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Fentress

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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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Fentress



Fentress County Courthouse

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Chapter I - Administration

County Executive Title Redesignated

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

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

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

Passed: April 4, 2005.

County Register

Acts of 1909 Chapter 585

WHEREAS on the 8th day of December, 1904, the courthouse of Fentress County, Tenn., was destroyed by fire, and in its destruction a great many valuable records were destroyed, among which were books "A" and "B" of the Register's office of Fentress County, Tennessee, containing the registration of all deeds, grants, and other recorded instruments from the 18th day of May, 1825, to the 12th day of April, 1838; and

WHEREAS a certain abstract company in 1896 commenced to copy the Register's books and abstract all of the land in Fentress County, and had copied and compared books "A" and "B" of said Register's office; and

WHEREAS said abstract company became involved in debt and all their assets were sold at public sale, including said copies of books "A" and "B," and the county of Fentress has recently come into the possession of said copies of books "A" and "B" by purchase, which are believed to be true and perfect copies of said books and the best evidence obtainable; therefore,

SECTION 1. That said copies be supplied and substituted in the room and stead of the original books "A" and "B" of the Register's office of Fentress County, Tenn.

SECTION 2. That certified copies from said books "A" and "B" thus supplied and substituted by the first section of this Act be evidence in all of the courts of the State of Tennessee and in the courts of the United States of America.

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

Passed: April 29, 1909.

Private Acts of 1931 Chapter 516

WHEREAS, The Surveyor's Book of original surveys made on entries in Fentress County and all public copies thereof were burned when the courthouse in Jamestown burned in 1904; and,

WHEREAS, A certified copy of said Surveyor's Book was issued on the 21st day of July, 1891, by the then Register of Deeds of said county and was preserved in the hands of a private person, who owned the same; and,

WHEREAS, Said certified copy was recently very badly damaged by fire and can no longer be handled without complete destruction, but the same has been copied; and,

WHEREAS, it is desired to supply a public copy of said Surveyor's Book for use in lieu of the original destroyed book;

Now therefore,

SECTION 1. That the County of Fentress, by and through its Quarterly County Court, a majority of the Justices of the Peace consenting thereto, is hereby authorized to purchase a copy of said Surveyor's Book and to pay for same out of general county funds.

SECTION 2. That when purchased said copy of the Surveyor's Book shall be placed in the custody of the Register of Deeds of said county as a record of that office and certified copies issued from the same shall

be received as evidence as if issued from the original Surveyor's Book, except that the same shall be only prima facie evidence of such surveys.

SECTION 3. That when a certified copy of a survey has been furnished, the Register shall collect a fee of \$1.00 from the one securing the certified copy, and said fee shall go into the general county fund for county purposes.

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

Passed: June 23, 1931.

Administration - Historical Notes

County Attorney

The following acts once affected the appointment, election, or office of the county attorney in Fentress 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 1911, Chapter 41, created the office of County Attorney for Fentress County. The County Attorney was to be a licensed attorney of Tennessee with the duties of transacting all legal business not in conflict with those of the County Judge and to advise county officials on legal matters affecting their offices. The act provided the County Attorney with a salary of \$300 per year.
2. Private Acts of 1915, Chapter 653, repealed Private Acts of 1911, Chapter 41, above, by abolishing the office of County Attorney. The act assigned the County Judge of Fentress County with the duties that had belonged to the County Attorney.
3. Private Acts of 1937, Chapter 213, created the office of County Attorney for Fentress County. The County Attorney was to be a licensed attorney of Tennessee to serve for a two- year term or until his successor was elected. The County Attorney was given the duties of transacting all legal business required by law for him, to advise county officials and to represent the county in litigation. The duties of the County Attorney were not to conflict with those of the County Judge. The act provided the County Attorney with a salary of \$600 per year.
4. Private Acts of 1937 (2nd Ex. Sess.), Chapter 11, repealed Private Acts of 1937, Chapter 213, above, by abolishing the office of County Attorney.

County Clerk

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

1. Private Acts of 1911, Chapter 60, set the annual salary of the County Court Clerk at \$750 to be paid from the fees of that office, with any deficiency to be supplied from the county general funds.
2. Private Acts of 1921, Chapter 789, amended Private Acts of 1911, Chapter 60, Section 1, above, by increasing the salary of the County Court Clerk to \$900 per year.

County Legislative Body

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

1. Private Acts of 1824, Chapter 154, established that the County Court for Fentress County would be held on the first Monday in February, May, August and November. County Court was to be held at the house of Coonrod Poiles. This act also made legal the acts of Zurah Martin, a Justice of the Peace for Fentress County.
2. Private Acts of 1825, Chapter 171, allowed the County Courts of Fentress County to be held on the fourth Monday in January and July and on the first Monday in May and November, to sit one week. Where there were five Mondays in the months of January and July, the County Courts in Fentress County were to be held on the fifth Monday.
3. Public Acts of 1831, Chapter 55, provided that the County Courts for Fentress County would be held on the fourth Monday of January, April, July and October.
4. Public Acts of 1832, Chapter 20, provided that the County Court of Fentress County be held on the fourth Monday of January, April, July and October. The act also made it the duty of the clerks of the County Courts to advertise on the court house door on the first day of January, the times of holding the court as was prescribed by this act.
5. Private Acts of 1919, Chapter 319, provided that all Justices of the Peace for Fentress County

would receive \$2.50 per diem for their services in attending County Court and all call sessions of that court. The act also allowed the Justices of the Peace compensation for mileage.

6. Private Acts of 1959, Chapter 193, allowed Fentress County Justices of the Peace to receive \$10 per diem for their attendance at meetings of the County Court. The act also provided the Justices ten cents per mile one way for each mile traveled.

County Mayor

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

1. Public Acts of 1881, Chapter 75, created the office of County Judge in Fentress County. The County Judge was to be elected by the voters of Fentress County at an election. The County Judge of Fentress County was to have the same rights and powers as other County Judges. Compensation for County Judges was fixed at \$250 per year.
2. Acts of 1907, Chapter 283, repealed Public Acts of 1881, Chapter 75, above, by abolishing the office of County Judge in Fentress County. This act authorized the County Court to elect a Chairman to preside over the deliberations of the court and all other duties assigned to him by law.
3. Private Acts of 1911, Chapter 26, as amended by Private Acts of 1911, Chapter 588, and Private Acts of 1925, Chapter 488, established the office of County Judge in Fentress County with a salary of \$500 per year paid quarterly by the county court from county revenues.
4. Private Acts of 1937, Chapter 259, fixed the salary of County Judges in Fentress County at \$500 per year and allowed them \$300 per year for clerical assistance in performance of the duties of the office. Compensation was to be paid out of the general funds of the county.

County Register

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

1. Public Acts of 1827, Chapter 4, established a Register's office in the town of Sparta for the Mountain District of Tennessee. Before the Register of the Land Office could take office, he had to take and subscribe an oath and execute a bond. All lands, plats and certificates entered into the counties of Franklin, Warren, Marion, Bledsoe, White, Overton, Fentress and Jackson that had not been returned to any other Register's office, had to be returned to the Register's office in the Mountain District. That office would then issue the grants from Sparta.
2. Acts of 1851-52, Chapter 6, provided that deeds or other instruments necessary to be registered by the laws of this State, be good and legal in either law or equity. The deeds or other instruments could be registered by any person, by and under the direction of the Register of Fentress County, as if registration had been done by the Register in proper person. The act required that the original deed or instruments in all cases be correctly copied.

General Reference

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

1. Private Acts of 1831, Chapter 113, established the Board of Internal Improvement for Fentress County. The act named Jesse Cobb, David Beatty, Person Miller, William Travis and John Richardson as members of the Board. The Board Members were required to give bond and security in the amount of \$1,500. The Board was given the authority to employ persons to clean out obstructions in the Obed River and the act appropriated \$600 for that purpose.
2. Private Acts of 1832, Chapter 44, appointed Thomas Beatty, Archibald C. Rogers, Jeremiah Gwinn, Joshua Owen, and John B. Rogers as Commissioners of the Board of Internal Improvement for Fentress County. The act also provided that the Chairman of the County Court would ex-officio be Chairman of the Board. All bonds for the fulfillment of contracts were to be made payable to said Chairman. All suits were to be in his name as Chairman of the Board.
3. Private Acts of 1833, Chapter 13, directed John B. Rogers, Chairman of the Board of Internal Improvement, to pay out of the funds in his hands all debts owed by the Board for contracts.
4. Private Acts of 1835-36, Chapter 62, declared Wolf River navigable in the Counties of Fentress and Overton. The act made it a misdemeanor for any person to place any obstructions in the Wolf River. The fine for each offense was \$50.
5. Acts of 1837-38, Chapter 115, appropriated \$100,000 for the Internal Improvement funds of the

state to several Tennessee Counties, including Fentress. The money was to be used to improve navigations upon the clear fork of the Cumberland River, the east fork of the Obed River and the Wolf River. This act was amended by Acts of 1841-42, Chapter 168, to provide that the Commissioners of internal improvement could file a petition in Circuit Court seeking payment for any improvement which they had authorized but for which they had not been paid.

6. Acts of 1859-60, Chapter 123, allowed Fentress County to receive \$1200 for the improvement of the navigation of Obeds River. David Beaty, Thomas Beaty and Jacob Wright, all from Fentress County, were appointed Commissioners. Any two of them were to oversee the improvements on Obeds River. The Commissioners were required to execute bond before they could receive any of the money appropriated to Fentress County. As compensation for their services, the Commissioners were to receive \$1.50 each for each day of performance. The Commissioners were required to make a report to the Fentress County Court.
7. Private Acts of 1935 (Ex. Sess.), Chapter 137, removed the disabilities of infancy from Nasby Owens of Fentress County, giving him the same right to sue and be sued, contract and be contracted with, to receive any and all moneys due him, to sign all deeds for conveyance of real estate and contracts and perform all things in the same way and manner that he might do if 21 years old.

Chapter II - Animals and Fish

Livestock Inspector

Private Acts of 1953 Chapter 20

SECTION 1. That in counties of this State with a population of not less than 14,975 nor more than 15,000 by the Federal Census of 1950, or any subsequent Federal Census, the Quarterly County Court is hereby authorized to elect for a term of one year, one animal inspector. In case a licensed veterinarian or licensed veterinarians shall be located in said county, then the Quarterly County Court shall be under the obligation to elect such inspector from such licensed veterinarians to the extent of the number in said county. It shall be the duty of such livestock inspector to make an inspection and examination of the livestock in said county and to treat such as may be found ailing or sick with the view to promoting the spread of health among such stock and to reduce the danger of infections or contagious diseases. Such animal inspector may contract with the owner or owners of any diseased livestock found by them for the treatment thereof by such inspector, the compensation therefor to be mutually agreed upon between the parties. Such livestock inspector may be compensated by the Quarterly County Court of such counties to which this Act applies in an amount not to exceed One Hundred (\$100.00) Dollars per year for the inspector so appointed.

The person elected or appointed as inspector shall be a person that has had at least ten years experience in treating livestock.

Election thereof may be made by the Quarterly County Court at any regular term and the person so elected shall hold office for a period of two years from the date of such election. The said county shall not be liable for the default or negligence of any such livestock inspector where such County Court has used care and caution in the selection thereof, but nothing herein shall exempt such inspector personally for the negligence in the performance of his duties.

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

Passed: February 17, 1953.

Animals and Fish - Historical Notes

The following is a listing of acts that at one time affected, but no longer appear to have any effect on, hunting, fishing or animal control in Fentress County. They are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1893, Chapter 59, made it unlawful in several counties including Fentress to hunt, kill or capture any wild deer from the first day of December to the thirtieth day of September of each year. This act also made it unlawful to hunt, kill, or capture any wild turkey in Bledsoe, Rhea, Fentress and White Counties from the first day of May to the first day of October. Fines for

violations ranged from \$25 to \$50 for each offense.

2. Private Acts of 1897, Chapter 241, made it unlawful for any person to catch, kill, or wound fish in any streams or rivers in Fentress and other Counties listed by use of seine, trap, net, gig, poison, dynamite, or in any way except by rod and line or trot line from the first of January until the first of June. It was also unlawful for any dam, fish gate or obstruction to be built across any stream for the purpose of catching fish. Those persons fishing for home consumption were excluded from this law provided that the meshes in seine or nets was not less than one inch apart. Fines for violation ranged between \$5 and \$25 for each offense. Fishing by means of poison or dynamite or any other explosive carried a fine from \$10 to \$50 along with a six month jail term. All fines collected would be paid into the county treasury for the benefit of the common school fund.
3. Acts of 1909, Chapter 502, defined and described the requirements for a lawful fence along public roads and open lands in Fentress and other counties. Four strands of barbed wire and woven wire netting securely fastened to posts set in the ground not more than 16 feet apart made a lawful fence. Livestock owners would be liable for any damages caused by the trespass of their stock. The party damaged had a lien on the animal causing the damage.
4. Private Acts of 1917, Chapter 401, made it lawful to kill squirrels at any season of the year upon unenclosed lands and upon enclosed lands with the permission of the owner, without securing any hunting license in Fentress and other counties.
5. Private Acts of 1919, Chapter 511, made it unlawful to allow bulls to run at large after they had reached the age of eight months or to allow boars to run at large after having reached the age of four months, unless they were registered. The fines for violation ranged from \$50 to \$20.
6. Private Acts of 1921, Chapter 405, exempted several counties including Fentress, from the provisions of Public Acts of 1919, Chapter 61, which dealt with the regulation of the care and keeping of dogs throughout the State.
7. Private Acts of 1927, Chapter 456, was a dog law for Fentress County that prohibited the running at large of dogs between the hours of 6:00 P.M. and 6:00 A.M. The act did not apply to dogs used while hunting. The fines for violation of this act ranged from \$25 to \$50, with one-half (1/2) of the fine being paid to the prosecutor in the case. This act was repealed by Private Acts of 1929, Chapter 805.
8. Private Acts of 1941, Chapter 227, defined and described the requirements of a lawful fence in Fentress and other counties. Four strands of barbed hog wire with hour points, or the same wire with woven wire, plant and natural barriers of rock or cliff, secured to post or trees not more than 16 feet apart constituted a lawful fence. Livestock owners would be liable for any damages caused by the trespass of their stock. The damaged party had a lien on the animal which caused the damage. The provisions of this act have been superseded by the general law found in Title 44, Chapter 17 of Tennessee Code Annotated.
9. Private Acts of 1949, Chapter 211, made it unlawful for owners of dogs or those having possession, care or control of dogs to run at large between the hours of 6:00 p.m. and 6:00 a.m. in Fentress County and other counties. Fines for violation ranged from \$25 to \$50, with one-half of the fine to be paid to the prosecutor. This act did not apply to dogs used in hunting activities.

