



May 03, 2024

Scott

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

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

Sincerely,

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Scott



Scott County Courthouse

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Chapter I - Administration

Budget System

Budget Committee

Private Acts of 1976 Chapter 267

SECTION 1. There is hereby created a budget committee for Scott County. The budget committee shall consist of three (3) members of the quarterly county court, appointed by the quarterly county court. Each member shall serve for a two (2) year term without additional compensation. The quarterly county court shall appoint the budget committee in the October term of 1976, and once every two (2) years thereafter. A member shall be eligible to succeed himself.

SECTION 2. It shall be the duty of each county official to submit a proposed budget for the upcoming fiscal year to the county judge by March 15th of each year. The county judge shall then submit copies of each proposed budget presented to him to the budget committee by April 1st of each year for the committee's consideration. The budget committee shall study the proposed budgets and then submit them to the quarterly county court with its recommendations on each, including reductions, increases, or other alterations, and its recommendation on the tax rate needed to fund such recommendations. Such recommendations shall be submitted to the court at least forty-five (45) days prior to the time the budgets must be adopted.

SECTION 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court for Scott County before July 1, 1976. Its approval or nonapproval shall be proclaimed by the presiding officer of the court and certified by him to the secretary of state.

SECTION 4. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 2.

Passed: March 10, 1976.

Citizen Gas Utility District

Public Acts of 1959 Chapter 225

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

SECTION 1. That all acts and proceedings heretofore taken in connection with the organization of the Citizens Gas Utility District of Scott and Morgan Counties, Tennessee are hereby legalized and validated and said District is hereby constituted a valid district under the provisions of the law pursuant to which such organization proceedings were taken, notwithstanding any defect in such proceedings.

SECTION 2. From the date of the ratification of this act until the regular August election in 1978, the governing body of the Citizen Gas Utility District of Scott and Morgan Counties shall consist of the present board of that district plus James Griffith of Route 1, Helenwood, Tennessee; Maxine Burton of Elgin, Tennessee; Wilma Laxton of Oneida, Tennessee; Loretta Lloyd of Helenwood, Tennessee; Gary Mason of Oneida, Tennessee; and Verna Bardill of Wartburg, Tennessee. At the regular August election in 1978, there shall be an election held among the subscribers of the district to elect a board of five (5) trustees to govern the district. In the 1978 election one (1) member shall be elected for a term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years, one (1) for a term of four (4) years, and one (1) for a term of five (5) years. Each trustee shall hold office for the term for which he is named or elected or until his successor shall have been elected and qualified. Annual elections shall be held among all the membership in the same way and manner as electric cooperatives. The board of trustees shall promulgate a set of by-laws similar to those provided by electric co-operatives within six (6) months of the enactment of this act which by-laws shall be submitted to the members for ratification. Representation on the board of trustees shall be apportioned so that, at all times, three (3) of the trustees shall be residents of Morgan County. Election of trustees shall be conducted so that the customer owners of the district who reside in Scott County shall vote on each trustee to be elected from Scott County and the consumer owners of the district who reside in Morgan County shall vote on each trustee to be elected from Morgan County.

As amended by: Public Acts of 1977, Chapter 237
Public Acts of 1993, Chapter 176

SECTION 3. That all Acts and proceedings heretofore had or taken by the governing body of said District in connection with the authorization of bonds of said District for purchasing, acquisition, construction, reconstruction, improving, betterment, extending, maintaining and operation of said gas system are hereby legalized and validated and said bonds, when delivered in accordance with the provisions of such proceedings, shall constitute the valid and binding obligations of said District payable from the income and revenue provided in such proceedings. After this law shall become effective, no suit or contest shall be instituted in any court of law or equity contesting the validity of any such bonds or the proceedings in connection with the issuance thereof, or in connection with the right of any acting member of the governing body of said District to his office.

SECTION 4. The trustees of said district shall receive no salary for their services, but each trustee shall be entitled to receive a fee of one hundred dollars (\$100) for attendance at each meeting of the board, and to reimbursement for all expenses incurred in connection with the performance of their duties, subject to the maximum allowed by the by-laws. No more than one hundred dollars (\$100) shall be paid a trustee for attendance fees for meetings held in any one month, but this limitation in payment of attendance fees shall in no way affect the number of meetings the board may hold in any one month. In the event of a vacancy on the board of trustees, the remaining trustees shall have the right to elect a temporary trustee to serve until the next annual election at which time a successor shall be elected to fill the remaining term of the trustee whose office is vacated.

As amended by: Private Acts of 1977, Chapter 237

SECTION 5. That the provisions of this act are severable, and if any of its provisions shall be held to be invalid by any court of competent jurisdiction, the remaining provisions shall remain fully effective, it being hereby declared to be the legislative intent that this Act would have been adopted had any such invalid provision not been included therei

Sen.CTION 6. That all laws or parts of laws in conflict herewith 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 13, 1959.

County Attorney

Private Acts of 1976 Chapter 289

SECTION 1. The office of County Attorney is hereby created. This office shall be filled by the people of Scott County. At the regular August election, some person, meeting the requirements of Section 2, shall be elected for a term of four (4) years. The County Attorney shall be elected every four (4) years at the regular August election and take office the succeeding September 1.

As amended by: Private Acts of 1978, Chapter 241

SECTION 2. The County Attorney shall be a person licensed to practice law in Tennessee and a bona fide resident of Scott County.

SECTION 3. The compensation of the County Attorney shall be set at the May meeting of the Board of County Commissioners for Scott County and shall be not less than Forty Thousand One Hundred Dollars (\$40,100) nor more than Fifty Thousand Dollars (\$50,000), as the same may be changed from time to time by the Board of County Commissioners for Scott County. The salary of the County Attorney, once set, shall not be changed during the term of office of the incumbent for his benefit or to his detriment, except that the County Attorney will be given an allowance for travel expenses while on official county business. The County Attorney shall also be provided with the complete and current volumes of Tennessee Code Annotated.

As amended by: Private Acts of 1978, Chapter 241
Private Acts of 1986, Chapter 153
Private Acts of 2000, Chapter 92

COMPILER'S NOTE: Section 2 of the Private Acts of 1986, Chapter 153, required the Board of County Commissioners of Scott County to ratify the act before May 1, 1986. According to the County Clerk, the act was not ratified until June, 1986; however, the County is operating under the act as amended.

SECTION 4. The County Attorney shall attend each regular or called meeting of the Quarterly County Court, the Scott County Board of Education, and such other meetings of county agencies, boards,

committees, or other bodies as the county court or judge may direct. He shall handle all legal business of the county, and the employment by any county agency or official of another attorney to transact official business shall be at the personal expense of such employer unless his action is directed by the county court. In order to better assist county officials, the County Attorney shall designate one (1) day in each week in which he shall render advice and opinions exclusively to county officials on matters of official business, and shall inform county officials of this designated day.

SECTION 5. The provisions of this act shall not be construed to affect the term of office of any person presently serving as County Attorney in Scott County or to impose any additional duties or requirements on him or affect the amount of his compensation. The provisions of this act shall apply to persons elected in August 1976, and thereafter.

SECTION 6. Chapter 20 of the Private Acts of 1939, Chapter 603 of the Private Acts of 1951, and Chapter 283 of the Private Acts of 1963, are repealed in their entirety.

SECTION 7. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Scott County before July 1, 1976. 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 8. 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 7.

Passed: March 19, 1976.

County Register

Deputy Register

Private Acts of 1963 Chapter 292

SECTION 1. That the County Register of Deeds of Scott County, Tennessee is hereby empowered to employ a Deputy Register of Deeds to perform the functions of that office under the direction of such Register of Deeds and otherwise assist such Register of Deeds.

As amended by:

Private Acts of 1969, Chapter 68

Private Acts of 1981, Chapter 175

SECTION 2. That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of the Quarterly County Court of any county to which it may apply on or before the next regular meeting of such Quarterly County Court occurring more than thirty days after its approval by the Chief Executive of this State, or after its otherwise effective date. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve, and shall be certified by him to the Secretary of State.

SECTION 3. That this Act shall be effective from and after its passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 2 herein.

Passed: March 21, 1963

Fees

Public Acts of 1982 Chapter 842

SECTION 1. Tennessee Code Annotated, Section 8-21-1001, is amended by adding the following as a new subsection to be designated as subsection (c):

(c) In addition to any other fee permitted in this section or by law, the register of any county having a population of not less than nineteen thousand two hundred (19,200) nor more than nineteen thousand three hundred (19,300) according to the 1980 Federal Census of Population or any subsequent federal census, may demand and receive for his services a fee of two dollars (\$2.00) for each transfer of an instrument.

SECTION 2. This act shall take effect July 1, 1982, the public welfare requiring it.

Passed: April 7, 1982.

County Service Officer

Private Acts of 1951 Chapter 599

SECTION 1. That there is created the office of County Service Officer of counties having a population of not less than 17,060 nor more than 17,075 in the State of Tennessee, according to the Federal Census of 1950, or any subsequent Federal Census.

SECTION 2. That James O. Phillips, who resides in Scott County, Tennessee, who is duly qualified to hold said office of County Service Officer, be and he is hereby appointed and designated as County Service Officer for such County or Counties as come within the provisions of this Act, and who shall hold said office until September 1, 1953, or until his successor is elected and qualified, at the July, 1953, Term of the Quarterly County Court of such County or Counties as come within the provisions of this Act; and every two years thereafter said Quarterly County Court shall elect a County Service Officer for a term of two (2) years. The County Service Officer so elected by said Quarterly Court shall be inducted into the Office on September 1, following.

SECTION 3. That no person shall be elected to said office unless he is a citizen and a resident of said County and at least 21 years of age.

SECTION 4. [Deleted by Private Acts of 2005, Chapter 41]

SECTION 5. [Deleted by Private Acts of 2005, Chapter 41]

SECTION 6. That it shall be the duty of said County Service Officer to attend to all matters pertaining to Veteran's affairs; advise and assist all Veterans, their families and the public generally as to their respective rights and duties relative thereto; also, assist in the filing of their respective claims and proof in support thereof; also, work in conjunction and cooperate with the Veterans Administration.

That it shall be the further duty of said County Service Officer to cooperate and work with and in conjunction with all branches of the armed forces, and he shall be entitled to full recognition in all investigations and reports so requested.

SECTION 7. That if any one or more sections, clauses, sentences, phrases or parts of this Act shall for any reason be questioned in any court, and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provisions so held unconstitutional, or invalidity of any section, clause or provision of this Act in any one or more instances shall not be taken to affect or prejudiced (sic) in any way its applicability or validity in any other instance.

It is hereby declared and shall be conclusively presented that this Act, and each section, subsection, sentence, clause and phrase thereof would have been passed, and enacted, irrespective of the fact that any one or more sections, clauses, sentences, phrases or parts thereof be declared unconstitutional, inapplicable, invalid, void or ineffective for any cause.

SECTION 8. That all laws or parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

SECTION 9. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 16, 1951.

Private Acts of 1988 Chapter 227

SECTION 1. Chapter 599 of the Private Acts of 1951, as amended by Chapter 333 of the Private Acts of 1970, Chapter 315 of the Private Acts of 1974, Chapter 238 of the Private Acts of 1976, Chapter 174 of the Private Acts of 1981, Chapter 211 of the Private Acts of 1984, Chapter 65 of the Private Acts of 1987, and all other acts amendatory thereto, is further amended by deleting Section 4 in its entirety and by substituting instead the following:

Section 4. The compensation of the county service officer shall be set at the July meeting of the county legislative body, and shall not be less than six thousand dollars (\$6,000) nor more than fifteen thousand dollars (\$15,000) per annum, payable in equal monthly installments from the county general funds of the county in such amounts as may be established by the board of county commissioner for each budget year. The county service officer shall submit his budget request to the finance committee of Scott County prior to April 1 of each year in order that the compensation of the county service officer can be set by the board of the county commissioners at the July meeting of the county legislative body. Such funds, once the amount of the same has been established by the county legislative body for each year, shall be drawn upon the county trustee by the county executive.

SECTION 2. Nothing in this act shall be construed as having the effect of altering the salary of any incumbent prior to the end of the term for which such public officer was selected.

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

SECTION 4. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 3.

Passed: April 28, 1988.

Administration - Historical Notes

Budget System

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

1. Private Acts of 1937, Chapter 515, created a 3 member Budget Committee who would be appointed by the county court for 2 year terms. The budget for each and every department was promulgated and filed with the Budget Committee, provided, however, that the County Judge or Chairman of the County Court was responsible for budgeting for the general county expenditure. This act and its amendment were repealed by Private Acts of 1976, Chapter 267.
2. Private Acts of 1939, Chapter 393, rewrote Sections 2 and 3 of the Private Acts of 1937, Chapter 515. All departments were required to file a proposed budget on or before March 10th, instead of June 1st as before. The amendment also set an April 10th deadline for the Quarterly Court to adopt a school budget and no later than the end of the July term to adopt budgets for all other departments.

County Attorney

The following acts once affected the appointment, election, or office of the county attorney in Scott County. These acts are included for historical reference only. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1913, Chapter 190, created the office of County Attorney for Scott County. He would be appointed by the Governor until the office could be filled by popular vote. The salary, which could not be changed during the four year term, was to be fixed by the Quarterly County Court between \$400 and \$600 annually payable quarterly. A \$1,000 performance bond was required. The County Attorney would transact all the legal business of the county, assist in audits and in tax equalization matters, and in the collection of revenues. He would counsel with all county officials, who were prohibited from employing any other attorney, and he would assist the District Attorney General in the indictment and prosecution of crimes.
2. Private Acts of 1917, Chapter 625, repealed Private Acts of 1913, Chapter 190, and abolished the post of County Attorney in Scott County.
3. Private Acts of 1939, Chapter 20, created the office of County Attorney in Scott County. This act and its amendments were repealed by Private Acts of 1976, Chapter 289.
4. Private Acts of 1951, Chapter 603, amended Private Acts of 1939, Chapter 20, by striking out the \$900 figure and inserting \$1,200, thereby increasing the yearly salary of the County Attorney to that amount.
5. Private Acts of 1963, Chapter 283, amended Private Acts of 1951, Chapter 603, by raising the annual compensation of the County Attorney for Scott County from \$1,200 to \$3,600.
6. Private Acts of 1998, Chapter 173, amended Private Acts of 1976, Chapter 289, raising the compensation of the County Attorney to not less than \$40,100 nor more than \$50,000. If the county attorney was chosen to collect delinquent taxes then the position of Delinquent Tax Attorney and the office of County Attorney were to be combined and the compensation of the Delinquent Tax Attorney would be that of the applicable general law in effect or as changed from time to time by the General Assembly.

County Clerk

The following acts once affected the office of county clerk in Scott County. They are included herein for historical purposes.

1. Private Acts of 1935, Chapter 664, provided that the County Court Clerk of Scott County would be paid \$200 per annum as compensation which would be in addition to all the other fees and emoluments of this office to which he might be entitled.
2. Private Acts of 1945, Chapter 222, declared that the County Court Clerk of Scott County, quoting the 1940 Federal Census figures, was authorized to employ such clerical help as he might deem right and proper who would assist him in the performance of his duties, but the amount to be paid to said help could not exceed \$300 per year, payable from the general funds of the county to the person whose name appears on the warrant. (It is assumed that this act has been superseded by the general law as it has never been repealed.)
3. Private Acts of 1951, Chapter 588, amended Private Acts of 1945, Chapter 222, by increasing the maximum amount to be paid for clerical assistance by the County Court Clerk from \$300 to \$1,200 annually.

County Legislative Body

The following acts once applied to the quarterly court or the county legislative body of Scott County and are included herein for historical purposes.

1. Acts of 1899, Chapter 44, provided that the 2nd Civil District of Scott County shall hereafter have an additional Justice of the Peace who shall be elected by the voters of the District voting at Helenwood Precinct. The Justice shall reside at and keep his office at Helenwood. The first election shall be held at the expiration of the term or at the vacation of the office by J. J. Newport. The person elected shall hold office until his successor is elected and qualified.
2. Acts of 1899, Chapter 370, declared that the Third Civil District of Scott County was entitled to two more Justices of the Peace and two more Constables one each for Glen Mary and one each for Robbins. All of them shall reside in the old incorporated limits and be elected by the voters of the District.
3. Private Acts of 1911, Chapter 344, provided that the Justices of the Peace in Scott County and in Campbell County are entitled to receive as compensation for their services \$2 per day for each day of attendance at any regular or special session of the Quarterly County Court. They would also be paid five cents per mile for each mile traveled in going and coming to the court house from their residence.
4. Private Acts of 1911, Chapter 406, was exactly the same Act as the one in Item 3 above, an example of some infrequent duplications of the enactment of laws by our old legislative bodies.
5. Private Acts of 1933, Chapter 764, made it unlawful in Scott County for any member of the County Court to teach school or to make any sort of contract with the Board of Education. It was likewise declared unlawful for the Board of Education to approve or to enter into such a contract, it being the declared intention of this act to forbid any Justice of the Peace to enter into contracts with the Board of Education, to teach in any schools, or to make any other contract with the Board. Fines from \$10 to \$50 were established for violations. This Act was declared unconstitutional by the Tennessee Supreme Court in the case of Lewallen v. Hawn, 166 Tenn. 467, 63 SW2d 1008 (1933). on the grounds that it was discriminatory legislation.
6. Private Acts of 1945, Chapter 221, stated that in Scott County, as determined by the 1940 Federal Census figures, the Justices of the Peace shall receive a per diem compensation of \$5 for attendance upon all regular and called sessions of the Quarterly County Court which shall be in addition to any mileage which may be allowed them by law.
7. Private Acts of 1957, Chapter 179, had provisions to set the per diem compensation of the Justices of the Peace in Scott County at \$10 per day for each day's attendance at the regular and called sessions of the Quarterly County Court and to pay them also twelve cents per mile for all miles actually traveled, both ways, from home to court house. This Act was applicable only to those Justices assuming office on and after September 1, 1960. This Act was properly ratified by the Quarterly County Court.
8. Private Acts of 1971, Chapter 33, set the per diem compensation of the Justices of the Peace of Scott County at \$20 per day and the mileage at twelve cents per mile for each mile actually traveled, both ways, between home and Courthouse. The Chairman Pro Tempore shall be compensated, in addition to his pay as a Justice, at the rate of \$25 per month for the additional duties assigned to him by the County Judge or by the Quarterly Court. This act was rejected and disapproved by the Quarterly Court and never became effective.
9. Private Acts of 1974, Chapter 321, set the compensation of Justices of the Peace in Scott County at \$50 per month and 20¢ per mile for attending sessions of the Quarterly County Court.

10. Private Acts of 1978, Chapter 242, raised the monthly compensation of Justices of the Peace to \$100

County Mayor

The county mayor is authorized to employ one or more clerical assistants as may be necessary for the performance of his or her official duties. The county mayor sets the compensation for these clerical assistants within the amount appropriated for this purpose by the county legislative body. T.C.A. § 5-6-116.

1. Acts of 1856, Chapter 253, established, in every Tennessee County, the position of County Judge, who would be learned in the law and elected by popular vote for four (4) year terms. The County Judge would be sworn into office and commissioned as other Judges were. Quorum Courts were abolished, and the posts of Chairman of the County Court were abandoned, the responsibilities of both being given to the County Judge. Procedures for holding the regular and the monthly sessions of the court were established and the power and jurisdiction of the Court defined. The County Judge would also be the accounting officer and the general agent of the county being obligated to perform all the duties listed therein. He would be paid \$5 per day for every day spent as the Judge but the Quarterly County Court could pay more to him if they desired. The County Judge was allowed to continue practicing law in every court but his.
2. Acts of 1857-58, Chapter 5, repealed the above Act and restored the Quorum Courts to activity.
3. Acts of 1868-69, Chapter 35, created the office of county judge in Scott County elected by the qualified voters for a term of eight years with a salary of \$200 per annum paid quarterly. The quorum court was abolished.
4. Acts of 1868-69, Chapter 44, changed the date for the election of the County Judge in Scott County from the first Saturday in May, 1869, to the fourth Thursday in May, 1869.
5. Private Acts of 1911, Chapter 167, amended Acts of 1868-69, Chapter 35, in almost the same manner in which Private Acts of 1919, Chapter 659 did. The County Judge was given the additional duty of inspecting each and every assessment of personal and real property involving acreage and, if less, to report the same to the Equalization Board. He was also made an ex officio member of the Equalization Board, the Workhouse and Poorhouse Commission, and the Bridge and Road Commission with the power to employ a competent civil engineer, if desired. The County Judge was further given the power to issue fiats for injunctions and attachments as was exercised by Judges and Chancellors for all of which he would be paid \$1,000 per year, computed from September 1.
6. Private Acts of 1919, Chapter 659, amended Acts of 1868, Chapter 35, so as to enlarge the duties of the County Judge to include personal inspection and evaluation of all personal and real property for tax purposes and make known his findings to the Board of Equalization. The Judge was also given power to grant fiats and appoint receivers and was also appointed to several Boards and Commissions.
7. Private Acts of 1929, Chapter 369, authorized and empowered the County Judge of Scott County to appoint and employ a clerk who shall assist in the performance of the clerical duties of the said office. The Clerk shall hold the position at the pleasure of the Judge and the salary shall not exceed \$75 per month. This act was repealed by Private Acts of 1933, Chapter 211, below.
8. Private Acts of 1933, Chapter 183, amended Private Acts of 1919, Chapter 659, by reducing the compensation of the County Judge, as provided in that act, from \$1,500 to \$1,200 per year.
9. Private Acts of 1933, Chapter 211, repealed Private Acts of 1929, Chapter 369, Item 5, above, in its entirety with the provision that the Clerk's salary be reduced to \$50 per month until September 1, 1934, at which time this act will take effect and the clerk's job will be abolished.
10. Private Acts of 1935, Chapter 553, stated that the County Judge in Scott County is authorized to expend a sum not to exceed \$900 per annum for necessary clerical, stenographical and other office expenses. The money would be expended on the warrant of the County Judge from general County funds. This act was repealed by the one below.
11. Private Acts of 1939, Chapter 18, repealed Private Acts of 1935, Chapter 553.
12. Private Acts of 1943, Chapter 265, designated the County Judge as Financial Agent and Chief Accounting Officer in Scott County.
13. Private Acts of 1951, Chapter 600, amended Private Acts of 1943, Chapter 265, by increasing the compensation named in Section 2 of that act from \$1,200 to \$1,800 per year.
14. Private Acts of 1963, Chapter 36, recited that the Quarterly County Court and the County Judge of

Scott County have requested that the salary of the Clerk to the County Judge be increased by local legislation, and therefore, this act amends Private Acts of 1951, Chapter 601, by raising that salary from \$1,500 to \$2,100 a year.

15. Private Acts of 1963, Chapter 257, would have repealed Private Acts of 1943, Chapter 265, and Private Acts of 1951, Chapter 600, which fixed the compensation of the County Judge for his services as financial agent and Chief Accounting Officer, but this Act was rejected and disapproved by the local Quarterly County Court and never became a law for Scott County.
16. Private Acts of 1967-68, Chapter 427, repealed Private Acts of 1963, Chapter 36, in its entirety.
17. Private Acts of 1971, Chapter 31, provided for a chairman pro tempore of the county court to perform all the duties and functions of the regular county judge during any sickness or disability of the regular county judge.
18. Private Acts of 1978, Chapter 314, gave the County Judge of Scott County concurrent jurisdiction with the general sessions judges to supervise and approve the emergency commitment of mentally ill persons.

County Register

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

1. Private Acts of 1935, Chapter 613, provided that, in Scott County, using the 1930 Federal Census population figures, the Registers would be paid the sum of \$600 annually, payable monthly out of the regular County funds, which sum would be in addition to all the fees of the office as now allowed by law.
2. Private Acts of 1945, Chapter 191, amended Private Acts of 1935, Chapter 613, by raising the compensation of the Register from \$600 to \$900 annually, also to be over and above all the lawful fees of the office.
3. Private Acts of 1951, Chapter 604, amended Private Acts of 1945, Chapter 191, by increasing the extra compensation of the County Register from \$900 to \$1,500 annually. All the other terms and conditions would remain as they were.
4. Private Acts of 1969, Chapter 68, amended Private Acts of 1963, Chapter 292, by changing the monthly rate of pay for the Deputy Register. The sentence was "The compensation of the Deputy Register of Deeds shall be Three Hundred Dollars (\$300) per month, payable out of the General Fund of the County." This Act was repealed by Private Acts of 1981, Chapter 175.
5. Private Acts of 1972, Chapter 257, would have amended Private Acts of 1963, Chapter 292, by deleting the \$300 per month salary for the Deputy Register and substituting \$400 per month, but this Act was rejected and disapproved by the local County Court and never became effective under the Home Rule Amendment to the Constitution.
6. Private Acts of 1981, Chapter 175, repeals specifically and entirely Private Acts of 1969, Chapter 68, which set the compensation for the Deputy Register of Deeds. Chapter 175 was approved locally on October 19, 1981.

County Service Officer

The following act affected the office of County Service Officer but is not currently operative in Scott County.

1. Private Acts of 1987, Chapter 65, increased the lower limit of the compensation for the County Service Officer in Scott County but was disapproved by the Board of County Commissioners and never became operative.

General Reference

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

1. Acts of 1851-52, Chapter 342, stated that Scott County was attached to the Sparta District of the Bank of Tennessee.
2. Acts of 1853-54, Chapter 116, declared that Scott County was still a part of the Sparta District of the Bank of Tennessee and was entitled to name a Director of that Branch.
3. Acts of 1897, Chapter 124, was one of the early salary acts which set the salary of various public officials according to the population of the county. This act was a forerunner and pattern of those which followed, eventually culminating into our present statutes. This Act, however, was declared

to be unconstitutional in the case of *Weaver v. Davidson County*, 104 Tenn. 315, 59 SW 1105 (1900).

