



April 29, 2024

Putnam

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

Putnam	4
Chapter I - Administration	5
County Attorney	5
Private Acts of 1996 Chapter 200	5
County Mayor/County Executive	5
Private Acts of 2004 Chapter 126	5
Mobile Home Parks and Trailer Courts	6
Private Acts of 1977 Chapter 147	6
Purchasing	6
Private Acts of 1981 Chapter 63	6
Retirement System	7
Private Acts of 1951 Chapter 353	7
Private Acts of 1965 Chapter 128	7
Administration - Historical Notes	8
Chapter II - Animals and Fish	11
Foxes	11
Private Acts of 1955 Chapter 204	11
Livestock Inspector	11
Private Acts of 1957 Chapter 269	12
Animals and Fish - Historical Notes	12
Chapter III - Bond Issues	14
Bond Issues - Historical Notes	14
Chapter IV - Boundaries	16
Creation of Putnam County	16
Acts of 1841-42 Chapter 169	16
Acts of 1845-46 Chapter 75	18
Acts of 1855-56 Chapter 320	19
Change of Boundary Lines	23
Private Acts of 1857-58 Chapter 129	23
Private Acts of 1905 Chapter 538	24
Private Acts of 1915 Chapter 477	24
Private Acts of 1955 Chapter 414	24
Private Acts of 1961 Chapter 220	26
Private Acts of 1961 Chapter 364	26
Private Acts of 1965 Chapter 113	26
Public Acts of 1972 Chapter 554	27
Public Acts of 1987 Chapter 103	27
Boundaries - Historical Notes	27
Chapter V - Court System	32
Criminal Court	32
Private Acts of 1907 Chapter 85	32
Depositions	33
Private Acts of 1921 Chapter 598	33
General Sessions Court	34
Private Acts of 1949 Chapter 125	34
Small Claims Court of Putnam County	36
Private Acts of 1996 Chapter 209	36
Probate Court	39
Private Acts of 1965 Chapter 229	39
Private Acts of 1981 Chapter 63	40
Court System - Historical Notes	40
Chapter VI - Education/Schools	45
Board of Education	46

Private Acts of 1993 Chapter 90	46
Superintendent of Schools	46
Private Acts of 1935 (Ex. Sess.) Chapter 122	46
Education/Schools - Historical Notes	47
Chapter VII - Elections	50
Elections - Historical Notes	50
Chapter VIII - Health	52
Health - Historical Notes	52
Chapter IX - Highways and Roads	52
Road Law	52
Private Acts of 1989 Chapter 122	52
Highways and Roads - Historical Notes	54
Chapter X - Law Enforcement	58
Department of Law Enforcement	58
Private Acts of 1969 Chapter 84	58
Law Enforcement - Historical Notes	58
Chapter XI - Taxation	59
Assessor of Property	59
Private Acts of 1961 Chapter 165	59
Private Acts of 1980 Chapter 239	59
Hotel/Motel Tax	60
Private Acts of 1979 Chapter 118	60
Litigation Tax	62
Private Acts of 1981 Chapter 60	62
Mineral Severance Tax	62
Private Acts of 1985 Chapter 72	62
Taxation - Historical Notes	64

Putnam



Putnam County Courthouse

Original Compilation By: William C. McIntyre, Legal Specialist
Revised and Edited By: John Joseph King, Legal Specialist, 1984
Updated By: Stephen Austin, Legal Consultant, 2019

Chapter I - Administration

County Attorney

Private Acts of 1996 Chapter 200

SECTION 1. Chapter 459 of the Private Acts of 1949; Chapter 389 of the Private Acts of 1961; and Chapter 349 of the Private Acts of 1974, and any other acts amendatory thereto, relative to the county attorney of Putnam County, are repealed.

SECTION 2. The process shall be that the Putnam County executive shall make a recommendation for county attorney to the County Legislative Body, and the County Legislative Body must ratify the recommendation by a majority vote. The county executive may recommend termination of the county attorney, to be effective upon majority vote ratification by the County Legislative Body.

SECTION 3. The county attorney shall be licensed to practice law in all of the courts of the State of Tennessee and the United States District Court.

SECTION 4. The County Legislative Body of Putnam County shall establish the compensation of the county attorney from time to time.

SECTION 5. It shall be the function and duty of the county attorney to attend all meetings of the County Legislative Body and render advice as to legal matters arising during such sessions, and to render legal advice, legal opinions and other legal services to the county and any of its officials, departments, offices, boards and commissions upon request. It shall further be the function and duty of the county attorney to prosecute all suits instituted by the county and to defend all suits brought against the county or any of its departments, offices, boards and commissions, to represent the county at any hearings before any board or commission and to prepare resolutions at the request of members of the County Legislative Body. The duties of the county attorney shall not include representation of the county in delinquent property tax suits unless separately appointed pursuant to general law.

SECTION 6. In the event that the county attorney employed under this act shall have a conflict of interest which prevents his or her representation of the county or any of its departments, offices, boards or commissions in the prosecution or defense of any lawsuit, the county executive is authorized to employ, with the approval of the County Legislative Body, another attorney for the purpose of representation in such suit.

SECTION 7. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the County Legislative Body of Putnam County. Its approval or nonapproval shall be proclaimed by the presiding officer of the County Legislative Body and certified to the Secretary of State.