Chapter III - Bond Issues

Bond Issues - Historical Notes

A listing of the acts which authorized various bond issues for Fentress County is included below for reference purposes, although these acts are no longer current.

Building

1. Private Acts of 1955, Chapter 38, authorized Fentress County to issue bonds in an amount not to exceed \$200,000 for the purpose of providing funds to be used to purchase a site and to erect a building in commemoration of members of the Armed Forces and Veterans of the various wars in which Tennesseans fought. The bonds were payable 30 years from the date of the act, bearing interest at a rate not to exceed five percent per year.

Courthouse

1. Acts of 1905, Chapter 127, authorized Fentress County to issue bonds to be sold and the proceeds from such sale were to be used to build a courthouse. The bond issue was not to exceed \$15,000 in denominations no less than \$100 and no more than \$1,000. Maturity of the bonds was not to exceed 20 years with a maximum interest rate of four percent annually. A tax levy to pay for the

bonds was authorized.

Debts

1. Private Acts of 1929, Chapter 100, authorized Fentress County to issue bonds in an amount not to exceed \$75,000. The purpose of the bond issue was to pay the floating outstanding indebtedness of Fentress County, which included warrants issued for the common school, high school, road, bridge, and for any other general county purposes. The maximum interest rate would be five percent and the maximum maturity date would be 20 years from issuance. It authorized a tax levy to pay for the bonds.
2. Private Acts of 1931, Chapter 25, authorized Fentress County to issue bonds in an amount not to exceed \$100,000. The purpose of the bond issue was to pay the outstanding indebtedness of Fentress County, which included warrants issued for the common school, high school, road, bridge, and for any other general county purposes. The bonds issued under this act matured forty years after the date of issue, bearing interest at a rate not to exceed six percent. The Quarterly County Court was authorized to levy a tax upon all taxable property to pay for the bonds.
3. Private Acts of 1943, Chapter 215, authorized Fentress County to issue bonds not to exceed \$40,000. The purpose of the bond issue was to fund the outstanding floating indebtedness and the interest on the indebtedness owed by the County. The Quarterly County Court was authorized by this act to levy a tax without limits upon all taxable property during the life of the bonds.

Hospital

1. Private Acts of 1957, Chapter 27, authorized the Quarterly County Courts of Fentress County to borrow money and to issue and sell bonds. The purpose of this bond issue was to provide funds to construct, acquire and maintain and operate a county hospital in Fentress County. The bonds matured forty years from the date of issue, bearing an interest rate not to exceed six percent annually. A tax levy was authorized to pay the interest on the bonds.

Jail

1. Public Acts of 1893, Chapter 69, authorized Fentress County to issue bonds in an amount not to exceed \$5,000 for the purpose of erecting and furnishing a county jail and in meeting any outstanding indebtedness. The maximum interest rate would be six percent and the maximum maturity date would be 15 years from the date of issue. The County Court was assigned the duty of levying a tax on the taxable property for the purpose of paying the accrued interest.

Public works

1. Private Acts of 1953, Chapter 331, authorized Fentress County to construct, acquire, extend, repair, and improve water mains, water storage facilities, and fire protection systems. The resolution of the quarterly County Court authorized a bond issue in an unspecified amount at six percent per year and maturing not more than 40 years after the date of issuance.

Refunding

1. Private Acts of 1915, Chapter 130, enabled Fentress County to issue bonds in the amount of \$10,000 for the purpose of refunding the amount of an issue of bonds issued under Acts of 1905, Chapter 127, herein, which authorized the construction of the county courthouse. The interest rate for \$10,000 bond issue was five percent per year, and maturity was ten years from the date of issuance.

Roads

1. Private Acts of 1915, Chapter 356, authorized Fentress County to issue bonds in the amount of \$150,000 maturing forty years from the issuance for the purpose of building macadamized roads throughout the county. The interest rate for the bond issue was five percent per year. The Quarterly Court was authorized to levy a tax each year on all the taxable property to pay the interest on the bonds. Five individuals were also appointed as Commissioners charged with carrying out the provisions of this act.
2. Private Acts of 1919, Chapter 788, authorized Fentress County to issue bonds in the amount of \$75,000 for the purpose of laying out, grading, and draining designated roads. The bonds were payable twenty years from the date of issuance at a maximum interest rate of five percent. The act authorized the election of five Road Commissioners, who were authorized to demand and receive the bonds. The Commissioners were also given the duties of overseeing the construction of the roads. Before entering their duties, the Commissioners were required to jointly execute a bond with a surety company in the sum of \$75,000 and take an oath of office. The County Court was authorized to levy a tax to pay the interest on the bonds.
3. Private Acts of 1927, Chapter 770, authorized Fentress County to issue bonds in the amount of

\$200,000. The proceeds of the sale were handled by County Trustee. A tax on taxable property was allowed provided that no tax levy would be made for the purpose of paying the interest on the bonds, unless the amount paid, agreed to be paid, or refunded to the County by the State of Tennessee was insufficient to pay the principal of said bonds and interest.

4. Private Acts of 1927, Chapter 789, authorized Fentress County to issue bonds in the amount of \$400,000 for highway construction at five percent interest, maturing forty years from the date of issuance with a maximum interest rate of five percent. The proceeds of the sale were to be used in the construction of State Aid Roads in Fentress County.

Schools

1. Acts of 1907, Chapter 284, authorized Fentress County to issue bonds in the amount of \$10,000 for the purpose of purchasing grounds and erecting a building in which to teach a high school in Fentress County. The bonds were payable 20 years from the date of the act, bearing interest at a rate not to exceed six percent per year. The Quarterly Court had the duty to levy a tax on the taxable property to pay the interest on the bonds. The Trustee had the responsibility to collect the tax.
2. Private Acts of 1937, Chapter 408, authorized Fentress County to issue bonds in the amount of \$10,000 for the purpose of building and equipping a public school in the 4th Civil District of the county. The residue from the bonds was placed in the common school fund of the county. W.P.A. was contracted to provide repairs or improvements on the school. The interest rate on the bonds was six percent per year and the maturity date was to be fixed by the Quarterly County Court. The Trustee was responsible for depositing the proceeds of the sale into the General School Fund. The Quarterly County Court had the duty to levy a tax on the taxable property to pay the interest on the bonds.
3. Private Acts of 1937 (2nd Ex. Sess.), Chapter 21, amended Private Acts of 1937, Chapter 408, above, by authorizing the issuance of bonds in sums of \$100, \$500, \$1,000, \$5,000 or in one bond of \$10,000. This act further amended the above act by refusing to allow the county the right to redeem the bonds as it saw fit.

Chapter IV - Boundaries

Creation of the County

Private Acts of 1823 Chapter 302

SECTION 1. That Jonathan Douglass, of the county of Overton, be, and he is hereby, appointed surveyor to reduce Overton county to its constitutional limits, beginning at the north-east corner of Jackson county, on the east bank of Cumberland river, in the Kentucky line; running thence east with the Kentucky line, so far that by running south parallel with the eastern boundary of the said county of Jackson, until it strikes the Morgan county line; thence with the same to the Cumberland road, and with that westwardly to the line of the said county of Jackson, and with the same to the beginning, will leave Overton county its constitutional limits.

SECTION 2. That a new and distinct county be, and the same is hereby, established east of the county of Overton, to be known and distinguished by the name of Fentress county; beginning at the north-east corner of the said county of Overton, (when reduced,) in the Kentucky line; running thence east, with the Kentucky line, to the south fork of Cumberland river; thence up the same as it meanders, to the Clear fork; thence up the same to the forks where Pile's turnpike was formerly kept, where Richard Butler now lives, so as to leave said Butler in Morgan county; thence up the right-hand fork of the said Clear fork, to its head or source; from thence a direct line to the south-east corner of Overton (when reduced;) thence northwardly with the line of Overton county to the beginning.

SECTION 3. That, for the due administration of justice, the Court of Pleas and Quarter-Sessions, and the Circuit Courts in said county, shall be holden at the house of George Helms, until otherwise provided for, under the same regulations and restrictions, and shall exercise and possess the same powers and jurisdiction, as is possessed by said courts in other counties in this state.

SECTION 4. That sheriff of Fentress county shall hold an election at the place of holding courts in said county, on the first Thursday and succeeding days in April next, for the purpose of electing field-officers for said county of Fentress, under the same rules and regulations as are prescribed by law in similar cases; and the militia of said county of Fentress shall constitute the ____ regiment and shall become a part of the__

_brigade.

SECTION 5. That elections for company officers for the county of Fentress, shall be held at such places as the commandant of militia in said county may appoint; which said elections shall be held on such days as may be directed by said commandant.

SECTION 6. That the surveyor appointed by the first section of this act, shall be allowed the sum of two dollars per day, and the chain-carriers and markers who may be employed by said surveyor, shall each be allowed the sum of one dollar per day, for their services in running and marking said lines, to be paid equally by the counties of Overton and Fentress, out of any moneys not otherwise appropriated.

SECTION 7. That the county of Fentress shall be a part of the district for electing Governor, Representatives to Congress, Electors to elect a President and Vice President of the United States, and Members to the General Assembly, to which the county of Overton now belongs, and that elections be held at the place of holding courts in said county, (and such other places as the court may establish,) at the time, and in the manner, by law directed; and the sheriff, or returning officer of said county, shall make return of the polls of said election to the sheriff of Overton county, shall make return of the polls of said election to the sheriff of Overton county, in the town of Monroe, on the day next succeeding each election.

SECTION 8. That such Justices of the Peace as may have been heretofore appointed, and which may fall within the bounds of the county of Fentress, be, and they are hereby, continued in office: AND PROVIDED NEVERTHELESS, that nothing in this act contained, shall be so construed as to prevent the sheriffs of Overton and Morgan counties from collecting the taxes which may be due within their respective counties for the present year, or any preceding year.

Passed: November 28, 1823.

County Seat

Private Acts of 1825 Chapter 319

SECTION 1. That William Gore, of the county of Overton be, and he is, hereby appointed to survey the lines of the county of Fentress so as to ascertain the center of said county, and that he shall be allowed a reasonable compensation for his services, by the county court, as also, for the necessary chain carriers, to be paid out of any monies belonging to said county not otherwise appropriated.

SECTION 2. That Woodson P. White, of White County and John Graham and Daniel Keith, of Jackson County, and George Finley and Joseph Bates, of Overton County be, and they are, hereby appointed commissioners, whose duty it shall be, or a majority of them, so soon as practicable after said lines are run or center ascertained by the said surveyor, to proceed to view the premises, including said central point, and if the same is an eligible site for a town, to report the same to the county court of Fentress, and should such central point, not be a suitable place for a town, the said commissioners shall select the nearest eligible site for a town to said point, which may, in their opinion, be suitable for that purpose; said commissioners to be paid for their said services a reasonable compensation by the county court of Fentress, out of any monies belonging to said county, not otherwise appropriated.

SECTION 3. That it shall be the duty of the county court of Fentress county, at their first session after the passage of this act, to appoint eight commissioners, whose duty it shall be to procure, from the person or persons who may own the site selected as aforesaid, a good and sufficient legal title for as much land as to them may be deemed requisite for that purpose, and it shall be their duty, in case they cannot agree with the proprietor or the proprietors for the cite agreed on as aforesaid, they may choose five disinterested freeholders, who, after having been duly sworn before any acting justice of the peace for the said county of Fentress to decide impartially, proceed to value the said site or premises and report to the county court accordingly, whose duty it shall be, to pay to the proprietor or proprietors of the said site the amount of money for which the same is valued out of any monies belonging to said county, not otherwise appropriated.

SECTION 4. That the commissioners appointed by the county courts as aforesaid, shall proceed to lay off said town and designate the plan thereof, to cause to be laid off the lots, streets, lanes and alleys, and designate the place for the court house and other public buildings, to be erected in said town.

SECTION 5. That when the town shall be laid off, the commissioners shall advertise the same in the newspapers printed at Sparta, specifying the time and place for the same of said lots, which advertisement shall be at least thirty days before the day of sale, and they shall proceed to sell said lots upon twelve months credit, taking bond with good and sufficient security therefor, making deeds in fee simple to the purchasers.

SECTION 6. That the said commissioners or a majority of them, shall contract with some suitable person

or persons, to build a courthouse, prison and stocks, at the site selected and laid off for the seat of justice, and the monies arising from the sale of the lots, after paying for the land purchased, shall be appropriated to the expenses in erecting said public buildings, and if the monies arising from the sale of lots aforesaid, be insufficient to pay for the land and public buildings, it shall, and may be, lawful for the county court of Fentress, a majority of the acting justices being present, to lay a county tax on taxable property, not exceeding the State tax, which may be continued from year to year, until a sum is raised sufficient to answer the purposes intended, and the tax aforesaid shall be collected at the time and in the same manner, other taxes or dues are collected, and in case of default in collecting or accounting for said tax to the commissioners, the sheriff, for such his default, may be proceeded against by motion, and judgment before the county court as in other cases of default.

SECTION 7. That before the commissioners shall proceed to discharge the duties assigned them, they shall enter into bond to the Governor of the State of Tennessee and his successors, in the sum of five thousand dollars, conditioned for the faithful discharge of the duties of their appointment, to be filed with the clerk of the county court, and be by him recorded.

SECTION 8. That the commissioners appointed by the county court as aforesaid, to carry this act into effect, and a majority of them shall at all times be competent to transact any business or perform any duty imposed on them as commissioners.

SECTION 9. That in case of death, resignation or refusal to act, of any one or more of the commissioners herein named, it shall and may be lawful for the balance of said commissioners to elect one or more by ballot so as to complete the number of commissioners hereby appointed, and the commissioners thus elected, shall have the same powers and privileges with the commissioners by this act appointed.