4. Private Acts of 1929, Chapter 775, declared it unlawful for any county officer in Scott County to overdraw or spend in excess of current county revenue. Current revenue was defined as the tax levy of the Quarterly County Court for each county purpose multiplied by the tax aggregate. It was the duty of officials to keep a budget and a record of all expenditures which would be open for inspection at all times. Those guilty of violating these provisions were subject to \$100 to \$500 fines plus ten days in jail in the discretion of the court and would also be grounds for ouster proceedings. The contents of this law were required to be charged to Grand Juries.
5. Private Acts of 1937, Chapter 274, divided Scott County into three separate districts for the Poor Farm from which one Poor Farm Commissioner each would be elected. The first District contained the first and fifth Civil Districts, the second District had the second and third Civil Districts, and the third was composed of the fourth Civil District.
6. Private Acts of 1947, Chapter 775, ratified and validated the action and order of the Quarterly County Court of Scott County in appointing Howard H. Baker, Roscoe Byrd, Maxwell Sexton, Jerry Thompson, and C. W. Wright as Commissioners to contract for and to supervise the erection of a new Court house at Huntsville to replace the one recently destroyed by fire. The Commissioners were given all the authority to accomplish their purposes.
7. Private Acts of 1961, Chapter 401, was rejected and disapproved by the Quarterly County Court of Scott County and therefore never became an effective law under the Home Rule Amendment to the Constitution. The statute created a Purchasing Commission of three members who could not be Justices of the Peace and whose expenses would be paid up to \$10 per day and \$120 per year. The Commission would appoint a Purchasing Agent at a salary not to exceed \$4,800 a year, who must make a \$10,000 bond, and who would be given such assistants as may be needed. The Commission and the Agent, whose duties are specified in Section 7, would establish the purchasing policy, adopt and promulgate rules for observance in the discharge of several purchasing functions primarily in the administrative area. All purchases over \$5,000 must be approved by the County Court and sealed bids must be solicited for all over \$300. The County Attorney was to approve all contracts.

Chapter II - Animals and Fish

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 Scott County. They are included herein for reference purposes. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Acts of 1879, Chapter 133, made it unlawful for any person other than the residents of Cumberland County, Fentress County, Morgan County, Scott County, Campbell County, Overton County, Putnam County, White County, Roane County, Rhea County, Bledsoe County, and Van Buren County, to hunt and kill deer, or any species of game, for profit, in the above named counties, but any citizen of those counties could hunt and kill deer for their own consumption and use. Anyone could bring suit before any Justice of the Peace, one-half of the recovery going to the Trustee for the school fund and one-half going to the person suing. If not paid, the offender could be sent to jail.
2. Acts of 1889, Chapter 179, declared it to be illegal for any non-resident of the State to hunt, shoot, kill, catch, or carry away, game of any kind in Scott, Fentress, Pickett, Morgan, Cumberland, Bledsoe, Sequatchie, Van Buren, White, Putnam, Rhea, Clay, Campbell, Henry, Johnson, Carter, Sullivan, Meigs, and Claiborne Counties. The fine for violations was set at \$50, one-half to the prosecutor, one-half to the county.
3. Acts of 1893, Chapter 128, amended Acts of 1889, Chapter 179, above, by making it lawful for non-residents of the State to hunt, kill, and catch game in Sullivan County when the same was done at the request of or as the guest of the owners or occupants of land in that county on which the hunting was done.
4. Private Acts of 1895, Chapter 161, made it unlawful for a period of five years after the passage of this act to chase deer with dogs, or hounds, or to shoot, wound, capture, or kill, or to attempt the same, any deer in Anderson, Claiborne, Campbell, Cocke, Morgan, Scott, and Union Counties. The fines for violations ranged from \$5 to \$50 plus any jail term the Judge might impose in his discretion.

5. Acts of 1897, Chapter 280, amended Acts of 1895, Chapter 127, which was a statewide law regulating fishing, so as to permit persons to fish with nets, traps, baskets, and seines in Roane, Scott, Anderson, Morgan, Rhea, and McMinn counties, provided that, no net or seine shall be knit with a less catching capacity than 1½ inches, and no trap shall be constructed so as to prevent the free passage of fish up and down stream.
6. Acts of 1899, Chapter 333, declared it to be unlawful for a period of ten years after the passage of this act for any person to chase deer with dogs, or hounds, or to shoot, wound, capture, or kill, or to attempt the same, in Anderson, Claiborne, Campbell, Cocke, Morgan, Scott, Union, and McNairy Counties, each violator being subject to fines from \$10 to \$50, plus jail sentences in the discretion of the Judge, who also must charge this act to the Grand Jury.
7. Private Acts of 1921, Chapter 394, stated that in addition to those others which had been declared to be lawful fences by public law, the following would be a lawful and accepted fence in Scott County. The fence must be built with good, substantial posts set not more than 20 feet apart with four barbed wires, or rails, attached securely to them, the first wire, or rail, to be from 10 to 15 inches from the ground, the second from 10 to 13 inches from the first, and the others a like distance. It would be lawful to combine the wire and the rails. The act also made it an offense for sheep, goats or swine to run at large.
8. Private Acts of 1921, Chapter 405, listed Scott County among several other counties which exempted themselves from the restrictions and penalties regulating the care, keeping, and ownership of dogs contained in Public Acts of 1919, Chapter 61, the first statewide law regulating dogs.
9. Private Acts of 1923, Chapter 156, amended Private Acts of 1921, Chapter 394, by removing "smooth" wire as a lawful material for building an acceptable fence and by prohibiting the running at large of "goats and swine" rather than "goats, swine and sheep".
10. Private Acts of 1927, Chapter 591, also amended Private Acts of 1921, Chapter 394, by exempting certain portions of Scott County contained in the First, Third, Fourth and Fifth Civil Districts, as described therein, from its provisions and asserting that the law was not to be applied to those areas.
11. Private Acts of 1955, Chapter 83, declared that there shall be a closed season at all times on red foxes in Scott County but they could be chased with dogs at any time of the year except during the periods which might be fixed by the State Fish and Game Commission, but conceded that the State Fish and Game Commission could declare an open season on red foxes, if they so desired. The act further stated that no local approval was essential to its effectiveness. This act was repealed by the one following.
12. Private Acts of 1961, Chapter 281, repealed, in its entirety, Private Acts of 1955, Chapter 83, which regulated the hunting of red foxes in Scott County.
13. Private Acts of 1976, Chapter 227, created the post of Animal Specialist in Scott County which would be filled by appointment of the County Court for a period of 8 years by a person skilled in the treatment of animal diseases and injuries and who had the facilities to do so. The Animal Specialist would not be compensated by the County out of the general funds but would be allowed to charge reasonable fees for his services. The Act named Bob Roberts to the position. This Act was rejected by the Scott County Quarterly Court and never became an active statute.

Chapter III - Bond Issues

Bond Issues - Historical Notes

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

Courthouse

1. Private Acts of 1895, Chapter 157, allowed the Quarterly County Court of Scott County to issue \$100,000 in bonds, at an interest rate not to exceed 6% and during a maturity period not to exceed 50 years, to build or repair the court house and the jail and also to build and repair public roads. All the details of the issue were prescribed in the act, a tax levy was required to be made by the Court for the sinking fund, and records of all transactions were to be made and kept by the County Judge, or Chairman. This Act was repealed by the one following.

2. Private Acts of 1897, Chapter 212, repealed Private Acts of 1895, Chapter 157.
3. Private Acts of 1903, Chapter 548, provided that the Quarterly County Court may request a referendum election to determine whether they should issue \$100,000 in bonds to build a court house and public or pike roads, using the amount shown for each purpose. If the vote was affirmative, the bonds would be issued at a 4%, or less, interest rate, and mature in 10 to 20 years, or less. A five member Pike Road Commission would be appointed to supervise that portion of the program. All the other terms were those generally found in all types of bond legislation.
4. Private Acts of 1947, Chapter 123, permitted the Quarterly County Court of Scott County to issue \$225,000 in 4%, 30 year bonds to build and equip a court house and administration building in Huntsville, Scott County, Tennessee, containing all the essential details commonly found in bond laws.

Debts

1. Private Acts of 1927, Chapter 167, called for a referendum to ascertain the will of the people on whether or not to issue \$300,000 in bonds which would be used to fund a like amount of indebtedness, including Road, Bridge, School, Pike, and county warrants, as well as judgments and decrees previously rendered which were not covered by previous bond issues. The interest rate could not exceed 5½%, nor the maturity period thirty years. All the other details and requirements were specified, if the question were approved.
2. Private Acts of 1929, Chapter 441, authorized the Quarterly County Court to issue \$250,000 in 5½%, two to fifteen year, bonds to pay the outstanding debts of the county and of the Oneida School District as the same may be evidenced by votes, warrants, or other written certificates of debt. The County Trustee would handle and account for all the funds of the issue.
3. Private Acts of 1937, Chapter 508, allowed the Quarterly Court of Scott County to issue \$175,000 in 5%, 20 year bonds to pay school warrants, and judgments against the county, and any other outstanding debt which might be just, due, and owing. These would be general obligation bonds and exempt from taxation by any other government.

General

1. Private Acts of 1939, Chapter 17, provided that no bond issues of any kind or for any purpose, including refunding and refinancing bonds, shall be issued in Scott County except upon a favorable vote of the people in an election held for that purpose. All bond issues undertaken without compliance herewith shall be null and void. The expenses of all the elections called for under this act shall be paid out of the county treasury as other expenses are normally paid. This act was repealed by the one below.
2. Private Acts of 1945, Chapter 272, repealed Private Acts of 1939, Chapter 17, in its entirety.

Hospital

1. Private Acts of 1953, Chapter 465, allowed the Scott County Quarterly Court to issue \$250,000 in bonds, at an interest rate to be determined by the court, and on a maturity schedule not to exceed 30 years, to be used to acquire lands upon which to erect, build, construct, maintain and operate a building, or buildings for a hospital which may be done in cooperation with other counties adjoining with the Oneida District, or with the State and Federal governments. The bonds were to be exempt from taxation and no service fees would be paid to any official or county officer. All essential details were present.

Jail

1. Private Acts of 1907, Chapter 568, permitted the County Court to issue \$10,000 in 6%, 20 year bonds, to be used to build a jail house in Huntsville. A five member Building Commission would be named to supervise the building and the contracts connected therewith. All the details were fixed, a tax levy required, and records were to be kept of all the transactions.

Memorial

1. Private Acts of 1947, Chapter 289, allowed the County Court to issue \$25,000 in 4%, 30 year, general obligation bonds to build and equip a memorial building in honor of all the exservice men and women in Scott County, the execution and delivery of the bonds being proof that all requirements of law had been met. All the essential details of bond legislation were present.

Roads

1. See Private Acts of 1895, Chapter 157, Private Acts of 1897, Chapter 212, and Private Acts of 1903, Chapter 548, all reported under "Courthouse" herein.
2. Private Acts of 1917, Chapter 199, recited in the preamble that pursuant to Public Acts of 1913

(Ex. Sess.), Chapter 26, the Quarterly County Court authorized and directed the issuance of \$300,000 in bonds, subject to the outcome of a referendum which took place on August 12, 1915 and resulted in an affirmative vote by a majority of the voters. This act provides for the sale of the bonds, which were to be used for roads, by validating and legalizing all the prior actions of the County Court in connection therewith so that it would not be necessary to hold another election.

3. Private Acts of 1927, Chapter 33, recited that on November 27, 1926, the voters of Scott County approved a proposed bond issue of \$150,000 to build a road from Oneida, down Buffalo Creek to the Campbell County line, therefore this act is the authority for the Court to issue that amount in 5½%, 30 year bonds to be used for the purpose stated, this act validating all prior proceedings.
4. Private Acts of 1951, Chapter 598, permitted the Quarterly Court of Scott County to issue \$300,000 in 4%, 30 year bonds to be used to build, repair, and maintain highways in the county or to purchase road building machinery for use on the highways. All the details were fixed and a tax levy for the sinking fund required.

Schools

1. Private Acts of 1921, Chapter 917, authorized the Trustees of the Huntsville School District to issue \$10,000 in bonds at 6% interest or less, one-half becoming due in 1931, and the other one-half in 1933, or whenever the Trustees wanted to call them in to construct and repair the school buildings, or acquire the land upon which to build them. Trustees named in the act were William York, Chairman, W. J. Jeffers, Secretary, A. H. Dorsy, R. J. Baker, and J. M. Griffith. A tax levy of 90 cents per \$100 property valuation in the District was laid and a lien declared on all property when tax levy went unpaid. The County Trustee would account for and handle all the money.
2. Private Acts of 1929, Chapter 441, was for \$250,000 to pay the debts of the county and the Oneida School District. See under "Debts" this Section.
3. Private Acts of 1931, Chapter 161, authorized the "Huntsville High School Building Board" to issue \$75,000 in bonds to purchase necessary and suitable lands for a school site and playgrounds and to build and equip a high school and elementary school in Huntsville. The maximum interest rate allowable was 6%, all payable out of the proceeds of a tax levy on property and privileges of twenty to thirty cents per \$100 property valuation which would be collected and disbursed by the Trustee. The first Board was composed of Earl Byrd, U. E. Jeffers, William York, E. G. Foster, and Howard H. Baker all of whom were granted the authority to accomplish the objectives for which the schools were created.
4. Private Acts of 1931, Chapter 185, authorized Scott County acting through the "Oneida Independent High School Building Board," created by this act, to issue \$25,000 in 6% bonds, or less, payable over a period to be determined by the Court and payable out of a tax levy from 5 to 10 cents per \$100 property valuation. M. E. Thompson, C. W. Wright, C. B. Hail, C. V. Smith, Emma L. Smith, W. C. Terry, and W. C. Marcum were named to the Board, and authorized to do all necessary and incidental things to the accomplishment of the purposes, such as to employ an architect, solicit bids, award all the contracts.
5. Private Acts of 1931, Chapter 186, allowed the "Norma and Straight Fork School Building Board" to issue \$10,000 in 6% bonds, or less, to purchase ground for and erect a gymnasium and additions to the existing facilities at Norma and Straight Fork in Scott County. The tax levy would be from two to four cents per \$100 tax assessment until the principal and interest are paid. The first Board members were O. Earl Byrd, D. T. Chambers, George Hatfield, William Byrd, John Jeffries and W. T. Newport with the authority granted to them to do all necessary things.
6. Private Acts of 1937, Chapter 508, is analyzed under "Debts" in this Section.
7. Private Acts of 1937, Chapter 519, permitted the County Board of Education in Scott County to issue \$8,000 in elementary school warrants, and \$2,000 in High School warrants to pay the teachers for the 8th and 9th months of school. All essential details were present.
8. Private Acts of 1939, Chapter 403, allowed the Chairman and the Secretary of the Board of Education to issue \$80,000 in 4%, 20 year bonds, the details being specified, and no referendum required, to acquire land, construct, repair, furnish and equip various schools in the county and to match any available Federal funds. The schools and the amounts to be spent on each one were named. John Lee West, Dr. Oscar Pemberton and O. E. Jeffers were named to a Committee to sell the bonds and to supervise the entire program. A tax levy was required in all the years of the amortization period to pay the tax.
9. Private Acts of 1941, Chapter 216, created the "Robbins High School Building Board" who were authorized to issue \$35,000 in bonds at an interest rate of 5%, or less, to mature as may be

decided, and to be paid out of a tax levy of ten to twenty cents per \$100 property valuation to be used to purchase land for a school site, build and equip a High School at Robbins, in Scott County, Tennessee. Those named to the first Board were Arthur Robbins, W. A. Terry, County Judge John Lee West, Horace M. Hughett, and Howard H. Baker.

10. Private Acts of 1943, Chapter 141, ratified and validated all the prior actions of the Quarterly County Court of Scott County held on July 1, 1942, in connection with the issuance of \$79,000 in School Bonds and the levying of unlimited ad valorem taxes, making them the general obligations of the entire county. All the details were fixed and a tax levy required.
11. Private Acts of 1945, Chapter 336, permitted the County Court to issue \$165,000 in 4%, 30 year bonds to improve, repair, and equip an elementary school in Oneida, a high school and an elementary school in Robbins, Norma, and Straight Fork, a school in the 5th Civil District, and to purchase and repair school buses as the case may be.
12. Private Acts of 1947, Chapter 559, was the authority for the County Court to issue \$300,000 in 4%, 30 year bonds to be spent on the schools at Oneida and Robbins, and \$50,000 on the repair of all the other schools. If any remained, it could be spent to buy or repair buses as needed. The \$150,000 allotted to Oneida would be jointly supervised by the county and the Trustees of the school district.
13. Private Acts of 1949, Chapter 382, allowed the Scott County Quarterly Court to issue \$300,000 in 4%, 30 year bonds, whose proceeds will be deposited in a bank or banks in Scott County and used to build, repair, maintain, and equip the schools in Scott County.
14. Private Acts of 1957, Chapter 229, authorized bonds in the amount of \$950,000 for the purpose of devising and carrying into effect a more economical public school system. The interest rate was not to exceed 6% per annum and the bonds were to mature within 25 years.
15. Private Acts of 1959, Chapter 142, let the Scott County Quarterly Court issue \$325,000 in 5%, 25 year bonds, the proceeds of which would be paid over to the Treasurer of the Oneida Independent School District and used only for purchasing additional school land, improving school grounds, adding to, or equipping the school buildings of the District. The act contained all the essentials of a valid bond issue but was rejected and disapproved by the Quarterly Court and therefore never became an effective law.
16. Private Acts of 1959, Chapter 311, allowed the Quarterly Court to issue \$1,500,000 in 6%, 40 year bonds, \$800,000 of which would be used to build a comprehensive high school for the county, and the remainder to buy new sites, build new schools, or additions to existing schools in the various school centers in the county. A 14 member Building Commission was created and their duties set out. This Act was rejected by the Quarterly Court which rendered it null and void under the Home Rule Amendment to the State Constitution.

Chapter IV - Boundaries

Creation

Acts of 1849-50 Chapter 45

SECTION 1. That a new county be, and the same is hereby established, to be composed of fractions taken from the counties of Anderson, Campbell, Fentress and Morgan, and to be known and designated by the name of Scott county, Provided, No more than six citizens shall be taken from the county of Fentress.

SECTION 2. That the county of Scott shall be bounded as follows, to wit: Beginning at a large Hickory on the bank of Crouches Creek, where the Kentucky State line crosses the same about forty poles west of the Clear river, thence south 45 degrees, west ten miles to a stake at the top of hell point opposite to where William Beard lives, thence south sixty degrees, west three miles to where Wheeler's turnpike road crosses the same, thence south 45 degrees west to a black oak and hickory on the top of the main Buffalow Mountain, about one half mile north of Richard Adkin's, thence south passing John L. Smith's at four miles, in all twelve miles to a point where the Anderson county line strikes New river, leaving William Massingale's 20 poles in the new county, thence up New river, south 30 degrees east passing the mouth of Beech Fork at four miles, in all six miles, to a stake on the east bank of New river, thence south 80 degrees, west eight miles crossing Smoky Creek, at five and one half, so as to include William Rich, in all eight miles, to the Morgan county line on the divide between Smoky and Brimstone, thence north 65 degrees west, eight miles to a stake on Black Wolf about one mile above Andrew Lewallin's, thence north

40 degrees, west ten miles crossing the Clear fork, just below the mouth of Skull Creek, in all twelve miles, to a large pine on the divide between the Clear Fork and Honey Creek, about 20 poles west of Isaac Hill's, thence north 30 degrees, west four miles to New river at the mouth of Honey creek, thence down said river the same course, including the leatherwood bottom in the new county, in all six miles to a point at the mouth of Anderson's branch, thence north 45 west nineteen and a half miles to the Kentucky line, thence east with the Kentucky line fifty three miles to the beginning.

SECTION 3. That for the purpose of organizing the county of Scott, George Falkner, William Chitwood; Wain O. Cotton, Thomas Lawson, and Wm. Massingill of Campbell county, William Rich of Anderson county, John Triplet of Morgan county, and Dura Smith sr. of Fentress county, shall be and they are hereby appointed Commissioners, who shall take an oath before some justice of the peace, faithfully and impartially to discharge the duties imposed upon them in this act, and in all cases of vacancy that may occur among said Commissioners previous to the organization of the county court of Scott county, the same be filled by the other Commissioners, and all vacancies occurring after said organization shall be filled by the county court of Scott county; the said Commissioners shall enter into bond and security to be approved of by the county court of Scott county, and payable to the chairman thereof in the sum of three thousand dollars, conditioned for the faithful performance of their several duties. A majority of said Commissioners shall constitute a board competent to do all things herein enjoined on them. They shall keep a regular record of all their proceedings as Commissioners, which shall be returned to the county court of Scott county, at its first session, and the same shall be recorded by the clerk thereof on the records of said court, and they shall make such other returns, after the organization of said court as shall be directed thereby.

SECTION 4. That it shall be the duty of said Commissioners, first giving twenty days notice in one public place, or more if they think necessary, of the time and places to open and hold an election at one place or more in each of the fractions proposed to be stricken off from the counties of Anderson, Campbell, Morgan and Fentress, for the purpose of ascertaining whether a majority of the voters residing in those fractions are in favor of or opposed to the establishment of the county of Scott; and all persons qualified to vote for members of the General Assembly, who have resided in the fractions proposed to be stricken off, six months next preceding the day of the election, shall be entitled to vote, and each voter who desires to vote for the establishment of the new county, shall have on his ticket the words new county, and those voting against the new county, shall have on their ticket the words old county, and if upon counting all the ballots, the judges of the several elections shall return that a majority of each of the fractions respectively have voted for the new county, then the county of Scott shall be, and the same is hereby declared to be a county, with all the powers, privileges and advantages, and subject to all the liabilities with other counties in this State.

SECTION 5. That if from any cause elections should not be held in all or each of the fractions as before directed, the said commissioners shall proceed as soon as practicable, to hold said election so ordered to be held, in the same manner and under the same regulations as specified in the foregoing section, and in like manner if the said commissioners shall believe upon an investigation, which they are hereby authorized to institute, into the manner of holding the several elections, that any improper or fraudulent practices have been permitted they shall have power to declare the election so held in any fraction to be void, and proceed to hold another election in said fraction, first giving ten days notice in the manner herein prescribed.

SECTION 6. For the due administration of justice the different Courts to be holden in the said county of Scott, shall be held at the house of George McDaniel, until the seat of justice of said county shall be located. The county court shall in the intermediate time have full power to adjourn the courts to such other place in said county as they may deem better suited for the holding of the same, and for public convenience, and adjourn to the seat of justice, when in their judgment, the necessary arrangements are made; and all writs and other precepts issuing from any of said courts, returnable to either place, shall and may be returned to the place to which said court may have been removed by the county court aforesaid; and the courts for the county of Scott shall be under the same rules, regulations, and restrictions, and shall have, hold and exercise, and possess the same powers and jurisdiction as prescribed by law for holding courts in other counties. Said court shall be attached to the second judicial circuit, and the circuit court shall be held by the judge of said circuit on the fourth Mondays of March, July and November in each and every year, and the citizens of said county may file bills in chancery at the chancery court held at Jacksboro, or Knoxville.

SECTION 7. All officers civil and military, in said county, shall continue to hold their offices and exercise all the powers and functions thereof until others are elected according to law, and the said county of Scott, shall elect her officers on the same day, and under the same rules, regulations and manners as provided by law for the election of officers in the other counties in this State. Provided, That nothing in this act contained shall deprive the above named counties from having, holding and exercising jurisdiction

over the territory composing the county of Scott and the citizens thereof, in as full and ample a manner as they now have, until the election of county officers take place according to law. Provided also, nothing herein shall prevent the above named counties from entering up judgments, or the sheriffs of said counties from selling under such judgments any lands within the bounds of said county of Scott, for taxes, costs and charges, until the county of Scott is organized.

SECTION 8. That the commissioners appointed by this act shall appoint such persons as they may deem of suitable qualifications, to open and hold the election for county officers for the said county of Scott, and such person so appointed shall be, and he is hereby invested with full power and authority to appoint deputies to administer all the necessary oaths, and to do and perform all other duties as by law are required by sheriffs or other officers holding similar elections.

SECTION 9. That citizens of Scott county, in all elections for Governor, Representatives in Congress, members of the General Assembly, and electors for President and Vice President of the United States, shall vote with the counties from which they have been respectively stricken off, until the next apportionment agreeable to the provisions of the fifth section of the tenth article of the Constitution.

SECTION 10. That it shall be the duty of the commissioners aforesaid, as soon as practicable after the county of Scott shall have been established, to select and procure by purchase or otherwise a suitable site for the seat of justice in said county, having due regard to the convenience and wishes of a majority of the citizens of said county, and the said commissioners having first caused a deed to be made to themselves and their successors with general warranty, to a sufficient quantity of land, including the site so selected, shall cause a Town to be laid off thereon; with as many streets of such width as they may deem necessary, reserving a sufficient quantity of land for a public square, said commissioners shall designate and reserve from sale one lot on which to build the public Jail of said county; said Town as soon as laid off shall be known by such name as said commissioners may give it.

SECTION 11. That the commissioners shall sell the lots in said town on a credit of at least twelve months, first giving due notice thereof in one or more newspapers, and shall take bonds with sufficient security from purchasers of said lots payable to themselves and their successors in office, and shall make title in fee simple as commissioners to the respective purchasers of said lots.

SECTION 12. The proceeds of the sales of the lots aforesaid shall be a fund in the hands of said commissioners, for defraying the expenses incurred in the purchase of said tract of land on which said seat shall be located, and also for defraying the expenses of erecting the public buildings for said county of Scott.

SECTION 13. The commissioners shall superintend the erection of such public buildings as the county court of said county shall order and direct to be built, and shall let the same out, and shall take bonds from undertakers with ample penalties and sufficient securities payable to themselves and their successors, conditioned for the faithful performance of his or their contracts, the balance if any of the proceeds arising from the sales of the lots herein authorized to be laid off and sold, remaining in the hands of commissioners after defraying the expenses of purchasing the Town site for the county seat, and the costs of public buildings ordered to be built by the county court, shall be paid over by said commissioners to the Trustee of the said county of Scott, to be held, applied and accounted for by him as other county funds.