SECTION 8. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective September 1, 1998.

Passed: April 24, 1996.

County Mayor/County Executive

Private Acts of 2004 Chapter 126

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

As amended by: Private Acts of 2019, Chapter 4.

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

SECTION 3. For the 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: May 13, 2004.

Mobile Home Parks and Trailer Courts

Private Acts of 1977 Chapter 147

SECTION 1. The Quarterly County Court of Putnam County may adopt by resolution rules and regulations promulgated by the county planning commission pertaining to mobile home parks and trailer courts to provide for the health, safety, and welfare of the residents of such parks and courts.

The Quarterly County Court of Putnam County shall hold at least one (1) public hearing at which members of the public are allowed to express their views prior to adopting any rules or regulations. Notice of the hearing shall be published in a newspaper of general circulation in the county at least two (2) weeks prior to the public hearing.

SECTION 2. Any person who violates any rule or regulation promulgated under the provisions of this Act shall be guilty of a misdemeanor.

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

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

Passed: May 19, 1977.

Purchasing

Private Acts of 1981 Chapter 63

SECTION 1. Chapter 458 of the Private Acts of 1949 and all amendments thereto, which established the office and duties of the County Judge of Putnam County, is hereby repealed in its entirety.

SECTION 2. Chapter 395 of the Private Acts of 1972, which established the office and duties of the County Manager of Putnam County is hereby repealed in its entirety.

SECTION 3. All judicial powers and duties formerly exercised by the County Judge whether pursuant to general law or private act which were transferred to the Judge of the Probate Court of Putnam County September 1, 1974 shall remain with the Probate Judge and he shall continue to have the authority to hire a secretary to help him carry out the duties imposed upon him, subject to the approval of the Putnam County Board of County Commissioners.

SECTION 4. The County Executive shall be the purchasing agent for all departments of the county except the County Board of Education and the Highway Department. These departments may at their option designate the County Executive to act as their purchasing agent and so elect to come under the provisions of this act. Such an election when made shall not be revocable for two years.

SECTION 5.

(a) All purchases of goods, supplies or materials, wherein the sum to be expended from public funds is equal to or in excess of the maximum amount authorized under Tennessee Code Annotated § 5-14-108, shall be made by the County Executive upon competitive bidding after at least ten (10) days' advertisement in a newspaper published in Putnam County. Purchases of like items individually costing less than the maximum amount authorized under Tennessee Code Annotated § 5-14-108, but which are customarily purchased in lots of two (2) or more, must likewise be subjected to the competitive bidding provisions of this subsection if the total purchase price of such like items would equal or exceed the maximum amount authorized under Tennessee Code Annotated § 5-14-108 during any fiscal year.

(b) Except as provided by subsection (a) to the contrary, all purchases of any goods, supplies or materials, wherein the sum to be expended from public funds is one thousand dollars (\$1,000) or more, but not equal to or in excess of the maximum amount authorized under Tennessee Code Annotated § 5-14-108, shall be made after the purchaser has obtained proposals from at least three (3) prospective vendors.

(c) All purchases of any goods, supplies or materials, wherein the sum to be expended from public funds is less than one thousand dollars (\$1,000), may be made by the purchaser without the necessity of competitive bids; however, the County Executive shall use all reasonable efforts to

ensure competition among prospective vendors.

(d) Notwithstanding the provisions of this section to the contrary, if an emergency necessitates immediate purchase of any goods, supplies or materials, then the County Executive may purchase such goods, supplies or materials without the necessity of advertisement or written bids, regardless of the amount of such purchase. However, before making such purchase, the County Executive shall state in writing, over his or her signature, the nature of such emergency and shall file the same with the County Clerk, who shall transcribe the same upon the minutes of the County Commission; and the same shall be a public record and shall be subject to inspection by any interested citizen.

As amended by: Private Acts of 2002, Chapter 112
Private Acts of 2014, Chapter 41

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

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

Passed: March 25, 1981.

Retirement System

Private Acts of 1951 Chapter 353

SECTION 1. That in counties of this State having a population of not less than 26,200, nor more than 26,300, by the Federal Census of 1940, or any subsequent Federal Census, the Quarterly County Court of said counties are hereby authorized to pension any and all employees of said county who have been in the county service for as much as 35 years and who have attained the age of 70, provided, however, that no pension in excess of \$50.00 a month shall be granted by said Quarterly County Court. Said pension shall be payable monthly out of the General County Account.

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

Passed: March 2, 1951.

Private Acts of 1965 Chapter 128

SECTION 1. That the Quarterly County Court of Putnam County, Tennessee, is hereby authorized to provide, by resolution duly adopted, for retirement pay for any County employee who is at least sixty-five (65) years of age and has had active full-time service of at least twenty (20) years with such County, and who has retired therefrom or who has had active full-time service of at least twenty (20) years with such County and is presently totally and permanently disabled from doing gainful work as evidenced by the written certificate of at least two (2) physicians duly licensed and practicing such profession within Putnam County.

The amount of such retirement benefit shall be fixed by such Quarterly County Court at the time it provides for such benefit at an amount not to exceed five dollars (\$5.00) per month multiplied by the number of years of service rendered to the County by such employee, but in no event to exceed one hundred and twenty-five (\$125.00) per month, payable in monthly installments from the general funds of the County.