SECTION 10. That said commissioners, shall appoint one of their body as chairman, in whose name all notes, bonds, etc. and in whose name all suits, may be instituted on the notes, bonds, etc. and for their services, as by this act directed, said commissioners shall be entitled to such compensation as may be allowed by the county court of Fentress.

SECTION 11. That said county town or seat of justice in said Fentress County, shall be known and called by the name of Jamestown, in honor of James Fentress.

SECTION 12. That so soon as the court-house hereby authorized to be built, shall be in a situation that the courts of Fentress county can be held therein, the said commissioners shall certify the same to the county court of said county, whereupon it shall be the duty of the several courts of Fentress County, to adjourn from the present place of holding courts in said county, to the court- house in Jamestown, or if said commissioners can procure a private house of any kind, in the town aforesaid, suitable for holding the several courts as aforesaid in, the commissioners shall report the same to the county court as aforesaid, and the said courts shall adjourn to the house specified, in said town, without delay, and all writs, subpoenas and other process, made returnable to the present place of holding courts in said county, shall be returnable to the house specified in such town, until the courthouse aforesaid be completed, after which, the courts as heretofore directed by this act, shall adjourn without delay, to the courthouse in Jamestown, and all writs, subpoenas and other process, be returned to the courthouse in Jamestown, and shall be as good and available in law as if they had originally been made returnable to the said courthouse in Jamestown.

SECTION 13. That the said commissioners before entering on the duties enjoined on them by this act, shall, before some acting justice of the peace for Fentress County, take an oath well and truly, faithfully and impartially to perform all the duties required of them to do and perform by the provisions of this act.

Passed: December 5, 1825.

County Line

Acts of 1845-46 Chapter 175

SECTION 1. That the line between the counties of Morgan and Fentress shall be changed, so as to leave the line as heretofore run at the forks of the Clear fork; thence up the left hand fork to the mouth of Shoal creek; thence up Shoal creek to its head, making the meanders of said creek the line; thence with the dividing ridge between the Clear fork and Cook's creek, keeping on its extreme height to the head of Bise's creek; thence down Bise's creek to Clear creek; thence up Clear creek to the old county line; as heretofore established between said counties.

SECTION 2. That the field officers of the 17th and 18th regiments of militia, which regiments compose the militia of Claiborne county, be and the said field officers are hereby required to meet at the courthouse in Tazewell, on the first Monday in July next, for the purpose of making a more equal division of the said

regiments without regard to the civil districts.

SECTION 3. That the county courts of Morgan and Fentress, or either of them, be and they are hereby authorized to employ the county surveyors of said counties, or either of them, or any other competent person or persons to run and mark said line, and make such surveyors such compensation as the said court or courts may think reasonable, payable out of the county treasury.

SECTION 4. That nothing in this act contained shall be so construed as to require said county courts, or either of them, to have said line run and marked, or to make an appropriation for the payment thereof, unless at the discretion of the court, a majority of the justices being present and voting in the affirmative.

Passed: February 2, 1846.

Acts of 1855-56 Chapter 166

COMPILER'S NOTE: This act provided for boundary changes in eight counties, but only Section 3 is applicable to Fentress County.

Although this act is incorrectly numbered as Chapter 156 in the text, the Act is placed between number 165 and 167 in the text. Furthermore, there is already an Act numbered 156 in the Private Acts of 1855-56. Therefore, the numbering appears to be a misprint.

SECTION 3. That the dividing line between the Counties of Morgan, Scott, and Fentress run by Riley Long, is hereby permanently established.

Passed: February 29, 1856.

Private Acts of 1859-60 Chapter 135

COMPILER'S NOTE: Only Section 2 of this act affected Fentress County, the remaining sections provided for boundary changes for several other counties.

SECTION 2. That the county line between the counties of Fentress and Scott, be so changed that commencing at the north of Scull Creek on the Clear Fork, it shall run thence down said river to the South Fork, to the mouth of Honey Creek at the old county line.

Passed: March 19, 1860.

Public 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 45E 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.

Private 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 said 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.

Private Acts of 1897 Chapter 257

SECTION 1. That the boundary line between the counties of Scott and Fentress in the counties aforesaid be and the same are hereby defined and constituted as follows: Beginning at the mouth of Caney Branch on the north side of the Clear Fork, and running thence north 35 degrees, 45 minutes, west 1,067 poles to the mouth of Potter's Branch, on White Oak 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: February 11, 1897.

Boundaries - Historical Notes

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

1. Private Acts of 1831, Chapter 153, changed the line between Fentress and Overton Counties to include the land of Willis Huddleston in Overton County.
2. Acts of 1853-54, Chapter 181, changed the line between Scott and Fentress Counties to include Belfield Moore in Fentress County.
3. Public Acts of 1870-71, Chapter 68, changed the line between Overton and Fentress Counties to include the lands of James Amonett in Overton County.
4. Public Acts of 1873, Chapter 80, changed the line between Fentress and Overton Counties to include the lands of William Gunter in Fentress County.
5. Public Acts of 1875, Chapter 140, changed the line between Fentress and Overton Counties to include the farm of James H. Ferrell in Overton County.
6. Public Acts of 1883, Chapter 65, changed the line between Fentress and Overton Counties to include the lands of Tranville F. Bilbrey in Overton County.
7. Public Acts of 1885, Chapter 156, changed the line between Fentress and Pickett Counties to include the lands of Stockley Crabtree, Marion Crouch, J. J. Pile, David Cooper, Jennie Cooper, Thomas King, Mary Ann Hover, George Smith, Austin Choate, William Choate, Thomas Cooper, William Cooper, and Madison Hoover in Fentress County.
8. Public Acts of 1889, Chapter 26, changed the line between Fentress and Cumberland Counties to include the land of E. S. Jones in Fentress County.
9. Public Acts of 1891, Chapter 28, changed the line between Fentress and Pickett Counties to include the farms of G. W. Crouch and Jackson Rains in Pickett County.
10. Public Acts of 1891, Chapter 42, changed the line between Pickett and Fentress Counties to include the lands of N. E. Storie and F. P. Storie in Pickett County.
11. Public Acts of 1899, Chapter 105, changed the line between Pickett and Fentress Counties to include the lands of F. M. Lynch in Pickett County.
12. Acts of 1903, Chapter 512, changed the line between Fentress and Overton Counties to include the lands of Melvin Phillips in Overton County.
13. Acts of 1905, Chapter 39, changed the line between Pickett and Fentress Counties to include the lands of W. M. Johnson in Fentress County.
14. Private Acts of 1905, Chapter 453, changed the county line between Overton and Fentress Counties to include the farm of Sam Hall into Overton County.
15. Private Acts of 1911, Chapter 244, changed the county line between Pickett and Fentress Counties to include the land of Dry Creek farm owned by Robbins and Parris into Pickett County.

16. Private Acts of 1919, Chapter 327, changed the county line between Overton and Fentress Counties to include the lands of M. B. Smith in Overton County.
17. Private Acts of 1919, Chapter 611, changed the county line between Overton and Fentress Counties to include the lands of Polk Wilson in Overton County.
18. Private Acts of 1921, Chapter 453, changed the county line between Pickett and Fentress Counties to include the lands of Hiram C. Crabtree in Pickett County.
19. Private Acts of 1921, Chapter 700, changed the county line between Fentress and Pickett Counties to include the lands of Ed Storie in Pickett County.
20. Private Acts of 1921, Chapter 803, changed the county line between Fentress and Pickett Counties to include the lands of E. G. Jones in Pickett County.
21. Private Acts of 1927, Chapter 776, changed the line between Fentress and Pickett Counties to include the lands of S. R. West in Fentress County.
22. Private Acts of 1951, Chapter 243, changed the county line between Fentress and Cumberland Counties to include the lands of R. L. Maddux in Cumberland County.

Chapter V - Court System

Court System - Historical Notes

Board of Jury Commissioners - Jurors

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

1. Private Acts of 1927, Chapter 670, created a Board of Jury Commissioners for Fentress County, prescribing their qualifications, method of appointment, terms of office and duties. The provisions of this act were similar to those found in the general statutes and it was repealed by Private Acts of 1933, Chapter 267.
2. Private Acts of 1949, Chapter 47, provided that in Fentress County, jurors would be paid a per diem of \$4, but no juror would be entitled to compensation unless he served at least two days.
3. Private Acts of 1949, Chapter 928, allowed for the creation of a Board of Jury Commissioners in Fentress County by amending the population requirement as was set out by the Private Acts of 1917, Chapter 427. That act created a Board of Jury Commissioners in counties with a population requirement that exceeded that of Fentress County. Private Acts of 1949, Chapter 928, further amended the 1917 act by providing that the Board of Jury Commissioners be composed of three persons, each to serve for a period of two years.

Chancery Court

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

1. Public Acts of 1824, Chapter 14, required the Judges of the Supreme Court to make arrangements among themselves to hold the Chancery Court of the State at least twice each year. Fentress County was served by the Court sitting in Carthage on the third Monday in May and November. Courts were also to be held at Greenville, Rogersville, Kingston, Franklin, Columbia, Charlotte, Jackson and McMinnville.
2. Public Acts of 1827, Chapter 79, repealed all laws giving the Judges of the Supreme Court of Errors and Appeals jurisdiction to hear original chancery cases. It divided the state into two Chancery Divisions, the Eastern and the Western. Fentress County was in the Eastern Division and continued to be served by the Court sitting in Carthage. One Chancellor was to be appointed by the General Assembly for each division, to be compensated by a salary of \$1,500 per year.
3. Public Acts of 1827, Chapter 88, stated that the Chancellors for each Chancery Division were state judges and could interchange with one another from court to court as necessary on account of constitutional disability, or as necessary for their own convenience. The Chancery Court at Carthage had to be held twice a year on the third Monday in July and January.
4. Public Acts of 1831, Chapter 57, created a Chancery Court for the Eastern District of the State to be held in the town of Monroe. This Court was established for Fentress and Overton Counties and

would meet on the first Monday in April and October.

5. Public Acts of 1835-36, Chapter 4, enacted after the adoption of the 1835 Constitution, separated the State into three Chancery Divisions which were further divided into Districts. Three Chancellors would be appointed by the joint ballot of the General Assembly to preside over the Courts instead of the Supreme Court Justices. These Chancellors would hold Court at least twice each year. Fentress, Overton and Jackson Counties were in the First District of the Middle Division, the Court for which would be held in Livingston on the first Monday in January and July.
6. Acts of 1837-38, Chapter 116, changed the times of holding Chancery Courts in the Middle Division to the first Monday in March and September to be held in Livingston.
7. Acts of 1853-54, Chapter 54, provided that there would be a Chancery Court in Jamestown, to be held on the fourth Monday in March and September.
8. Acts of 1853-54, Chapter 123, changed the date for holding Chancery Court in Jamestown to the third Monday in March and September. This act also specified that Fentress County would constitute a separate chancery district.
9. Acts of 1855-56, Chapter 112, changed the terms of Chancery Court in Fentress County to the second Monday in April and October.
10. Public Acts of 1857-58, Chapter 88, reorganized the entire lower judicial system in Tennessee. The State was separated into the Eastern, Middle, Western, Fourth, Fifth and Sixth Chancery Divisions. Fentress was assigned to the Fifth Division, also containing the Counties of Polk, McMinn, Bradley, Hamilton, Marion, Cumberland, Bledsoe, White, Overton, Scott, Morgan, Roane, Meigs, Rhea, Blount and Monroe. Chancery Court would begin on the second Monday in April and October at Jamestown.
11. Private Acts of 1865-66, Chapter 129, authorized the Judge of the Seventeenth Judicial District to hold Chancery Court for the Counties of Fentress, Morgan, Cumberland and Scott at the times prescribed by law for holding the Circuit Court in those Counties.
12. Public Acts of 1869-70 (2nd Sess.), Chapter 32, divided Tennessee into twelve Chancery Districts. The Second District was composed of Fentress, Knox, Sevier, Campbell, Union, Anderson, Roane, Monroe, Blount, Scott and Morgan Counties.
13. Public Acts of 1869-70 (2nd Sess.), Chapter 47, scheduled the starting dates for both terms of the Chancery Court in every county of the State. In Fentress County the Chancery Court would meet on the third Monday in June and December. Fentress County was a part of the Second Division.
14. Acts of 1872 (Ex. Sess.), Chapter 15, provided that Chancery Court in Fentress County would be held on the first Thursday after the fourth Monday in April and October.
15. Public Acts of 1885, Chapter 12, changed the time for holding Chancery Court in Fentress County to the first Monday in April, August and December.
16. Public Acts of 1885, Chapter 107, established that all appeals from the Fentress County Courts be taken to the Supreme Court at Knoxville rather than to Nashville.
17. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the entire lower judicial structure of Tennessee. The act created eleven Chancery Divisions of which the Fifth was made up of the Counties of Fentress, Cumberland, Pickett, Overton, Clay, Jackson, Putnam, White, DeKalb, Smith and Macon with the Courts of Fentress to begin on the third Monday in March and September.
18. Public Acts of 1890, Chapter 19, amended Acts of 1885 (Ex. Sess.), Chapter 20, above, by changing the time Chancery Courts of the Fifth Division met. In Fentress County, the Chancery Court met on the second Monday in May and November.
19. Acts of 1891 (Ex. Sess.), Chapter 11, changed and fixed the starting date for holding Chancery Court in the Fifth Chancery Division. In Fentress County the Chancery Court met on the second Monday in April and October.
20. Public Acts of 1895, Chapter 15, changed the starting date for holding Chancery Court in the Fifth Chancery Division. In Fentress County the Chancery Court met on the third Monday in April and October.
21. Public Acts of 1897, Chapter 43, amended Acts of 1885 (Ex. Sess.), Chapter 20, above, to stabilize the work of Judges, Chancellors and Attorney-Generals in the State, and change and fix the date of holding said courts. Fentress County was not affected. The Fifth Chancery Division in Fentress continued to be held on the third Monday in April and October.
22. Private Acts of 1897, Chapter 294, amended Acts of 1885 (Ex. Sess.), Chapter 20, above, by changing the starting date for Chancery Courts in the Fifth Division. Fentress County was not

affected.