SECTION 14. The said commissioners shall also appoint five suitable persons as commissioners, whose duty it shall be to divide and lay off said county of Scott into civil districts; designate the place for holding elections therein, and do and perform all the duties relative thereto, which by the laws of the State, such commissioners are authorized or required to do.

SECTION 15. That the county of Scott shall form one Regiment, which shall be known and designated as the 163rd Regiment, and shall be attached to the first Division and fourth Brigade; the military officer or officers highest in command included in said county of Scott, shall at such time and place as he or they may determine upon, call all the commissioned officers together, and such of them as shall attend, are hereby authorized and empowered to lay off said county into Battalions and companies, and provide for holding said elections for the purpose of electing all officers in said Regiment, in the manner provided by law.

SECTION 16. Should the boundary line of Scott county as designated in the second section of this act, approach nearer to the county seat of either of the old counties, from which the territory constituting the county of Scott is taken, than is prescribed by the constitution, it shall be the duty of the commissioners herein appointed to appoint some surveyor who shall rerun and re-mark such line or lines, so as not to violate the constitutional limits of said old county, and said surveyor shall make a report to the county court of Scott county, which report so made shall be recorded by the clerk of said court, and such line so run shall be the established line of said county.

SECTION 17. That the commissioners of Scott county, be and they are hereby authorized to exercise all the powers conferred in this act, and such other powers as may be necessary and proper to the complete organization of said county of Scott.

SECTION 18. That before the said county shall be established, said commissioners shall be satisfied from an actual survey, that said county contains not less than three hundred and fifty square miles, and a population of four hundred and fifty qualified voters, and that said counties of Anderson, Campbell, Morgan and Fentress, will not be reduced below the constitutional limits; Provided, That the survey ordered by this Act may be dispensed with if there is no opposition to the organization of the county, and all alleged reduction of the county or counties below their constitutional limits from which said county of Scott is stricken.

SECTION 19. That if the new county of Scott shall fail to organize against the first Saturday in March next, and consequently fail to elect necessary county officers as prescribed in the 7th Section of this act, they shall proceed to elect their county officers on the first Saturday in July next, thereafter, under the same rules and regulations as is now prescribed by law, and such officers so elected shall hold their offices until the regular time of electing county officers in this State and no longer.

Passed: December 17, 1849

Change of Boundary Lines

Acts of 1853-54 Chapter 129

SECTION 1. That the following shall be the dividing line between the county of Campbell on the one side, and the counties of Anderson and Scott on the other--to wit: Beginning at a point on New river, a short distance above William Massengill's, where the present Scott county line crosses said New river; running thence up New river to a point on the east bank of New river, opposite to Solomon Doherty's; thence to the Coal gap, in such a direction as to leave the waters of the Beech fork in Campbell county, and to leave Banister Vowel's residence in Anderson county; running thence on the south side of the mountain, in which the said Coal gap occurs, to the present residence of the Cokers', including the said Cokers in Campbell county; thence a direct line to a point in the former line between Campbell and Anderson counties, near the residence of Paul Harmor, so as to leave said Harmor in Anderson County. Provided, that if either of the counties of Anderson and Campbell desire to have a survey of the line laid off in this act, they shall be entitled thereto, and the county of Campbell shall defray all expenses incident to said survey.

SECTION 2. This section referred to the boundary line between Campbell and Claiborne counties.

Passed: February 20, 1854

Acts of 1853-54 Chapter 320

COMPILER'S NOTE: Only Section 25 had reference to Scott County.

SECTION 25. That the dividing line between the counties of Anderson and Scott be changed as follows: To leave new river at two white walnuts on the north bank of said river, at the mouth of a hollow in William Massingill's field; thence up said hollow to the top of the mountain, which divides the waters of said river from the waters of Smoky Creek, north eighty, west 160 poles; thence along the top of said mountain due west 320 poles, to a white oak, James McGee's west corner; thence south 30, west 600 poles, with the top of the mountain, passing Lowe's Gap; thence south 80, west 500 poles with the top of the mountain to intersect with the old line near the head of the Straight Fork; thence with said line to new river; thence down the same to the beginning.

Passed: February 11, 1854

Acts of 1870-71 Chapter 91

SECTION 1. That the county line between the counties of Campbell and Scott be changed as follows: Beginning where the line between Campbell and Scott counties strikes the Kentucky line; thence west with said Kentucky line to the extreme top of Fork Ridge; thence southward along the top of said ridge to the Campbell County line, so as to include all the waters of the Capuchin Fork of Tellico Creek in Campbell County.

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

Passed: January 23, 1871

Acts of 1871 Chapter 118

WHEREAS, An Act was passed by the General Assembly of the State of Tennessee on the 23rd day of January, 1871, entitled, "An Act to change the line between the counties of Campbell and Scott, and

WHEREAS, by said change several voters were detached from the county of Scott and attached to the county of Campbell, contrary to the wishes and interest of said voters, and WHEREAS, It has been clearly shown by petition and sworn testimony that it is the desire of all of said voters to be added to the county of Scott. Therefore,

SECTION 1. That the county line between the counties of Scott and Campbell be changed as follows, to-wit: Beginning on the top of Fork Ridge in the Scott and Campbell county line, where James Criscillis and Hiram Trammell's lands join; thence with their dividing line, crossing Capuchin Fork of Jellies to the top of the ridge dividing the waters of Capuchin and Trammell's Fork; thence with the top of said last named ridge westwardly to the Scott and Campbell county line, including all of James Blankenship's lands in Scott county: Provided, however, that nothing in this Act shall be so construed as in any way to effect (sic) the farms of Danswell Trammell, James Smith, John Lay, David Baird, and Joseph Baird, who with their said farms are hereby declared to belong to the county of Campbell.

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

Passed: December 13, 1871

Acts of 1871 Chapter 14

SECTION 1. That the County Line between the Counties of Scott and Fentress be changed as follows: Beginning in the Scott and Fentress County line, on the north bank of the Clear Fork, at the mouth of "Caney Branch," and about two hundred poles above where J. M. Shoemaker formerly lived; thence north 45° west twenty-one miles to the extreme top of the mountain north of Rock Creek; thence along the top of said mountain north of the Scott and Fentress County line including John Draughn, Elswich Thompson, C. Blevins, Daniel Blevins, George Smith, Lewis Burk, Harmon Burk and Samuel Smith in Scott County.

SECTION 2. That nothing in this Act shall be so construed as to include any liners in Scott County except those mentioned in the preceding Section.

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

Passed: October 26, 1871

Acts of 1897 Chapter 217

SECTION 1. That the boundary line between the counties of Scott and Fentress in the State aforesaid, be and the same are hereby defined and constituted as follows: Beginning at the mouth of Caney Branch on the north side of Clear Fork, and running thence north 35 degrees, 45 minutes; west 1,067 poles to the mouth of Potter's Branch, on Whiteoak creek; thence north 18 degrees, 30 minutes, west 1,450 poles to a set stone on latitude line 36 degrees, 30 minutes, known as the old Matthews line, near Katy Blevins' old place; thence north 27 degrees, west 1,600 poles to a stone north of the Louis Burke old place; thence north 32 degrees, west 1,000 poles to a planted rock in the present line between the States of Kentucky and Tennessee.

SECTION 2. That from and after the passage of this Act this shall be the dividing line between the counties of Scott and Fentress as aforesaid, except as follows: That the whole farm of Franklin Sewell shall be included in Fentress County, and the whole of the farm now owned and occupied by Daniel Blevins and Jacob Blevins and the Louis Burke place shall be included in the county of Scott.

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

Passed: March 9, 1897

Boundaries - Historical Notes

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

1. Acts of 1853-54, Chapter 181, Section 9, changed the lines between Scott and Fentress counties

so as to include all the possessions of Belfield Moore in Fentress.

2. Acts of 1855-56, Chapter 156, Section 1, moved the farms of James Ball, James Walden, Jesse T. Lay and Leander Herd into Campbell County; Section 3 changed the lines between Scott, Morgan, and Fentress Counties as the survey run by Riley Long required, making his survey the permanent boundary lines; Section 4, moved all the lands of Ewel Smith into Scott County from Campbell County.
3. Acts of 1857-58, Chapter 36, Section One, provided that the line run by Stanfield from Ewel Smith's to William Massengill's be, and the same is, hereby established as the dividing line between the said counties of Campbell and Scott so as to include all the citizens west of the said line in Scott County, and who would enjoy all the rights and privileges as other citizens.
4. Acts of 1857-58, Chapter 129, Section 1, detached the farms belonging to William Young and Elisha Chaney from Scott County and placed them in Morgan County.
5. Acts of 1859-60, Chapter 135, Section 2, provided that the county line between Fentress and Scott County be so changed that commencing at the north of Scull Creek on the Clear Fork, it shall run thence down the river to the south fork, to the mouth of Honey Creek at the old county line. Section Three of the same act transferred the dwelling house, and the tract of land on which it stands, of A. H. Cross from Scott County into Morgan County.
6. Acts of 1866-67, Chapter 9, Section 3, changed the lines between Campbell and Scott Counties so as to include all the lands belonging to John Patterson, Austin L. Keath, William Cross, William Keatherly, John McGee, Henry Goodman, James McGee, William Thompson, and the farm, formerly owned by Ewel Smith, but now the property of Riley and Jacob Queener, in Campbell County.
7. Acts of 1867-68, Chapter 60, Section 4, moved the properties of Henry Thompson, and the lands and residence of Ewel Smith, Riley and Jacob Queener, which is now owned by John E. Hudson and Isaac Neal, from Campbell County back into Scott County. Section 5 of the same act transferred the residence and farm of Wesley Buttram from Fentress County into Scott County.
8. Acts of 1868-69, Chapter 43, Section 6, detached the lands belonging to Dempsey Massengale from Morgan County and attached them to Scott County.
9. Acts of 1870, Chapter 84, transferred the lands of William A. Cross and Levi L. Adkins from Campbell County into Scott County.
10. Acts of 1873, Chapter 71, changed the lines between Campbell and Scott counties so as to include the farm of William Trammell in Scott County provided the action did not reduce Campbell County below the constitutional limits.
11. Private Acts of 1873, Chapter 75, transferred from Anderson County into Scott County all the farms belonging to Jordan Massingal, Huston Carroll, Greebery West, William Carroll, and Alexander Low, under the same provision as above.
12. Acts of 1873, Chapter 99, moved the farms and residences of John Low, Jr., and William Keathale from Campbell County into Scott County under the same conditions.
13. Acts of 1879, Chapter 137, Section 10, changed the lines between Scott and Campbell so as to include all the lands of J. Q. Cross in Scott County.
14. Acts of 1883, Chapter 51, altered the boundaries between Scott, Anderson, and Campbell Counties so that the lands of Richmond Kennedy would be included wholly within Campbell County.
15. Acts of 1883, Chapter 100, moved all the lands belonging to John Lay and John Lawdermilk, as they were described in the Act from Campbell County into Scott County.
16. Acts of 1883, Chapter 195, detached the farm of Milton S. Cross from Campbell County and attached the same to Scott County consisting of about 200 acres on Straight Fork Creek.
17. Acts of 1885, Chapter 60, repealed the 6th Section of an Act passed March 14, 1868 which changed the lines between Smith, Putnam, and Dekalb Counties, and for other purposes, and the line between Scott and Morgan counties was reestablished as it was before passage of the act. This must refer to Item 8, above.
18. Acts of 1887, Chapter 46 transferred all the properties belonging to Bart Neal, W. C. Adkins, and Peter Adkins out of Campbell County and into Scott County.
19. Acts of 1889, Chapter 21, detached the farms and residences of John B. Young and Solomon Young from Morgan County and attached them to Scott County.
20. Acts of 1897, Chapter 257, is an exact duplicate of Acts of 1897, Chapter 217, which is published

herein.

21. Acts of 1897, Chapter 278, moved the lands of Calvin Allen and David Lay out of Scott County and into Campbell County.

Chapter V - Court System

General Sessions Court

Private Acts of 1951 Chapter 657

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

Scott County shall provide court rooms, dockets, furnishings and necessary supplies for the equipment and maintenance of said Court, and pay for same out of the ordinary funds of said County. One of said rooms shall be located at Oneida, Tennessee, the other in Huntsville, Tennessee.

SECTION 2. That said Court of General Sessions is on and after April 1, 1951, hereby vested with all the jurisdiction and shall exercise the authority conferred by the Legislature upon Justices of the Peace in civil and criminal cases, suits and actions; and the Justices of the Peace of Scott County are on and after April 1, 1951, hereby divested of all such jurisdiction and authority.

The authority of said Justice of the Peace in their capacity as members of the Quarterly Court or in the performance of the rites of matrimony is in nowise affected by this Act. However, justices of the peace in all civil districts may issue civil and criminal warrants and search warrants but all such warrants so issued by justices shall be returnable to the General Sessions Court.

The general sessions court for Scott County, Tennessee, shall have concurrent jurisdiction, power and authority with the circuit and chancery courts to hear and determine all cases of domestic relations, including but not limited to, cases and proceedings of divorce, annulment, child custody, spousal and child support, and all other proceedings incident thereto with the full power and authority conferred upon the circuit and chancery courts to enforce its orders, decrees and judgments.

The general sessions court for Scott County, Tennessee, shall have concurrent jurisdiction, power and authority with the circuit and chancery courts to hear and determine cases involving workers' compensation and shall have the full power and authority conferred upon the circuit and chancery courts to enforce its orders, decrees and judgments.

The general sessions court for Scott County, Tennessee, shall have concurrent jurisdiction, power and authority with the circuit and chancery courts to hear and determine all cases and proceedings involving the emergency custody and hospitalization of persons believed to be mentally ill, and shall have the power and authority conferred upon the circuit and chancery courts to enforce its orders, decrees and judgments.

All cases brought in the general sessions court for Scott County under this act shall be in accordance with the form for pleadings and practice and the local rules, where applicable, in the circuit and chancery courts of Scott County and said cases shall be tried as like cases are tried in the circuit and chancery courts. The clerk of the general sessions court, and the procedure in each case shall be in accordance with the practice and rules of the circuit and chancery courts.

As amended by: Private Acts of 1955, Chapter 51
Private Acts of 2006, Chapter 80

SECTION 3. The court shall sit in Huntsville at least five (5) days a week. The clerk shall reside in Scott County, Tennessee, and shall be available to perform the duties of the court.

As amended by: Private Acts of 1976, Chapter 255

SECTION 4. That the Judge of said Court shall adopt such rules as may be necessary to expedite the trial and disposition of cases and the manner, time and place of which process shall be returnable, and the time and place in which such cases shall be heard, and such other rules as will enable the Court to function properly.

SECTION 5. That the jurisdiction of said Court shall be co-extensive with the boundaries of Scott County, Tennessee, and the said Judge shall have power and authority to hear and try all cases over which he has jurisdiction at any courtroom established therefor, or at such other place or places in Scott County as he may determine to be more feasible and convenient for the parties.

SECTION 6. That the rules of pleading and practice, form of writs and process, stay of judgments, and

appeals in civil cases of said Court shall be the same as of Justices of the Peace.

SECTION 7. That in all matters the costs and fees of said Court of General Sessions, including the services of the Clerk of this Court, shall be the same as those provided by law for Justices of the Peace.

The fees and other compensation of the Sheriff, his Deputies, Constables, Game Wardens and State Highway Patrolmen for the execution of writs and process of said Court and for attendance and mileage of witnesses shall be the same in said Court as those provided by law of the Courts of Justices of the Peace.

The fees and compensation due for services rendered by said Court of General Sessions shall be paid to the Clerk, or to some one of his Deputy Clerks, and by him and his Deputies accounted for as hereinafter provided. Said costs, fees and mileage of witnesses, and fees, commissions and emoluments of the Sheriff, his Deputies, Constables, State Highway Patrolmen, Game Wardens, and other officers, for services in said Court shall be accounted for and disbursed as required by law.

SECTION 8. That separate dockets shall be kept in said Court for civil and criminal cases. Upon the civil docket shall be entered the style of each case, the date of issuance of the warrant or process, and return on the process in brief form, action of the Court on the case, both interlocutory and final orders, judgments, executions, garnishments, lists of the fees of the Court, the Sheriff, his Deputies, Constables, Game Wardens, and State Highway Patrolmen for their services, fees of witnesses for attendance, etc., and credits for payments upon the judgment and upon the costs. All cases shall be indexed and the dockets shall be substantially in the form of those of Justices of the Peace. The criminal docket shall be kept in like manner.

SECTION 9. That there shall be one Judge of said Court, who shall be a resident and citizen of Scott County, Tennessee, and who shall have the same qualifications and term of office as provided by the Constitution of the State of Tennessee for inferior Courts, who shall before entering upon his duties as such take and subscribe an oath of office similar to that prescribed for Circuit Judges and Chancellors; and who shall also before entering upon his duties execute an official bond in the penalty of \$5,000.00, payable to the State of Tennessee, with good and solvent sureties thereon, conditioned upon his faithful accounting for all money coming into his hands.

SECTION 10. That the compensation of said Judge shall be \$4,000.00 per annum, payable in equal monthly installments on the first of each month out of the ordinary funds of the County, and shall not be increased or diminished during the term for which said Judge is elected.

In addition to said compensation, the said Judge shall be reimbursed for mileage actually driven in the performance of his official duties, between offices, and otherwise, said mileage to be paid for at the rate of ten (10¢) cents per mile, and not to exceed One Thousand (1000) miles per month. Said Judge shall file a sworn statement of his mileage each month with the County Judge of said County, who shall issue a warrant payable out of general funds of said County for these expenses.

Effective September 1, 2006, the compensation of the judge of the General Sessions Court of Scott County shall be ninety-five thousand dollars (\$95,000) per annum. Such salary shall not be increased or decreased during the judge's term of office except for annual cost of living adjustments as is provided by law for other such judges.

As amended by:

Private Acts of 1959, Chapter 353

Private Acts of 1963, Chapter 282

Private Acts of 2006, Chapter 80

SECTION 11. That Dorsey E. Rosser of Scott County, Tennessee, is hereby named as Judge of the Trial Justice Court of Scott County, Tennessee, and he shall serve until the first day of September, 1952, and until his successor has been elected and qualified. His successor shall be elected by the qualified voters of the County at the general election on the first Thursday of August, 1952, to serve until the first day of September, 1952, or until his successor is elected and qualified. His successor shall be elected every eight years thereafter for a term of eight years. The Governor of the State of Tennessee shall fill any vacancy which might result from the death, resignation, or incapacity of the Judge of the Trial Justice Court by appointment as is now provided by law for filling vacancies created by the death, resignation, or incapacity of a Circuit Judge.

SECTION 12. That if the Judge of said Court fails to attend, cannot preside in a pending cause, or for any reason hold said Court, a majority of the attorneys present in such Court may elect one of their number who has the qualifications of such a Judge, and when elected shall have the same authority as a regular Judge to hold the Court for the occasion.

SECTION 13. That the Clerk of the Circuit Court of Scott County, Tennessee, shall act as Clerk of said Court of General Sessions, and when acting as Clerk of said Court shall be designated "Clerk of Court of General Sessions of Scott County." Such Clerk is authorized and required to designate to serve at his pleasure one Deputy Clerk, who shall reside in Scott County, Tennessee.

Said Clerk and his said Deputy Clerk are hereby authorized to perform the duties of said Court of General Sessions; except the Clerk and his Deputy Clerk shall not hear and determine cases. The Clerk and his Deputy Clerk shall not have authority to issue any writ or other process which under the Constitution and laws are restricted to issuance only by the Judge of said Court. For his or her additional duties and services as Clerk of said Court of General Sessions, such Clerk shall receive as compensation the sum of \$1200.00 per annum, payable in equal monthly installments on the first day of each month, out of the ordinary funds of Scott County. The Deputy Clerk shall receive as compensation for his or her services the sum of \$900.00 per annum, payable in equal monthly installments on the first day of each month, out of the ordinary funds of Scott County.

Said Clerk and Deputy Clerk shall perform all duties required of them by the Court of General Sessions, and shall receive, safely keep and account for all funds received by said Court, and shall pay over to Scott County quarterly all fees, commissions, and emoluments of said Court.

The Clerk and Deputy Clerk of said Court shall have concurrent jurisdiction and authority with the Judge of said Court in the filing of all papers, pauper oaths, appeal bonds, etc., and in the issuance of all processes required to be issued from said Court, except such processes as under the Constitution and laws can only be issued by the Judge.

SECTION 14. That before entering upon their duties, said Clerk of said Court and his Deputy Clerk shall each subscribe an oath for the faithful performance of their duties, and each shall execute a bond payable to the State of Tennessee in the penalty of \$5,000.00, secured by good and solvent sureties, conditioned for the faithful accounting of all funds coming into his or her hands and for the faithful performance of his or her duties.

SECTION 15. That the Sheriff of Scott County, or any Deputy Sheriff or Constable thereof, shall serve legal processes, writs and papers issued by said Court, or issued by the Clerk or Deputy Clerk thereof, with the same authority as provided by law in the other inferior Court.

SECTION 16. That this Act shall in no wise impair the right, title or interest of any Justice of the Peace of Scott County to any unpaid fees, or funds in which he had a right or interest in any proceedings, judgment or suit, whether said cause is disposed of or pending when the Justices of the Peace of Scott County, Tennessee, are divested of their jurisdiction and authority to hear and determine civil and criminal cases on and after April 1, 1951, as provided in this Act.

SECTION 17. That said Court of General Sessions of Scott County, Tennessee, shall have jurisdiction and authority to hear and determine all undisposed of cases on and after April 1, 1951, arising before said Justices of the Peace as if said cases had originated in said Court of General Sessions, and to issue executions and other necessary writs and orders on unsatisfied judgments on the dockets of said Justices of the Peace, and to certify to said judgments.

SECTION 18. That all of the official dockets, records and papers in cases that are undisposed of or pending in the offices of the Justices of the Peace at the close of business on the last day of March 1951, shall be delivered to said Court of General Sessions. The official dockets, records and papers in possession of Justices of the Peace of said County in cases which have been completed shall be turned over to Scott County as provided by law.

SECTION 19. That the Legislature expressly declares that each section, subsection, paragraph and provision of this Act is severable, and that should any portion of this Act be held unconstitutional or invalid, the same shall not affect the remainder of this Act, but such unconstitutional or invalid portion shall be elided, and the Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions alided (sic) therefrom.

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

Passed: March 16, 1951

Juvenile and Probate

Private Acts of 1982 Chapter 383

SECTION 1. Effective September 1, 1982, all juvenile jurisdiction under Tennessee Code Annotated, Title 37 and any other law relating to the disposition of juveniles in Scott County shall be vested in the general sessions court of such county.

SECTION 2. Effective September 1, 1982, all jurisdiction relating to the probate of wills and the administration of estates in Scott County shall be vested in the general sessions court of such county.

SECTION 3. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Scott 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 4. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective on September 1, 1982.

Passed: May 6, 1982.

Court System - Historical Notes

Board of Commissioners - Jurors

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

1. Private Acts of 1913, Chapter 48, created a Board of Jury Commissioners for Scott County, consisting of three discreet citizens who were not attorneys, or county officials, who had no suit pending in court, and no more than two of whom would come from the same political party, who would be appointed by all the Judges having criminal and circuit jurisdiction, plus the chancellors. They were selected for one year terms, must take an oath of secrecy, and vacancies in their number would be filled in the same manner as the original appointments were made. The members would select their chairman and the Circuit Court Clerk would serve as clerk. The Board would select from the public records of the county a list of names equal to one-fifth of the voters voting in the last Presidential election but no more than 4,000 names nor less than 250 names. The Clerk would keep the names in a book as the act specified and the list would be certified by the Board members. The names chosen would also be written on cards or scrolls and placed in a box which would be locked, sealed, and delivered to the Clerk. At some time between ten days and fifteen days before Court was to open a child under ten years of age would draw from this box the number of names specified by law or court order which cards or scrolls would be sealed and delivered to the Clerk. Five days before court was to open, the last list would be given to the Sheriff who would summon these people for jury duty. Only the Judge could excuse them and then only for the reasons expounded in the act. Provisions were made for summoning special panels of jurors. The Jurors would receive \$2 per day for each day served as a juror and fines were established for the violation of the provisions of this act.
2. Private Acts of 1915, Chapter 264, amended Private Acts of 1913, Chapter 48, by adding to Section 8 a provision that, if the regular venire is exhausted, and it is necessary to have more jurors whose names were never selected from the jury box, or to select a particular panel for a special case or cause, the presiding Judge may, in his discretion, select from the citizens of the county or direct the Sheriff to summon persons to make up the jury needed without drawing names from the jury box, but, in the manner prescribed by law.
3. Private Acts of 1917, Chapter 180, amended Private Acts of 1913, Chapter 48, by inserting population figures in the caption and the body of the Act which would make the same act apply to Claiborne County as well as Scott County.
4. Private Acts of 1919, Chapter 635, provides that the Board of Jury Commissioners for Scott County shall be appointed at the March term of 1920, and annually every year thereafter, but the term of the members of the present Board shall be extended to March, 1920.
5. Private Acts of 1947, Chapter 860, provided that in Scott County jurors would receive as compensation for their services as such the sum of \$4 per day for each days attendance as a juror and that the Sheriff shall be paid \$1.10 per day for feeding each prisoner.
6. Private Acts of 1961, Chapter 47, provided the per diem for jurors of \$7 per day.
7. Private Acts of 1972, Chapter 237, amended the above Act by increasing the pay of Jurors in Scott County to \$15 per day.