SECTION 2. [Deleted by Private Acts of 1975, Chapter 12]

SECTION 3. That this Act shall have no effect unless the same shall have been approved by two-thirds (2/3) vote of the Quarterly County Court of Putnam County on or before the next regular meeting of such Quarterly County Court occurring more than thirty days after its approval by the Chief Executive of this State, or after its otherwise effective date. Its approval or nonapproval shall be proclaimed by the presiding officer of the body having jurisdiction to approve, and shall be certified by him to the Secretary of State.

SECTION 4. That this Act shall take effect for the purpose of validating the same as provided for in Section 3 above, from and after its passage, and for all other purposes, on and after July 1, 1965, the public welfare requiring it.

Passed: March 8, 1965.

Administration - Historical Notes

County Attorney

The following acts once affected the appointment, election, or office of the county attorney in Putnam 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 586, established the position of County Attorney for Putnam County who would be appointed by the Governor and hold office until the next January term of the Quarterly Court at which time the County Attorney would be elected by the Court for the ensuing year. An annual salary of \$400, which could not be increased or diminished during the term of office, was provided for this official. The County Attorney would transact all the legal business of the County in court, or otherwise, and no county official had the authority to employ another attorney except at his own personal expense. This Act was repealed by Private Acts of 1945, Chapter 426.
2. Private Acts of 1915, Chapter 421, amended Private Acts of 1911, Chapter 586, by providing that the County Attorney would be elected by the Quarterly Court of the county at its January meeting in 1916 for a term to last until the general August election in 1916 when the Attorney's successor would be elected for two years by popular vote. The annual salary was \$400 which could not be changed during the term. This Act was repealed by Private Acts of 1945, Chapter 426.
3. Private Acts of 1929, Chapter 636, amended Private Acts of 1915, Chapter 421, by increasing the term of office for the County Attorney from two years to four years and by raising the annual salary from \$400 to \$1,000. This Act was repealed by Private Acts of 1945, Chapter 426.
4. Private Acts of 1949, Chapter 459, as amended by Private Acts of 1961, Chapter 389, and Private Acts of 1974, Chapter 349, created the office of county attorney, defined duties, set compensation, and named C. A. Cameron to fill the position of county attorney until September 1, 1950. This act was repealed by Private Acts of 1996, Chapter 200.

County Legislative Body

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

1. Private Acts of 1919, Chapter 323, fixed the per diem rate of pay for the Justices of the Peace in Putnam County at \$3 for each day of attendance at any regular, or called, session of the Quarterly Court, plus such mileage, ferriage and tolls as were allowed under the general law.
2. Private Acts of 1941, Chapter 226, provided that the Quarterly Court of Putnam County would hereafter meet in regular session on the second Monday in January, April, July, and October instead of the first Monday as fixed by general law.
3. Private Acts of 1969, Chapter 30, amended Private Acts of 1919, Chapter 323, by increasing the per diem payments for the Justices of the Peace from \$3 to \$25 per day for each day of attendance at regular, or called, meetings of the Court. This Act also repealed the mileage, ferriage and tolls allowances. This Act has been superseded by T.C.A. 5-5-107.

County Mayor

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

1. Acts of 1855-56, Chapter 253, set up the office of County Judge in every county of the State who would be a person learned in the law and elected by the people for terms of four years. The first election would occur at the general election in 1856 under same regulations as other elections. The Judge must be sworn and commissioned as other Judges were. Quorum Courts were abolished and their responsibilities given to the County Judge who would also preside over the Quarterly Court in place of the Chairman whose duties were also assumed. The Court would meet on the first Monday in every month and the agenda of the Quarterly Court would be disposed of first on the days that Court met. The jurisdiction of the Judge and the Court were spelled out in the Act. The County Judge would also be the accounting officer and general agent of the County and, as such, do and perform the duties enumerated in Section 8 in nine specific assignments. The County Judge was free to practice law in any court except in cases arising from his Court. This Act was repealed by Acts of 1857-58, Chapter 5.