23. Public Acts of 1899, Chapter 150, transferred the authority to hear appeals from the Courts of Fentress back to the Supreme Court as Nashville appeals had previously been heard in Knoxville.
24. Public Acts of 1899, Chapter 427, divided the State of Tennessee into ten Chancery Divisions. Fentress, Sevier, Blount, Loudon, Campbell, Anderson, Roane, Morgan, Scott and Union Counties composed the Second Chancery Division. In Fentress, Chancery Court was held on the fourth Monday in March and September.
25. Acts of 1901, Chapter 438, detached Fentress County from the Second Chancery Division and placed it in the Fourth Chancery Division.
26. Acts of 1903, Chapter 97, set the time for holding Chancery Court on the third Mondays in April and October.
27. Acts of 1905, Chapter 120, changed the time for holding Chancery Courts in the Fourth Chancery Division. In Fentress County, Chancery Court was held on the first Monday in April and October.
28. Private Acts of 1911, Chapter 507, changed the date for holding Chancery Court in Fentress County to the fourth Monday in March and September.
29. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, reorganized the entire system of lower courts in the State. The act created fourteen Chancery Divisions. The County of Cannon, Trousdale, Overton, Clay, Smith, Macon, Pickett, Fentress, Jackson, Cumberland, DeKalb, Morgan, White and Putnam were assigned to the Fourth Chancery Division. Court began in Fentress County on the fourth Monday in March and September.

Chancery Court - Clerk and Master

The reference list below contains acts which once applied to the clerk and master in Fentress Fentress County.

1. Private Acts of 1929, Chapter 248, provided that the Fentress County Clerk and Master would receive an annual salary of \$1,800. The fees collected by the Clerk and Master became the property of the County and he had to pay the money to the Trustee. The Clerk and Master was required to report monthly all the fees collected by them in an itemized statement, which was to be presented to the Trustee
2. Private Acts of 1933, Chapter 58, amended Private Acts of 1929, Chapter 248, above, by directing the Clerk and Master to pay over all fees coming to their office to the Trustee of Fentress County upon order of the County Judge or Chairman. The act also required the Clerk and Master to keep and file monthly with the County Judge or Chairman, an itemized statement of all the fees coming to the Clerk and Master.

Circuit Court

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

1. Private Acts of 1824, Chapter 154, provided that the Circuit Court for Fentress County be held on the fourth Monday in March and September. Circuit Court was to be held at the house of Coonrod Poiles.
2. Private Acts of 1825, Chapter 171, provided that the time for holding Circuit Court would be the third Monday in March and September, with court to be held for no more than one week. The Judge for the third circuit was authorized to appoint a clerk for the Circuit Court of Fentress County.
3. Public Acts of 1827, Chapter 79, declared that when the business of the dockets of the Circuit Court could not be completed during its regular term, the Judges of each Circuit Court were empowered to appoint a special term. This was to be done in a regular term by order of the Circuit Court Judge, who must also appoint three Justices from the county in which such special term is to be held, who would make out a jury list. The Circuit Court was to meet at the times prescribed by law.
4. Public Acts of 1832, Chapter 20, changed the starting date for holding Circuit Court in Fentress County to the third Monday in February and August.
5. Public Acts of 1833, Chapter 21, changed the starting date for holding Circuit Court in Fentress County to the fourth Monday in February and August.
6. Public Acts of 1835-36, Chapter 5, reorganized the lower court system of Tennessee into eleven

- Judicial Circuits and directed that the Circuit Courts hold three terms per year. The Fourth Judicial Circuit was composed of Smith, Overton, White, Jackson, Fentress and Warren Counties. Circuit Court for Fentress County would begin on the third Monday in February, June and October.
7. Private Acts of 1835-36, Chapter 79, provided that Circuit Court was to be held on the third Monday in June 1836 instead of the fourth Monday in February, 1836.
 8. Acts of 1845-46, Chapter 82, changed the dates for Court in the Counties of the Fourth Judicial Circuit. Fentress County Circuit Court would begin on the third Monday in February, June and October.
 9. Acts of 1851-52, Chapter 230, changed the date of holding Circuit Court in Fentress County to the second Monday in February, June and October.
 10. Public Acts of 1857-58, Chapter 95, created the Sixteenth Judicial Circuit. The Counties of White, Scott, Morgan, Cumberland, Bledsoe, Marion, Sequatchie, Fentress and Overton composed the Sixteenth Judicial Circuit. The starting date for holding court in Fentress County was on the fourth Monday in March, July and November in Jamestown.
 11. Public Acts of 1857-58, Chapter 98, scheduled the dates for holding Circuit Courts throughout the State of Tennessee. Fentress County was a part of the Fifth Circuit along with the County of Cumberland, White, Sequatchie, Marion, Bledsoe, Morgan, Scott and Overton. Fentress County held Circuit Court on the first Monday of February, June and October.
 12. Private Acts of 1859-60, Chapter 59, changed the time for holding Circuit Court to the second Monday in February and the first Monday in June and October.
 13. Public Acts of 1865-66, Chapter 8, established the Seventeenth Judicial Circuit. The Counties of Campbell, Anderson, Morgan, Scott, Fentress, and Cumberland composed this Judicial Circuit. Fentress County was to hold Circuit Court at Jamestown on the first Monday after the fourth Monday in March, July and November. This act was repealed by Public Acts of 1869-70, Chapter 25, by abolishing the Seventeenth Judicial Circuit. The Counties that composed this Circuit were assigned to the Circuits they previously were a part of.
 14. Public Acts of 1869-70 (2nd Sess.), Chapter 31, divided Tennessee into fifteen regular and one special Judicial Circuits. The Third Judicial Circuit contained the Counties of Fentress, Morgan, Anderson, Knox, Monroe, Roane, Cumberland, Blount and Christiana.
 15. Public Acts of 1869-70 (2nd Sess.), Chapter 46, fixed the starting date for holding Third Circuit Court in Fentress County to the fourth Monday in March, July and November.
 16. Public Acts of 1873, Chapter 22, created and established the Sixteenth Judicial Circuit. The Counties of Fentress, Anderson, Campbell, Scott, Morgan, Overton and Cumberland composed this Circuit. Fentress County held Circuit Court on the first Monday after the fourth Monday of March, July and November in Jamestown.
 17. Public Acts of 1885, Chapter 12, set the terms of Circuit Court on the first Monday in April, August, and December.
 18. Public Acts of 1885, Chapter 107, provided that appeals from the Court of Fentress County were to be taken to the Supreme Court in Knoxville rather than to the Supreme Court in Nashville.
 19. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the State into fourteen regular and one special Judicial Circuits. The Fifth Judicial Circuit was composed of Fentress, Pickett, Cumberland, Putnam, Overton, Clay, Jackson, Smith, Macon and Trousdale. The Circuit Court in Fentress County was to be held on the first Tuesday after the last Monday in January, May and September.
 20. Public Acts of 1887, Chapter 12, scheduled the date for holding Circuit Court for the Fifth Judicial District in Fentress County to the first Monday after the fourth Monday in January, May and September.
 21. Public Acts of 1887, Chapter 144, amended Acts of 1885 (Ex. Sess.), Chapter 20, above, by detaching Fentress County from the Fifth Judicial Circuit and making it a part of the Third Judicial Circuit. Public Acts of 1899, Chapter 168, abolished the Third Judicial Circuit.
 22. Public Acts of 1889, Chapter 160, provided that Circuit Court in Fentress County would be held in Jamestown on the first Monday in April, August and December.
 23. Public Acts of 1899, Chapter 168, abolished the Third Judicial Circuit. That Circuit was composed of Blount, Loudon, Roane, Morgan, Fentress and Scott Counties.
 24. Public Acts of 1899, Chapter 409, assigned Fentress, Scott and Morgan Counties to the Second Judicial Circuit. Circuit Court was held on the third Monday in March, July and November.
 25. Acts of 1903, Chapter 227, amended Public Acts of 1899, Chapter 427, herein, by authorizing the

- Chancellor of the Fourth Chancery Division to hold Circuit Court in Fentress County on the third Monday in February and August. This section of the act was repealed by Acts of 1905, Chapter 59.
26. Acts of 1905, Chapter 359, empowered the Judge of the Criminal Court created by this act to hold Circuit Court in the Counties of Fentress, Morgan, Scott, Pickett and Union at the time prescribed by law.
 27. Acts of 1905, Chapter 477, scheduled the date for holding Circuit Court in the Second Judicial Circuit. In Fentress County, Circuit Court was held on the fourth Monday in April, August and December.
 28. Acts of 1907, Chapter 85, provided that the Judge of the Fifth Judicial Circuit would hold the Circuit Court for Fentress County.
 29. Acts of 1907, Chapter 122, authorized the Judge of the Fifth Judicial Circuit to hold the Circuit Court in Fentress County on the third Monday in April, August and December.
 30. Private Acts of 1915, Chapter 640, changed the time of holding Circuit Court in Fentress County to the second Monday in April, August and December rather than the third Monday in those months. This change was made since the third Monday conflicted with the holding of Federal Court in Cookeville and this was an inconvenience to many citizens of Fentress County.
 31. Private Acts of 1925, Chapter 763, set the terms of Circuit Court in Fentress County to the first Monday in March, July and November.
 32. Public Acts of 1963, Chapter 340, authorized the Circuit Court Judge of the Nineteenth Judicial Circuit to appoint a secretary to perform secretarial duties. The Judge was allowed reimbursement for the amount spent for such assistance, provided the amount did not exceed \$3,000 per year. The money was to be paid out of the State Treasury.

Circuit Court - Clerk

The following acts have no current effect, but once applied to the Fentress County Circuit Court Clerk. They were repealed, superseded, or never received local approval.

1. Private Acts of 1911, Chapter 257, set the salary of the Circuit Court Clerk of Fentress County at \$750 per year, with all fees collected by that office to become part of the county treasury.
2. Private Acts of 1921, Chapter 790, amended Private Acts of 1911, Chapter 257, above, by raising the salary of the Circuit Court Clerk to \$900 per year.
3. Private Acts of 1927, Chapter 328, provided that the Circuit Court Clerk was to be paid \$1,200 per year out of the fees of the office. Any overage was to be paid into the County General Fund, but if the fees failed to equal \$1,200 annually, the deficiency would be paid out of the general funds.
4. Private Acts of 1937, Chapter 706, provided that the Circuit Court Clerk in Fentress County be paid a salary of \$1,200 per year. The Clerk was allowed to retain all legal fees, fines and commissions then allowed by law for their service provided the Clerk report quarterly the same to the County Court. All the compensation received by the Clerk as payment, would be credited against the Clerk's salary.
5. Private Acts of 1949, Chapter 46, raised the annual salary of the Circuit Court Clerk in Fentress County to \$1,800 a year and again provided that all fees received by that office would become the property of the county.

Criminal Court

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

1. 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. In Fentress County, Criminal Court was held on the fourth Monday in April, August and December. 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. The Criminal Court Judge also held Circuit Court in the counties of Morgan, Scott, Fentress, Pickett and Union as prescribed by law.
2. Acts of 1907, Chapter 85, authorized the Attorney General of the Second Judicial Circuit to perform the duties of Attorney General in Fentress County Criminal Court. The act also authorized the Fifth Judicial Circuit Court Judge to hold Criminal Court for Fentress County.

3. Public Acts of 1929, Chapter 89, created a Criminal Court for the Counties of Fentress, Anderson, Campbell, Morgan, Scott and Claiborne. These counties comprised the Nineteenth Judicial Circuit. This Criminal Court had general common law and statutory jurisdiction along with original and appellate jurisdiction over all cases arising in those counties. In Fentress County, Criminal Court was held on the first Monday in January, May and September at Jamestown. The Circuit Court Clerks served as the Clerks of the Criminal Court. The Clerks were to perform the same duties and receive the same compensation. The Governor was empowered to appoint a Judge for the Criminal Court until there was a regular election, at which time qualified voters would elect a Judge. The Criminal Court Judges of the Nineteenth Judicial Circuit had the authority to interchange with the Circuit Court Judges of the same Circuit at any time, in the instance of public necessity or upon mutual desire or convenience. All criminal cases then existing or pending in the Circuit Courts would be transferred to the Criminal Court. The Attorney General of the Nineteenth Judicial Circuit was to perform the duties of Attorney General in the Criminal Court. County Courts, Jury Commissioners or other authorized persons of the counties in this Judicial Circuit had the authority to appoint juries for the Criminal Court.
4. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, scheduled the date for holding Criminal Court in the Nineteenth Judicial Circuit. In Fentress County, Criminal Court was held on the first Monday in January, May and September.
5. Private Acts of 1937, Chapter 178, amended Public Acts of 1929, Chapter 89, above, by changing the starting dates for the terms of court in Claiborne and Campbell Counties. Fentress County was unaffected.
6. Private Acts of 1937, Chapter 706, provided that the Criminal Court Clerk in Fentress County be paid a salary of \$1,200 per year. The Clerk was allowed to retain all legal fees, fines and commissions then allowed by law for their service provided the Clerk report quarterly the same to the County Court. All compensation received by the Clerk as payment would be credited against the Clerk's salary.
7. Private Acts of 1949, Chapter 46, provided that the Clerk of Criminal Court be paid the sum of \$1,800 per year. All fees received by that office would become the property of the county.
8. Public Acts of 1963, Chapter 340, authorized the Criminal Court Judge of the Nineteenth Judicial Circuit to appoint a secretary to perform secretarial duties. The Judge was allowed reimbursement for the amount spent for such assistance, provided the amount did not exceed \$3,000 per year. The money was to be paid out of the State Treasury.
9. Public Acts of 1967, Chapter 247, changed the date for holding Criminal Court in the Nineteenth Judicial Circuit. Fentress County was to hold Criminal Court on the second Monday in January, May and September.

District Attorney General - Assistants and Criminal Investigators

The following acts once affecting Fentress County are no longer in effect but are listed here for historical purposes.

