTION 9.** The clerk in administering and enforcing the provisions of the act shall have as additional powers, those powers and duties with respect to collecting taxes as provided in Title 67, Tennessee Code Annotated, or otherwise provided by law for the county clerks.

Upon any claim of illegal assessment and collection, the taxpayer has the remedies provided in Tennessee Code Annotated, Title 67, it being the intent of this act that the provisions of law which apply to the recovery of state taxes illegally assessed and collected shall also apply to the tax levied pursuant to this act. The provisions of Tennessee Code Annotated, Section 67-1-707 shall be applicable to adjustments and refunds of such tax. With respect to the adjustment and settlement with taxpayers, all errors of county taxes collected by the clerk under the authority of this act shall be refunded by the clerk.

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

**SECTION 10.** The proceeds of the tax authorized by this act shall be deposited in the fund of the county as specified by resolution of the county legislative body to be used for the following purposes:

- (1) Fifty percent (50%) of the proceeds of the tax shall be dedicated for tourist related activities; and
- (2) Fifty percent (50%) of the proceeds of the tax shall be dedicated for educational purposes.

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

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

**SECTION 13.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Sevier County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body of Sevier County to the secretary of state.

**SECTION 14.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall take effect on the first day of the month following approval as provided in Section 13, the public welfare requiring it.

PASSED: March 14, 2007.

## Litigation Tax

## Private Acts of 1983 Chapter 12

**SECTION 1.** There is hereby imposed upon each case of any description filed in any of the following courts sitting in Sevier County, a tax of five dollars and twenty-five cents (\$5.25) on civil cases and fifteen dollars (\$15.00) on criminal cases, to be assessed and collected as a part of the costs of the cause: Circuit Court, Chancery Court, Trial Justice Court, and City Courts of Pittman Center, Gatlinburg, Pigeon Forge, and Sevierville.

**SECTION 2.** The litigation taxes provided for herein shall be collected by the clerks of the respective courts in which cases are filed. Each of said officials shall be accountable for and shall pay over said revenue to the County Trustee quarterly, not later than the tenth day of the month following the quarter in which collections are made.

**SECTION 3.** The term "case" shall include ex parte as well as adversary or contested proceedings.

**SECTION 4.** The Trustee shall deposit the taxes herein collected as follows:

- A. Two Dollars (\$2.00) of all cases in all courts in a special fund known as the "Courthouse Building Fund" and shall be subject to appropriation by the Sevier County Commission for the purpose of construction of a courthouse or renovation, repair and maintenance on the courthouse.

As amended by: Private Acts of 1997, Chapter 99

- B. All other monies collected pursuant to this Act are to be deposited in the County General Fund.

**SECTION 5.** Chapter 141 of the Private Acts of 1971 is repealed.

**SECTION 6.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Sevier County. Its approval or nonapproval shall be proclaimed by the presiding body of the county legislative body and certified by him to the Secretary of State.



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

Passed: March 3, 1983.

## Taxation - Historical Notes

### **Assessor of Property**

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

1. Private Acts of 1913, Chapter 21, set the salary of the Tax Assessor of Sevier County at \$1,000 per year to be paid out of the regular funds of the county on the warrant of the County Judge, or Chairman, on the first day of July every year.
2. Private Acts of 1923, Chapter 65, provided that the salary of the Tax Assessor in Sevier County shall be \$1,000 a year, plus \$200 for an assistant. The Tax Assessor shall be paid the above mentioned sums of money on the first day of July out of the regular county treasury.
3. Private Acts of 1929, Chapter 832, was made applicable only to Sevier County by using the population figures of the 1920 Federal Census. The act established the annual salary of the Tax Assessor at \$1,500 a year, payable monthly as the salaries of other county officials are paid, and all laws in conflict are repealed to that extent but not otherwise.
4. Private Acts of 1943, Chapter 297, amended Private Acts of 1931, Chapter 708, by striking Section 4 from the act in its entirety and renumbering all the subsequent Sections accordingly.
5. Private Acts of 1949, Chapter 849, also amended Private Acts of 1931, Chapter 708, by increasing the salary figure set out in Section 5 from \$2,000 to \$2,450 per year, all other terms and conditions of the act remain unaffected.
6. Private Acts of 1975, Chapter 33, would have required building permits to be obtained from the Assessor of Property of Sevier County. The Act also provided for certain forms, information, fees and penalties related to building permits. It was rejected or disapproved by the county legislative body and therefore never took effect.