2. Acts of 1875, Chapter 70, abolished the Quorum Courts and vested all their powers and jurisdiction in the Chairman of the County Court. The Chairman was also vested with all the powers, duties and privileges conferred on County Judges.
3. Acts of 1891, Chapter 206, created and regulated the office of County Judge in Putnam County, who would be elected by the voters of the County on the first Thursday in August, 1892, and every eight years thereafter. The County Judge must be of good moral character, learned in the law, thirty years of age or older, and a resident of the county. The Judge would be sworn and commissioned as were other Judges and would have and exercise all the rights, privileges, powers and jurisdiction formerly held by the Chairman of the County Court. This Act amended Acts of 1875, Chapter 70, to conform to the terms of this Act, and the office of County Chairman was abolished after the first Monday in May, 1891. The County Judge would preside over both the county courts and be paid an annual salary of \$350. This Act was repealed by Private Acts of 1949, Chapter 268.
4. Private Acts of 1909, Chapter 581, amended Acts of 1891, Chapter 206, by raising the annual salary of the County Judge from \$350 to \$600.
5. Private Acts of 1925, Chapter 798, amended Private Acts of 1919, Chapter 482, which did not apply to Putnam County, by adding a new Section after Section Five which provided that the qualifications of the County Judge as required by that act would not be so construed as to require the County Judge to be a legally qualified or practicing attorney. This Act was applicable only to Putnam County. This Act was superseded by Article VII, Section I of the 1978 Amendments to the Tennessee Constitution.
6. Private Acts of 1943, Chapter 143, established the qualifications of the County Judge of Putnam County who must be a resident of at least five years, thirty years of age or older, trained in business and learned in the law. The Judge would also be the general agent and accounting officer of the County who was required to keep the books and records specified in the act. The county judge must issue the warrants for the payment of money and report of the County Court on the financial condition and affairs of the County. The Judge was permitted to deputize a clerk to sign his name but only after that Clerk was sworn and bonded. The Clerk's compensation could not exceed \$720 annually. The Judge would be paid, as fixed by Acts of 1891, Chapter 206, and Private Acts of 1909, Chapter 581, \$600 annually but would be paid \$1,800 a year as additional compensation for his other duties. Nothing in this act would be construed as interfering with the incumbent Judge's tenure of office. This Act was repealed by Private Acts of 1949, Chapter 268.
7. Private Acts of 1945, Chapter 278, amended Private Acts of 1943, Chapter 143, by increasing the maximum annual salary of the clerk from \$720 to \$1,020.
8. Private Acts of 1949, Chapter 458, created the office of County Judge of Putnam County effective September 1, 1950. The Judge would be popularly elected to an eight year term, be paid \$3,000 per annum, and receive \$1,800 per year for clerical and stenographic assistance. He would possess the same qualifications required of Circuit Judges, could sit by interchange with the Judge of the General Sessions Court, and serve as fiscal agent for the County. In addition, he would be the purchasing agent for all county departments except the County Board of Education. This Act was repealed by Private Acts of 1981, Chapter 63.
9. Private Acts of 1959, Chapter 166, amended Private Acts of 1949, Chapter 458, by setting the compensation of the County Judge as provided by general law. The Quarterly County Court was authorized to set the compensation of clerical help appointed by the Judge. This Act was repealed by Private Acts of 1981, Chapter 63.
10. Private Acts of 1972, Chapter 395, created the office of County Manager for Putnam County to be elected to a four year term by the voters of the County. He would exercise the same duties, authority, powers and jurisdiction, except those of a judicial nature, as were exercised by the County Judge. His salary was set at \$15,000 per annum. The office of County Judge was abolished and all of its judicial powers transferred to the Judge of the Probate Court of Putnam County. This Act did not receive local approval and never became effective law.

Purchasing

The following acts once affected the purchasing procedures of Putnam County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1941, Chapter 373, was the authority for the Putnam County Quarterly Court to elect a competent person to be the purchasing agent of the county for one year at an annual compensation of \$600, payable monthly, who would be responsible for buying all the supplies

needed for the proper support and maintenance of any and all institutions operated by the county except the roads and schools. All purchases over \$50 would be by competitive bids solicited pursuant to the rules to be promulgated by the Purchasing Agent and the Advisory Purchasing Commission. The Advisory Commission would consist of three people appointed by the Quarterly Court for two years who would be paid \$20 a year. The Purchasing Agent could require security from bidders under certain circumstances. The Agent could appoint a clerk to assist him in the performance of his duties and serve as the secretary to the Advisory Purchasing Commission. The Clerk would be paid \$150 a year, payable monthly out of regular county funds. Emergency purchases could be made if certain conditions were met without observing the formalities of this law. This Act was repealed by Private Acts of 1949, Chapter 163.

2. Private Acts of 1943, Chapter 174, amended Private Acts of 1941, Chapter 373, so as to increase the term of office of the Purchasing Agent from one year to four years. The 1941 Act was further amended to give the Purchasing Agent the sole authority to adopt rules and by abolishing the Advisory Purchasing Commission. This Act was repealed by Private Acts of 1949, Chapter 163.
3. Private Acts of 1949, Chapter 458, made the County Judge the Purchasing Agent of the County for all departments except the schools. This Act was repealed by Private Acts of 1981, Chapter 63.