Chancery Court

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

1. Acts of 1849, Chapter 45, Section 6, provided that the citizens of newly created Scott County may file their Bills in chancery at either Jacksborough, or Knoxville, as they may desire.
2. Acts of 1857-58, Chapter 9, Section 1, established a Chancery Court at Huntsville in Scott county

- to be held by the Chancellor of the Fifth Chancery Division. The first term of the said court would begin on the first Thursday after the second Monday in April, 1858 and afterwards on the first Thursday after the second Monday in April and October.
3. Acts of 1857-58, Chapter 27, Section 4, provided that all causes pending in the Chancery Court at Jamestown, Montgomery, and Jacksborough, when the subject matter of the suit concerned real estate in Scott County, or when the defendants were residents of Scott County, or when both parties agreed thereto, the causes could be transferred to the Chancery Court recently established at Huntsville.
 4. Acts of 1857-58, Chapter 88, reorganized the State into Chancery Districts called the East, Middle, West, Fourth, Fifth, and Sixth Divisions, and these Divisions were sometimes further subdivided. Scott County was assigned to the Fifth Chancery Division in which were also seventeen other counties. Court would start in Huntsville on the Thursday after the second Monday in April and October.
 5. Acts of 1865-66, Chapter 129, Section 4, declared that the Judge of the 17th Judicial Circuit shall hold the Chancery Courts for Morgan, Cumberland, Fentress, and Scott Counties. The Clerk and Master of each court would issue process accordingly.
 6. Acts of 1870, Chapter 32, divided Tennessee into twelve Chancery Districts. Knox, Sevier, Campbell, Union, Anderson, Roane, Monroe, Blount, Morgan, Fentress, Scott, and Christiana County, if established, were all in the Second Chancery Division.
 7. Acts of 1870, Chapter 47, scheduled the court dates for all the counties and their chancery courts. Scott County would commence the Chancery Court terms on the fourth Monday in June and December at Huntsville.
 8. Acts of 1872 (Ex. Sess.), Chapter 15, Section 4, changed the Chancery Court terms for some of the counties in the Second Chancery Division. Scott was to begin the terms in Huntsville on the first Monday after the fourth Monday of April and October. This act would take effect on June 1, 1872.
 9. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the State into eleven Chancery Divisions of which the Second was made up of Knox, Campbell, Sevier, Union, Anderson, Blount, Roane, Loudon, Morgan, and Scott County in which the Court terms were set to start on the first Monday in March and September. This act was the basis of the litigation in *Flynn v. State*, 203 Tenn. 341, 313 S.W. 2d 249 (1958), but involved only the Criminal Court in Shelby County, Tennessee.
 10. Acts of 1887, Chapter 92, changed the schedule of Court terms for all the Chancery Courts of the counties in the Second Chancery Division, but Scott County would remain on the first Monday in March and September.
 11. Acts of 1891, Chapter 240, changed Chancery Court terms in Scott and Morgan Counties. Scott was assigned to the Monday next preceding the first Monday in March and September.
 12. Acts of 1899, Chapter 212, abolished the Second Chancery Division as it then existed in the State, Scott County being among those involved.
 13. Acts of 1899, Chapter 214, assigned some counties formerly in the Second Chancery Division to the First Chancery Division but Union, Campbell, Roane, Anderson, Knox, Morgan, and Scott counties were added to the 12th Chancery Division. Court terms for all the counties were juggled around with Scott being scheduled on the third Monday in January and July.
 14. Acts of 1899, Chapter 427, reorganized the entire lower structure of the judicial system. The State was delineated into ten Chancery Divisions. The Second was composed of Sevier, Blount, Loudon, Campbell, Anderson, Roane, Morgan, Union, Fentress, Jefferson, and Scott county whose court terms would begin on the second Monday in March and September.
 15. Acts of 1901, Chapter 438, amended Acts of 1899, Chapter 427, above, by reorganizing the First and Second Chancery Divisions. The counties allocated to the Second Division were Hawkins, Hamblen, Grainger, Claiborne, Hancock, Union, Campbell, Anderson, Roane, Loudon, and Scott counties. It appears that all court terms were also rescheduled with Scott County returning to the third Monday in January and July.
 16. Acts of 1903, Chapter 165, changed the court dates in Scott County to the second Monday in February and August instead of the third Monday in January and July.
 17. Acts of 1905, Chapter 4, amended Acts of 1901, Chapter 438, so that the court terms for the Chancery Court of Scott County would begin on the second Monday in February and August instead of the third Monday in January and July, the exact thing accomplished by Acts of 1903, Chapter 165, above.

Chancery Court - Clerk and Master

The reference list below contains acts which once applied to the clerk and master in Scott County. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1915, Chapter 4, provided that women over 21 years of age and residents of the county where they may be appointed, are eligible in Scott County to be named as Deputies in the office of the Clerk and Master and to serve as such with all the rights, powers, duties, and obligations as other Deputy Clerks and Masters.
2. Private Acts of 1945, Chapter 193, stated that in Scott County, quoting the 1940 Federal Census figures, the Clerk and Master of the Chancery Court, in addition to all the fees now allowed him by law, shall also be paid \$900 per annum, on a monthly basis out of the regular county funds.
3. Private Acts of 1951, Chapter 594, amended Private Acts of 1945, Chapter 193, above, by increasing the amount to be paid to the Clerk and Master over and above the fees of the office from \$900 to \$1,500. This act was repealed by the one following.
4. Private Acts of 1981, Chapter 177, approved by the Scott County Legislative Body on August 4, 1981, expressly repealed Private Acts of 1951, Chapter 594, above.

Circuit Court

The following acts were once applicable to the circuit court of Scott County but now have no effect, having been repealed, superseded, or having failed to win local approval.

1. Acts of 1849, Chapter 45, Section 6, attached newly formed Scott County to the Second Judicial Circuit whose court would be held by the Judge of that Circuit on the fourth Monday in March, July, and November, at the house of George McDaniel until the seat of Justice for the County was established.
2. Acts of 1857-58, Chapter 95, created a new 16th Judicial Circuit with White, Scott, Morgan, Cumberland, Bledsoe, Marion, Sequatchie, Fentress, and Overton counties in it. A Judge would be elected for the new circuit at the next general election. Court for Scott County would begin on the third Monday in March, July, and November.
3. Acts of 1857-58, Chapter 98, divided the State into 16 Judicial Circuits. The 5th Circuit contained the same counties mentioned in Chapter 95, above, as being in the 16th Judicial Circuit but changed the order of court terms. Scott County would start the terms of the Circuit Court on the second Monday in February, June, and October.
4. Acts of 1859-60, Chapter 59, Section 3, changed court terms for some of the counties in the 5th Judicial Circuit. Scott County's Circuit Court would begin on the third Monday in February, and the second Monday in June and October.
5. Acts of 1865-66, Chapter 8, created a new 17th Judicial Circuit which was composed of Campbell, Anderson, Morgan, Scott, Fentress, and Cumberland Counties. Court would begin in Huntsville on the second Monday in April, August, and December.
6. Acts of 1869-70, Chapter 60, Section 2, detached Scott County from the Fifth Judicial Circuit and attached it to the Second Judicial Circuit.
7. Acts of 1870, Chapter 31, divided Tennessee into 15 Judicial Circuits of which the Second Circuit was made up of Cocke, Jefferson, Grainger, Union, Sevier, Scott, Campbell, Claiborne, and Hamblen, if established.
8. Acts of 1870, Chapter 46, scheduled terms for all the Circuit Courts in the State. Scott County would start the terms of Circuit Court at Huntsville on the fourth Monday in January, May, and September.
9. Acts of 1873, Chapter 22, created a new 16th Judicial Circuit composed of Anderson, Campbell, Scott, Morgan, Fentress, Overton, and Cumberland Counties. A new Judge and Attorney-General would be elected by the people. The new Judge would also be responsible for holding the Chancery Courts of Scott, Morgan, Fentress, and Cumberland Counties. Court terms would commence at Huntsville in Scott County on the fourth Monday of March, July, and November.
10. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the lower court system of the entire state into fourteen regular and one special Judicial Circuits. The Third Circuit consisted of the counties of Blount, Monroe, Loudon, Roane, Morgan, and Scott in which the terms of the court would begin on the first Monday in April, August, and December.
11. Acts of 1889, Chapter 160, amended Acts of 1885 (Ex. Sess.), Chapter 20, as to the scheduling of Circuit Court terms in Scott and Fentress counties. Scott's Court would begin on the second Monday in March, July, and November.

12. Acts of 1899, Chapter 168, abolished the Third Judicial Circuit composed of Blount, Loudon, Roane, Morgan, Fentress, and Scott counties.
13. Acts of 1899, Chapter 409, attached Scott, Morgan, and Fentress counties to the Second Judicial Circuit. Court would begin in Scott County on the second Monday in March, July, and November.
14. Acts of 1899, Chapter 427, restructured the entire lower court system of the State. There were fourteen Judicial Circuits of which Jefferson, Grainger, Sevier, Hamblen, Morgan, Scott, Campbell, Anderson, Union, and Fentress counties constituted the Second. Court terms in Scott were scheduled to commence on the first Monday in March, July, and November.
15. Acts of 1903, Chapter 227, changed the terms of the circuit courts for some of the counties in the Second Judicial Circuit. Scott would start the terms of the Circuit Court on the fourth Monday in March, July, and November.
16. Acts of 1905, Chapter 477, again changed the schedule of circuit court terms for some counties in the Second Judicial Circuit. The Circuit Courts for Scott County would begin on the fourth Monday in January, May, and September.
17. Acts of 1907, Chapter 205, altered the Circuit Court terms for the counties in the Second Judicial Circuit. Scott County would begin its Circuit Courts on the third Monday in February, June, and October.
18. Private Acts of 1919, Chapter 330, the Circuit courts of Morgan and Scott Counties were placed in the 19th Judicial Circuit. Court terms in Scott County would begin on the first Monday in March, July, and November. All process issued and all court bonds would be made to conform to those dates.
19. Public Acts of 1931 (2nd Ex. Sess.), Chapter 18, corrected an error in Article 2, Chapter 159, Code of 1932, wherein Anderson, Scott, Morgan, and Campbell counties are included in the Second Judicial Circuit when they should be in the 19th Judicial Circuit and further, by moving Hancock County from the 19th to the 2nd Judicial Circuit.
20. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, divided Tennessee, into 20 Judicial Circuits. Anderson, Campbell, Morgan, Claiborne, Fentress, and Scott counties were in the 19th Circuit. Scott County would start the terms of its Circuit Court on the first Monday in March, August, and November, and the Criminal Court would begin on the second Monday in the same months.

Circuit Court - Clerk

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

1. Acts of 1903, Chapter 255, set the salaries for Circuit Court Clerks only but did it according to the population of the particular county. These statutes were later merged into the current salary statutes alluded to in the opening statements. According to our calculations the Circuit Court Clerk in Scott County would have drawn a salary of \$500 per year. They were required to file a sworn itemized statement with the County Judge, or Chairman. The county would pay the difference between the fees collected, as reported in the statement, and the salary specified above.
2. Private Acts of 1913, Chapter 168, amended Acts of 1903, Chapter 255, Section 1, above, by setting the salary of the Circuit Court Clerk in Scott County at \$1,000 per year. The Clerk must file the required itemized, sworn statement of the fees collected in his office. If the fees were less than the salary, the county would supply the difference, but, if they exceeded the salary, the Clerk must pay them into the county. All conflicting laws were repealed.
3. Private Acts of 1919, Chapter 608, established the annual salary of the Circuit Court Clerk in Scott County at \$1,200, to be paid monthly out of the county treasury upon the warrant of the County Judge, or Chairman, as other salaries are paid. The Clerk must account to and pay over to the county all the fees collected in the office.
4. Private Acts of 1925, Chapter 95, set the compensation of the Circuit Court Clerk at \$1,500 per year, to be paid monthly out of the regular funds of the county on the warrant of the county Judge, or the Chairman. The Clerk shall account for and pay all fees over to the Trustee for the use and benefit of the county except the fees incident to making a transcript for an appeal to the appellate courts which fees shall be retained by the Clerk.
5. Private Acts of 1925, Chapter 242, amended Private Acts of 1919, Chapter 608, Section 1, Item 3, above by increasing the salary of the Circuit Court Clerk in Scott County, quoting the 1920 Federal Census figures, to \$1,500 per year plus all the fees incidental to the records for an appeal to the higher courts. All other terms in that act to remain as they were.

6. Private Acts of 1929, Chapter 370, amended Private Acts of 1925, Chapter 95, Item 4, above, by increasing the annual salary of the Circuit Court Clerk from \$1,500 to \$1,800 annually, all other terms and conditions of the amended act to stay in force.
7. Private Acts of 1933, Chapter 429, provided that the salary of the Circuit Court Clerk in Scott County would be at the rate of \$1,800 per year, payable monthly, as now provided by law until September 1, 1934 after which time the annual salary shall be \$1,200 per year, payable monthly. This act was repealed by the one below.
8. Private Acts of 1937, Chapter 124, expressly and entirely repealed Private Acts of 1933, Chapter 429, above, which action would restore the compensation of the Circuit Court Clerk to its former status.
9. Private Acts of 1945, Chapter 192, amended Private Acts of 1929, Chapter 370, by increasing the annual salary of the Circuit Court Clerk as set out in Section 1 from \$1,800 to \$2,400.

Criminal Court

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

1. Private Acts of 1905, Chapter 359, created a criminal court for Anderson, Campbell, Morgan, Scott, Fentress, Pickett, and Union counties to be known as the Criminal Court for the Second Judicial Circuit. The Court was given general common law and statutory jurisdiction, original and appellate, over all criminal cases in the county. Starting dates for court terms were specified for each county and arrangements were incorporated for a Judge, Clerk, and Attorney General. This Court would cease to exist and be abolished on September 1, 1906 and all the criminal jurisdiction herein conferred would on that date revert to the Circuit Court wherein it was exercised before the passage of this Act.
2. Public Acts of 1913, Chapter 13, created a Criminal and Law Court for Hancock, Claiborne, Campbell, Morgan, Scott, and Anderson counties, and fixed the time for holding the said Court in each county. The Act stated a Judge would be appointed to hold until September 1, 1914, when a popularly elected Judge would take over. Hancock and Claiborne were taken from the First Judicial Circuit, and Campbell, Scott, Morgan and Anderson were taken from the Second Judicial Circuit. This Act was amended in some minor particulars by Public Acts of 1915, Chapters 64 and 87.
3. Private Acts of 1917, Chapter 768, amended Public Acts of 1913, Chapter 13, above, as it was previously amended, by making those counties named therein the 19th Judicial Circuit, Criminal Division.
4. Public Acts of 1929, Chapter 89, regarded the above and Private Acts of 1905, Chapter 359, as the 19th Judicial Circuit, Criminal Division.
5. Public Acts of 1931 (2nd Ex. Sess.), Chapter 55, amended the times of holding Criminal Court in the counties and Chapter 38, same year, set the same terms for the Criminal Court of the 19th Judicial Circuit. These terms would start in Scott County on the second Monday in March, July, and November instead of the third Monday in the same months.

District Attorney General - Assistants and Criminal Investigators

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

1. Private Acts of 1911, Chapter 672, created the office of Assistant Attorney General in all judicial and criminal circuits composed of ten counties or more and containing a county of not more than 12,950, and not less than 12,925, in population, according to the twelfth Federal Census. Scott County meets these qualifications. He must be 25 years of age, or older, learned in the law, and of good moral character. He would serve at the direction and pleasure of the Attorney General of the Circuit and draw an annual salary of \$1,800. This Act was repealed by the one below.
2. Private Acts of 1919, Chapter 168, expressly repealed Chapter 672, Private Acts of 1911, above, in its entirety.

Secretarial Assistance

The following acts are no longer in effect but are listed here for historical purposes.

1. Public Acts of 1951, Chapter 86, created the office of secretary to the chancellor of the Second Chancery Division, who was to be paid \$3,000 per annum.
2. Public Acts of 1963, Chapter 340, authorized the circuit and criminal judge of the Nineteenth Judicial Circuit to each hire a secretary at a salary of \$3,000 per year.

Chapter VI - Education/Schools

Board of Education

Private Acts of 2002 Chapter 86

SECTION 1. Chapter 157 of the Private Acts of 1923, and Chapter 773 of the Private Acts of 1947, as amended by Chapter 236 of the Private Acts of 1959, Chapter 259 of the Private Acts of 1970, and all other acts amendatory thereto, are hereby repealed.

SECTION 2. Scott County shall be divided into seven (7) school districts of substantially equal population, which shall be established by resolution of the county legislative body of Scott County.

SECTION 3. The Scott County board of education shall consist of seven (7) members, with one member being elected by the qualified voters in each school district. Board members shall be elected to staggered four (4) year terms so that every two (2) years the terms of approximately one-half of the members of the board shall expire. Persons elected in the regular August elections shall take office on September 1 following the election and shall serve until their successors are duly elected and qualified. The current terms of incumbent members of the Scott County board of education shall not be reduced as a result of changes in school districts provided in this act.

SECTION 4. The Scott County board of education shall have the same powers, duties, privileges and qualifications as other county boards 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 this 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 county legislative body of Scott County by September 1, 2002. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body of Scott County and certified by such officer 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: February 14, 2002.

Oneida School District

Bonds

Private Acts of 1959 Chapter 141

SECTION 1. That the Oneida Independent School District in Oneida, Scott County, Tennessee, as created by Chapter 371 of the Private Acts of 1915, through its School Board members, in regular or special meeting assembled, is hereby authorized and empowered to issue its interest-bearing short term or long term notes in an aggregate principal amount not to exceed One Hundred Twenty Five Thousand Dollars (\$125,000.00) for the purpose of buying additional school land, improving school land, erecting, adding to and equipping school buildings, and to levy a tax or taxes for the payment of same. Said short term or long term notes shall bear interest at a rate of not exceeding four and one half percent (4½) per annum, and shall be in such denominations or payable according to such terms as the Oneida School Board may direct in said resolution authorizing the issuance of said notes; provided, however, that the aggregate amount of said note or notes shall mature within twelve years (12) after the date of issuance and shall be disposed of at not less than par and accrued interest and in such manner as the Oneida School Board may direct.

SECTION 2. That the said notes shall be signed by the Chairman of said Oneida Independent School District, and counter-signed by the Secretary of said School District, and such obligations as may be issued hereunder shall be incontestable obligations of the said Oneida Independent School District.

SECTION 3. That in order to provide funds with which to pay principal and interest of said obligations as

may be issued hereunder, there is hereby levied a continuing annual tax upon all taxable property in said School District sufficient for that purpose, and in the sum of Ninetyfive cents (95¢) on each One Hundred Dollars (\$100.00) worth of Taxable property within the boundary of the Oneida Independent School District, beginning with the year 1959 and continuing until said notes have been paid in full as to both principal and interest; said taxes shall be annually extended and collected by the County Officials of Scott County, Tennessee in the manner provided by the general law for the extension and collection of county taxes. The taxes collected will be paid to the Treasurer of the Oneida Independent School District, who shall place the same in a separate fund which shall be used only for the purposes of paying the principal and interest on the said notes herein authorized to be issued. The said taxes so authorized under this Act shall constitute a lien on the property within said district with like force and effect as do county taxes. The Oneida Independent School District is authorized and required to apply at least one third (1/3) of the Capital outlay received yearly from the State of Tennessee, to the reduction of said notes, and the reduction of same should the tax rate of Ninety-five cents not be required to pay the yearly obligation incurred by issuance of said notes, then the tax rate shall be reduced accordingly and the county (sic) officials so notified of same.

SECTION 4. That the notes herein authorized shall be exempt from all state, county and municipal taxation in the State of Tennessee.

SECTION 5. That all laws or parts thereof in conflict herewith are to the extent of such conflict hereby repealed, and any part of this Act held unconstitutional shall not affect the remaining parts hereof, and said remaining parts shall remain valid.

SECTION 6. That this Act shall not take effect unless the same shall have been approved by a two-thirds (2/3) vote of the Oneida School Board at a called or regular meeting of the Oneida School Board occurring more than 30 days after its approval by the Chief Executive of this State; its approval or non-approval shall be proclaimed by the Chairman of the Oneida Independent School District, Scott County, Tennessee, he being the presiding officer of the Oneida School Board, and the same shall be certified by him to the Secretary of State and upon the certification to the Secretary of State, of the approval of this Act, the same shall take effect from and after the date thereof, the public welfare requiring it.

Passed: March 6, 1959

Private Acts of 1963 Chapter 3

WHEREAS, The Oneida Independent School District in Scott County, Tennessee was recently audited by Chitwood and Coleman of Oneida, Tennessee and at the close of the fiscal year on July 1, 1962 was found to be operating under a deficit of \$35,000, and

WHEREAS, The Oneida Independent School District Board of Education has requested authority to issue bonds, the same to be retired from the proceeds of a special tax levy within such district if approved by the qualified voters within such District,

Now Therefore:

SECTION 1. That the Oneida Independent School District in Scott County, Tennessee, as created by Chapter 371 of the Private Acts of 1915, State of Tennessee, is hereby authorized from time to time to borrow money and issue its negotiable bonds therefor in the aggregate principal amount of not exceeding Thirty Thousand Dollars (\$30,000) to be known as "funding bonds" for the purposes of providing funds for the payment of its operating deficit, including debts and obligations, and the expenses incidental to the issuance of said bonds and any remaining balance to be available for general expenses of said School District. Said bonds shall bear interest at such rate or rates not exceeding five (5%) per cent per annum, payable annually or semi-annually, shall mature serially or otherwise in not exceeding twenty (20) years after date thereof and shall be subject to such terms of redemption, with or without premium, as may be provided by Resolution of the Board of said School District. Said bonds shall be in such form and of such denominations and shall be sold in such manner as the Board may provide by Resolution, but in no event shall such bonds be sold for less than par and accrued interest. The Board is authorized and empowered to do and perform all Acts which may be necessary or desirable in connection with the issuance and sale of said bonds. Said bonds shall be signed by the Chairman of the Board and attested by the Secretary of said Board and the coupons attached thereto shall be signed by the facsimile signatures of said officials.

SECTION 2. That for the purpose of paying the principal of and interest and any redemption premium on the school bonds herein authorized there is hereby levied a continuing annual tax of Fifty (50¢) Cents on each One Hundred Dollars (\$100.00) worth of taxable property in said Oneida Independent School District, beginning with the year 1963 and continuing until said bonds have been paid in full as to both principal and interest. Said taxes shall be annually extended and collected by the County Officials of Scott County in the manner provided by the general law for the extension and collection of county taxes and

shall constitute a lien on the property against which they are levied with like force and effect as do county taxes. The proceeds of said taxes, as collected, shall be placed in a special fund and shall be used solely for the purpose of paying principal of and interest and redemption premiums on the school bonds herein authorized.

SECTION 3. That the bonds herein authorized shall be exempt from all State, County and Municipal taxation in the State of Tennessee.

SECTION 4. That the bonds herein authorized shall not be issued until the issuance thereof has been ordered by a majority of the qualified voters of said district voting in an election called for such purpose by the election commissioners of Scott County pursuant to the request of the Board of said District. Such election shall be held in the same manner and by the same officials as general elections are required to be held in Scott County and notice thereof shall be given at least twenty (20) days prior to the date of said election by publication of an appropriate notice not less than one time in a newspaper of general circulation in such District. At such election the ballot shall state briefly the maximum amount of bonds to be authorized and the purpose for which such bonds are to be authorized and shall contain the words "for the issuance of bonds" and "against the issuance of bonds." Opposite each of said phrases shall be a hollow square and the elector shall indicate his vote "for the issuance of bonds" or "against the issuance of bonds" by inserting a mark in the square opposite the appropriate phrase. The election commissioners of Scott County shall canvass the returns of such election and determine and declare in writing the results thereof. Such declaration shall constitute conclusive evidence of the results of said election.

SECTION 5. That said operating deficit, including debts and obligations incurred, is hereby validated and declared to be valid obligations of said Independent School District, and declared to have been incurred in the operation of the District's Schools, and necessary for the operation of said schools.

SECTION 6. That if any one or more provisions of this Act or the application thereof to any person or circumstances shall ever be held by any Court of competent jurisdiction to be invalid, the remaining provisions hereof and the application thereof to persons or circumstances other than those which it is held to be invalid shall not be affected thereby.

SECTION 7. That all laws or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

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

Passed: January 17, 1963.

Private Acts of 1990 Chapter 147

SECTION 1. The Oneida Special School District, Scott County, Tennessee, created by Chapter 371 of the Private Acts of 1915, is hereby authorized to borrow money and issue its bonds therefor in the aggregate principal amount not exceeding one million five hundred thousand dollars (\$1,500,000) for the purpose of acquiring, constructing, improving, repairing and equipping schools and additions thereto for the school district, and acquiring all property, real and personal, appurtenant thereto or connected with such work. The bonds shall bear interest at a rate or rates not exceeding ten percent (10%) per annum, payable annually or semiannually, and shall mature serially or otherwise in not exceeding twenty (20) years after the date thereof, as may be provided by resolution of the board of education of the school district. The bonds shall be in such form and of such denominations, may be made subject to redemption prior to maturity, with or without premium, and shall be sold as a whole or in part from time to time in such manner as the board of education shall provide by resolution, but in no event shall such bonds be sold for less than par value plus accrued interest. The board of education is authorized and empowered to do and perform all acts and enter into all agreements which may be necessary or desirable in connection with the issuance and sale of the bonds. The bonds shall be signed by the chairman of the board of education and attested by the secretary of the board in such manner as the board of education shall provide by resolution.

SECTION 2. For the purpose of paying the principal of and interest and any redemption premiums on the school bonds herein authorized, there is hereby levied a continuing annual tax of seventy cents (70¢) on each one hundred dollars (\$100) worth of taxable property in the Oneida Special School District, beginning with approval of this act as provided in Section 5, and continuing until the bonds have been paid in full as to both principal and interest. The taxes shall be annually extended and collected by the county officials of Scott County in the manner provided by the general law for the extension and collection of county taxes and shall constitute a lien on the property against which they are levied with like force and effect as do county taxes. The proceeds of the taxes, as collected, shall be placed in a special fund and shall be used solely for the purpose of paying principal of and interest and any redemption premiums on the school bonds herein authorized.

SECTION 3. The bonds herein authorized shall be exempt from all state, county and municipal taxation in the State of Tennessee.