### **Taxation**

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

1. Acts of 1797, Chapter 7, allowed the Quarterly County Courts of Sevier and Blount Counties to levy taxes at specified rates upon certain classes of property, such as 50 cents on white polls, \$1.00 on black polls, 50 cents on each 100 acres of land, \$5.00 on each Billiard table, \$1.00 on town lots and \$1.00 on each stud horse.
2. Acts of 1801, Chapter 64, permitted the County Court to levy an additional tax for the next two years not to exceed the limits stipulated in the act to be applied to the building of a prison. A commission would be appointed to contract with a person or persons to build the prison. The Sheriff must collect the tax and pay it to the Commissioners who shall use it for the building of a prison and no other purpose.
3. Acts of 1803, Chapter 80, declared it lawful for the County Court of Sevier County to levy a tax to repair the Court house, prison and stocks, which would not exceed the amount specified in the act for white polls, black polls, each 100 acres of land, each town lot, each stud horse and each billiard table. All surplus money, if any, was to be paid over to the County Trustee.
4. Private Acts of 1823, Chapter 259, authorized the Court of Pleas and Quarter Sessions to levy a tax upon all taxable property, which tax shall not be less than \$100 in any one year until a sum sufficient to pay the costs and charges accrued, or hereafter accrued, on the imprisonment of Herman Mayfield, Leonard Cain and William Atkeson who are in jail in Knox County on a State charge.
5. Acts of 1870-1871, Chapter 50, gave counties and cities the authority to levy taxes for county and municipal purposes upon the following conditions: (1) that all property be taxed according to its value based upon those principles established for State taxation, and (2) that no credit of any county, or city, shall be given, or loaned to anyone or anything, except on majority vote of the County Court or municipal council to hold an election regarding same, and then only upon the affirmative vote of threefourths of the people of the county.

6. Private Acts of 1931, Chapter 636, required the County Trustee in Sevier County to write all poll tax receipts in ink except when they were paid as part of the property taxes. The poll tax receipts must be printed on white paper unless issued sixty days or less before the election when they should be printed on blue paper. It was declared unlawful to issue receipts in any other manner than this subjecting all Trustees, Deputies or Clerks, for doing so, to fines ranging from \$50 to \$250.
7. Private Acts of 1931, Chapter 837, provided that all properties in Sevier County against which condemnation proceedings had been filed by the State for National Parks, or had been conveyed to the State for these purposes are relieved of all taxes for the year 1931 and of all back assessments. This Act was repealed by Private Acts of 1933, Chapter 159, below.
8. Private Acts of 1933, Chapter 159, repealed expressly and entirely Private Acts of 1931, Chapter 837, above, which exempted certain lands in Sevier County from taxation.
9. Private Acts of 1953, Chapter 101, authorized Sevier County's Quarterly Court, and the cities, to levy a 2% tax on the amount paid for accommodations in hotels, motels, tourist homes, taverns, rooming houses and the like. Definitions of the important terms were included and provision made for the person renting the accommodations to collect the tax. This Act was repealed by Private Acts of 1955, Chapter 327, below.
10. Private Acts of 1955, Chapter 327, repealed Private Acts of 1953, Chapter 101, above.
11. Private Acts of 1971, Chapter 141, imposed a \$1.00 recordation tax and a \$1.00 litigation tax in Sevier County. This act was repealed by Private Acts of 1983, Chapter 12. Recordation fees are now governed by T.C.A. Section 8-21-1001

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