General Reference

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

1. Acts of 1842 (Ex. Sess.), Chapter 11, appropriated \$225 with which to purchase 45 copies of the Nicholson and Carruther's Digest of the Statute Laws of Tennessee which were to be distributed to the counties of Polk, Van Buren, and Putnam.
2. Acts of 1843-44, Chapter 206, appointed James Bartlet, James Jackson, William R. Vance, Edward Anderson, and John Bohannon, as Commissioners to locate and establish the seat of justice in Putnam County but in doing so they could not go east of White Plains, nor west of Cheek's old place on the road from Gainsborough to Sparta. An election would be held in the event agreement could not be reached on the county seat. When a site was agreed upon, the streets of the town would be laid off and suitable public buildings erected wherein the Judge of the Circuit Court would hold the terms of the Court. The name of the county town would be Monticello.
3. Acts of 1843-44, Chapter 236, was an Act similar to Acts of 1843-44, Chapter 206, except that it corrected the spelling of James Bartlett, William B. Vance and Check's.
4. Acts of 1845-46, Chapter 75, cited in the preamble the decision of Chancellor Bromfield L. Ridley, in Livingston, that the Act creating Putnam County was unconstitutional because the Act reduced the territorial area of both Jackson County and Overton County to less than the minimum specified in the Constitution of Tennessee, but, during the time of the Act establishing the County and the court decision abrogating it, many acts had been accomplished such as marriages, court decisions, registration of deeds and other instruments, and many others which needed to be validated. This Act ratified, confirmed, validated, and legalized all those deeds. (The style of the subject case was Patrick Pool and William Goodbar v. William H. Carr, but we have no other citation).
5. Acts of 1853-54, Chapter 152, made it the duty of the Quarterly Court of Putnam County to levy and collect a tax sufficient for the purpose of paying for the surveying of the County and to pay the Commissioners appointed by the Act establishing the County a reasonable compensation for their services in the reorganization of the County.
6. Acts of 1867-68, Chapter 65, established a three member Board of County Commissioners who would serve three year terms, the initial terms being staggered so that one would be elected each year. The Commissioners must be sworn and bonded and meet at least four times each year. The remaining members of the Board would fill any vacancy which might occur. The duties and powers of the Quarterly Court were all vested in the Board and Magistrates were stripped of their authority and relieved of all their duties. The Chairman of the Board in Putnam County would be paid \$200 each year and each of the associate members \$150 each year. This Act was repealed as to Putnam County by Acts of 1869-70, Chapter 6.
7. Acts of 1869-70, Chapter 49, repealed Acts of 1867-68, Chapter 65, and revived all laws repealed by Acts establishing County Commissioners.
8. Acts of 1869-70, Chapter 119, was identical to Acts of 1869-70, Chapter 49.
9. Acts of 1897, Chapter 124, set the annual salary for several county officials which was based upon

the population of the respective county in which they served. All fees collected in their offices were declared to be the property of the County and would be paid over to the Trustee and strict accounting rendered. The compensation provided in this Act would be in the place of all other salary and emoluments. This Act was declared unconstitutional in the case of *Weaver v. Davidson County*, 104 Tenn. 315, 59 SW 1105 (1900).

10. Private Acts of 1909, Chapter 570, was the authority for the Quarterly Courts of the Counties of Putnam, Dickson, and Franklin, to adopt a Resolution to contract with a bank, or banks, which would make the highest bid to pay interest on the monthly balances deposited in the bank by the County. The County Judge was given the authority to execute the contract and to carry it out as the Resolution might direct. The County Trustee was instructed and obligated to deposit the county funds to conform to the agreement. The bank which was the successful bidder must submit an itemized statement of the status of the account by the 15th of each month to the Trustee who would pass the information on to the Quarterly Court.
11. Private Acts of 1911, Chapter 653, stated that in Putnam County and in Claiborne County, women who were eighteen years, or more, of age and otherwise possessing the necessary qualifications would be eligible for election to the office of Notary Public.
12. Private Acts of 1933, Chapter 257, removed the disabilities of infancy from Pauline E. Tallman, of Putnam County, and granted to her all the rights and privileges, and all the responsibilities of an adult.
13. Private Acts of 1933, Chapter 896, amended Section 6019, of the Code of Tennessee for the year 1932, to provide that, in Putnam County banks could be granted Chapters and permits issued to them to organize with a minimum paid up capital stock of \$5,000, and a paid up surplus of not less than 50% of the capital stock of the Bank, but at least 25% of all the deposits in the Bank must be kept available at all times.
14. Private Acts of 1935, Chapter 112, removed the infancy status of Inez Burgess, of Putnam County, who could exercise and enjoy all the prerogatives of an adult after the passage of this act including the authority to settle all her affairs with her guardian. Private Acts of 1935, Chapter 444, was identical to this Act.
15. Private Acts of 1935, Chapter 425, dissipated the minority of Robert Carr, of Putnam County, granting to him the authority to conduct himself as an adult in all things including the conveyances of real estate.
16. Private Acts of 1974, Chapter 166, was the enabling legislation for the Putnam County Quarterly Court to appropriate money and direct the payment of compensation to the widow of Charles Olen Maxwell who was killed while engaged in the course of his duties as an employee of Putnam County, said benefits to be limited to those allowed under the Workmen's Compensation Law of Tennessee. This Act was properly ratified by the Quarterly Court of Putnam County.

Chapter II - Animals and Fish

Foxes

Private Acts of 1955 Chapter 204

SECTION 1. That there shall be a closed season upon red foxes at all times, and that red foxes may be chased with dogs at any time of the year except during such periods as may be fixed by the Game and Fish Commission for the protection of the species in all counties of this State having a population of not less than 29,869 and not more than 29,879 inhabitants, according to the Federal Census of 1950, or any subsequent Federal Census.

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

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

Passed: March 3, 1955.