SECTION 4. Before any bonds are issued and sold by the district, there shall be an election held in such district by the Scott County Election Commission. Within thirty (30) days after the school board adopts a resolution in accordance with this section, the Scott County Election Commission shall call an election for the Oneida Special School District, to be held not less than forty-five (45) days nor more than sixty (60) days from the call. All qualified voters of the Special School District and all nonresident property owners in the Special School District shall have the right to vote in the election and there shall be placed upon the ballot used in such election, the language:

For the issuance of bonds in an amount not to exceed one million five hundred thousand dollars (\$1,500,000) and for an increase of seventy cents (70¢) in the property tax rate to pay for such bonds. and the language:

"Against the issuance of bonds in an amount not to exceed one million five hundred thousand dollars (\$1,500,000) and against an increase of seventy cents (70¢) in the property tax rate to pay for such bonds.", so that the voters in such election shall vote for or against the issuance of such bonds as they may desire. It shall be the duty of the Scott County Election Commission to call and hold such election upon a resolution adopted by the Board of Education of such special school district and filed with the Election Commission. If such resolution is not adopted within ten (10) business days of the effective date of this act, then this act shall be null and void. The votes cast on the question shall be canvassed and the results proclaimed by the County Election Commission and certified by it to the Secretary of State as provided by law in the case of General Elections. The qualifications of voters voting on the question shall be the same as those required for participation in General Elections. All laws applicable to General Elections shall apply to the determination of the approval or rejection of this act. The cost of the election shall be paid by the district.

SECTION 5. In any election held under this act in which a majority of the voters voting in such election vote for the issuance of such bonds, it shall be the duty of the Special School District Board of Education to issue and sell such bonds in accordance with the provisions of this act.

SECTION 6. 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 7. This act shall take effect upon becoming a law, the public welfare requiring it.

Passed: March 12, 1990.

Private Acts of 1993 Chapter 72

SECTION 1. The Oneida Special School District is authorized to refinance the one million five hundred thousand dollars (\$1,500,000) of indebtedness authorized by and subject to the provisions of Chapter 147 of the Private Acts of 1990. Notwithstanding the provisions of such act to the contrary, the amount of the refinanced indebtedness may exceed one million five hundred thousand dollars (\$1,500,000) if the tax rate provided in Chapter 147 generates sufficient revenue to repay such indebtedness and the expenses of such refinancing.

SECTION 2. Any funds in excess of one million five hundred thousand dollars (\$1,500,000) which become available as a result of refinancing indebtedness in accordance with the provisions of Section 1 shall be expended for the construction and equipping of new facilities in such district.

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

Passed: May 10, 1993.

Private Acts of 1994 Chapter 139

SECTION 1. The Oneida Special School District, Scott County, Tennessee, created by Chapter 371 of the Private Acts of 1915 and Chapter 178 of the Private Acts of 1975, acting by resolution of its board of education, is hereby authorized to borrow money and issue and sell its interest-bearing notes and/or bonds for the purpose of refinancing existing obligations and/or acquiring, constructing, improving, repairing and equipping schools, and additions thereto for the school district and acquiring all property, real and personal, appurtenant thereto or connected with such work. The maximum principal amount of bonds and/or notes authorized to be issued shall not exceed \$1,000,000 plus the amount necessary to refinance such existing obligations, plus the costs of such refinancing and the issuance and sale of the

notes and/or bonds. The notes and/or bonds shall be sold for not less than ninety-eight percent (98%) of par plus accrued interest. The notes and/or bonds may be sold in one (1) or more series, may bear such date or dates, may bear interest at such rate or rates (which may vary from time to time), may be payable at such time or times, may be in such denomination or denominations, may be in such form, either coupon or registered, may be payable at such place or places, may be executed in such manner, may be payable in such medium of payment, and may be subject to such terms of redemption, with or without a premium, all as may be provided by resolution of the board of education of the school district. The notes and/or bonds may be sold in such manner either at a competitive public sale or at a private negotiated sale as the school district may direct. The Board of Education of the school district is authorized and empowered to do and perform all acts and enter into all agreements which may be necessary or desirable in connection with the issuance and a sale of the notes and/or bonds. The notes and/or bonds shall be signed by the chairman of the board of education of the school district and attested by the secretary in such manner as the Board of Education shall provide by resolution. No public referendum or election of the voters of the school district shall be necessary in order for the school district to issue and sell the notes and/or bonds authorized herein.

SECTION 2. For the purpose of paying principal on and interest and any redemption premium on the notes and/or bonds herein authorized, the school district may pledge any and all revenues, receipts, grants, gifts or other funds which may be paid to or come into the school district from time to time, unless such pledge is otherwise prohibited by law.

SECTION 3. Any notes and/or bonds issued pursuant to the provisions of this act and the income therefrom shall be exempt from all state, county and municipal taxation in the State of Tennessee, unless otherwise provided by applicable law.

SECTION 4. So long as any of the notes and/or bonds shall remain outstanding and unpaid, the tax levied by authority of Chapter 147 of the Private Acts of 1990, shall continue to be levied at the rates set forth in Section 2 of such act, to be used solely to pay principal, premium, if any, and interest on the notes and/or bonds and any other obligations of the district now outstanding or which may hereafter be issued pursuant to lawful legislative authorization. Such taxes shall continue to be collected by the Trustee of the County, as other taxes are collected, and kept in a separate account from all other funds belonging to the district to be used for the purposes set forth herein. Such taxes shall constitute a lien on the property against which they are levied with like force and effect as do county taxes. The Board of Education of the district is authorized to pledge such taxes as necessary to pay the principal, premium, if any, and interest on the notes and/or bonds.

SECTION 5. The district is further authorized to issue at any time in accordance with the terms hereof bonds and/or notes to refund any bonds and/or notes issued hereunder.

SECTION 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any 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 7. This act shall take effect upon becoming a law, the public welfare requiring it.

Passed: March 9, 1994.

Private Acts of 1975 Chapter 178

SECTION 1. There is created in Scott County an independent, special school district to be known and designated as the Oneida Special School District empowered to operate a public school system comparable to those operated by counties under existing and future state laws and encompassing the area within the following lines and boundaries:

Beginning at the first mile post on the C.S.R.R. north of where Charles Marcum lives, thence northwardly and westwardly with the top of a ridge dividing the waters of Bear Creek and Pine Creek to a point in wagon road known as the narrows, northeast of where Lucy Banks Buell lives. Thence with the top of a ridge dividing the waters of Williams and Pine Creek to a point in wagon road, east of what is known as John Fosters' place, thence southwardly to a point in wagon road where John Coffee and Jessie Burchfield's land joins, thence southwardly in a direct line to a point in the S.C. Railroad where Joe Marcum's and W.F. Thomas' line joins, thence southeastwardly to Linday's Ferry, including his place, thence southwardly to the top of a ridge dividing Paint Rock and Pine Creek, thence following top of said ridge northwardly and eastwardly to a point in the Buffalo Road at the top of hill, known as Dick Smith's Hill. Thence eastwardly with said wagon road to a point where the wagon road leading from Nick Stanley's intersect (sic) the Buffalo road; thence northwardly in a direct line to the place of beginning. The inhabitants of the described area shall be and constitute the inhabitants of the Oneida Special School

District and for the purposes of this Act, shall be and are hereby constituted a body politic and corporate, clothed with all powers and entitled to all the privileges and advantages of said Oneida Special School District.

SECTION 2. A Board of Education, composed of five (5) members, all of whom shall be more than twenty-one (21) years old and bona fide residents of and qualified voters in the Oneida Special School District, is created and established for the Oneida Special School District, which Board of Education shall have the management and control of the public schools therein, under such rules and regulations as such boards are empowered to make. The members of the Board of Education shall be elected by the qualified voters of the Special School District, at the August General Election, to take office on September 1 following their election and shall hold their offices for four (4) years and until their successors are elected and qualified. The first Board of Education of the Oneida Special School District, which is hereby constituted and appointed, shall consist of the following named persons, to-wit: Dr. Milford Thompson, Robert Wright, Dr. A. K. McCartt, Vester Blevins and L. E. Stanley, each of whom, upon qualification, shall continue as such member of said Board of Education, as follows: the said Dr. Milford Thompson and Robert Wright shall serve until September 1, 1976, and Dr. A. K. McCartt, Vester Blevins and L. E. Stanley shall serve until September 1, 1978, and all until their successors are elected and qualified.

In the event of a vacancy among the members of said Board of Education who are herein appointed or elected by the voters of the Special School District as above provided, the remaining members of the Board of Education shall have the power to fill, and shall fill, such vacancy by appointment, and such appointee shall hold office until the next regular biennial election, and until a successor is elected and qualified.

SECTION 3. The Board of Education shall organize by electing a chairman, a vicechairman, a secretary-treasurer, all of whom shall be members of the said Board. Upon such an organization being perfected, the Board of Education shall proceed with its duties of managing and controlling the schools in the special school district under the powers herein given.

SECTION 4. The management and control of the schools within the special school district shall continue from the present time until June 30, 1975, in the hands of the present Board of Education of the Oneida Independent School District as now constituted and that all funds belonging to said Oneida Independent School District, as now constituted, on June 30, 1975, shall be transferred to the Board of Education of the Oneida Special School District as created hereunder. All taxes heretofore levied for the benefit of said Oneida Independent School District, as now constituted, but now (sic) collected by June 30, 1975, shall, when collected, be credited to the Oneida Special School District as created hereunder.

SECTION 5. The members of the Board of Education shall serve without compensation, but provision and allowance may be made for payment for reasonable and actual expenses incurred in the performance of their duties.

The Board of Education shall prescribe the rules and regulations for its government, and shall meet at such stated intervals as may be prescribed by its rules and regulations, and may hold such special meetings as may be necessary or advisable, of all which special meetings all members shall have the notice prescribed by its rules and regulations.

The Secretary-Treasurer of the Board of Education shall enter into bond with proper conditions, sufficient to cover the school funds belonging to the Oneida Special School District which may be received, the amount of the penalty of which bond shall be determined by the Board of Education, and the bond shall be payable to the state of Tennessee for the use and benefit of the Oneida Special School District, and such bond shall be approved by and filed with the Chairman of the Board of Education.

The Secretary-Treasurer of the Board of Education shall keep a true and correct record of all meetings and business transactions of the Board, and shall perform such other duties as may be required from time to time by the Board. The Secretary-Treasurer of said Board of Education shall keep a true and correct amount of all monies received and disbursed, and shall perform such other duties as may from time to time be required by the Board.

All necessary books, blank forms and stationery for the proper keeping of records by the Secretary-Treasurer shall be provided by the Board and paid for as an expense incident to the management, control and maintenance of said schools, and all such books, records and other papers in connection with the administration of said schools shall be carefully preserved by the respective officers keeping same, and upon the expiration of their terms of office, shall be delivered to their successors.

SECTION 6. The Board of Education, a majority of which shall at all times constitute a quorum for the transaction of business, shall have all the powers usually incident to and belonging to boards of education of counties and municipal corporations, and shall have full power as trustee or directors to manage and control the public schools of the Special School District, and the Board of Education shall make, or cause

to be made, and properly verified and certified, all necessary and proper reports of scholastic population, average daily attendance, and other statistical data with reference to the schools of the District, to the county trustee, county school superintendent and state commissioner of education, all as required by and in accordance with the general laws of the state governing the management and control of public schools of the state, of the class and character contemplated by this Act. The Board of Education shall prescribe all reasonable and necessary rules and regulations for the management, government and control of such schools, and shall employ such superintendents, teachers, and other personnel as may be necessary in their conduct and management.

SECTION 7. The County Trustee of Scott County, from and after July 1, 1975, shall apportion to the Oneida Special School District, for the management of the schools therein provided for, the pro rata share of all school funds in his hands, to which the Oneida Special School District is entitled, which apportionment, as between said Oneida Special School District and the remainder of Scott County, shall be made each year in proportion to the average daily attendance in the schools provided for in the Special School District, in the same manner that apportionments on basis of average daily attendance for the previous year are made among the several counties and other subdivisions of the state, in the apportionment of the public school funds under the general school law. In the event that the basis of apportionment of school funds shall be, by subsequent legislation, changed, the apportionment under this Act will conform to the general law governing apportionments, so that the Special School District shall at all times receive the apportionment and pro rata of the public school funds to which it is by law entitled. And this apportionment shall apply not only to the pro rata share of any and all school taxes assessed and collected locally by Scott County under general law, but also the pro rata share of said Special School District in the state school funds paid over to said County Trustee by the state pursuant to law.

SECTION 8. The Board of Education shall have the authority to enter into contracts for the rental, purchase, or construction of school buildings and for the sale, exchange, rental or purchase of real estate to be used for school purposes, payments due under such contracts to be made by the Board of Education from the funds available to it.

SECTION 9. For the purpose of supporting, maintaining and for debt service fund requirements of the schools of the Special School District, and for the purpose of supplementing the school funds as now provided by law and available for the benefit of the inhabitants of the Special School District, there is hereby assessed for the year 1975, and for each subsequent year thereafter, a special tax of thirty-five cents (35¢) on each one hundred dollars (\$100.00) of taxable property, both real and personal, situated within the boundaries of the Oneida Special School District. The basis of assessment on such property shall be the assessed value as shown by the books of the County Trustee, and the taxes assessed on real estate shall be a lien thereon. The taxes herein assessed shall become due and be collected at the same time and in the same manner as other taxes under the general laws of the state by the County Trustee, and the special taxes herein provided for, together with all school funds received from the County Trustee shall constitute the school fund for the said Special School District, which school fund shall, from time to time, as collections and apportionments are made, be paid over to the Treasurer of the Board of Education of the Special School District, or as the Board of Education of the Special School District may direct, by the county trustee, and shall be under the control of the Board of Education for the use and benefit of the Special School District, and for the maintenance and operation of the schools therein provided for and for no other purpose. No part of the school fund shall be paid out by the Treasurer of the Special School District or otherwise, except upon and by the order of the Board of Education upon warrants properly drawn and signed by its Chairman or Vice Chairman and Secretary-Treasurer. The separate tax list and assessment roll for the Oneida Special School District of Scott County shall be used by the County Trustee in making the collection of such taxes.

As amended by: Private Acts of 1979, Chapter 141

SECTION 10. The branches of study designated and prescribed in the general school laws of the state of Tennessee shall be taught in the schools of the Special School District, and such schools shall be open to all children residing in the Special School District, who are legally entitled to attend the same under the school laws of the state.

The Board of Education of the Special School District shall have the power to, and may, admit by contract to the schools of such District persons over school age or nonresident of the Special School District, upon terms and under such regulations as may be prescribed for such persons. Any tuition under this clause shall be paid to the Treasurer of the Board of Education for the use and benefit of the Special School District, and shall be expended and paid out as other school funds collected and received for the maintenance and operation of schools.

SECTION 11. The Board of Education of the Special School District hereby created and provided for shall not be under the direction or control of the County Board of Education, or of the county school superintendent of Scott County, but its policy shall be in harmony with the general system of public

schools of the state, and all necessary and proper reports, properly verified and signed, shall be made, and full cooperation with the public school system of this state shall be observed, in harmony with the general school law, as other special districts are maintained.

SECTION 12. Any bonds heretofore issued for the use and benefit of the Special School District established by Chapter 371 of the Private Acts of 1915 and amended by Chapter 835 of the Private Acts of 1929 and Chapter 665 of the Private Acts of 1935 are validated and confirmed and the liability for the payment of principal and interest on such bonds shall attach to the Special School District created herein.

SECTION 13. Chapter 371 of the Private Acts of 1915, Chapter 835 of the Private Acts of 1929 and Chapter 665 of the Private Acts of 1935, are repealed.

SECTION 14. If any section, part of section, or provision of this Act shall be ascertained to be unconstitutional, the invalidity of such section, part of section or provision, shall not impair the validity of the remainder of the Act, and to that end, the provisions of this Act are declared to be severable.

SECTION 15. This Act shall take effect July 1, 1975, the public welfare requiring it.

Passed: May 19, 1975.

Teachers

Tenure

Private Acts of 1939 Chapter 391

SECTION 1. That in all counties of the State of Tennessee having a population of not less than 14,080 nor more than 14,090, according to the Federal Census of 1930 or any subsequent Federal Census, that teachers in the public schools of said counties who are qualified under the provisions of this Act shall be employed on continuing contract. For the purpose of this Act "teacher" shall be defined to include teachers, principals, assistant principals, supervising principals, supervisors and visiting teachers of all public elementary and high schools of independent and county school systems of the State of Tennessee.

A teacher on indefinite tenure who becomes superintendent of the system in which he has indefinite tenure shall not relinquish his tenure status, and provided further that time served as superintendent of schools may be used to determine tenure status.

SECTION 2. That a beginning teacher shall serve a probationary period of three years during which he is employed on annual contract. Following the probationary period, if the teacher is re-employed for the fourth consecutive year and said teacher holds a permanent professional certificate or a teacher with a B.S. degree and a certificate for the grade or subjects taught, the teacher shall be on indefinite tenure and shall not be dismissed except for incompetency, immorality or willful and persistent refusal to obey any reasonable rules or regulations of the Board of Education and superintendent.

Provided, however, that nothing in this bill shall be construed to prohibit any County Superintendent or Board of Education or other employing agency from suspending from the school system any married teacher who becomes pregnant while in the system, for the remainder of the school year during which such pregnancy occurs and for one year thereafter. Provided further, however, that upon the termination of such period of suspension such teacher may reenter the school system and claim her status under the tenure bill with all the rights incident to such status just as though she had never been suspended. Provided further, that the teacher employed to substitute for such person during such suspension shall only be employed only for the time the regular teacher is absent from her duties. Any teacher who is employed on April 1, 1968 and has served the probationary period as set out in this Section shall be placed on indefinite tenure.

As amended by: Private Acts of 1967-68, Chapter 392

SECTION 3. That teachers who are now and have been employed for four or more consecutive years in their present school systems and who are otherwise qualified by law shall be deemed to be on indefinite tenure. Those now employed who have not served four or more years and who are otherwise qualified by law shall be deemed to be on indefinite tenure upon reemployment for the fourth consecutive year.

SECTION 4. That a teacher may be dismissed without cause if the position which that teacher holds is eliminated and there is no vacancy for which he or she is qualified. In the event a position is eliminated, the teacher of shortest length of service in that position shall be dismissed first, but the teacher so eliminated shall have first claim to any vacancy for which he is qualified.

SECTION 5. That any teacher charged with incompetency shall before dismissal be given a warning with

specific statement in writing of defects. If the teacher fails to make satisfactory improvement in the matters specified in the warning, the superintendent may give the teacher a notice of dismissal as hereinafter provided.

SECTION 6. That any teacher shall be given thirty (30) days notice of dismissal containing specific statement of grounds of dismissal, and conversely a teacher shall give thirty (30) days notice of intention to relinquish his or her position. If the teacher fails to give thirty (30) days notice as required, he shall be subjected to a penalty of a sum which bears the same ratio to the monthly salary of the teacher as the number of days for which notice was not given bears to thirty (30). Said penalty may be deducted from any unpaid salary or collected by judgment.

SECTION 7. That the superintendent of schools shall have the right to suspend any teacher pending hearing of charges of immorality.

Provided, further, that upon written request by the teacher on or before the 15th day of the thirty (30) day period following notice of dismissal the teacher shall be given a public hearing, unless private hearing is agreed upon by the parties, by the board of education, or the Board of Commissioners, or other employing agency if there is no board of education of the school system in which said teacher is employed, said hearing shall not be sooner than the 16th nor later than the 30th day of the thirty (30) day period following notice of dismissal. Provided further, that at such hearing the teacher shall be entitled to be represented by counsel and to have subpoenas issued by the Board of Education for the production of witnesses and records. for the production of witnesses and records. (sic)

Provided further, that any teacher dismissed shall have the right to have such dismissal reviewed under Code Section 9008 et seq.

Provided further, That if on final disposition of the case the teacher is not dismissed, he shall receive any back pay for any period of suspension.

SECTION 8. That if any section, subsection, clause or phrase in this statute is for any reason held to be unconstitutional, such unconstitutionality shall not affect the remaining portions of the statute. The Legislature declares that it would have passed this statute and each section, subdivision, clause, phrase and sentence thereof, irrespective of the fact that any one or more of such sections, subdivisions, clauses, phrases or sentences be declared unconstitutional.

SECTION 9. That upon approval of the county superintendent or county board of education or other employing agency of said county any school teacher may be granted one year's leave of absence from his or her duties of teaching when shown to the satisfaction of the county superintendent or county board of education or other employing agency that said teacher desires to further his educational work, and during said period of absence said teacher shall not lose his status as defined in this tenure bill. Provided, further, that any person employed to substitute for such person during his leave of absence, said employment shall only be for the time the regular teacher is absent from his duties.

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

Passed: March 2, 1939

Education/Schools - Historical Notes

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

1. Acts of 1853-54, Chapter 181, Section 9, changed the lines between Scott and Fentress counties so as to include all the possessions of Belfield Moore in Fentress.
2. Acts of 1855-56, Chapter 156, Section 1, moved the farms of James Ball, James Walden, Jesse T. Lay and Leander Herd into Campbell County; Section 3 changed the lines between Scott, Morgan, and Fentress Counties as the survey run by Riley Long required, making his survey the permanent boundary lines; Section 4, moved all the lands of Ewel Smith into Scott County from Campbell County.
3. Acts of 1857-58, Chapter 36, Section One, provided that the line run by Stanfield from Ewel Smith's to William Massengill's be, and the same is, hereby established as the dividing line between the said counties of Campbell and Scott so as to include all the citizens west of the said line in Scott County, and who would enjoy all the rights and privileges as other citizens.
4. Acts of 1857-58, Chapter 129, Section 1, detached the farms belonging to William Young and Elisha Chaney from Scott County and placed them in Morgan County.
5. Acts of 1859-60, Chapter 135, Section 2, provided that the county line between Fentress and

Scott County be so changed that commencing at the north of Scull Creek on the Clear Fork, it shall run thence down the river to the south fork, to the mouth of Honey Creek at the old county line. Section Three of the same act transferred the dwelling house, and the tract of land on which it stands, of A. H. Cross from Scott County into Morgan County.

6. Acts of 1866-67, Chapter 9, Section 3, changed the lines between Campbell and Scott Counties so as to include all the lands belonging to John Patterson, Austin L. Keath, William Cross, William Keatherly, John McGee, Henry Goodman, James McGee, William Thompson, and the farm, formerly owned by Ewel Smith, but now the property of Riley and Jacob Queener, in Campbell County.
7. Acts of 1867-68, Chapter 60, Section 4, moved the properties of Henry Thompson, and the lands and residence of Ewel Smith, Riley and Jacob Queener, which is now owned by John E. Hudson and Isaac Neal, from Campbell County back into Scott County. Section 5 of the same act transferred the residence and farm of Wesley Buttram from Fentress County into Scott County.
8. Acts of 1868-69, Chapter 43, Section 6, detached the lands belonging to Dempsey Massengale from Morgan County and attached them to Scott County.
9. Acts of 1870, Chapter 84, transferred the lands of William A. Cross and Levi L. Adkins from Campbell County into Scott County.
10. Acts of 1873, Chapter 71, changed the lines between Campbell and Scott counties so as to include the farm of William Trammell in Scott County provided the action did not reduce Campbell County below the constitutional limits.
11. Private Acts of 1873, Chapter 75, transferred from Anderson County into Scott County all the farms belonging to Jordan Massingal, Huston Carroll, Greebery West, William Carroll, and Alexander Low, under the same provision as above.
12. Acts of 1873, Chapter 99, moved the farms and residences of John Low, Jr., and William Keathale from Campbell County into Scott County under the same conditions.
13. Acts of 1879, Chapter 137, Section 10, changed the lines between Scott and Campbell so as to include all the lands of J. Q. Cross in Scott County.
14. Acts of 1883, Chapter 51, altered the boundaries between Scott, Anderson, and Campbell Counties so that the lands of Richmond Kennedy would be included wholly within Campbell County.
15. Acts of 1883, Chapter 100, moved all the lands belonging to John Lay and John Lawdermilk, as they were described in the Act from Campbell County into Scott County.
16. Acts of 1883, Chapter 195, detached the farm of Milton S. Cross from Campbell County and attached the same to Scott County consisting of about 200 acres on Straight Fork Creek.
17. Acts of 1885, Chapter 60, repealed the 6th Section of an Act passed March 14, 1868 which changed the lines between Smith, Putnam, and Dekalb Counties, and for other purposes, and the line between Scott and Morgan counties was reestablished as it was before passage of the act. This must refer to Item 8, above.
18. Acts of 1887, Chapter 46 transferred all the properties belonging to Bart Neal, W. C. Adkins, and Peter Adkins out of Campbell County and into Scott County.
19. Acts of 1889, Chapter 21, detached the farms and residences of John B. Young and Solomon Young from Morgan County and attached them to Scott County.
20. Acts of 1897, Chapter 257, is an exact duplicate of Acts of 1897, Chapter 217, which is published herein.
21. Acts of 1897, Chapter 278, moved the lands of Calvin Allen and David Lay out of Scott County and into Campbell County.

Board of Education

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

1. Acts of 1899, Chapter 279, authorized the Quarterly County Court to establish and maintain county high schools when, in their opinion, the best interests of the people require it, and, for that purpose could levy a tax for schools up to fifteen cents per \$100 property valuation. The County Board of Education would be composed of seven members with staggered three year terms who would manage the schools. There would be at least three teachers for every high school and ordinary subjects would be taught in them. The Board was empowered to locate the said schools which could be consolidated with other high schools, but be under the supervision of the County

Superintendent. The Board was further authorized to admit non-resident pupils but they must pay a tuition charge in an amount determined by the Board.