1. Public Acts of 1929, Chapter 91, created the office of the Assistant Attorney General in the Counties of Anderson, Morgan, Scott, Fentress, Claiborne and Campbell. This office was created for the Nineteenth Judicial Circuit. The person who was to fill the office had to be a licensed attorney over the age of twenty-one years, and residing in one of the counties in the circuit. The Assistant Attorney General had the duties of assisting the District Attorney General in the prosecution of criminal cases, to attend the Grand Jury, and prepare cases for trial. The Judge of the Nineteenth Judicial Circuit had the duty of appointing the Assistant Attorney General to hold office until the expiration of the term of the Attorney General for that District. The act provided a salary of \$2,400 per year for the Assistant Attorney General.
2. Public Acts of 1937, Chapter 74, created the position of Criminal Investigator for the Nineteenth Judicial Circuit. The District Attorney General of this Judicial Circuit was empowered to appoint the investigator. To qualify, the person had to be a practicing attorney of lawful age and would perform the duties assigned to him by the District Attorney General. He held office during the term of the District Attorney General. The Criminal Investigator was allowed an annual salary of \$2,700 to be paid out of the State Treasury.
3. Public Acts of 1941, Chapter 18, amended Public Acts of 1929, Chapter 91, above, by allowing the District Attorney to appoint the Assistant Attorney General to hold office at the pleasure of such Attorney General of that District.
4. Public Acts of 1943, Chapter 102, amended Public Acts of 1929, Chapter 91, above, by increasing the salary of the Assistant Attorney General to \$2,700 per year.

5. Public Acts of 1949, Chapter 29, amended Public Acts of 1929, Chapter 91, as amended by Public Acts of 1943, Chapter 102, both above, by increasing the salary of the Assistant Attorney General to \$3,600 per year.
6. Public Acts of 1953, Chapter 261, amended Public Acts of 1949, Chapter 29, above, by increasing compensation to \$4,000 per year for the Assistant Attorney General.
7. Public Acts of 1965, Chapter 364, provided that the Assistant District Attorneys General and Criminal Investigators for the Nineteenth Judicial Circuit receive \$4,800 per year as compensation. The act also allowed that they both be reimbursed for their necessary travel expenses, provided the amount did not exceed \$600 in one year.
8. Public Acts of 1973, Chapter 322, created the position of Criminal Investigator for the Nineteenth Judicial Circuit. The official had the duties of investigating crime, taking statements of witnesses and assisting the District Attorney General in carrying out the duties of the office.

Chapter VI - Education/Schools

Board of Education

Private Acts of 1972 Chapter 251

SECTION 1. That there is hereby created and established in Fentress County, Tennessee, a County Board of Education to be composed of members to be elected by the qualified voters of said County in the manner hereinafter provided. Provided further, however, that nothing in this Act shall affect any of the present members of the County Board of Education or prevent said members from completing their present term of office to which they have been previously elected.

SECTION 2. That from and after the effective date of this Act, the Quarterly County Court of Fentress County shall have the power to make interim appointments to fill any vacancies occurring on the County Board of Education prior to the regular general election which is to be held in August, 1972. The persons so selected or chosen shall hold membership on the County Board of Education for the unexpired term of their predecessor.

SECTION 3. That in the event a vacancy occurs on the County Board of Education of Fentress County after the regular county election of 1972, such vacancy being on account of death, resignation, removal of residence of a member of said board from the school district from which said member was elected, or any other cause or reason, and such vacancy having occurred 30 or more days before the last day for board member candidates to qualify in a regular election, the Quarterly County Court of Fentress County in regular or called session, a quorum being present, shall elect someone to fill said vacancy, and the person so elected or appointed shall serve until a successor is duly elected at the next regular general election by the qualified voters of the district. If such vacancy occurs less than 30 days before the last qualifying date for the next regular election, the person so elected by the Quarterly County Court shall hold until his successor is elected at the next regular election after the forthcoming regular election.

Provided however, that if such vacancy is that of a member who was holding office prior to the August 1972 election, or his interim appointed successor, the person elected to fill such vacancy shall hold membership on the County Board of Education for the unexpired term of the predecessor. This proviso applies only to the present (transitional) membership and is ineffective after September 1, 1976.

SECTION 4. That the qualified voters of Fentress County shall elect a County Board of Education to be composed of ten (10) members, elected to terms of four (4) years, except as provided otherwise in this act for purposes of transition. Two (2) members shall be elected from each school district. Terms shall be staggered so that one (1) member from each district is elected at each regular August election. The members of the Board of Education shall be at least twenty-one

(21) years of age, citizens of the United States and the State of Tennessee and residents of the district in Fentress County which they represent.

As amended by: Private Acts of 1994, Chapter 160,
Private Acts of 1998, Chapter 149.

SECTION 5. That Fentress County is by this Act divided into five (5) school districts as follows:

DISTRICT I

Beginning at the point where the west boundary line of the city limits of Jamestown crosses Highway 52 west of the public square and running thence northwardly, eastwardly, and southwardly with the corporate

limits of Jamestown to the north prong of White Oak Creek; thence down and with the meanders of the north prong of White Oak Creek to a point due north of the Old Hicks Cemetery; thence due south to the Old Hicks Cemetery; thence southwardly with the cemetery roadway to the highway leading from Jamestown to Stockton; thence westwardly with said highway approximately 1,300 feet to the intersection of the county road which leads to the City of Allardt; thence southwestwardly with said road to its intersection with the county road leading to the Fentress County Memory Gardens and continuing with that road in all approximately 2-1/5 miles to the intersection of Tom Price Road; thence northwestwardly and westwardly with the Tom Price Road to the intersection of Highway 52; thence northwardly and westwardly with Highway 52 to the city limits of Jamestown; thence southwardly, westwardly and northwardly with the corporate limits of Jamestown to the beginning.

DISTRICT II

Beginning at the point where Natural Bridge Creek, being the creek which runs into Pickett Park Lake, crosses the Pickett County and Fentress County line; thence westwardly up Natural Bridge Creek to the head of said creek; thence southwestwardly a straight line to the cliff of Cumberland Mountain above the head of Johnson Branch, the latter being a prong of Pogue Creek; thence following the various meanders of the cliff of Cumberland Mountain along the south side of the Wolf River Valley to the intersection of the Doubletop Road and Highway 127 at Squirrel Flat; thence southwardly with Highway 127 to the north boundary line of the city of Jamestown; thence westwardly and southwardly with the various meanders of the corporate limits of the City of Jamestown to the head of Rock Castle Creek; thence down Rock Castle Creek with its various meanders to Buffalo Cove Creek; thence down Buffalo Cove Creek with its meanders to Obey River; thence southwardly and up Obey River to the mouth of Big Piney Creek; thence up Big Piney Creek with its various meanders in a westwardly direction to the county line between Fentress County and Overton County; thence northwardly with the Overton County Line to the Pickett County line; thence northwardly and eastwardly with the Pickett County line to the point of beginning.

DISTRICT III

Beginning at the point in the Morgan County line where the south prong of Clear Fork River runs into the north prong of Clear Fork River; thence westwardly and southwestwardly with the various meanders of the north prong of Clear Fork River to the point where it crosses Highway 4242; thence westwardly with Highway 4242 to its intersection with Highway 127; thence continuing westwardly crossing Highway 127 and following the county road to the point where it crosses Cobb Creek; thence northwestwardly with the meanders of Cobb Creek to Obey River; thence down Obey River with its various meanders to the mouth of Buffalo Cove Creek; thence southeastwardly up Buffalo Cove Creek to Rock Castle Creek; thence northeastwardly up Rock Castle Creek with its various meanders to the corporate limits of the City of Jamestown; thence southwardly, eastwardly and northwardly with the corporate limits of Jamestown to Highway 52; thence eastwardly and southwardly with Highway 52 to the intersection of the Tom Price Road to its intersection with the road which leads from Stockton to the Fentress County Memory Gardens; thence northeastwardly with said road to its intersection with the road leading from Stockton to the City limits of Allardt; thence due south with said road to the city limits of Allardt; thence westwardly, southwardly, eastwardly and northwardly with the city limits of Allardt to Highway 52; thence eastwardly with Highway 52 to the Morgan County line at Clear Fork River; thence southwestwardly up and with the meanders of Clear Fork River to the beginning.

DISTRICT IV

Beginning at the point in the Morgan County line where the south prong of Clear Fork River runs into the north prong of Clear Fork River; thence westwardly and southwestwardly with the various meanders of the north prong of Clear Fork River to the point where it crosses Highway 4242; thence westwardly with Highway 4242 to its intersection with Highway 127; thence continuing westwardly crossing Highway 127 and following a county road to the point where it crosses Cobb Creek; thence northwestwardly with the meanders of Cobb Creek to Obey River; thence down Obey River with its various meanders to the mouth of Big Piney Creek; thence westwardly up Big Piney Creek with its various meanders to the Overton County line; thence southwardly with the Overton County line to the Putnam County line; thence southeastwardly with the Putnam County line to the Cumberland County line; thence eastwardly with the Cumberland County line to the Morgan County line; thence northwardly with the Morgan County line to the beginning.

DISTRICT V

Beginning at the point where Natural Bridge Creek, same being the Creek which runs into Pickett Park Lake, crosses the Pickett County and Fentress County line; thence westwardly up Natural Bridge Creek to the head of said creek; thence southwestwardly a straight line to the cliff of Cumberland Mountain above the head of Johnson Branch, the latter being a prong of Pogue Creek; thence following the various meanders of the cliff of Cumberland Mountain along the south side of the Wolf River Valley to the intersection of the Doubletop Road and Highway 127 at Squirrel Flat; thence southwardly with Highway

127 to the north boundary line of the City of Jamestown; thence eastwardly and southwardly with the corporate limits of Jamestown to the north prong of White Oak Creek; thence down the north White Oak creek with the various meanders thereof to a point due north of the Old Hicks Cemetery; thence due south to the Old Hicks Cemetery; thence southwardly with the cemetery roadway to the highway leading from Jamestown to Stockton; thence westwardly with said highway approximately 1300 feet to the intersection of the county road which leads to the City of Allardt; thence southwestwardly and southwardly with said county road to the city limits of Allardt; thence with the city limits of Allardt westwardly, southwardly, eastwardly and northwardly to the point where the east boundary line of the City of Allardt crosses Highway 52; thence eastwardly with Highway 52 to the Morgan County line; thence northeastwardly with the Morgan County line to the Scott County line; thence northwestwardly with the Scott County line to the Pickett County line; thence westwardly with the Pickett County line to the beginning.

SECTION 6. That the membership of the County Board of Education shall be elected by the qualified voters of said county in the following manner:

At the next general election to be held in August 1972, one person shall be elected to the County Board of Education by the qualified voters of school district number two and one person shall be elected to the County Board of Education by the qualified voters of school district number three. The terms of office shall be for six (6) years beginning September 1, 1972. At the general election in August, 1974, one person shall be elected to the County Board of Education by the qualified voters of school district number one. The term of office shall be for six (6) years beginning September 1, 1974. At the general election in August, 1976, two persons shall be elected to the County Board of Education, one by the qualified voters for school district number four and one by the qualified voters for school district number five. The terms of office shall be for six (6) years beginning September 1, 1976.

At the August 1994 election, the successors to the incumbent members in Districts 4 and 5 shall be elected to four (4) year terms. The new members from Districts 1, 4 and 5 shall be elected to two (2) year terms, and the new members from Districts 2 and 3 shall be elected to four (4) year terms. After the August 1994 election, all members shall be elected to four (4) year terms.

At the August 1998 election, one (1) member from each of the five (5) school districts shall be elected for a term of two (2) years and one (1) member of each of the five (5) school districts shall be elected for a term of four (4) years. The candidate receiving the greatest number of votes in each school district shall be elected to a four (4) year term, and the candidate receiving the second greatest number of votes in each school district shall be elected to a two (2) year term. After the August 1998 election, all members shall be elected to four (4) year terms.

As amended by: Private Acts of 1994, Chapter 160,
Private Acts of 1998, Chapter 149.

SECTION 7. That the powers, duties, qualifications and mode of procedure of the County Board of Education of Fentress County shall be the same as now provided for a County Board of Education under the general statutes and laws of the State of Tennessee, not inconsistent with the provisions of this Act.

SECTION 8. That the members of the County Board of Education of Fentress County shall be compensated at the rate of Fifteen Dollars (\$15.00) per day for each day's attendance upon meetings of the County Board of Education. Such compensation shall be paid out of the school fund of said county.

SECTION 9. That it is hereby declared to be the intent of the General Assembly of the State of Tennessee to provide a County Board of Education for Fentress County to be elected by the qualified voters of the above described districts and said Board to be composed of five (5) members to serve staggered terms of six (6) years each; subject to the completion of the terms of office of the present membership. All Private Acts in conflict with this Act are repealed.

SECTION 10. 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 Fentress County on or before the next regular meeting of such Court occurring more than thirty days after its approval by the Chief Executive of this State. 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 11. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 29, 1972.

York Agriculture Institute

Private Acts of 1925 Chapter 809

SECTION 1. That in commemoration of the valor and heroism of Sergeant Alvin C. York of Fentress County, Tennessee, as a soldier in the world war, there is hereby established at Jamestown, Fentress County, Tennessee, upon the terms and conditions hereinafter stated, Alvin C. York Agricultural Institute, which said school shall be managed and controlled by the State Board of Education of the State of Tennessee, and shall be regulated and the curriculum determined by said State Board, except that in said school all the white children of Fentress County of free school age shall be entitled to attend the same without charge for tuition. The faculty shall be selected by the State Board and salaries of teachers fixed by it and all other regulations pertaining to the conduct and management of said school shall be made by said State Board.

SECTION 2. That the county of Fentress in the State of Tennessee be and the same is hereby authorized and empowered by and through its County Judge and County Court Clerk, to issue and sell at not less than par, to the highest and best bidder for cash, after receiving sealed bids, Seventy-five Thousand (\$75,000.00) dollars coupon bonds bearing six per cent interest per year, payable semi-annually, and running twenty (20) years from date of issuance. Provided that said bonds shall not be issued (sic) until authority therefor shall be given by an affirmative vote of the people of Fentress County at an election to be called by the Election Commissioners of said county and held at all the voting precincts therein, at which election a majority of all votes cast shall be cast in favor of said bond issue. Ballots shall be printed by the County Election Commissioners having the words, "For the bonds" and the words "Against the bonds," printed thereon, and those favoring said bond issue shall mark their ballots opposite the words "Against the bonds." Said election shall be held at all the voting precincts in Fentress County, on Saturday, May 23, 1925, and the Commissioner of Election shall meet at the courthouse as soon as practicable after said election, canvass the returns and announce and certify the result to the Clerk of the County Court of said county. And if it shall appear from the certificate of the Commissioners of Election, or a majority of them, that a majority of the legal votes cast in said election shall be in favor of the issuance of said bonds, it shall then be the duty of the County Judge and County Court Clerk to take all necessary steps to issue and sell said bonds. All persons liable to poll tax who shall have paid their poll tax for the year 1924 at any time before offering to vote, may vote in said election.