Livestock Inspector

Private Acts of 1957 Chapter 269

SECTION 1. That in all counties of this State having a population of not less than 29,850 nor more than 29,880, according to the Federal Census of 1950 or any subsequent Federal Census, the Quarterly County Court is hereby authorized to elect for a term of two years at the July term 1957 and every two years thereafter a livestock inspector. It shall be the duty of said livestock inspector to make an inspection and examination of the livestock in said county or counties and to treat such as may be found ailing or sick with the view to promoting the spread of health among livestock and to reduce the danger of infection or contagious diseases. Such Livestock Inspector may contract with the owner or owners of any diseased livestock found by him for the treatment thereof by such inspector, the compensation thereof to be mutually agreed upon between the parties. The said county or counties shall not be liable for the default or negligence of any such livestock inspector where the Quarterly County Court has used reasonable care and caution in the selection thereof, but nothing herein shall exempt such inspector personally for negligence in the performance of his duty.

SECTION 2. That said livestock inspector shall be given the right to vaccinate all animals that may be subject to vaccination by law and to perform such other duties as may be placed upon him by law or the Quarterly County Court. Herbert Lawson is hereby appointed the first livestock inspector to serve in said county or counties and shall occupy said office until August 1, 1957. Provided further, that if a need exists for additional livestock inspectors in such counties, the said Quarterly County Court may appoint as many additional inspectors as they deem necessary for the same terms and subject to the same provisions as set out in Sections 1 and 2 hereof.

SECTION 3. That this Act shall have no effect unless the same shall have been approved by two-thirds vote of the Quarterly County Court of any County to which it may apply on or before the next regular meeting of such Quarterly County Court occurring more than thirty days after its approval by the Chief Executive of this State. 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 4. That all laws or parts of law in conflict with this Act are hereby repealed and that this Act shall effect from and after its passage, the public welfare requiring it.

Passed: March 19, 1957.

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

1. Acts of 1879, Chapter 133, made it unlawful for any person other than citizens of the counties of Cumberland, Fentress, Morgan, Scott, Campbell, Overton, Putnam, White, Roane, Rhea, Bledsoe, and Van Buren, to hunt and kill deer, or any species of game for profit in the above named Counties but any and all citizens of the State could lawfully hunt and kill deer for their own use and consumption. A \$50 fine could be levied on first offenders, and \$100 for all subsequent violations, one-half to be paid to the prosecuting party, and one-half to the school funds.
2. Acts of 1887, Chapter 153, repealed Section 2234, and Sections 2238 through 2243, of the State Code, which regulated the taking of fish in many counties of the State, as those Code Sections were applicable to Putnam County, and 37 other counties listed in the Act, except it would still be unlawful in those counties to take any fish by means of explosives, poisons, or seines.
3. Acts of 1889, Chapter 179, declared it to be contrary to the law for any person who was a non-resident of Tennessee to hunt, shoot, kill, catch, or to carry away, game of any kind in the counties of Scott, Fentress, Pickett, Morgan, Cumberland, Bledsoe, Sequatchie, Van Buren, White, Putnam, Rhea, Clay, Campbell, Henry, Johnson, Carter, Sullivan, Meigs, and Claiborne.
4. Acts of 1895, Chapter 127, made it unlawful to catch, kill or wound any fish in any of the streams, lakes, rivers or ponds of the State except by rod or line.
5. Acts of 1897, Chapter 281, amended Acts of 1895, Chapter 127, so as to exclude the Counties of Smith, Putnam, and Weakley from its provisions and limitations except for the killing of fish by poison, dynamite, and other explosives.
6. Acts of 1899, Chapter 115, declared it to be illegal for any person in Putnam County between February 1 and October 1 of each year to catch, kill, or take by net, trap, box, or snare, or have in one's possession, any wild turkey, partridge, quail, or pheasant. Fines for violators ran from \$5 to \$15 for each offense.