2. Private Acts of 1917, Chapter 558, amended Private Acts of 1899, Chapter 279, above, by adding a provision to Section 3 which would set the compensation of members of the Board of Education in Scott County at not less than \$1.50 nor more than \$3.00 per day for each day spent on the business of the Board, limited to 20 days per year.
3. Private Acts of 1933, Chapter 764, made it unlawful in Scott County for any member of the County Court to teach school or make any contract with the Board of Education, and it was unlawful for the Board to approve or to make a contract with any Justice of the Peace of Scott County to run school busses or to buy or sell any kind of materials. The fines for violators ranged from \$10 to \$50 for each offense.
4. Private Acts of 1947, Chapter 773, created a seven member Board of Education for Scott County who would be elected by the people at large for six year terms. They shall be elected at the August, 1948, election, the three getting the highest number of votes will serve 6 years, the next two getting the next highest vote for four years, and the others for two years. Present members of the Board will continue to serve until the election is over and others are ready to assume office. Section 2 set up the qualifications for the Board members among which was the requirement of a high school diploma, or its equivalent. No member of the County Court could serve as a Board member. The Board would employ people upon the recommendation of the County Superintendent of Instruction. The Board could refuse to hire these people but could only ask for more recommendations. The County Superintendent would assign all personnel to their jobs. The Chairman of the Board will get \$200 per year, and members of the Board would get \$100 per year for their services. This Act also repealed Private Acts of 1923, Chapter 157; however, the Supreme Court declared all of Private Acts of 1947, Chapter 773, to be unconstitutional which rendered it and all the provisions therein null and void. This was declared in the case of Phillips v. West, 187 Tenn. 57, 213 S.W.2d 3 (1948). The grounds were that the requirement for members of the Board of Education in Scott County to have a high school diploma exceeded the requirements of the general law and was therefore discriminatory. Further, that the condition imposed upon the employment of personnel by the Board of Education that they be recommended by the Superintendent also exceeded the demands of the general law and were therefore discriminating against members of the Scott County Board, whereupon the Court declared the entire Act unconstitutional since the invalid Sections could not be elided from the act. This would restore the former act, Chapter 157, Private Acts of 1923, to efficacy, it would appear.
5. Private Acts of 1959, Chapter 236, amended Private Acts of 1947, Chapter 773, by striking Section 5 and inserting a new Section 5 which fixed the compensation of members of the Board of Education at \$10 per day for their attendance at meetings but was limited to \$200 per year. The Chairman of the Board would receive \$25 per month, all to take effect at the beginning of the next term of the members. (This Act amended the unconstitutional Act which would seemingly render it useless.)
6. Private Acts of 1970, Chapter 259, amended Private Acts of 1947, Chapter 773, as amended by Private Acts of 1959, Chapter 236, by adding a new Section 5 which would pay the reasonable expenses of each member of the Board of Education incurred in the performance of their duties and as may be provided in the budget. Each member would also receive \$50 per month and the Chairman an additional \$25 per month. (Our information is that this Act was not acted on by the Quarterly County Court and therefore never became a law under the Home Rule Amendment to the State Constitution.)
7. Private Acts of 2002, Chapter 86, repealed Private Acts of 1923, Chapter 157, as amended by Private Acts of 1947, Chapter 773, Private Acts of 1959, Chapter 236, and Private Acts of 1970, Chapter 258.

Huntsville School District

The following acts were applicable to the Huntsville School District.

1. Private Acts of 1911, Chapter 574, created the special and independent Huntsville High School District in Scott County whose boundaries are set out in a metes and bounds description in the act. The District shall be governed by a five member Board of Trustees who are constituted a body corporate and politic. The members must be residents of the District, of good moral character, 30 years of age, or older, a freeholder or householder, and possess at least a common school education. They would fill their own vacancies. The Board may hire and fire teachers, make all essential rules and regulations, and do all other things necessary to effectuate the purposes of this act within the framework of the powers enumerated. The County Trustee shall pay the District

their pro rata share of the school funds according to the scholastic population of the county which these Trustees and others are required to furnish. The branches of study shall be comparable to other high schools and shall be open to all white children of both the district and the county who are otherwise qualified to attend. The Board shall devise reasonable tuition rates for other students. A special tax levy of five cents per \$100 would go into the "Huntsville High School Fund" for school purposes. The first Board was made up of M. F. McDonald, Sanders Foster, James F. Baker, W. H. Buttram, and James A. Griffith, all of whom would serve staggered terms.

2. Private Acts of 1915, Chapter 275, amended Private Acts of 1911, Chapter 574, above, by striking all of Section 2 and inserting a new Section 2 which recreated the five member Board of Trustees for the Huntsville High School District. This Board would consist of M. L. McDonald, the Superintendent of County Schools, W. H. Buttram, James F. Baker, James A. Griffith, W. H. Potter, J. M. Griffith, James T. Foster, and T. N. Scates, the County School Superintendent being an ex- officio member. Provisions are included which established staggered terms for members of the Board and there is a general enumeration of their powers. The minimum tax levy rate was increased from five cents to ten cents per \$100 valuation. It is presumed that this school district fell to Public Acts of 1925, Chapter 115, which turned over all school districts which were not taxing districts to the county systems.

Oneida School District

The acts listed below had some bearing on the Oneida School District at some time but apparently are no longer in effect.

1. Private Acts of 1915, Chapter 371, created the Oneida Special School District with a metes and bounds description of the area included in it. Five Trustees, who are named in the Act, will govern the institution and be organized as specified by naming a President, Secretary, and Treasurer. The Trustee shall turn over to them the pro rata share of school funds. The branches of study now required and permitted to be taught in other schools shall be taught in the District. All white students who are residents, qualified, and eligible shall be admitted as students and the Board may admit others upon payment of reasonable tuition rates. A special school tax of ten cents per \$100 property valuation was levied for the support and maintenance of the schools. The school district shall be under the general supervision of the State and County Superintendent. This Act was specifically repealed by Private Acts of 1975, Chapter 178. See *Oneida High School v. Scott County Board of Education*, 145 Tenn. 311, 237 SW 53 (1921).
2. Private Acts of 1919, Chapter 476, authorized the Trustees of the Oneida School District to issue coupon bonds in an amount not to exceed \$40,000, at an interest rate not to exceed 6% and for a maturity period not to exceed 20 years. The entire amount of bonds shall not exceed 10% of the taxable value of property located within the school district and none shall be issued until approved by a majority of voters voting in a special referendum for that purpose. The bonds shall be used to acquire land and construct a school building and dormitories. Details of the election and of the bond issue, if the election is successful, are provided, and the form of the bond is written into the law. A tax levy of ninety cents per \$100 of property valuation is authorized to be levied within the bounds of the school district, as described, of which forty cents to the liquidation of the principal. The tax, if unpaid, will constitute a lien on the property. The powers and duties of the President of the Board of Trustees are enumerated in a general fashion in Section 8 of this law.
3. Private Acts of 1923, Chapter 61, authorized the Quarterly County Court of Scott County to levy, at the time of levying the other taxes for the county, a special school tax of two and one-half mills on each dollar of taxable property for the purpose of building and equipping a High School building in the Oneida Independent School District. The County Trustee would collect the tax and keep it in a separate fund. The School Board for the district was granted all the necessary authority to effectuate the purposes.
4. Private Acts of 1925, Chapter 149, amended Private Acts of 1919, Chapter 476, by reducing the amount of the tax rate to be levied for the Oneida School District from ninety cents to thirty cents per \$100 of property valuation and the distribution of the proceeds were reduced from fifty cents to seventeen cents for the payment of the interest on the bonds and from forty cents to thirteen cents for the liquidation of the principal of the bonds.
5. Private Acts of 1925, Chapter 247, recited in the preamble that a previous tax rate of twenty-five cents per \$100 (cited as "two and one-half mills per dollar" in Item 3, herein) had been levied to build a high school in the Oneida Independent School District and the funds had been insufficient to complete the structure. This act further permits the Quarterly County Court to levy another tax of twenty cents per \$100 to complete the High School building and continues the power of the Trustees to do all things necessary to complete the school.

6. Private Acts of 1925, Chapter 311, is an exact duplicate of Private Acts of 1925, Chapter 247, above, which was also properly enacted by the Legislature without explanation for the reason therefor, other than the assumption that the second law was passed without knowledge of the first.
7. Private Acts of 1929, Chapter 835, amended Private Acts of 1915, Chapter 371, Section 10, by increasing the minimum rate of the tax levy for the Oneida School District from ten to fifteen cents per \$100 of property valuation in the district. This Act was expressly repealed by Private Acts of 1975, Chapter 178.
8. Private Acts of 1935, Chapter 663, amended Private Acts of 1919, Chapter 476, Section 7, reported in Item 2, above, by levying a special tax rate of fifteen cents per \$100 of property valuation, both real and personal, within the boundaries of the Oneida School District which would be collected by the Trustee and paid over to the Board of Trustees for the school district to be used to pay the principal and interest on the bonds which were permitted to be issued under the authority of that act. The two former tax rates for the bonds were ninety cents and thirty cents per \$100.
9. Private Acts of 1935, Chapter 665, amended Private Acts of 1929, Chapter 835, Item 7, above, by raising the minimum tax rate for the Oneida School District from fifteen cents to twenty cents per \$100 on all property, real and personal, within the District. This Act was also repealed by Private Acts of 1975, Chapter 178.
10. Private Acts of 1941, Chapter 267, provided that the caption of Private Acts of 1919, Chapter 476, be amended so as to provide an assessment upon all property both personal and real within the corporate boundary limits of the Oneida High School District. The Act is further amended in Section 7, by adding a paragraph at the end of the Section assessing a tax rate of fifteen cents per \$100 on all property, real and personal, within the corporate boundaries of the Oneida High School District for the year 1942, and subsequent years, which shall be collected by the County Trustee, and used for maintenance of Oneida High School property.

Superintendent or Director of Schools

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

1. Private Acts of 1923, Chapter 157, Section One, provided that the County Superintendent of Public Instruction would be elected by popular vote for a two year term which would begin on January 1, 1925. This Act also created a Board of Education and provided for a Truant Officer.
2. Private Acts of 1933, Chapter 729, provided that the County Superintendent of Public Instruction would be elected by popular vote for a four year term. The salary was set up which he would receive and the obligation imposed to discharge such duties as were prescribed by law and that the qualifications established under state law must be met. This Act was repealed by Private Acts of 1949, Chapter 33.
3. Private Acts of 1939, Chapter 394, allowed the County Superintendent of Public Instruction in Scott County to employ a clerk to assist in the clerical duties of the office, and to the Board of Education. The salary would be not more than \$600 annually, payable monthly out of the school funds in the same manner as other school expenses are paid. The clerk will serve at the pleasure of the Superintendent.
4. Private Acts of 1943, Chapter 168, amended Private Acts of 1935, Chapter 688, Section 1, by striking out the requirement in that act that the compensation of the Superintendent of Public Instruction be limited to \$2,400 per year including the State supplement so as to provide that the county would pay the \$2,400 a year to the Superintendent, exclusive of and in addition to the State supplement, if any, for all the services rendered to the County by the Superintendent.
5. Private Acts of 1943, Chapter 257, amended Private Acts of 1923, Chapter 157, Section 1, by removing the provisions of a two year term, as specified in that act, and providing for a four year term for the Superintendent which would begin on September 1, 1925. A conflict between this Act and Private Acts of 1933, Chapter 729, published herein is not readily apparent.
6. Private Acts of 1945, Chapter 168, amended Private Acts of 1939, Chapter 394, by striking out the provision for the \$600 yearly salary for the clerk to the County Superintendent of Education and inserting a provision to compensate the Clerk at \$150 per month, payable at \$100 a month out of elementary school funds and \$50 a month out of high school funds which will be payment in full for all services rendered.
7. Private Acts of 1947, Chapter 774, amended Private Acts of 1935, Chapter 688, Section 1, by

establishing the compensation of the County Superintendent of Schools as that amount authorized by general education law which would be contributed by both State and County.

8. Private Acts of 1949, Chapter 33, expressly repealed Private Acts of 1933, Chapter 729.

General Reference

The following acts constitute part of the administrative and political heritage of the educational structure of Scott 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 1851-52, Chapter 25, established a county academy at Huntsville for Scott County to be called Huntsville Academy. The act named Dennis Trammel, Absolom Cross, James Reed, John L. Smith, and Culberth Webb, as Trustees of the Academy, clothing them with all the power and authority incidental to academic corporations, with the authority also to make whatever rules and regulations might be needed for the operation of the facility which were consistent with the State and Federal constitutions.
2. Acts of 1855-56, Chapter 266, states that the Huntsville Academy is entitled to draw the academy funds to which it would have been entitled under the law, being duly and properly organized under its charter. The Comptroller of the State was authorized and directed to pay over to the said academy such funds from the years 1852, 1853, 1854, and 1855.
3. Acts of 1887, Chapter 98, permitted the Trustees of the new Huntsville Academy to sell and convey the property of the old academy on such terms as they consider in the best interests of the people. The proceeds of the sale will be turned over to the County Trustee and be dispersed as other school funds are distributed.
4. Public Acts of 1907, Chapter 236, abolished all the offices of District Directors in the state and created Boards of Education and District Boards of Advisors in their places. Five school districts are to be created in each county from each of which one member of the Board of Education would be elected. The districts would be composed of, and coincide with, whole civil districts. Initial members would be appointed by the County Court and serve until September 1, 1908, when those elected by popular vote would assume office. The duties of the Chairman of the Board, chosen by its members, of the Secretary, who would be the Superintendent of Schools, and of the Board itself are all enumerated in the act. Each member of the Board would make a full and accurate annual report of school affairs in his district, and receive, as compensation, from \$1.50 to \$3.00 per day, as determined by the County Court. The voters would further elect a three member Advisory Board whose duties were likewise spelled out in the act. This act did not apply to city schools, and some counties exempted themselves from its operations in Section 17 but Scott County was not one of them. This law was the subject of litigation in Whitthorne v. Turner, 155 Tenn. 303, 293 S.W. 147 (1927).
5. Private Acts of 1907, Chapter 603, stated that every parent or guardian, or anyone, having the custody and control of children between the ages of 8 and 16 years shall send them to school for at least 16 weeks, or 80 days, of each year, or for as long as the public schools are in session, unless they are excused by competent authority, or are physically disabled to attend which fact must be supported by acceptable medical proof. The Act provides for a variety of records to be kept at different levels of the scholastic hierarchy accurately presenting the true attendance records of each pupil. These requirements would not apply if one lived further than 2½ miles from the school house. Fines for violation ranged from \$10 to \$50 for each offense.
6. Private Acts of 1911, Chapter 319, was an amplification of the compulsory school attendance law requiring the same 16 week, or 80 days, attendance in school by children from 8 to 16 years of age, or as long as the public school is in session in the respective District. One must be excused properly or be disabled if not attending the specified number of days. The attendance must be for consecutive days unless one was temporarily excused by the classroom teacher. If a child were poor, the county was authorized to buy clothing and all school supplies for it. The law did not apply if the pupil's home was located more than 2½ miles from the school. All violations would be punished by fines of \$1 per day for each day missed unlawfully. It was declared illegal for anyone to employ a child between the above age limits who should be in school. A census would be taken each year of school children in each district and the attendance records compared to it. The teachers, and other school officials, would not be paid their salaries unless this law was fully met.
7. Private Acts of 1917, Chapter 317, provided that for the purpose of providing and maintaining high schools in Scott County, the County Court could levy a special school tax of 2½ mills on the dollar to be assessed against all property subject to taxation to be collected as any other tax is collected and paid over to the County Trustee to be used for the purposes mentioned above.

8. Private Acts of 1917, Chapter 355, abolished the office of Truant, or Attendance Officer in Scott County, quoting population figures according to the Federal Census of 1910. All laws in conflict with this law were repealed.
9. Private Acts of 1917, Chapter 626, amended Public Acts of 1913, Chapter 4, the title of which is written into the amending act, by adding a provision, which would be applicable only to Scott County, that no supervisors shall be appointed as the public law required and all the duties imposed upon the Supervisors by the public act shall be performed and discharged by the regular county superintendent at no increase in compensation.
10. Private Acts of 1917, Chapter 668, applied to both Scott and Morgan Counties and provided that those county high schools, whose school terms were longer than the elementary school terms, would be permitted to teach elementary students who were below high school levels in those schools, the cost of which would be paid out of the high school funds of the county.
11. Private Acts of 1923, Chapter 448, stated that in Scott County the Quarterly County Court may levy a tax of not less than ten cents per \$100 of all taxable property, and annually thereafter, until all the indebtedness on the Robbins School is paid off. These special taxes would be collected by the Trustee and kept in a separate account for that purpose.
12. Public Acts of 1925, Chapter 115, was the start of the current general state statutes dealing with education being codified as Title 49, of the Tennessee Code Annotated.

Chapter VII - Elections

Districts - Reapportionment

Civil Districts

Private Acts of 1911 Chapter 542

SECTION 1. That there be and are hereby created and established for and within the county of Scott in this State, and in lieu of fourteen districts therein as now laid out, five civil districts only.

SECTION 2. That the boundaries of said civil districts shall be as follows:

1. The territory embraced in the Fourth, Fifth, and Tenth Districts as now laid out shall compose the First Civil District of said county.
2. The territory embraced in the Third and Ninth Civil Districts as now laid out shall compose the Second Civil District of said county.
3. The territory embraced in the Second, Thirteenth, and Fourteenth Civil Districts as now laid out shall compose the Third Civil District of said county.
4. The territory embraced in the First, Eighth, and Twelfth Civil Districts as now laid out shall compose the Fourth Civil District of said county.
5. The territory embraced in the Sixth, Seventh, and Eleventh Districts as now laid out shall compose the Fifth Civil District of said county.

SECTION 3. That all election precincts now established existing in said county shall continue and shall be legal election precincts in and for the several civil districts of said county as herein and hereby established in which such precincts may be located until changed by lawful authority; and that there shall be elected at the regular August election in 1912 two Justices of the Peace and one Constable for each of the civil districts herein created and established and one additional Justice of the Peace and Constable for the Third Civil District in which the county seat is located.

SECTION 4. That the districts hereinabove set out shall so remain unchanged until repealed or changed by an Act of the Legislature.

SECTION 5. That all laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 6. That this Act take effect on the first day of August, 1912, the public welfare requiring it.

Passed: June 29, 1911.

Private Acts of 1937 Chapter 512

SECTION 1. That Chapter No. 542 of the Private Acts of 1911, which is entitled "An Act to create and

establish five Civil Districts in the County of Scott in lieu of fourteen Civil Districts as therein now existing and to define the boundary of same," be and the same is hereby amended so as to establish and fix the boundary lines between the Third and Fifth Civil Districts of said Scott County as created by Section 2 of said Act as follows:

Beginning on the west bank of New River in the Old Second District line above or up the River from the Junction of Paint Rock Creek with New River at the eastern line of what was formerly the John B. Jeffers lands around the mouth of said Paint Rock Creek and now Paint Rock Coal Company lands; and thence running northwardly with the eastern boundaries of said lands and the lands of Abraham Strunk so as to include them in the present Third District of said county, to the County Pike Road leading from Winona in the Fifth District over the hill to Huntsville in the Third; thence westwardly with said Winona County road to State Highway No. 63 and the Cross Roads, near the top of the Paint Rock hill and west of the Richard Crowley residence; thence crossing said State Highway and running with the County Pike Road leading by the Annadel School house 30 poles to a stake and stone, thence east 40 poles to the old District line near the Allen McDonald old place in the flats between Paint Rock and Buffalo Creeks; and with said old district line, north twenty (20) degrees west two and three fourths ($2 \frac{3}{4}$) miles to a sugar tree and black oak on a branch near the Gilbert Smith residence and old place, passing east of the lands of Henry Byrd, A. K. Byrd and Frank Chambers near the Annadel School so as to continue them in the Third District. And so as to contain the lands of John Botts in the Fifth Civil District of said County.

As amended by: Private Acts of 1953, Chapter 165

SECTION 2. That the lands and territory east of said lines set out in Section 1, hereof extending northwardly from New River, shall be and constitute part of the Fifth District and that the lands of territory west thereof shall be and constitute part of the Third District of said Scott County.

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

Passed: May 10, 1937.

Elections - Historical Notes

Districts - Reapportionment

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

1. Private Acts of 1933, Chapter 74, created a new and additional Sixth Civil District for Scott County. The area to be contained in the new 6th Civil District was described by metes and bounds in Section 2 of the Act, and further provided that within 60 days after passage of this Act the Election Commissioners would hold an election for two Justices of the Peace, one Constable, one member of the County Board of Education and one District Road Commissioner within the District and the precinct now established in the area, known as the "Station Camp Precinct," shall remain as is. This district shall remain until changed, or repealed, by the Legislature. This Act was repealed by the one below.
2. Private Acts of 1935, Chapter 215, specifically repeals Private Acts of 1933, Chapter 74, above, in its entirety, thus reducing the number of civil districts in Scott County back to five.
3. Private Acts of 1937, Chapter 658, again created a Sixth Civil District in Scott County which was new and describes the boundaries. Within 60 days the Election Commission shall hold an election for two Justices of the Peace, one Constable, and one member of the County Board of Education. The "Station Camp" voting precinct would remain as it was. Those elected shall assume their offices within ten days and the boundaries of this District cannot be changed except by the Legislature. This act was repealed by the one following.
4. Private Acts of 1939, Chapter 316, expressly repealed Private Acts of 1937, Chapter 658, above which created a new 6th Civil District for Scott County.
5. Private Acts of 1961, Chapter 91, created a new 6th Civil District for Scott County out of parts of the 4th and 5th Civil Districts, the area being described by metes and bounds. There would be an election to elect two Justices of the Peace, one Constable, and one School Board member. This Act was rejected and disapproved by the Quarterly County Court and never became an effective law.

Elections

The following is a listing of acts for Scott 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

is an act which repeals prior law without providing new substantive provisions.

1. Acts of 1857-58, Chapter 90, provided that the polls for the election of the joint State Representative for the counties of Scott, Morgan, and Fentress would be compared at Jamestown in Fentress County on the first Monday next succeeding the day of the election.
2. Acts of 1865, Chapter 34, divided the State into eight U.S. Congressional Districts shortly after the conclusion of the Civil War. The Second District was then made up of the counties of Claiborne, Union, Knox, Campbell, Scott, Morgan, Anderson, Blount, Monroe, Polk, McMinn, Bradley, and Roane.
3. Acts of 1867-68, Chapter 7, Section 2, made it the duty of the Sheriff of Fentress, Scott, Morgan, and Cumberland counties to meet at Jamestown, in Fentress County, on the first Monday after the regular biennial elections in August so as to compare the vote for the two joint Representatives to the General Assembly. All conflicting laws were repealed.
4. Acts of 1871, Chapter 146, apportioned Tennessee for the General Assembly according to the Federal Census for 1870. Union, Campbell, and Scott counties would elect one Representative jointly and the State was divided into 25 Senatorial Districts of which the Fifth Senatorial District was composed of the counties of Campbell, Morgan, Scott, Roane, Fentress, Overton, Putnam, White, and Cumberland.
5. Acts of 1872 (Ex. Sess.), Chapter 7, divided the State into nine U.S. Congressional Districts. The Second was made up of Sevier, Knox, Jefferson, Anderson, Campbell, Scott, Morgan, Fentress, Cumberland, White, Putnam, Overton, Jackson, Smith, Macon, and Clay counties.
6. Acts of 1873, Chapter 27, again apportioned the State of Tennessee into U.S. Congressional Districts, this time to ten such Districts. Jefferson, Sevier, Blount, Monroe, Loudon, Roane, Knox, Anderson, Campbell, Scott, Morgan, and Union counties were all assigned to the Second U.S. Congressional District thereunder.
7. Acts of 1881 (Ex. Sess.), Chapter 6, redistricted the State for the General Assembly, according to the new population figures for 1880. One Representative would be elected jointly by Scott, Fentress, and Pickett counties. The State now had 33 Senatorial Districts of which the Fourth was composed of Claiborne, Grainger, Union, Campbell, and Scott Counties.
8. Acts of 1882 (Ex. Sess.), Chapter 27, did the same thing for the ten U.S. Congressional Districts assigning Jefferson, Union, Sevier, Blount, Knox, Loudon, Roane, Anderson, Morgan, Campbell, and Scott Counties to the Second U. S. Congressional District.
9. Acts of 1891 (Ex. Sess.), Chapter 10, reapportioned the State according to the 1890 Census for the General Assembly. Anderson, Morgan, and Scott Counties would elect one State Representative between them and Scott, Fentress, Pickett, Overton, Clay, Jackson, and Putnam Counties composed the Tenth State Senatorial District.
10. Acts of 1897, Chapter 216, detached Scott County from the Tenth State Senatorial District and attached it to the Third District. Morgan and Hancock Counties were also transferred into different Senatorial Districts by this Act.
11. Acts of 1901, Chapter 109, established the 10 U. S. Congressional Districts. The Second consisted of Hamblen, Jefferson, Knox, Blount, Loudon, Roane, Scott, Anderson, Campbell, and Union Counties.
12. Acts of 1901, Chapter 122, apportioned the total representation of the State in accordance with the 1900 census taking. The Third State Senatorial District was made up of Hancock, Grainger, Claiborne, Union, Campbell, and Scott counties. Scott, Campbell, and Union Counties would elect one Representative jointly.
13. Acts of 1905, Chapter 463, amended Acts of 1901, Chapter 122, Item 11, above, by transferring Hawkins and Greene Counties in the First and Second Senatorial Districts so that the Third Senatorial District contained Hancock, Hawkins, Grainger, Claiborne, Union, Campbell, and Scott Counties. The Representative Districts were also changed by this law but these changes did not affect Scott County.
14. Private Acts of 1913, Chapter 211, stated that no registration of voters is required in Scott County as a prerequisite to vote in any State, County, Municipal, or any other election. The Dortch Ballot was retained for use in the county and the act specified that the Registrar would continue to initial the ballots.
15. Private Acts of 1923, Chapter 235, provided that no registration of voters shall be had in Scott County except in incorporated cities of more than 2500 population but elsewhere registration shall not be a prerequisite to vote in any National, State, County, City, or Civil District election.