SECTION 3. That if said election shall result favorably to the issuance of said bonds, the County Judge and County Court Clerk shall forthwith have printed bonds in the denomination of Five Hundred (\$500.00) Dollars each in the aggregate amount of Seventy-five Thousand (\$75,000.00) dollars, maturing in twenty (20) years, bearing interest at not more than six per cent payable semi-annually, with coupons attached thereto. Said bonds shall be signed by the County Judge and County Court Clerk, and attested by the seal of the County. The coupons may be lithographed.

SECTION 4. That J. T. Wheeler and O. O. Frogge, as members of the Board of Trust hereinafter created, in conjunction with the County Judge and County Court Clerk, shall advertise said bonds as to them may seem best for at least thirty (30) days, and shall receive sealed bids for same, which bids shall be opened publicly at a given hour and date to be stated in the advertisement, and the sale shall be awarded to the highest and best bidder for cash.

SECTION 5. That the proceeds of the sale of said bonds shall be paid over to the Trustee of said county, provided that he shall first execute a good and solvent bond to be approved by the County Judge of said county in a sum sufficient to cover and secure all said funds. It shall be the duty of the County Trustee to keep said fund under two separate accounts. Two-thirds of said fund shall be set apart and known as Alvin C. York Agricultural Institute fund, and one-third shall be set apart and known as Fentress County Elementary School Fund, and both said funds shall be entirely separate and apart from all other school funds and all other public funds of every kind in the hands of said County Trustee. Said Alvin C. York Agricultural Institute fund shall be paid out by the County Trustee only upon the warrant of the Chairman and Secretary of the Board of Trust hereinafter created; and said Fentress County Elementary School Fund shall be paid out by said County Trustee only upon the warrant of the Chairman of the County Board of Education, countersigned by its Secretary.

COMPILER'S NOTE: Section 6 of this act named a Board of Trust to manage and control the affairs of the school, but that board was abolished by Private Acts of 1927, Chapter 171.

SECTION 7. That said Board of Trust is hereby empowered to take over and expend in the same manner and for the same objects and purposes a fund of ten thousand (\$10,000.00) dollars or over, heretofore raised by Sergeant Alvin C. York. Said fund shall be paid direct to the County Trustee of Fentress County by the Trustees now holding same, and said Trustee shall be bonded in an amount sufficient to secure the same, and said fund shall be added to the Alvin C. York Agricultural Institution Fund. The County Trustee shall not receive any commission whatever upon this particular item, but will receive a commission of one per cent on the proceeds of the sale of the bonds hereinbefore mentioned in full compensation for his services in handling said entire fund.

SECTION 8. That the Board of Trust hereinbefore named, and their successors, shall serve without compensation. In case of vacancy in said Board, such vacancy shall be filled by the remaining members thereof, who shall designate in writing on their minutes the name of the successor who is selected by them, who must be a citizen and taxpayer of Fentress County, Tennessee.

SECTION 9. That the proposition of W. L. Wright to donate a tract of one hundred acres of land lying within one mile of Jamestown, to said Board of Trust, same to be suitable for use of Alvin C. York Agricultural Institute, for the purposes hereinbefore mentioned, is hereby accepted and the Board of Trust is authorized to accept a deed from said W. L. Wright for the same, and when the title thereto is approved by the said Board of Trust, then the said Board will be authorized to improve and develop the same as herein provided. But before any public fund shall be expended upon said one hundred acre tract of land, or upon any other land for the erection of buildings and improvements, the title thereto shall be passed upon by the Attorney General of the State of Tennessee, or by some competent attorney by him designated for that purpose.

SECTION 10. That the sum of Fifty Thousand (\$50,000.00) Dollars be and the same is hereby appropriated by the State of Tennessee out of the general fund of said State, not otherwise appropriated, for the purpose of aiding in the erection, construction and equipment of said buildings and the improvement of said one hundred acre tract of land hereinbefore mentioned.

SECTION 11. That said fund of \$50,000.00 mentioned in the preceding section of this Act shall be deposited by the Treasure of the State of Tennessee to the credit of the County Trustee of said county, upon his executing a bond sufficient in amount and solvency to cover the same, to be approved by the County Judge of said county and also by the Treasurer of the State of Tennessee. Provided that said fund of \$50,000.00 herein appropriated out of the Treasury of the State, shall not be paid over by the Treasurer until the County of Fentress shall have voted, issued and sold the bonds hereinbefore provided and made available for the expenditure on the buildings and grounds of the Alvin C. York Agricultural Institute, the sum of at least \$50,000.00, and until said Alvin C. York fund of at least \$10,000.00 shall have been made available and paid over to the County Trustee in cash for like use, and until said W. L. Wright shall have executed and delivered a deed to at least one hundred acres of land, with good title thereto, to the Board of Trust herein named, and to their successors in trust forever, for the use of said institute. When all these conditions are met and moneys raised, then, and not till then, will the Treasurer of the State of Tennessee pay over said sum of \$50,000.00 hereinbefore appropriated. Said appropriation of \$50,000.00 shall be available only after the location and plans for said school shall be approved by the State Funding Board.

SECTION 12. That when said grounds and farm shall have been prepared and completed and said buildings erected and equipped and all said properties turned over to the State Board of Education, the same shall be accepted by said State Board and all proper regulations made and teachers and employees selected, salaries and expenses fixed, to the end that an institution of learning for the use and benefit of all the white children of Fentress County of free school age shall be established and conducted forever. Said institution shall be maintained by the County of Fentress by the levy and collection of taxes for the purpose and from such other funds as may be apportioned or distributed to Fentress County under the general laws of the State of Tennessee, and without expense or special appropriation by the State of Tennessee, it being the object and purpose hereof that the amount of \$50,000.00 hereinbefore appropriated is all that is ever to be paid or demanded on account of the establishment of said institute.

SECTION 13. That since Sergeant Alvin C. York has had promises of material financial aid from various other sources in the establishment nad (sic) maintenance of a school or institution of learning in Fentress County for the benefit of the mountain children whose opportunities for an education are and have heretofore been very limited, said Board of Trust is hereby authorized and empowered to solicit, receive, safeguard and expend such additional sums of money as may be secured from any source to be used in the same manner and for the same purposes as the funds hereinbefore provided for.

SECTION 14. That the County Board of Education of Fentress County shall use and expend the Fentress County Elementary School Fund hereinbefore mentioned in the repair, construction and equipment of public school buildings for the elementary schools of Fentress County in the various parts of said county, having a due regard to a proper distribution of said fund and the application thereof in such was as to supply the greatest needs of the children in the rural section of said county, it being the object and purpose of this Act to spend said entire elementary school fund in the more remote portions of the county where educational facilities are poorest.

SECTION 15. That said Board of Trust hereinbefore named, and its successors, shall continue to hold their said office and shall act as financial advisors of the State Board of Education and shall render such assistance in securing funds and otherwise as the State Board of Education may from time to time suggest or desire.

COMPILER'S NOTE: See Private Acts of 1927, Chapter 171, on the following pages.

SECTION 16. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 13, 1925.

Management

Private Acts of 1927 Chapter 171

PREAMBLE

WHEREAS, there is in the hands of the Trustees of Fentress County, in the form of a certified check, the proceeds of the sale of a bond issue made by the County of Fentress in pursuance of the enabling clauses found in Sections 2, 3 and 4 of the Act above referred to, amounting to Seventy-five Thousand (\$75,000.00) Dollars principal, and Ten Thousand \$10,000.00) Dollars premium, in all Eighty-five Thousand (\$85,000.00) Dollars, and

WHEREAS, There is in the hands of the Alvin C. York Foundation the sum of \$10,000.00 available and ready to be turned over for the benefit and use of the Alvin C. York Agricultural Institute in accordance with the provisions of Section 7 of the Act aforesaid; and

WHEREAS, W.L. Wright has conveyed to the Board of Trust of the Alvin C. York Agricultural Institute a certain tract or tracts of land, consisting of about 103 63/100 acres, near and adjacent to the town of Jamestown, in accordance with the provisions of Section 9 of the Act aforesaid, the title to which has been examined and approved by the Attorney General of the State; and

WHEREAS, the location of said school has been had and approved as required by said Act, and it has been provided by resolution approved by the State Funding Board, and the Attorney General of the State, that a branch of said school be established and known as the elementary branch thereof, to be located on the present High School site in Jamestown, and that for the purpose of constructing suitable buildings and equipment, there has been set apart, out of the total funds provided for, to witt (sic): The \$50,000.00 State fund, and the \$50,000.00 County fund, and the \$10,000.00 York Foundation fund--a sum not in excess of Twenty-five Thousand (\$25,000.00) Dollars; and

WHEREAS, some controversy has arisen between the members of the Board of Trust as to the management and disposition of the funds and other matters relating to the development of said school;

Therefore, and in order to reconcile all differences, and to secure the speedy establishment thereof:

SECTION 1. That Chapter 809 of the Private Acts of 1925, providing for the establishment of the Alvin C. York Agricultural Institute at Jamestown, Tennessee, the caption of which is recited in the caption hereof, be and the same is hereby amended so as to abolish the Board of Trust named in Section 6 of the Act and elsewhere therein, and to substitute, in lieu thereof, the members of the State Board of Education (and their successors in office) and Alvin C. York, who shall constitute the Board of Trust created, established and referred to in the Act aforesaid, and shall be charged with all the duties and clothed with all the powers of the Board of Trust mentioned therein; it being the intention that Alvin C. York shall be one together with the members of the State Board of Education constituting the Board of Trust provided for by said Act. The said substituted Board of Trust shall succeed to all the rights and duties originally conferred by said Act upon the Board of Trust named therein, or that may be imposed hereby, and the old Board and its members are hereby discharged and released from all duties and obligations imposed therein upon them, and shall be required to perform no further or other duties in connection therewith, and none of the duties imposed hereby. All records, papers, documents and property in the hands of the old Board of Trust shall be turned over to the Board of Trust of the Alvin C. York Agricultural Institute hereby substituted.

SECTION 2. That said Chapter 809 of the Private Acts of 1925 be and the same is hereby further amended so as to provide:

1. The said substituted Board of Trust composed of the State Board of Education and Alvin C. York shall proceed forthwith to carry out and execute (sic) all of the terms, provisions and conditions imposed by said Act upon the Board of Trust and as amended hereby.
2. The Board of Trust shall proceed immediately to the assembling of all the funds available for the purposes of the original Act, that is to say, of the \$50,000.00 appropriated by the Act, the \$50,000.00 proceeds of the Fentress County bonds, with its appropriate part of the premium, and the \$10,000.00 in the hands of the Alvin C. York Foundation, and to the construction, erection and establishment of the Alvin C. York Agricultural Institute in accordance with the provisions of the original Act. To accomplish this purpose the said Board of Trust is hereby empowered and given full and complete authority to receive and handle each and all of the funds hereinbefore specified; the \$10,000.00 in the hands of the Alvin

C. York Foundation will be paid directly to the said Board of Trust, which is authorized to receive and receipt for the same as being in full compliance with all the provisions of the trust under which said fund is held; the \$50,000.00 appropriated by the original Act shall likewise be paid over to said Board of Trust, and full power and authority is given to it to receive and receipt for the same, and the Comptroller of the Treasury and any other State official required by law to act in the matter, are required and directed to issue each voucher or receipt, and to pay over into the hands of the said Board of Trust of said fund of Fifty Thousand (\$50,000.00) Dollars appropriated by the Act. The said Board of Trust is hereby directed, upon the receipt of the said (sic) \$50,000.00 State fund and the \$10,000.00 Alvin C. York Foundation fund, to deposit the same in some solvent and suitable bank in Fentress County, preferably in the Farmers Bank of Jamestown, if suitable security be given thereof, and to draw upon the same and expend it only as the same may be needed in connection with the building and establishment of the school. The said Board of Trust is also empowered to draw upon the Trustee of Fentress County for the funds in his hands due to the York School, to-wit, \$50,000.00 proceeds of the Fentress County bonds, and the proportionate part of the \$10,000.00 premium, but this fund will only be drawn upon when required and needed in connection with the building and construction of the school aforesaid. The Trustee may keep said funds on deposit with the Jamestown Bank until the same has been expended, provided said bank shall furnish (sic) proper security therefor.

SECTION 3. That said Chapter 809 of the Private Acts of 1925, be further amended as follows:

The Board of Trust hereby created shall proceed to build and properly equip the buildings for school purposes, either on the W.L. Wright 103.63 acre tract, which has been deeded to the Insittute (sic), located about one mile north of the courthouse in Jamestown, or upon any other suitable land adjacent thereto which the Board of Trust may procure with good and unencumbered title; Provided, that it shall be the duty of said Board of Trust to construct and build an elementary branch of said school upon the Jamestown High School site of about 12 acres, expending for that purpose only such sum as in their judgment and discretion may be necessary, but in no event to exceed the sum of Twenty-five Thousand (\$25,000.00) Dollars.

SECTION 4. That said Chapter 809 of the Private Acts of 1925 be further amended by striking out all of said Act which in any way conflicts with any of the provisions of this amendatory Act.

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

Approved: April 1, 1927.

Education/Schools - Historical Notes

Board of Education

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

1. Private Acts of 1937, Chapter 622, provided for the election of members of the County Board of Education for Fentress County. The Board consisted of five members who were to be elected from five districts. No two of whom could reside in the same district. Each member was to serve a two year term.
2. Private Acts of 1987, Chapter 39, amended this act by raising the Board Members compensation from \$15 to \$100 for each day's attendance up to six days. However, the act was not approved locally and did not become effective.
3. Private Acts of 2006, Chapter 121, amended Private Acts of 1972, Chapter 251, as amended by Private Acts of 1994, Chapter 160, and Private Acts of 1998, Chapter 149, relative to compensation of members of the county board of education in Fentress County. The act proposed to compensate members at a rate of \$100 per day for each day's attendance at meetings of the county board of education. This act never received local approval.