7. Private Acts of 1915, Chapter 239, made it unlawful for any livestock, such as horses, mules, asses, jennets, cattle, sheep, goats, or hogs to be allowed by their owners, or custodians, to run at large on any public road or on the lands of another person, whether enclosed or not, in Putnam County. Such Acts was termed a misdemeanor and was subject to fines from \$2 to \$10 for each offense. A lien was given to the damaged person to be enforced against the animals causing the same, plus the cost of any care or keeping could be added to the damages. Nothing in this Act would affect the liability of any railroad company imposed by another law.
8. Private Acts of 1917, Chapter 75, was authority for the Election Commission to hold an election in Putnam County on the question of whether or not to enact a stock law or no fence law for the County. The election would be conducted under the general election laws.
9. Private Acts of 1919, Chapter 511, made it a misdemeanor in the Counties of Overton, Putnam, Pickett, and Fentress, for the owner, or custodian, of any bulls, or boars, to permit them to run at large after they had reached the age of 8 months and 4 months respectively, unless the same were registered. Violators of this Act could pay fines up to \$20.
10. Private Acts of 1921, Chapter 95, stated it was lawful to kill quail in Putnam County between December 1 and the following February 1 of each year, and was unlawful for any person to kill them at any other time. The schedule of fines ran from \$2 to \$50.
11. Private Acts of 1921, Chapter 405, contained the names of a majority of the Counties in the State which were removing themselves from the provisions and penalties of Public Acts of 1919, Chapter 61, a general state law which regulated the care, keeping, registration, and treatment of dogs. Putnam County was numbered among those counties which exempted themselves.
12. Private Acts of 1921, Chapter 504, rendered it unlawful in Putnam County for any owner, or custodian, of horses, mules, jacks, jennets, asses, cattle, goats, sheep, swine, or geese to permit any of them to run at large. A lien could be enforced against the trespassing animals for damages caused and for the cost of taking them up, caring for them, and feeding them but notice must be sent to the owner if the identity of the owner was known. Fines from \$5 to \$50 could also be levied against the guilty owner, or custodian, which would be placed in the road funds.
13. Private Acts of 1921, Chapter 602, amended Private Acts of 1921, Chapter 504, by adding a provision that the terms of that Act would not apply to the Third, Fourth, Fifth, Sixth, and Fourteenth Civil Districts of Putnam County. This Act was repealed by Private Acts of 1929, Chapter 755.
14. Private Acts of 1921, Chapter 875, amended Private Acts of 1921, Chapter 602, by adding a further provision to remove some lands in the Third Civil District from the terms of Private Acts of 1921, Chapter 504. The lands were identified by naming the owners who were James Bartlett, James Bohanan, Thurman Clark, Storm Hitchcock, Stephen McCormick, Nathan Bartlett, Louis Bohanan, Rush Hunter, William Lee, Joseph Bullock, Millard Watson, Joseph Hunter, Thomas Bohanan, Campbell Bohanan, Hop Bohanan, Beecher Hyder, Charlie Huddleston, Abe Walker, and William Huddleston, and all the lands lying between the above farms and the eastern boundary of the First and Second Civil Districts were also removed from the application of the Act. This Act was repealed by Private Acts of 1929, Chapter 765.
15. Private Acts of 1929, Chapter 755, repealed Private Acts of 1921, Chapter 602, so that Private Acts of 1921, Chapter 504, would be in full force and effect without excluding therefrom any Civil District or any other portion of the county, or counties involved in the administration of that Act.
16. Private Acts of 1929, Chapter 765, repealed Private Acts of 1921, Chapter 875, which excluded certain areas of Putnam County from the provisions of Private Acts of 1921, Chapter 504, so that the terms and conditions of Chapter 504 would have county-wide application with no exceptions.
17. Private Acts of 1931, Chapter 201, made it illegal in Putnam County to take, or catch, fish by means of traps, baskets, nets, seines, gigs, or drag lines between May 15 and November 15. All fish traps must have slats which were no less than 1½" apart and these traps could not be placed in any running stream so as to prevent the free passage of fish. All baskets and nets must have meshes which were one inch, or greater. This Act was repealed by Private Acts of 1931, Chapter 401.
18. Private Acts of 1931, Chapter 402, amended the State laws protecting fish and regulating their catch so that it would hereafter be unlawful in Putnam County from April 15 to June 15 of each year to take, or catch, fish by means of traps, baskets, nets, seines, gigs, and drag lines. Slats in baskets must be at least 1½" apart and the baskets could not be placed so as to interfere with the free passage of fish up and down the stream. Meshes in nets and seines must be a minimum of one inch.

19. Private Acts of 1931, Chapter 631, declared it to be a misdemeanor for any person, other than the owner or owners to take, capture, or kill, or attempt to do so, and fish from the waters of any privately owned lake, reservoir, or pond in Putnam County where the same was done without the express permission of the owner.
20. Private Acts of 1933, Chapter 893, made it lawful for any person to hunt upon his own lands, or upon the lands of another person, during the open seasons, provided that the person hunting obtain a permit from the owner, occupant, or person having legal control of the said lands, without having to obtain a license, or pay any fee to the State. This Act was applicable only to Putnam County.
21. Private Acts of 1949, Chapter 735, was the legislative authority for the Quarterly Court of Putnam County to elect for a term of four years up to four animal inspectors. The selection should be made from the licensed veterinarians in the county. It was the duty of these animal inspectors to inspect the livestock in the County and treat those which might be diseased, and to promote good health among animals and livestock. Compensation for the inspectors was not to exceed \$10 per year. The County was not to be held liable for the default, or negligence, of the inspectors.
22. Private Acts of 1951, Chapter 297, was the authority for the Quarterly Court of Putnam County to elect no more than two additional animal inspectors for a term of one year, who must be veterinarians available in the County. These inspectors were charged with the same duties as the others. All could contract with owners of diseased animals for their treatment, at a compensation to be mutually agreed upon. Official compensation could not exceed \$10 a year. No liability could accrue to the County for the default, or negligence of the inspectors.

Chapter III - Bond Issues

Bond Issues - Historical Notes

Airport

1. Private Acts of 1947, Chapter 172, allowed the Quarterly Court of Putnam County by the adoption of a Resolution to direct the issue and sale of up to \$20,000 in bonds, at an interest rate not to exceed 4%, and to mature no later than 20 years from the date of issue, all the essential details of the bond form and mode of issue, including the mandatory tax levy to be incorporated into the Resolution. The County Judge would appoint a committee of five, including himself, to sell the bonds and to supervise the expenditures of which he was required to keep a record. The Committee was obligated to select land adjacent to the current airport site so as to enlarge and improve the same.