16. Private Acts of 1933, Chapter 98, required that every voter in Scott County be registered at least 30 days prior to voting in any election. The Commissioners of Elections shall appoint two registrars for each voting precinct, furnish all the essential materials and forms at the county's expense and have the registration books open at least 60 days prior to any election. All the detached requisites to be permanently registered are set out in the act. At least ten days before the election, the Commissioners shall, upon application, furnish any candidate with a list of the registered voters, plus absentees, if the applicant pays ten cents per 100 names. The Act made it a misdemeanor for any person to give false information, fraudulently use a registration card, or to attempt to vote on a card belonging to someone else, subject to fines of \$50 to \$500 or be confined in the jail or workhouse not to exceed ninety days.
17. Private Acts of 1945, Chapter 272, repealed Chapter 17, Private Acts of 1939, which required a referendum to be held before any bonds could be issued in Scott County for any purpose.
18. Private Acts of 1945, Chapter 399, set the compensation of the officers of elections in Scott County in all general, special, and primary elections at \$4 per day, and the compensation of the Judges, Clerks, and Registrars of elections at \$3 per day, all to be paid out of the general fund of the county.
19. Private Acts of 1957, Chapter 178, provided that in Scott County, quoting 1950 Federal Census figures, election officials shall be compensated for their services in holding the elections at the rate of \$5 per day. This act was properly ratified by the Scott County Quarterly Court.
20. Private Acts of 1961, Chapter 37, directed the Scott County Election Commission to designate upon each person's voter registration card the fact of such voter's entitlement to vote in municipal elections. This act was repealed by Private Acts of 1981, Chapter 176.

Chapter VIII - Health

Currently, there are no Private Acts.

Chapter IX - Highways and Roads

Road Law

Private Acts of 1921 Chapter 750

SECTION 1. That it shall be the duty of each and every County in Tennessee having a population of not less than Thirteen Thousand Four Hundred and not more than Thirteen Thousand Four Hundred and Twenty according to the Federal Census of 1920, or any subsequent Federal Census, to locate or lay out, construct, repair, work and maintain a system of pike, macadam, dirt, earth and other public roads.

SECTION 2. That the opening, closing, changing, working and maintaining the public roads in said Counties shall be in charge and control of and under the supervision of a County Road Commission, composed of a Superintendent of Roads for the County at large, and one Road Commissioner for each Civil District of the County. The Superintendent of Roads shall be elected for a term of four years by the qualified voters of each County at the regular election on the first Thursday in August, 1930, and every four years thereafter for a term of four years beginning on the first day of September, 1930, provided, that George W. Rector, the present Superintendent of Roads of Scott County, by virtue of the election of the qualified voters, and said County being one of the Counties to which this Act applies, is hereby appointed Superintendent of Roads of said Scott County to discharge the duties of said office as required by said Act and the general Road Laws of the State, until said regular election in August, 1930, and until his successor is elected and qualified for the succeeding term from September first, and upon his qualifying as required by said Act, is hereby appointed Superintendent of Roads for said County to discharge the duties thereof until the first regular election and his successor, is elected and qualified, upon his giving bond and taking oath as required by this Act. The Superintendent of Roads is authorized to supervise and control the expenditure of all county road funds which may be derived from the gasoline tax and allocated to the county by the State, including the employment of a qualified Road Supervisor at a salary not to exceed \$5,000.00 per annum, and all necessary assistants and labor for said purposes, it being intended by this provision to confer upon the Superintendent of Roads authority to extend such County Aid without limiting such expenditure to the control and direction of the County Road Commission. Provided, further, that in the purchase of equipment the County Judge shall be required to approve said expenditure, it being the intention of this provision to limit the purchasing powers of the Road Superintendent. The Superintendent of Roads shall be the agent of the county in dealing with the State

Highway Department in connection with road matters pertaining to the county.

The Superintendent of Roads shall be at least twenty-five years of age, a freeholder and householder and citizen of the County and skilled in road construction and maintenance and have a practical knowledge of road engineering and qualifications to make the records and reports required by this Act, and no person not so qualified shall be eligible. The Superintendent before entering upon his duties shall enter into a good and solvent bond payable to the State in the sum of Five Thousand Dollars conditioned to faithfully and honestly perform the duties of the office, and to properly expend and use and account for all road funds and labor and machinery, tools and materials and to make reports and records of roads, road funds, road labor and road conditions, which bond shall be acknowledged before the County Court Clerk and approved by the County Judge and filed in said Court, and take and subscribe to an oath before the County Court Clerk that he will honestly, faithfully and impartially perform the duties of his office, and that he will not directly or indirectly become pecuniarily interested in any contract for road labor, funds, materials, machinery, tools, or other road transactions and contracts. When so qualified the minutes of the County Court shall show he was inducted into office and entered upon his duties. The Superintendent shall be paid for his services Seven Thousand Five Hundred Dollars per annum out of the road funds in quarterly payments on the first Mondays in July, October, January and April. The Road Commissioner for each district shall be elected by the qualified voters of their District, at the regular August election, 1924, and every two years thereafter; provided, that the present District Commissioners hold their office until the regular August election, 1924, or until their successors are elected and qualified.

The Road Commissioner for each district shall be a freeholder or householder and citizen of the district from which elected and more than twenty-one years of age and skilled in road work and capable and qualified to make the records and reports required by this Act, and persons not so qualified are not eligible. Before entering upon their duties Road Commissioners shall enter into a good and solvent bond in the sum of One Thousand Dollars to be conditioned, and payable, and acknowledged, approved and filed as required of the Superintendent, and shall also take and subscribe to an oath of office as required of the Superintendent and thereupon be inducted into office by the County Court. The compensation of the District Road Commissioners shall be One Hundred Twenty Dollars per annum and payable out of the road funds quarterly on the first Mondays in July, October, January and April. The Quarterly County Court may remove any Superintendent of Roads or Commissioners for neglect of duty and shall remove any of said officials for wilful neglect of duty or corrupt acts, amounting to nonfeasance or malfeasance in office, when written charges thereof are made and satisfactorily proven, provided that such official shall have at least five days written notice of the charges before the hearing. In case of vacancy in the office of Superintendent or Commissioner the County Judge shall fill the same by appointment of some eligible person until the next Quarterly County Court, when the Quarterly Court shall elect such official to serve the remainder of the unexpired term and until the next regular election for such office. No Justice of the Peace or member of the County Court shall be eligible to the office of Superintendent of Roads or Road Commissioner, and shall not be Road Overseer or contractor or become interested in any contracts for labor, funds or money, materials, tools or machinery.

Notwithstanding the provisions of any act of the General Assembly enacted prior to January 1, 1973, the salary of the county superintendent of roads shall be seven thousand five hundred dollars (\$7,500) a year, payable in equal monthly installments out of the road funds of the county, and the salary of the road supervisor shall be five thousand dollars (\$5,000) a year, payable in equal monthly installments out of the road funds of the county.

As amended by:

Private Acts of 1923, Chapter 11
 Private Acts of 1929, Chapter 865
 Private Acts of 1945, Chapter 219
 Private Acts of 1949, Chapter 227
 Private Acts of 1951, Chapter 596
 Private Acts of 1951, Chapter 597
 Private Acts of 1963, Chapter 37
 Private Acts of 1969, Chapter 157
 Private Acts of 1970, Chapter 332
 Private Acts of 1973, Chapter 129

SECTION 3. That the duties of the Superintendent of the Roads shall be as follows:

1. To take charge of all public roads and bridges in the County and superintend and assist in public road construction, repair and maintain and to carefully and properly use and employ road labor and machinery, tools and materials, and expend road funds so as to avoid waste and graft, and so as to best accommodate the the (sic) travel and traffic and promote and secure the public welfare in the County.
2. To take charge of all road machinery, equipment, tools, and materials owned by the County, and

make a complete inventory of same, and to buy and furnish for road work in the different road districts, all other road machinery, equipment, tools and materials, from time to time as the road funds permit or warrant and the public good demands, when the value of the property or amount of the contract is less than Two Hundred Dollars, and take a receipt from each of the sellers for each purchase showing the date and amount paid and what it was paid for.

3. To designate and furnish road machinery, tools and materials to the different districts and Commissioners thereof, a proportionate or equitable part of the time or a proper and equitable share of the machinery and tools for all the time so as to best supply the needs for improving the roads in all the districts, and upon delivery take the Commissioners receipt therefor.
4. To assist the District Road Commissioners in public road work and require that all reports of both Superintendent and Commissioners shall be submitted to the County Judge for his examination and approval before issuing his warrant for the salary of the Superintendent and Commissioners. Upon the failure of the Superintendent or any Commissioner to make the reports required by this Act at the time specified, then the Quarterly County Court shall declare such office vacant and shall proceed to elect or appoint his successor as this Act directs.
5. To draw his order on the County Judge or Chairman to obtain his road warrant on the County Trustee for the purchase of road machinery tools, materials and for labor or road work and all other necessary and legal expenditures of road funds, provided that in each case or item of expenditure he must have on file in his office the written receipt of any seller of machinery or tools or materials or supplies given to him by the seller and the affidavit of the Road Overseer for the payment of road labor or the affidavit of the person who performed the labor on the public road under contract, and his order to the Judge shall specify for what it is drawn. In no case shall the Superintendent draw his order in excess of the funds due or become due and available for the year.
6. To provide suitable record books and make and keep a complete record of all roads, road work and road expenditures. Among other things his record shall show the number, name and describe the beginning, the route or course and the termination of each road or road section in each district on which public labor is performed or money expended, the name of the overseer of each road the names of the farms or lands and homes from which labor is assigned to each road, names of all men subject to road labor on each road, the number of days each man was warned by the overseer to work and the number of days each man worked in accordance with the warning, the names of the men who failed to work when warned but paid commutation to the County Trustee instead of working and the amount so paid by each, names of the men who failed or refused to work the road when warned and who did not pay commutation to the Trustee, and names of hands who were prosecuted for violation of the law and the amount of the fine assessed in each case and whether collected or paid over to the Trustee for the benefit of the road section to which the offender belonged, and also the names of those subject to road labor and assigned to the road who were not warned to work and the reasons therefor.

It shall also show the dates, items and amounts of public funds used or expended on each road section, the purpose for which paid out and the name of the person to whom paid, the machinery, tools and materials bought with the dates, items or article bought, the names of the sellers and the price paid for all machinery, tools and materials and all other items of expenditures as paid out and disbursed from time to time and the total disbursements for all purposes, for each calendar year said record, books and papers shall be public records and subject to inspection at all reasonable times.

7. To consider and act upon petitions or applications to open, close or change roads, and take necessary steps to acquire necessary rights of way at the least possible cost and trouble by making contracts with land owners and otherwise but contracts for road ways or rights of way shall be subject to the approval of the County Judge.
8. To make a full and complete report to the Quarterly County Court at its January, April, July, and October terms of said court each year the number, names and description of each road section designated and reported as a public road together with the name of the overseer of each road and the names of hands assigned thereto for labor, and the number of days worked by each man and the number of days each man failed to work but paid commutation, and the names of the men who failed to work or pay when warned, and the names of hands not warned and the reasons therefor and the results of all prosecutions for all violations of this Act. He shall report all items and expenditures for public road work on each road section, and for road materials, machinery, tools and for all other expenditures, giving the dates, name of the person to whom paid, the purpose for which paid and amount of each item and the total amount of expenditures on all accounts. He may also report other conditions of the roads and road work and other facts that may be beneficial or interesting to the public and make such recommendations as he may see fit.

9. To call meetings of the County Road Commission when necessary or required and preside over the meetings and keep accurate and proper records of the transactions and actions of the Commission.

As amended by: Private Acts of 1923, Chapter 11
Private Acts of 1959, Chapter 190
Private Acts of 1970, Chapter 332

SECTION 4. That the duties of the District Commissioners shall be as follows:

1. To take charge under the supervision of the Superintendent of all public roads in his district and to improve, work and keep same in repair and to receive and receipt for all road machinery, tools and materials assigned to and delivered to him by the Superintendent for his
2. To properly sectionize and designate the roads of his district upon which labor is to be performed or money expended by numbering and naming each road or road section and fixing or describing its beginning, its route or course and determination, in April, 1921, and on the first Monday of January each and every year thereafter, and at the same time appoint in writing for the year a competent and reliable overseer, skilled in road work, for each road or road section so designated, and assign road hands or labor on farms or lands and in homes contiguous or adjacent to each road. Each overseer must belong to the road where appointed. A record of such designation, appointments and assignments shall be made and kept by him and report thereof made to the Superintendent of Roads.

The Commissioners are empowered to remove overseers at will for neglect of duty and appoint others. When designated for public labor and funds no road shall be closed, changed or opened in the district during the year except upon application to the Superintendent and his order therefor.

3. To require overseers of his district to warn all men subject to road labor to work on the roads to which assigned in due time, and to report to him the names of all men subject to road labor on their respective sections, the names of those warned, and the number of days for which warned, and the number of days worked by each, the names of those who failed to work, and number of days each is delinquent, and the names of those not warned and the reason therefor. Reports relative thereto shall be made on the first Mondays of July, October and April of each year.
4. To have the road funds derived from all sources for his district worked out on the roads or road sections therein and as nearly as practical on each section in proportion to the amount collected or derived therefrom, giving preference to the road hands and tax payers assigned to or contiguous to the road if satisfactory labor is available. The number of hours customary in the locality shall constitute a days (sic) labor and the customary wages for such may be paid for labor of men and teams.
5. To make and keep a record of the names of all persons employed to work for wages on the roads and numbers of days work performed by each and the wages paid per day and the amounts paid out on each road section to each man and make report of same to the Superintendent on first Mondays in July, October, January and April of each year and oftener if required.
6. To prosecute in name of State all persons subject to road labor who fail to work or pay when warned and to summon the Overseer and Trustee and other witnesses to convict the guilty and see that all fines assessed are collected and paid over to the Trustee to the credit of the district and road to which it is due or belongs.
7. To require reports from overseers of his district and make final settlement with them for each year not later than the 20th day of December and in turn to make report to and settlement with the Superintendent of Roads not later than December 31st each year. No order or warrant shall be drawn to pay Commissioners until the reports due from them are made as required.
8. To meet with the Superintendent and the other Road Commissioners of the County when called or notified or as required and as a member of the Commission to take such action relating to roads and road funds as is necessary or best.

COMPILER'S NOTE: Private Acts of 1935 (Ex. Sess.), Chapter 14, abolished district commissioners.

SECTION 5. That Road Overseers shall take charge of their respective roads and improve and repair and maintain same, and properly preserve, use and account for all road machinery, tools and materials. Overseers shall give all hands subject to road labor at least three days notice or warning in person or by written letters or notice left at his residence or usual stopping place of the time and place of working. Any hand subject to road duty may furnish an able-bodied substitute not under eighteen years of age. Any hand or substitute may be dismissed by the overseer for failure to put in good time or to obey orders. Removal from one district to another will not excuse any road hand subject to road duty from labor in

either district. Each overseer shall serve four days without compensation, and for each additional day he shall receive \$2.00 per day, but in no case to receive more than Ten Dollars in any one year; provided that if any road district has funds sufficient to hire hands to work on roads or in case of emergency where it is necessary to remove obstructions or make repairs the District Commissioner may allow pay to any overseer for such extra work, provided he first obtain authority to do the same. All hands assigned to each road and overseers shall be worked at the same time or warned to do so in so far as it is practical to best maintain the roads. Not later than December 20th and when required by the Commissioner of his district each overseer shall make a written report under oath to the Commissioner of his services and work, showing the number of days with the dates devoted by him to the discharge of his duties, and the names and number of days worked by each hand, the names of hands who failed to work but paid the Trustee, and the names of hands who failed to work or pay when warned and the number of days each is delinquent, and names of hands not warned and the reasons therefor.

SECTION 6. That all male residents of said Counties, except those residing in incorporated towns, between the age of twenty-one and forty-five years on January 10th of each year, except such as have been released by the County Court from payment of poll tax and from working the public roads, shall be subject to work four days on the public roads of the County and district where they reside on said date and four days of road work for each year are hereby assessed and levied against said male residents, and eight hours constitute a day's road work; provided that any man subject to road labor may commute same by paying in lieu of work Four Dollars to the County Trustee at any time before warned to work on or before the day or days warned to work or by paying to the Trustee at the rate of One Dollar per day for each day warned to work when less than four days and when warned to work them, provided further that commutation or pay in lieu of road work shall be payable to the Trustee at any time after January 10th of each year and separate and apart from other taxes assessed against any road hand. It shall be the duty of every such male citizen subject to road labor to work on the roads when warned or to pay one dollar per day in lieu thereof to the County Trustee and failure to so work or pay shall be a misdemeanor and punishable by a fine for each offense of not less than Ten Dollars.

SECTION 7. That in laying out, locating and working public roads, it shall be the duty of the Superintendent of roads and Commissioners to avoid heavy grades by cutting down sharp points or changing the location or direction of the roads, so as to make it as nearly level as practical, and in all cases the grades of ascent or descent on road shall be the least obtainable taking into consideration the topography and natural condition of the locality where it is necessary to locate and construct or maintain roads.

All roads shall be graded with earth, dirt, stone or other durable material so as to drain fully to the sides or with a fall of one inch to the foot from the center of the road to the ditches, and where practical shall be dragged or rolled and compacted. The leading roads or thoroughfares of the County shall be worked in the manner of pikes. For such pike work the roads most material and necessary and the greatest benefit, utility and convenience to the County and traveling public shall be designated by the Superintendent. In constructing pike roads the road beds shall be located and graded as hereinbefore provided and then a wearing surface raised with stone, gravel (sic) or other durable material equally as good or better, of sufficient width and not less than nine feet wide, and not less than ten inches thick in the center and not less than six inches thick at the outer edges of such bed of stone, gravel or material, which shall be compacted together in such manner as to secure a firm, even, smooth and substantial pike or improved road. All roads shall be provided with all necessary side mains or ditches of sufficient depth to drain the road bed, and with under drainage and culverts to prevent overflowing or washing of the road by water, and where practical and the road funds are sufficient roads shall be provided with essential and substantial bridges and culverts at crossings of water courses. Suitable foot logs over streams shall be provided and placed for travelers on foot where bridges cannot be built.

All dangerous trees in reach of roads and limbs and bushes in the way of travel shall be cut down or removed.

First class roads shall not be less than twenty-four feet wide, second class not less than eighteen feet and third class not less than fourteen feet wide. All public roads shall be at least fourteen feet wide. For any Road Commissioner to fail to detach and under-drain the roads and to work and maintain the roads as herein provided when there is sufficient funds and labor to the credit of the road, when he has had sufficient time to do so shall be sufficient cause for removal.

SECTION 8. That all applications to open, change or close public roads, shall be by written petition filed with the Superintendent of roads, which shall designate the road to be opened, closed or changed and give the names of the owners of land over which it is to pass or be located from the beginning to the end. Upon receipt of such petition the Superintendent of Roads shall within five days fix or designate the time at which he will be present a (sic) the beginning point mentioned in the petition to hear the parties concerned and view the road and act on the petition and give to the petitioners and land owners affected

at least five days notice thereof. If any land owner is not a resident or absent then five days written notice to his agent or attorney residing in the County or his tenant on the land affected shall be given legal notice.

At the time and place designated he will attend and view the road and premises and hear the petitioners and parties concerned and when land owners affected have been heard, shall act upon the application, and refuse it or allow it and if allowed assess the damages to any land owner against the County, and report his action to the Judge or Chairman of the County Court, and with his report file the original petition, notices to land owners and others and names of material witnesses. The County Judge shall examine the record and whole matter and if regular and proper shall approve the order of the Superintendent in opening or closing the road and draw warrant on the Superintendent's order on road funds to Trustee to pay all damages assessed to land owners.

Any land owner or petitioner dissatisfied with the action of the Superintendent, may appeal within ten days to the County Court where the whole matter will be heard by the County Judge thereof. On such appeal the Court will hear evidence and either approve or disapprove the action of the Superintendent, and may make such orders as he deems best for the interest of the public and when lands are appropriated shall pay such damages as the merits of the cause require upon proper order and warrant.

SECTION 9. That for the purpose of establishing and maintaining public roads and pikes as hereinbefore provided, the Quarterly County Court shall levy each year at the January term, or when other taxes are levied a road tax for road purposes of not less than fifteen nor more than twenty-five cents on each One Hundred Dollars valuation of taxable property in their respective Counties, outside of incorporated cities or towns and on all privileges assessed or taxed as such by the State for such year a rate or sum not in excess of three-fourths of that levied by the State for State purposes and a pike or highway tax not to exceed ten cents on each One Hundred Dollars valuation of taxable property and may levy a tax on privileges not exceeding one-fourth of that levied by the State for the purpose of maintaining pike roads, provided that any County which has issued and sold bonds for the purpose of building pikes may use the taxes levied and collected for pike purposes to pay the accrued or current interest on the outstanding pike or road bonds, or for a sinking fund therefor.

The County Court shall when other taxes are levied also levy against the owner of each and every one horse drawn wagon or vehicle a tax of Two Dollars and Fifty Cents, two horse drawn wagon or vehicle Five Dollars, and a four horse drawn wagon or vehicle Ten Dollars, used in traffic or hauling merchandise or products whether for hire or otherwise, excepting owners of wagons and vehicles used exclusively to haul farm products raised or produced by the owner, which tax shall attach and become due and payable immediately upon the use of said wagon or vehicle upon the public road, and if not paid in thirty days thereafter shall be delinquent and subject the owner to distress proceedings to enforce payments. The said wagon or vehicle tax and all other privilege taxes herein provided for shall be collected by the County Court Clerk as now required by law. The Justices of the Peace shall report to the Clerk the names of all persons subject to privilege taxes or exercising any business so taxed. Persons subject to the wagon or vehicle tax may commute same by working out the amount of same under the direction of Superintendent of Roads on the public roads or road of the district or districts where used and the Superintendent's receipt shall be sufficient evidence thereof when filed with the Clerk. When the Clerk's fee for collection is worked out on road by any wagon tax payer same shall be paid by proper road order and warrant on road funds to the Clerk.

Said taxes shall be collected by the County Trustee excepting privilege taxes are to be collected and paid over to him by the County Court Clerk, and the common road funds and the pike road funds derived from the levies and all sources shall be kept separate and apart from each other and all other funds and paid out on the warrants of the County Judge upon order of the Superintendent of roads. The common road funds derived and collected from all sources shall be expended in the district from which derived or collected, or as nearly so as practical, excepting the funds derived from taxes on property of railroad companies and telegraph companies which shall be proportioned and expended in the several districts according to or on the basis of the valuation of property in each district as assessed and taxed for that year, not including railroads and telephones provided that the Superintendent of roads may buy road machinery (sic), tools, and material and pay for road rights of way and record books, papers and blanks by order of the County Judge out of the general road fund or funds available for the entire County, and the same shall be deducted from the entire County fund or equally from the funds of each district and the remainder apportioned among the districts or such remainder be expended in the district from which collected or paid. For such purposes the County Trustee shall keep an account with the County road fund and with each district. All road funds shall be disbursed by the Trustee on the warrant of the Judge or Chairman of the County Court, and the County Judge shall not draw any warrant in excess of any road funds due or to become due and available for that year.

SECTION 10. That the following acts are hereby made misdemeanors and punishable by fine of not less

than Ten Dollars and not more than Fifty Dollars before any Justice of the Peace or other Court having the jurisdiction.

1. For any person to put upon the road or in the ditches of any public road any brush, briars or other obstructions;
2. For any hand subject to road duty to fail or refuse after notice as herein provided to work upon the road the number of days required by this Act or to make the payment in lieu thereof to the Trustee;
3. For any Road Commissioner or Overseer to wilfully fail to work, ditch and underdrain the public road or roads in his charge as herein required.
4. For any Road Superintendent, Commissioner or Overseer to receive or accept money from any road hand subject to road labor as a payment in lieu of labor or for a release from labor on the road or to assist in the avoidance of such labor due;
5. For any Road Commissioner or Overseer or any other person to use for private use any road machinery, tools, or material belonging to the County, or to give to any other person permission to use the same for private purposes;
6. For any Road Superintendent or Road Commissioner to be a contractor for labor or materials or to become directly or indirectly interested in any contract for working any road or furnish any supplies for roads or road work.
7. For any official or other person to wilfully and knowingly violate any provision or provisions of this Act. All fines for violation of this Act shall inure to the benefit of the district and road where the offense was committed and same shall be paid to the County Trustee and when collected by him shall be credited to the district as other funds. It shall be the duty of road officials to take out warrants before some Justice of the Peace against offenders against this Act and prosecute them in the name of the State or indict them in the Circuit Court, and see that all material and necessary witnesses are summoned and records furnished to convict the guilty, and to see that all fines for violations are collected and properly credited to the road funds, provided that any citizen may prosecute offenders against any of the provisions of this Act as now provided by the general laws, provided further that nothing in this Act shall be construed to amend or modify the laws governing prosecution and punishments for bribery, perjury, fraudulent breach of trust, and like offenses against the general laws.

SECTION 11. That Superintendents of Roads and Road Commissioners shall be liable for any breach or breaches of official bonds, and their respective liabilities therefor shall be recoverable in a suit in the name of the State by the District Attorney General in the Chancery or Circuit Courts, or in a suit or suits in the name or names of any one or more taxpayers and citizens of the County in the Chancery or Circuit Courts.

SECTION 12. That it shall be the duty of said Road Commissioner to meet at the County seat of their Counties in July and January of each year on notice or call of the Superintendent, and oftener when necessary on call or notice and as a Board to buy all machinery, tools and materials, when the value or prices of the items or any item exceeds Two Hundred (sic) Dollars, and to do any and all other acts and business necessary or best for road construction and maintenance and to co-operate together as to leading roads passing through one or more districts, and as to the use of machinery, tools and materials, provided that nothing in this section shall modify or interfere with the specific powers and duties hereinbefore conferred on the members of the Commission.

SECTION 13. That it shall be the duty of the Superintendent of Roads and of the Road Commissioners under his direction to work the County prisoners or workhouse convicts on the public roads when the number is sufficient to justify the employment of a guard.

SECTION 14. That nothing in this Act shall be construed so as to prevent or interfere with any County Court under its general powers from building bridges and pike roads and the maintenance of the same, nor to interfere with the expenditure of any special pike, road, or bridge funds derived from the sale of bonds therefor or otherwise according to the purpose voted or levied and collected.

SECTION 15. 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: April 4, 1921.