Superintendent or Director of Schools

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

1. Private Acts of 1937, Chapter 216, established the office of county superintendent of schools in counties having a population of not less than 11,030 nor more than 11,040 under the federal census of 1930 to be elected by the people at the regular biennial August elections, beginning the first Thursday in August, 1938, and every two years thereafter. Later, T.C.A. § 49-2-301(d) provided that county superintendents of schools be elected for four (4) year terms.

General Reference

The following acts constitute part of the administrative and political heritage of the educational structure of Fentress County but are no longer operative since they have either been superseded, repealed, or failed to receive local approval.

1. Private Acts of 1826, Chapter 176, incorporated the Mount Cumberland Academy in Fentress County. The act appointed John Redgan, William Travis, Erby Alberson, John Crofford, Samuel Odle, Strother Frog, James Finely, John Guinn and John Evans as Trustees of the Academy. The Trustees were given the authority to select and purchase a site for the Academy in Jamestown.
2. Private Acts of 1831, Chapter 131, appointed Joseph H. Schooler, William H. McGee, Hannibal Clemmins, William Richardson, William Chilton, Jr., James Campbell, William H. Atkinson, John H. Rogers and H. C. Rogers as Trustees of Mount Cumberland Academy in Fentress County.
3. Private Acts of 1835-36, Chapter 100, gave the Fentress County Court authority to remove and replace any Trustee of the Mount Cumberland Academy, if in the discretion of the court it was believed that the safety of the Academy required such actions.
4. Acts of 1855-56, Chapter 267, authorized the school Trustees to pay out all school funds that might come into their hands from the sale of land to Fentress County, in the same manner as other funds received by them.
5. Acts of 1907, Chapter 143, created a special school district in the Fourteenth Civil District of Fentress County. The school was to be designated and known as "Wilder District No. 14". Dock Morgan, Alexander Boles and D. L. Sparks were appointed the School Directors. They were to serve until the next regular election for School Directors in Fentress County. The Trustee of Fentress County was authorized by this act to apportion this special school district all funds then on hand or funds to be collected for that District.
6. Acts of 1907, Chapter 217, created a school district in the First District of Fentress County to be known as the "Jamestown School District of Fentress County." W. W. Wood, J. T. Wheeler and J. L. Garrett were appointed the School Directors. They were to serve until the next regular election for School Directors in Fentress County. The Trustee was authorized by this act to apportion to this school district its rate pro rata of all school funds or those funds that would come into his hands.
7. Acts of 1909, Chapter 494, required parents or guardians of children over eight years old and under fourteen years old to direct such children to attend some public school four months or eighty consecutive days each year. This act applied to Fentress and other Counties. Failure to comply with the provisions of this act was a misdemeanor. A fine of \$1 per day a child was absent was the penalty upon conviction. Cost of prosecution was to be paid out of the public school fund of the county. Those children enrolled in private or parochial schools, those who had covered the subjects required by law were exempted from the provisions of this act. Those children with a mental condition or those who were needed by the family to work were also exempt. This act was amended by Private Acts of 1911, Chapter 221. This amendment made the act applicable to counties have a population of not less than 90,000 and not more than 120,000 persons. Public Acts of 1978, Chapter 716, repealed Acts of 1909, Chapter 494 and the amendment, Private Acts of 1911, Chapter 221.
8. Private Acts of 1921, Chapter 807, exempted from any further examination all teachers in Fentress County who had forty consecutive years experience. Such teachers were to receive their teaching certificate from the State Department of Education upon application and affidavit that they had such teaching experience.
9. Private Acts of 1927, Chapter 803, authorized the citizens of Fentress County who had taught in public schools not less than fifty consecutive years to be entitled to be enrolled by the County Board of Education upon a list to be known as County Teacher's Pension List provided they remain in Fentress County.
10. Private Acts of 1937, Chapter 622, was the first act providing for the popular election of the County Board of Education. The Board consisted of five members who were to be elected from five districts. No two of whom could reside in the same district. Each member was to serve a two year term. This has now been superseded by the current law.

Chapter VII - Elections

Elections - Historical Notes

Districts - Reapportionment

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

1. Acts of 1903, Chapter 392, divided Fentress County into five Civil Districts. The new districts were to be composed of one or more old districts. The polling places would remain the same throughout the county. The act provided that an election be held for the purpose of electing Justices and Constables for each district.

Elections

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

1. Private Acts of 1829, Chapter 129, provided that the comparing of votes in the election for Governor, members to Congress and members to the General Assembly would be held at the house of Henry Matlock in Overton County on the first Monday after the first Thursday and Friday in August for the Counties of White, Overton, Fentress and Jackson.
2. Private Acts of 1831, Chapter 69, authorized the proper officer to open and hold a precinct election at Rodgers' Store in Poplar Cove in Fentress County, for the purpose of electing field officers in Fentress.
3. Acts of 1842 (2nd Sess.), Chapter 7, placed Fentress, Overton, Jackson, White, DeKalb, Van Buren, Warren and Coffee Counties in the Fourth Congressional District.
4. Private Acts of 1857-58, Chapter 90, provided that the polls of the election for Joint Representative from Scott, Morgan and Fentress Counties were to be compared at Jamestown, in Fentress County, on the first Monday succeeding the election days.
5. Acts of 1903, Chapters 544 and 573, were duplicate acts that created a Civil District in Fentress County to be known as the Fourteenth Civil District. The act provided for the election of two Justices of the Peace and one Constable for said District. Weder was designated as the voting precinct. These acts apparently had no effect since the same legislature subsequently redistricted the county into five Civil Districts. (See Acts of 1903, Chapter 392 found on the preceding pages of this volume).
6. Private Acts of 1949, Chapter 49, fixed the compensation of election officials at \$2 per day in Fentress County, for one day only. Payment was to be made from the County Treasury.

Chapter VIII - Health

Health - Historical Notes

The following summaries are included herein for reference purposes.

1. Private Acts of 1927, Chapter 372, authorized persons who had been regular clerks under a registered pharmacist for not less than ten years, to conduct the business of druggist in Fentress County, upon payment of the license fee prescribed by law but without any examinations.
2. Private Acts of 1957, Chapter 27, authorized Fentress County to build, maintain, equip and operate a county hospital; and this act also contained authorization for a bond issue to fund the construction of the county hospital.

Chapter IX - Highways and Roads

Road Duty

Private Acts of 1941 Chapter 369

SECTION 1. That in counties of this State having a population of not less than 14,250, nor more than 14,270, by the Federal Census of 1940, or any subsequent Federal Census, no person shall be compelled to perform manual labor upon the roads of said County or in lieu thereof to commute by payment thereof.

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

Passed: February 11, 1941.

Road Law

Private Acts of 1965 Chapter 233

SECTION 1. That Chapter 526 of the Private Acts of 1945, the caption of which is recited in the caption hereof, and all Acts amendatory thereto, be and the same is hereby repealed as of the first day of September, 1966, but will remain in full force and effect until said date, and on said date any office created by such 1945 Act, or amendments thereof, is abolished.

SECTION 2. That in order to establish a system for the construction, repair, maintenance and operation of a road system in all counties of this state having a population of not less than 13,200 and not more than 14,000 according to the Federal Census of 1960 or any subsequent Federal Census in lieu of the system created by the Act repealed in the first Section hereof, there is hereby created the office of Road Supervisor who shall be elected at the next general election in August, 1966, who shall hold his office for a term of four years or until his successor is elected and qualified, provided that no member of the County Court shall be eligible to the office of Road Supervisor. The said Road Supervisor shall take his oath of office on the first day of September, 1966, and shall take over and perform the duties of his office on the first day of September, 1966, and before he assumes the duties and obligations of his office he shall be required to make an indemnity bond, to be paid out of said gas tax, in an amount to be determined by the quarterly county court and to be approved by such court, with some solvent bonding company authorized to do business in Tennessee, payable to the county that he will faithfully and honestly comply with the requirements of his office. The said County Road Supervisor may be removed from office as other public officials are removed from office. In case of vacancy in office of the Road Supervisor, and occurring while the Quarterly County Court is not in session, the same shall be filled by appointment made by the Judge or Chairman of the County Court, to hold until the next meeting of the Quarterly County Court when the vacancy will be filled by the Court until the next regular August election. The Road Supervisor shall be a resident of the county, a freeholder, and known to be a well qualified man with ability to deal with the public and to handle efficiently and ably the workers under his supervision. The said Road Supervisor shall devote his entire time to the duties of his office which may be increased or diminished from time to time. In the event the county needs his services in connection with other road construction or in securing rights-of-way for other roads or highways not directly under his supervision, he must make himself available. The said Road Supervisor, when elected under this Act, shall receive Ten Thousand Dollars (\$10,000.00) per year, payable in equal monthly installments for his services, and in addition thereto he shall be allowed a county owned pickup truck to make his trips over the county roads, said upkeep and gas used in this county owned truck shall be paid out of the county road fund, as well as all salaries incident to the various road operations, shall be paid from said road fund. Said road fund is created by the gas tax received from the State and should at any time this gas tax be withheld for any cause from the county, then all expenses of road building, including salaries, shall terminate and payments cease. The bookkeeper hereinafter named shall draw his, or her, pay from the road or gas fund the same as other payments are made. The Road Supervisor shall maintain an office or offices at the county garage or place provided by the county therefor, and shall see that all trucks and other machinery are left at such garage at the end of each work day, except for such machinery that for reasons of economy to the county is left at the site of road operations where it is to be used next following such day.

As amended by:

Private Acts of 1974, Chapter 193

COMPILER'S NOTE: See T.C.A. 54-7-108 for the current bond amount.

SECTION 3. That the Road Supervisor shall have general supervision of all common and graded and macadamized roads in the county, other than the State and Federal Highways. He shall have control of the funds derived from taxation or otherwise for the construction and maintenance of all roads in the county under the limitations hereinafter provided for. It shall be the duty of the Road Supervisor to purchase all machines, tools, supplies, etc., under the rules of public advertising for sealed bids for each month's supplies upon estimates or requisitions. All bids to be opened on a fixed date in the office of the County Judge or Chairman in the presence of the County Judge or Chairman, the Clerk of the County Court and the Road Supervisor, and the contract for purchase awarded to the lowest and best bidder. An emergency fund of Five Hundred Dollars (\$500.00) is hereby set up each month and the same to be used by the Road Supervisor in the purchase of materials, machinery and other articles necessary for the carrying on of his duties as such Road Supervisor, and any of this money expended by him during the month shall be accounted for at the end of each month in full. Any of said fund not expended at the end of the month shall revert to the general road fund of the county. It shall be the duty of the Road Supervisor to take receipts showing the full amounts paid for such purchases from any company, firm, individual or from any source that said purchases shall be made and to file said receipts along with his reports to be made monthly, with the Clerk of the County Court, which shall become a part of the road records and which shall be kept

as a public record. The Road Supervisor shall not incur any debt beyond the sum set apart for roads for each current year, and at the expiration of his term of office any and all debts so incurred shall become an obligation against himself and his bondsmen and shall be collected by the county as other debts, and when paid shall be returned to the county road fund. He shall keep or cause to be kept a record of all his actions, preserve all papers, accounts, petitions and reports which may come into his hands and which shall become public records, subject to inspection to any one who may desire to see them. He shall, before giving orders for payment, carefully audit the accounts of overseers and other persons employed by him. He shall keep a complete and full record of all claims which he orders paid and shall issue a warrant to the Trustee for payment which shall constitute a charge against the county road fund. The Road Supervisor shall make or cause to be made a complete detailed report to each Quarterly County Court term, same to be made out in duplicate, one to be retained in the office of the Road Supervisor and the other to be filed with the County Court Clerk for public view. At the first session each year of the Quarterly County Court, a complete inventory of all the county's road machinery, tools and all other property shall be shown in said report, showing in what repair same is at the beginning of each year as well as to show in said report the conditions of each district's roads and bridges.

As amended by: Private Acts of 1988, Chapter 168

SECTION 4. That said Road Supervisor shall have the authority and it shall become his duty to lay out all roads in the county and classify them into First-class, Second-class and Fourth-class roads. First-class roads shall not be less than 24 feet in width, Second-class not less than 18 feet wide, Third-class not less than 14 feet wide, and Fourth-class not less than 9 feet wide. Said Road Supervisor can make any changes in the county roads as the public needs may require by cutting down grades, ditching, cutting off rights-of-way, opening or closing by mutual consent with interested parties to adjacent properties by written agreement. None of the public road funds shall be spent on private roads, without first laying them off and designating them as public roads, to be included within the above classes to be kept open to the public. Any other method for opening public roads shall be within the provisions of the general law of condemnation procedure. It is further provided, that the Road Supervisor shall have control of the building, repairing and maintaining of all bridges and culverts within the county road system, and shall buy only first-class material for the use in the construction and repairing of said bridges.

SECTION 5. That the Road Supervisor shall have full power to hire and to fire men employed to do road work. He shall fix their wages, which shall be in accordance with the prevailing wage scale for like work in the community where their work is performed, he shall have the authority and it shall be his duty to get the best qualified men to use for the operation of the county's machinery.

SECTION 6. That the Road Supervisor shall have authority to appoint a bookkeeper, prescribe his, or her, duties, and fix his, or her, compensation at Two Hundred Dollars (\$200.00) per month, and said bookkeeper shall serve at the pleasure of said Road Supervisor. Said bookkeeper is to keep all the records of the County Highway Department and is to work in the office of the Road Supervisor. No member of the County Court shall be eligible for the office of bookkeeper for said County Highway Department. Said compensation of said bookkeeper when fixed shall be paid from the county's gas tax road fund and chargeable thereto. Before said bookkeeper assumes the duties and obligations of his, or her, office, he shall be required to make indemnity bond in the amount of One Thousand Dollars (\$1,000.00) with good and sufficient security, approved by said Road Supervisor, payable to the county, that he will faithfully and honestly comply with the requirements of his office.

SECTION 7. That this Act shall be liberally construed and interpreted, and its provisions are hereby declared to be severable. If any of its sections, provisions, exceptions, sentences, clauses, phrases or parts be held unconstitutional or void, the remainder 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 therein.

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

SECTION 9. That this Act shall have no effect unless the same shall be approved by a majority of the voters voting in an election to be held for such purpose. Within 15 days after the approval of this Act by the Governor, or after its otherwise effective date, it shall be the duty of the county board of election commissioners of the county to which this Act applies to call an election for the county to be held not less than 20 nor more than 40 days from the date of such call for the purpose of accepting or rejecting the provisions of this Act. The ballots used in such election shall have printed thereon the title of this Act and voters shall vote for or against its adoption. The votes cast at such election shall be canvassed by the county board of election commissioners upon the first Monday occurring 5 or more days next after the date of such election and the results shall be proclaimed by such board and certified to the Secretary of State. The qualification of voters shall be that provided by law for participation in general elections and all laws applicable to general elections shall apply to an election held hereunder. The cost of said election shall be paid by the county to which this Act applies.

SECTION 10. That this Act shall take effect for the purpose of holding the validating election, and for the purpose of permitting the qualification of candidates for nomination and election to the office created herein from and after its passage; for all other purposes this Act shall take effect on the first day of September, 1966, the public welfare requiring it.

Passed: March 19, 1965.

Highways and Roads - Historical Notes

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

1. Private Acts of 1826, Chapter 173, authorized John Brown and Robert Burke, as owners of the Cumberland Turnpike Road, to build and keep a gate on said road. The act authorized them to collect a road toll for each person using it. The owners had the duties of repairing the road and had the authority to change the direction of the road out of the counties of Fentress and Morgan.
2. Acts of 1843-44, Chapter 194, allowed the proprietor of Scott's Turnpike road to keep one gate in Fentress County.
3. Acts of 1845-46, Chapter 160, repealed Acts of 1843-44, Chapter 194, above, by making it unlawful for the proprietor to keep a gate upon Scott's Turnpike road.
4. Acts of 1849-50, Chapter 154, appointed William R. Campbell, David Hall, Sr. and Mitchell H. Frogge Commissioners of the Montgomery Turnpike Road.
5. Acts of 1901, Chapter 136, was a statewide road law for all counties in Tennessee under 70,000 in population. The County Court in each county would select a Road Commissioner at its January meeting for each road district. The road districts would be coextensive with the County Civil Districts. The act detailed the duties of the Road Commissioners and the road section overseers to be appointed by the Commissioners. Male residents of the County were subject to road work but could commute the duty by paying a fee. Prisoners of the County were also subject to road work. A tax levy was authorized not to exceed twenty cents per \$100 valuation.
6. Private Acts of 1913, Chapter 260, was the first road law for Fentress County enacted by private act. This act created a three member Board of Public Road Commissioners who were to have general supervision of the County's roads and bridges and also created the office of Superintendent of Public Roads who was to have personal, everyday supervision of the county road system. All of these officers were to be elected by the County Court. This was repealed by Private Acts of 1917, Chapter 193.
7. Private Acts of 1917, Chapter 291, was the first special road law for Fentress County. The County Court was authorized to select a Road Commissioner from each of the Civil Districts to serve two-year terms but those Commissioners then in office would continue until their terms expired. The Commissioners would be sworn and bonded, would lay off his district into road sections, classify the roads, appoint overseers and road hands to perform the work. A road tax was authorized from fifteen to thirty cents per \$100 valuation to be collected by the Trustee. All males between twenty-one and forty-five years of age would work not less than 5 nor more than 8 days to each man for road service at 9 hours per day.
8. Private Acts of 1919, Chapter 188, repealed Private Acts of 1917, Chapter 291, above. In addition, the act authorized the Quarterly County Court of Fentress County to select a Road Commissioner for each Civil District to serve a one-year term but those Commissioners then in office would continue until their terms expired. The Commissioners were required to be sworn and bonded before entering their duties. Each Commissioner had the duty to appoint overseers in the districts, who would serve a one-year term. A road tax was authorized from fifteen to forty cents per \$100 valuation to be collected by the Trustee. All males between twenty-one and forty-five years of age, could work between 3 to 8 days at 9 hours per day.
9. Private Acts of 1929, Chapter 173, returned to a form of county-wide supervision of the road system. This act created a County Highway Commission, to consist of the County Judge, the County Trustee and the County Court Clerk, with the County Judge acting as Chairman of the Commission. All authority that had been vested in County or District Road Commissioners or Bridge Commissioners was given to the County Highway Commission. The County Highway Commission was authorized by this act to employ a Superintendent of Roads whose duties would be those previously performed by the District Road Supervisors.
10. Private Acts of 1937, Chapter 212, amended Private Acts of 1929, Chapter 173, above, by

allowing the people to elect and fix the term of service, the qualification, bond and oath of members of the Commission.

11. Private Acts of 1943, Chapter 287, repealed Private Acts of 1929, Chapter 173, as amended by Private Acts of 1937, Chapter 212, both above.
12. Private Acts of 1943, Chapter 317, created the office of County Road Supervisor for Fentress County and placed supervision and control of the county roads in this office. The County Road Supervisor was to be elected by the Quarterly County Court for a one year term and no member of the County Court could serve as Road Supervisor. The County Road Supervisor had the authority to oversee construction, operation, maintenance and repair of the roads and were vested with the power of eminent domain. The County Road Supervisor was required to execute a bond. Compensation for the Supervisor was \$100 per month.
13. Private Acts of 1945, Chapter 526, created a County Highway Commission, composed of five members, one to be elected from each of the five Civil Districts by the voters of that District. The Commissioners were to select a Superintendent of Highways who would have day-to-day supervision of the county road system, under their general control. This act was amended by Private Acts of 1949, Chapter 291, to limit the per diem and expenses paid the members of the commission to not more than \$50 in any one calendar month, and to raise the salary of the superintendent to \$2400 annually. This 1949 amendatory act was itself amended by Private Acts of 1957, Chapter 110, to increase the salary of the Superintendent of Highways in Fentress County to \$3600 annually.
14. Private Acts of 1945, Chapter 527, repealed Private Acts of 1943, Chapter 317, above.
15. Private Acts of 1965, Chapter 233, repealed Private Acts of 1945, Chapter 526, above.

Chapter X - Law Enforcement

Law Enforcement - Historical Notes

Militia

Those acts once affecting Fentress County, which related to the militia and to other law enforcement agencies other than the sheriff, are mentioned below in chronological order.

1. Private Acts of 1824, Chapter 154, provided that the Governor number the regiment of the militia of Fentress County that was to be attached to the 8th Brigade.
2. Acts of 1839-40, Chapter 56, declared that all white males between the ages of eighteen and forty-five would compose the State of Tennessee Militia. Some persons were exempted including judges, ministers of the gospel, postmasters, grist mill keepers, jailers, and public-ferry keepers. The militia residing in each company would be commanded by one Captain, one First Lieutenant, one Second Lieutenant, one Ensign, three corporals and three sergeants. They would be elected by those in each company and would hold office five years. No company could be composed of less than forty-five privates. The field officers in Fentress County had the duty to attend the first battalion muster ground on the Saturday before the regimental muster. The removal of muster places was only allowed by a two-thirds vote of the officers present at a regimental court martial. Fentress County composed the 46th Regiment. Regimental musters were held in each Regiment in Tennessee in the month of October of every year. Some Regiments in each Brigade were exempted from the normal muster meeting by the act. The counties of Fentress, Overton, White and Jackson composed the Eighth Brigade, which was a part of the 4th Division.

Offenses

The act briefly summarized below fell into this category in Fentress County.

1. Private Acts of 1967-68, Chapter 97, specified how fireworks were to be regulated in Fentress County. The act made it a misdemeanor for any person, firm or corporation to possess, store, use, manufacture, or sell pyrotechnics in Fentress. The act did not apply to persons, firms or corporations conducting public displays of pyrotechnics by contract or arrangement with any state fair, patriotic assembly or similar public function. The act defined pyrotechnics as any sparkler, squib, rocket, firecracker, roman candle, fire balloon, flashlight composition, fireworks or composition used to obtain a visible or audible display. Such contraband was subject to confiscation when found within the boundaries of Fentress County. This act was declared to be unconstitutional because regulation of firecrackers in one particular county was not in its

governmental or proprietary capacity. Jones v. Haynes, 221 Tenn. 50, 424 S.W.2d 197 (1968).

Sheriff

The following acts have no current effect but are included here for reference purposes since they once applied to the Fentress County Sheriff's Office.

1. Private Acts of 1929, Chapter 249, provided that the Sheriff in Fentress County would receive \$600 annually. The Sheriff was assigned to receive all fees collected by his office in the exercise of the duties of he and his deputies.
2. Private Acts of 1949, Chapter 48, raised the annual salary of the Sheriff to \$2,100, payable at a monthly rate of \$175. This was in addition to the fees of office then received by sheriffs.

Chapter XI - Taxation

Assessor of Property

Private Acts of 1959 Chapter 200

SECTION 1. That in counties of this state with a population of not less than 14,915 nor more than 14,920, by the Federal Census of 1950, or any subsequent Federal Census, the Quarterly County Court shall appropriate to the County Tax Assessor a sum not in excess of \$1,600 in any calendar year for the purpose of providing him clerical and stenographic assistance and to be expended for his expenses in the discharge of his official duty, provided however, that no more than \$200 per month shall be expended by him in any calendar month.

Such sums as he may expend for the above mentioned purposes shall be paid to him upon his sworn statement that he has expended the sums set out, which sworn statement shall be filed in the office of the County Court Clerk in counties to which this Act applies, shall be a public record and open for inspection by any taxpayer.

SECTION 2. That this Act shall be void and of no effect unless within six months (6) from the date of final legislative action thereon the same shall be approved and ratified by a two-thirds majority of the Quarterly County Court.

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

Passed: March 19, 1959.

Hotel/Motel Tax

Private Acts of 2000 Chapter 82

SECTION 1. For the purposes of this Act:

- (a) "Clerk" means the County Clerk of Fentress County, Tennessee.
- (b) "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.
- (c) "County" means Fentress County, Tennessee.
- (d) "Hotel" means any structure or space, or any portion thereof, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist camp, tourist court, tourist cabin, motel, or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.
- (e) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.
- (f) "Operator" means the person operating the hotel whether as owner, lessee or otherwise, and shall include governmental entities.
- (g) "Person" means any individual, firm, partnership, joint venture, association, social club,

fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, governmental unit other than the United States or any of its agencies, or any other group or combination acting as a unit.

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

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

SECTION 3. The proceeds received by the county from the hotel tax shall be designated and used for:

- (a) the promotion and support of tourism in the county; and
- (b) the support of industrial development and recruitment for the county.

SECTION 4. Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of the hotel and given directly or transmitted to the transient and shall be collected by such operator from the transient and remitted to Fentress County.

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

SECTION 5. (a) The tax levied shall be remitted by all operators who lease, rent or charge for any rooms or spaces in hotels within the county, to the county clerk or such other officer as may by resolution be charged with the duty of collection thereof, said tax to be remitted to such officer not later than the twentieth (20th) day of each month for the preceding month. The operator is required to collect the said tax from the transient at the time of the presentation of the invoice for said occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient, then the obligation to the county entitled to such tax shall be that of the operator.

(b) For the purpose of compensating the operator in accounting for remitting the tax levied by these sections the operator shall be allowed two percent (2%) of the amount of the tax due and accounted for and remitted to the clerk in the form of a deduction in submitting the report and paying the amount due by such operator, provided the amount due was not delinquent at the time of payment.

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

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

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

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

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

SECTION 10. The county clerk in administering and enforcing the provisions of the act shall have as

additional powers, those powers and duties with respect to collecting taxes as provided in Title 67, Tennessee Code Annotated, or otherwise provided by law for the county clerks.

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

Upon any claim of illegal assessment and collection, the taxpayer has the remedies provided in Title 67, Tennessee Code Annotated, it being the intent of this Act that the provisions of law which apply to the recovery of state taxes illegally assessed and collected shall also apply to the tax levied under the authority of this Act. The provisions of Tennessee Code Annotated, Section 67-1- 707 shall be applicable to adjustments and refunds of such tax.

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

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

SECTION 11. The proceeds of the tax authorized by this Act shall be allocated to and placed in the General Fund (or other fund) of Fentress County to be used for the purposes stated in Section 3 of this Act.

SECTION 12. The tax levied pursuant to the provisions of this Act shall only apply in accordance with the provisions of Tennessee Code Annotated, Section 67-4-1425.

SECTION 13. The operation of this Act and percentage of tax shall be reviewed by the County Legislative Body of Fentress County, Tennessee, in four years from the date this Act is approved by the County Legislative Body of Fentress County.

SECTION 14. 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 15. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the County Legislative Body of Fentress County. Its approval or nonapproval shall be proclaimed by the presiding officer of the County Legislative Body to the Secretary of State.

SECTION 16. For the purpose of approving or rejecting the provisions of this Act, it shall be effective thirty (30) days after approval by the County Legislative Body of Fentress County, Tennessee, as described in Section 15, the public welfare requiring it.

Passed: February 16, 2000.

Taxation - Historical Notes

Assessor of Property

The following acts were superseded, repealed or failed to win local ratification, but they are listed here as a reference to laws which once affected the Fentress County Assessor.

1. Acts of 1905, Chapter 445, authorized the Fentress County Assessor to assess all real estate in the county and to collect taxes for the year 1905, even though no new real estate assessment was provided for by law until 1906. This act was necessary since tax schedules, tax duplicates and tax books showing the assessments of taxes in the County of Fentress for the year 1904 were destroyed by fire and the last assessment record was for the year 1902.
2. Private Acts of 1951, Chapter 690, set the assessor's salary at \$1800 annually, payable out of the County Treasury.

Taxation

The following act once pertained to taxation in Fentress County but is no longer effective.

1. Public Acts of 1870-71, Chapter 50, authorized the counties and the cities of this State to levy taxes for County and municipal purposes under the following conditions: (1) that all taxable property would be taxed according to its value upon the principles established in regard to state taxation, and (2) that the credit of a county or city not be loaned to any person, firm, or corporation, unless the action was first approved by a majority of the County Court and the issue submitted for approval to the voters. A three-fourths vote was required for approval. Fentress and other counties were exempted for ten years from the three-fourths majority vote requirement, so that a simple majority would be sufficient.

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