Highways and Roads - Historical Notes

The following is a listing of acts which once had some effect upon the county road system in Scott County,

but which are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1901, Chapter 136, was a statewide road statute requiring the County Courts to appoint a Road Commissioner for each District, which would be coextensive with the Civil Districts, who would be in charge of the roads and bridges in his area. Their duties and the duty of the courts are specified in the act. A special road tax of two cents per \$100 of taxable property was authorized and required. Commissioners would name Road Overseers in their Districts who would immediately supervise the work. All males outside incorporated cities were eligible to work on roads for as many days as required and it was a misdemeanor to fail to do so. Some specifications for building and maintaining roads were set out and procedures were established for handling petitions to open, close, and change the public roads. The County Court could contract for construction and repair of roads if the conditions set up in the act were observed. This Act did not apply to counties over 70,000 in population, but became the model from which many counties later wrote their road laws. This act was further considered in the case of *Carroll v. Griffith*, 117 Tenn. 500, 97 SW 66 (1906).
2. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, above, in several minor particulars but primarily in the methods to be used for receiving, hearing, and disposing of the petitions to open, close, or change a road.
3. Private Acts of 1907, Chapter 515, was a road law for both Scott and Campbell Counties. The County Court would appoint three Commissioners for two year terms who must be skilled in road building and maintenance, who would take an oath and make bond, and who would have supervision over the roads, bridges, and culverts of the county, and over the contractors, supervisors, and road overseers. The County Court could remove a Commissioner for cause. The Commission would designate one or more County roads as turnpikes and treat them as such. An engineer was authorized who would assist the Commission and the County Court. Roads would be classified according to width and paving material and must be at least fourteen feet wide, and meet other specifications in order to be declared county roads. No contract could be awarded which would exceed the funds available. All males, 21 to 45 years of age, must work a number of 8 hour days on the roads or pay \$1 per day commutation fee. A special road tax of ten to twenty-five cents could be levied, plus another two cent tax, two-thirds of which could be worked out. One-half of the money collected must be spent in the District from which it came.
4. Private Acts of 1911, Chapter 420, created a Board of Road Commissioners for Scott and Campbell Counties, consisting of the County Judge, as Chairman, a Road Superintendent, and a Secretary, both of whom would be elected by the County Court at its first meeting in 1912 and at every two years thereafter. W. M. Todd and Thomas Begley were named to these two positions for Scott County in the Act. The salary of the Road Superintendent could go up to \$750 a year, the Secretary to \$300 per year, and the County Judge, if not otherwise paid, up to \$300 a year. The Board would meet at least twice a month in the County Judge's office and at called meetings whenever necessary. The Board could employ a civil engineer to do those things specified in the Act. All county roads would be divided into sections and tools furnished for each section. Maximum rates to be paid for labor was \$1.25 per day. The court could levy a road tax from 10 to 25 cents per \$100 assessed property valuation which would go into the common road fund. All males, outside cities, would pay an extra \$3 or work three days on the roads. A privilege tax of \$5 was placed on wagons and other vehicles used commercially. Road must be classified and all specifications on drainage and grades be observed. Petitions would be filed to open, close, or change roads and the procedures were established for handling them.
5. Private Acts of 1919, Chapter 378, was an act which was indicated as being applicable to Scott County. The population figures quoted were 13,880 and no more than 13,890, of the 1910 Federal Census, which makes the act applicable to Grainger County instead of to Scott County.
6. Private Acts of 1919, Chapter 576, amended Section 4, of the Act creating a Board of Road Commissioners so as to empower the County Court at its next quarterly session to fix the price to be paid per day for road labor, and to allow the Board to contract for the construction and repair of roads under certain bid requirements which must be observed. All acts in conflict were repealed.
7. Private Acts of 1921, Chapter 750, is the current road law for Scott County and is published herein in full with the amendments.
8. Private Acts of 1923, Chapter 11, amended Private Acts of 1921, Chapter 750, Section 2, by providing that the District Road Commissioners shall be elected by the people for two year terms, starting in August, 1924, instead of being elected by the County Court, and by requiring that the

warrants for the salary of the Road Superintendent be submitted to the County Judge for approval before being paid. These are incorporated into the Act.

9. Private Acts of 1929, Chapter 865, amended Private Acts of 1921, Chapter 750, Section 2, by increasing the term of the Road Superintendent from 2 years to 4 years, and appointed George W. Rector to this post until the election in August, 1930. The salary was increased from \$1,200 to \$1,800 per year, and the Road Superintendent was named as the contract officer and as Chairman of the County Highway Commission to cooperate with the State and Federal officials. These amendments are incorporated into the act.
10. Private Acts of 1933, Chapter 428, provided that the Superintendent of Roads in Scott County shall be paid \$1,800 a year salary, payable monthly as provided by law, until September 1, 1934, when his compensation shall be \$1,200 per year, payable monthly, thus reducing the salary of the Road Superintendent.
11. Private Acts of 1933, Chapter 458, amended Private Acts of 1921, Chapter 750, by changing the population figures in the caption and Section One of the act so as to bring it up to date; by prohibiting the Road Superintendent from employing as an overseer any Justice of the Peace, or to contract with any Justice of the Peace for anything, or to pay any Justice of the Peace any sum whatever from any road funds, any of which would constitute a misdemeanor and subject both to ouster proceedings. Also declared it to be a misdemeanor for the Road Superintendent to draw warrants, pay, or contract, for any labor materials, supplies, or machinery, for any purpose in any amount in excess of the road funds available. Fines from \$25 to \$50 were provided for violations. This act repeals all conflicts, especially Private Acts of 1929, Chapter 865, Section 2. It, in turn, was repealed by the act following below. 1
12. Private Acts of 1935, Chapter 157, amended Private Acts of 1921, Chapter 750, the existing road law of Scott County, by adding a new paragraph in Section 2 between paragraphs one and two which authorized the Superintendent of Roads to supervise and control the expenditure of all county road funds which may be derived from the gasoline tax and allocated to the county by the State, with the right to employ all essential assistants to do so. The Superintendent would also be the agent of the county in all dealings with the State. This act was repealed by Private Acts of 1949, Chapter 218, below.
13. Private Acts of 1935, Chapter 562, expressly repealed Private Acts of 1933, Chapter 428, in its entirety.
14. Private Acts of 1935 (Ex. Sess.), Chapter 14, amended Private Acts of 1921, Chapter 750, by abolishing the office of District Road Commissioner and by transferring their duties to the Superintendent of Roads who would be selected under this Act. This Act would take effect on September 1, 1936.
15. Private Acts of 1935 (Ex. Sess.), Chapter 15, expressly repealed Private Acts of 1933, Chapter 458, which amended the road law as explained in Item 11, above, in its entirety.
16. Private Acts of 1937, Chapter 147, amended Private Acts of 1919, Chapter 378, which, according to our information, would not be applicable to Scott County, and has, therefore, been omitted from this work.
17. Private Acts of 1939, Chapter 19, authorized the Superintendent of Roads to employ such clerical help as he may deem proper to assist him in the performance of his clerical duties. The salary shall not exceed \$600 per year payable out of the general funds. This Act was specifically repealed in its entirety by Private Acts of 1971, Chapter 48.
18. Private Acts of 1939, Chapter 194, created a County Road Commission of five members, one from each of five Road Districts, composed of whole civil districts, as enumerated in the act. Willie Caplinger, Jess Oakley, W. D. White, John Thweatt, and Rex Hayes, Sr., were named as the first Commissioners who would serve until their successors were elected for a two year term in August, 1940. They would make a \$3,000 bond and be paid \$4 a day and 5 cents per mile for each regular monthly meeting but would get nothing for extra meetings. No Justice of the Peace could serve on the commission nor could any of them have an interest in any contract. They would have general supervision over all roads and the authority to do all things essential to maintaining the roads in good order, including the power of eminent domain. They were required to employ a County Road Supervisor at a salary of \$100 per month, who would serve at their will and pleasure, and who would employ all other help, including a bookkeeper whose salary would not exceed \$60 per month. The duties of the Road Supervisor, the hourly rates of pay for skilled and unskilled labor, and foremen, are specified. Five percent (5%) of the road funds would be designated as an emergency fund and be treated in that fashion, and 30% of the funds would be set aside to pay the debts of the department. This Act was repealed by Private Acts of 1945,

Chapter 516.

19. Private Acts of 1939, Chapter 484, amended the caption of Private Acts of 1939, Chapter 194, above, by striking the figures and words of 14,000 and substituting the words and figures of 14,200, as they appear in the Title and in Section One.
20. Private Acts of 1945, Chapter 169, amended Private Acts of 1939, Chapter 19, by increasing the salary of the Clerk to the County Superintendent of Roads from \$600 to \$900 yearly. This Act was repealed by Private Acts of 1971, Chapter 48.
21. Private Acts of 1945, Chapter 219, provided that in Scott County, using the population figures of the 1940 Federal Census to denote the same, the County Superintendent of Roads would be elected by the Quarterly County Court at its April term and hold office for four years next following. His compensation shall be \$2,400 per annum, payable in equal monthly installments, and he shall also be reimbursed for gasoline, oil, and tires used by him in the discharge of his duties. This Act was repealed by Private Acts of 1949, Chapter 292.
22. Private Acts of 1945, Chapter 516, expressly repealed Private Acts of 1939, Chapter 194, in its entirety.
23. Private Acts of 1949, Chapter 218, specifically repeals Private Acts of 1935, Chapter 157, which was an amendment to the road law, listed as Item 12, herein.
24. Private Acts of 1949, Chapter 227, provided for the popular election of the County Superintendent of Roads in Scott County for a four year term. He would be elected at the next regular election in August, 1950, and every four years thereafter.
25. Private Acts of 1949, Chapter 292, repealed Private Acts of 1945, Chapter 219, in its entirety as it applied to Scott County, to be effective on September 1, 1950. The Superintendent of Roads would be elected by the people instead of by the Quarterly Court.
26. Private Acts of 1951, Chapter 595, amended Private Acts of 1945, Chapter 169, by increasing the salary of the Clerk for the Road Superintendent from \$900 to \$1,200 per year.
27. Private Acts of 1951, Chapter 596, amended Private Acts of 1945, Chapter 219, by increasing the salary of the Road Superintendent from \$2,400 to \$3,000 per year. Our records indicate that Private Acts of 1945, Chapter 219, was repealed by Private Acts of 1949, Chapter 292, Item 25, above. This act should have amended Private Acts of 1949, Chapter 227, instead.
28. Private Acts of 1959, Chapter 190, amended Private Acts of 1921, Chapter 750, by adding a paragraph at the end of Section 3 which gave the Superintendent of Roads exclusive control over the maintenance, management, and supervision of the rock quarry, or quarries, and he would have an additional \$1,800 per year as payment therefor. This act was properly ratified according to the demands of the Home Rule Amendment to the State Constitution but the whole paragraph, as inserted by this act, was deleted and removed by Private Acts of 1970, Chapter 332, which was also properly ratified.
29. Private Acts of 1963, Chapter 37, amended Private Acts of 1951, Chapter 597, by raising the salary of the Superintendent of Roads, as expressed therein, from \$3,000 to \$3,600 per year. This act was properly ratified by the Quarterly County Court.
30. Private Acts of 1963, Chapter 38, specified that the act was being passed at the request of the Quarterly County Court and County Judge of Scott County. This act amended Private Acts of 1951, Chapter 595, by increasing the salary of the Clerk to the Road Superintendent from \$1,200 to \$1,800 per year. This law was properly approved by the County Court, and was repealed by Private Acts of 1971, Chapter 48, published herein.
31. Private Acts of 1969, Chapter 157, amends Private Acts of 1963, Chapter 37, by increasing the salary of the Superintendent of Roads in Scott County from \$3,600 to \$5,000 per year. This act was properly approved.
32. Private Acts of 1969, Chapter 158, amended Private Acts of 1963, Chapter 38, by raising the salary of the Clerk to the Road Superintendent from \$1,800 to \$3,600. This Act was repealed by Private Acts of 1971, Chapter 48.
33. Private Acts of 1971, Chapter 5, authorized the Superintendent of Roads in Scott County to employ such Clerical help as he may deem proper to assist him in the performance of his duties, but the maximum amount which could be paid for such assistance was \$4,800 per year to the person named in the certificate. This act repealed several other acts as listed, the same ones mentioned in Private Acts of 1971, Chapter 48. This Act was rejected and disapproved by the Quarterly County Court and thus never became a law.
34. Private Acts of 1971, Chapter 48, authorized the superintendent of roads to employ clerical help

with a salary of \$4,800 per year payable semi-monthly out of the motor vehicle fuel use tax fund. This act also repealed Private Acts of 1939, Chapter 19, Private Acts of 1945, Chapter 169, Private Acts of 1951, Chapter 595, Private Acts of 1963, Chapter 38, Private Acts of 1969, Chapter 158, and Private Acts of 1971, Chapter 5.

Chapter X - Law Enforcement

Offenses

Fireworks

Private Acts of 1949 Chapter 295

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 15,960 and not more than 15,970 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, squib, rocket, firecracker, Roman candle, fire balloon, flashlight composition, fireworks or other similar device or composition used to obtain a visible or audible pyrotechnic display.

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

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

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

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

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

Passed: February 23, 1949.

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 Scott County sheriff's office. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Acts of 1865-66, Chapter 74, Section 5, stated that Baley Buttram, the law Sheriff and tax collector of Scott County, was granted additional time of six months from and after the passage of this act to collect and account for all his unfinished business as Sheriff and tax collector.
2. Acts of 1867-68, Chapter 62, recites in the preamble that for many years preceding the rebellion, Bailey Buttram was the Sheriff and tax collector for Scott County and the war prevented him from making complete collections and final settlements. He is, therefore, granted an extension of two

years from and after the passage of this act to wind up, collect all taxes and arrears, and make his final settlements as the said Sheriff and Tax Collector were required to do.

3. Private Acts of 1919, Chapter 543, provided that in Scott County the Sheriff shall be allowed and paid all the fees provided by law for him to collect and receive, and, in addition, shall be paid out of the county treasury on the warrant of the Judge or Chairman, the further sum of \$800 per year, as ex-officio fees, payable on the first Monday of January, April, July, and October of each year.
4. Private Acts of 1923, Chapter 157, Section 3, provides that the constables in each Civil District shall be the Truant Officer and receive same fees as others doing that work but shall not receive over \$50 a year as compensation for these duties.
5. Private Acts of 1933, Chapter 534, amended Private Acts of 1919, Chapter 543, by deleting the provision which allowed the payment of \$800 a year to the Sheriff over and above the fees of his office, thus reducing his compensation by that amount and making his fees his only income. This act was repealed by the one following.
6. Private Acts of 1937, Chapter 518, expressly and entirely repeals Private Acts of 1933, Chapter 534, Item 5, above.
7. Private Acts of 1947, Chapter 860, provided that in Scott County, jurors would be paid at the rate of \$4 per day and the Sheriff would be paid \$1.10 for feeding prisoners per day per prisoner.

Chapter XI - Taxation

Assessor of Property

Private Acts of 1961 Chapter 323

SECTION 1. That in all counties having a population of not less than 15,400 nor more than 15,500 by the Federal Census of 1960 or any subsequent Federal Census, the tax assessor shall be allowed twenty cents (20¢) per mile for each mile of official travel, not to exceed the sum of Fifty Dollars (\$50.00) in any one calendar month. Said mileage allowance shall be payable monthly by warrant drawn on the county trustee from the general fund of the County.

As amended by: Private Acts of 1981, Chapter 173
Private Acts of 1987, Chapter 66

SECTION 2. That this Act shall have no effect unless the same be approved by a twothirds vote of the Quarterly County Court of Scott County, Tennessee, on or before the next regular meeting of such Quarterly County Court occurring more than thirty (30) days after 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 all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 15, 1961

Hotel - Motel Tax

Private Acts of 1983 Chapter 144

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

- (a) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.
- (b) "Hotel" means any structure or space, or any portion thereof, which is occupied or intended or designed for occupancy by transients for dwelling, lodging, or sleeping purposes, and includes any hotel, inn, tourist camp, tourist court, tourist cabin, campground, motel, or any place in which rooms, lodging, or accommodations are furnished to transients for a consideration.
- (c) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.

(d) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodations in a hotel for a period of less than thirty (30) continuous days.

(e) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.

(f) "Operator" means the person operating the hotel whether as owner, lessee, contractor, or otherwise, and shall include governmental entities.

As amended by: Private Acts of 2016, Chapter 68

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

SECTION 3. Such tax shall be added by each operator to each invoice prepared by the operator for the occupancy in his hotel and be given directly or transmitted to the transient and shall be collected by such operator from the transient and remitted to the county.

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

SECTION 4. The tax hereby levied shall be remitted by all operators who lease, rent or charge for occupancy within a hotel in the county to the county trustee of Scott County, such tax to be remitted to such officer no later than the twentieth (20th) day of each month for the preceding month. The operator is required to collect the tax from the transient at the time of the presentation of the invoice for such occupancy whether prior to occupancy or after occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient, then the obligation to the county for such tax shall be that of the operator.

SECTION 5. The county trustee shall be responsible for the collection of such tax. A monthly tax return under oath shall be filed with the county trustee by the operator with such number of copies thereof as the county trustee 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 county trustee and approved by the county legislative body prior to use. The county trustee 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 authorized to adopt ordinances or resolutions to provide reasonable rules and regulations for the implementation of the provisions of this Act.

SECTION 6. No operator of a hotel shall advertise or state in any manner whether directly or indirectly that the tax or any part thereof will be assumed or absorbed by the operator or that it will not be added to the rent, or that if added, any part will be refunded.

SECTION 7. Taxes collected by an operator which are not remitted to the county trustee on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of eight percent (8%) per annum, and in addition, a 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. Each occurrence of willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is declared to be unlawful and shall be punishable upon conviction by a civil penalty not in excess of fifty dollars (\$50).

SECTION 8. It shall be the duty of every operator liable for the collection and payment to the county of the tax imposed by this Act to keep and preserve for a period of three (3) years all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to the county, which records the county trustee shall have the right to inspect at all reasonable times.

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

Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in Tennessee Code Annotated, Title 67, Chapter 23, 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 under the authority of this Act. The county trustee shall also possess those powers and duties as provided in Tennessee Code Annotated, Section 67-2301, for the county clerks with respect to the adjustment and settlement with taxpayers all errors of taxes collected by him under authority of this Act and to direct the refunding of same. Notice of any tax paid under protest shall be given to the county trustee and the ordinance or resolution authorizing levy of the tax shall designate a county officer against whom suit may be brought for recovery.

SECTION 10. The county trustee is hereby charged with the duty of collection of the tax herein authorized and shall place the proceeds of such tax in the county general fund.

SECTION 11. If the 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 12. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of the Scott County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and shall be certified by him to the Secretary of State.

SECTION 13. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, this Act shall take effect upon being approved as provided in Section 12.

Passed: May 11, 1983.

Litigation Tax

Private Acts of 1982 Chapter 247

SECTION 1. There is levied a privilege tax on litigation in the amount of five dollars and twenty-five cents (\$5.25) upon all original civil suits and cases filed in Circuit, Chancery and General Sessions Courts in Scott County.

SECTION 2. There is levied a privilege tax on litigation of six dollars (\$6.00) in all criminal cases instituted in the Circuit Court in Scott County.

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

SECTION 4. The privilege tax on litigation shall be collected by the clerks of the respective courts and taxed as a part of the costs in each suit or case. Such clerks shall be accountable for and shall pay over the revenue to the county trustee quarterly, not later than the tenth (10th) of the month immediately following the end of the quarter in which such collections are made.

SECTION 5. Upon receipt of the funds of such privilege tax on litigation from the clerks, the county trustee shall deposit such funds in the County General Fund. Such funds so deposited shall be utilized as follows:

Fifty percent (50%) to be applied to the Scott County Courthouse repair; fifty percent (50%) to be applied to county road repairs.

SECTION 6. 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 7. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Scott County before September 6, 1982. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Scott County and certified by him to the Secretary of State.

SECTION 8. 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 7.

Passed: March 4, 1982.

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 Scott County Assessor.

1. Acts of 1907, Chapter 602, Section 9, was a general state law providing that every county shall elect one Tax Assessor and the office of Civil District Assessor was abolished. The term of office would be for four years and the Assessor would be elected at the first regular election occurring after the passage of this Act. No Justice of the Peace could be the Tax Assessor. In all counties under 60,000 population the Quarterly County Court would set the Assessor's salary. If the Tax Assessor cannot complete his work after devoting his full time thereto, he may employ an assistant.
2. Private Acts of 1911, Chapter 411, amended Acts of 1907, Chapter 602, Section 9, Subsection 5, by setting the salaries to be paid to Tax Assessors in the various Counties, using the population figures of the 1910 Federal Census. In Scott County the Assessor's salary was set by this Act at \$750 annually.
3. Private Acts of 1919, Chapter 120, amended Acts of 1907, Chapter 602, Section 9, by raising the salary of the Tax Assessor of Scott County from \$750 to \$1,000 annually, repealing all conflicting laws.
4. Private Acts of 1921, Chapter 769, also amended Acts of 1907, Chapter 602, in the proper section, by increasing the salary of the Tax Assessor of Scott County from \$1,000 to \$1,500 annually, payable quarterly on the first day of January, April, July, and October, on warrant of the County Judge.
5. Private Acts of 1933, Chapter 336, amended Private Acts of 1921, Chapter 769, Section 1, by striking out \$1,500 wherever the same appeared and inserting \$1,000 in its place, thus reducing the salary of the Tax Assessor of Scott County to \$1,000 annually.
6. Private Acts of 1943, Chapter 345, stated that the Tax Assessor of Scott County, quoting the 1940 Federal Census figures, shall be paid a salary of \$135 per month, payable on warrant drawn upon the County Trustee from the general funds of the county.
7. Private Acts of 1945, Chapter 220, amended Private Acts of 1943, Chapter 345, above, by increasing the monthly salary of the Tax Assessor of Scott County from \$135 to \$150 to be paid in the manner specified.
8. Private Acts of 1951, Chapter 602, amended Private Acts of 1943, Chapter 345, as amended, by raising again the salary of the Tax Assessor to \$175 per month payable out of regular county funds.
9. Private Acts of 1974, Chapter 335, declared that the Assessor of Property in Scott County shall be allowed 20 cents per mile for each mile of official travel in connection with his duties, this allowance to be paid monthly from the general funds of the county on warrant of County Judge drawn on the Trustee. This Act had not been acted on by the local authorities at the time of publication. If not acted on, this Act would not be effective under the Home Rule Amendment to the State Constitution. This Act would have repealed Private Acts of 1961, Chapter 323, published herein.

Taxation

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

1. Acts of 1870-71, Chapter 50, authorized counties and cities to impose taxes for county and city purposes on these following conditions: (1) that all property will be taxed according to its value and upon the principles established for State taxation, and (2) that the credit of no county, or city, shall be loaned to any person or organization except upon a majority vote of the Quarterly County Court, or Council, to submit the issue to a referendum vote of the people wherein three-fourths of the voters must respond in the affirmative. Scott County was among some counties which exempted themselves from the three-fourths vote requirement until the year 1880 when they, too, would become subject to it.
2. Acts of 1927, Chapter 227, amended Acts of 1907, Chapter 602, Section 48, by striking out the word "March" and substituting the word "May" wherever the word appeared. Scott County was listed among several other counties to which this act would not apply.
3. Private Acts of 1929, Chapter 225, cited in the preamble that the Quarterly County Court in session assembled levied a bridge tax of 35 cents per \$100 property valuation for the year 1928 in Scott County, and this act ratifies, confirms, and legalizes all the actions of the said County Court taken in connection therewith.

4. Private Acts of 1931, Chapter 54, validated all the previous actions of the Quarterly County Court of Scott County in levying a tax of five cents per \$100 property valuation on all taxable property so as to pay the interest due and to become due on school warrants.
5. Private Acts of 1931, Chapter 612, authorized several counties, including Scott County, to levy and collect a tax on all personal and real property, and on ad valorem, whenever an appropriate order is made by the Quarterly County Courts of the respective counties, and names which money could be used only for county purposes and which tax could not exceed thirty cents on \$100 in the aggregate.
6. Private Acts of 1931, Chapter 743, provided that the members of the County Board of Equalization in Scott County were authorized and empowered to succeed themselves as members of that Board, subject to election as provided under general law.
7. Private Acts of 1933, Chapter 91, was the authority for the Quarterly County Court of Scott County to levy annually a tax of not less than three cents nor more than five cents on all the taxable property and privileges in the county so as to defray and pay the cost and expenses of a County Public Health Nursing Service. The County Trustee would collect and disburse the tax as he was accustomed to do. This act was repealed by the one below.
8. Private Acts of 1935, Chapter 605, expressly repealed Chapter 91, Private Acts of 1933, Item 7, above, in its entirety.
9. Private Acts of 1971, Chapter 146, stated that for the privilege of severing and removing from the earth the natural resources of coal, oil, and gas, a tax is levied against any person, firm or corporation, doing so, except upon the owner of the land, except upon the use of said products in further production of the same, except upon products sold in Scott County for ultimate use there, and except upon underground storage facilities, of five cents upon each 42 gallon barrel of oil, five cents on each ton of coal, and five mills upon each thousand cubic feet of gas. A penalty for non-payment of the tax, of one-half percent, both of which would be a lien upon the property and equipment. One-quarter of the tax revenue would be used on the construction and maintenance of bridges and the remainder for other county purposes. This act was rejected and disapproved by the Quarterly County Court never becoming an effective law.
10. Private Acts of 1975, Chapter 31, proposed to regulate the expenditure of the coal severance tax revenues in Scott County by making the roads upon which coal was hauled the first priority and in furtherance thereof created a committee composed of the County Judge, the superintendent of roads, and three members of the County Court who would be appointed by the County Judge who would supervise the expenditures hereunder. This Act was not approved at the local level, according to our information, and therefore is not effective in the county, at the time this work was complete.
11. Private Acts of 2019, Chapter 35, was an act to amend the Private Act of 1982, Chapter 247, to impose a \$25.00 litigation tax on each case filed in circuit, general sessions, and juvenile courts in the county to fund the Scott County Family Justice Center. This act was not approved by the county legislative body never becoming an effective law.

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