Bridges

1. Private Acts of 1911, Chapter 589, permitted the Quarterly Courts of the Counties of Putnam, DeKalb, and Smith, a majority of the Justices being present to issue and sell up to \$6,000 each in bonds, at an interest rate not to exceed 4½%, and to mature within thirty years from issue, the proceeds of which would be used to build a bridge across the Caney Fork River at a point just above where the bridge of the Tennessee Central Railroad crosses the River, and at or near the line between Putnam and DeKalb Counties on the east side of the River, and also to secure the approaches to the bridge on each side to accommodate the traveling public. The total cost of the bridge and approaches could not exceed \$18,000.

Debts

1. Private Acts of 1927, Chapter 813, recited in its preamble that a Resolution heretofore adopted by the Putnam County Quarterly Court stated that the County was overdrawn on its warrants and appropriated \$35,000 with which to pay the same and further authorized the issue of interest bearing warrants in due form of \$9,000 each, to be liquidated one each year for the next five years which would all bear interest at 6%. This Act ratified, confirmed, and made legal all the proceedings mentioned as fully as if the authority existed at the time the actions were taken.
2. Private Acts of 1929, Chapter 464, was an act to ratify and validate all the prior proceedings of the Putnam County Quarterly Court which were held in connection with the issue of \$75,000 in funding warrants, dated November 1, 1928, at an interest rate of 6% payable semiannually at the office of the County Trustee, and maturing in increments of \$5,000 each year from 1929 through 1943. A general tax levy must be made as long as the warrants were unpaid.
3. Private Acts of 1929, Chapter 648, was the authority for the Putnam County Quarterly Court to

issue up to \$50,000 in 6%, 25 year bonds, the proceeds of which were to pay off and discharge the outstanding debts of the County which were evidenced by warrants issued prior to the date of this Act. A majority of the Court must agree to the issue at a meeting called for that purpose. These bonds were general obligation bonds requiring a tax levy for the sinking fund and which were themselves declared to be tax exempt from all other government levels.

4. Private Acts of 1933, Chapter 31, ratified, confirmed, and legalized all the preceding actions of the Quarterly Court in Putnam County taken in connection with the issue of \$150,000 in Funding Bonds, dated January 2, 1933, and maturing in increments of \$10,000 annually between 1945 and 1959 at an interest rate of 6%. These bonds were the general and incontestable obligations of Putnam County for which a general tax levy for the sinking fund was mandatory until the same were liquidated.

Roads

1. Private Acts of 1905, Chapter 531, authorized the Quarterly Court to hold a referendum within thirty to ninety days after its July term on the question of the issue of \$100,000 in bonds to be used exclusively to build and improve public roads and bridges. The interest rate could not exceed 4%, nor the maturity schedule go beyond thirty years although the bonds could be called in after twenty years. All details of the form of the bonds and those to be observed during the issuing process were all included in this Act. The County Court could elect five Commissioners and fix their compensation who would be in charge of this program but subject to all the restrictions provided in this law. This Act was repealed by Private Acts of 1909, Chapter 112.
2. Private Acts of 1909, Chapter 112, permitted, upon the affirmative vote of the people in a referendum, the Quarterly Court of Putnam County to issue up to \$250,000 in bonds, at 4½% interest, which would mature no later than 30 years after issue date with which to build roads, bridges, and culverts in the County. Provisions to hold a second election, if necessary, after certain conditions were met, were included in the Act. There would be two separate issues, each requiring a referendum, one of \$150,000 and the second of \$100,000. A general tax levy was required to amortize the bonds as long as any were outstanding and unpaid.

Schools

1. Private Acts of 1915, Chapter 232, permitted the Quarterly Court to issue up to \$50,000 in bonds, at an interest rate not to exceed 6%, and to mature no longer than 20 years after issue date, which would be used to buy suitable grounds and to construct and equip thereon a High School, and other school buildings, as needed. All the essential details of valid bond legislation were incorporated into the law.
2. Private Acts of 1915, Chapter 470, the preamble to the Act declared that the State of Tennessee would provide a technical school to be located in Cookeville, in Putnam County, provided the county and the city would each contribute \$75,000 towards the cost. Further recitation said that the County Court had adopted a Resolution on the first Monday in April, 1915, by unanimous vote which provided for the issue and sale of \$50,000 in warrants, at 6% interest, to run from one to ten years. This Act ratified and legalized all these actions heretofore taken with reference thereto and required the court to levy a tax each year to pay these bonds, and interest, as they became due.
3. Private Acts of 1929, Chapter 756, stated in the preliminary portion that an independent school district under Private Acts of 1921, Chapter 490, had been established with authority given to issue up to \$30,000 in bonds to build and equip a building, and the bonds were subsequently sold and a building erected at Algood in Putnam County which was now under the control of the County Board of Education; that the city of Baxter had issued \$10,000 in bonds under Private Acts of 1923, Chapter 90, for a school building in that city, and added \$5,000 more to that project under Private Acts of 1925, Chapter 743. Since it is now essential that the County assume these debts and issue bonds to pay them, this Act, subject to approval in a referendum, would issue \$200,000 in bonds at 6% for 20 years, dividing \$100,000 to Cookeville, \$30,000 to Algood, \$15,000 to Baxter, \$30,000 to Monterey, an added \$5,000 for a heating plant in Baxter and \$20,000 for other rural schools in that area, to be spent as the Board directed. Provision for a tax levy was included.
4. Private Acts of 1929 (Ex. Sess.), Chapter 56, was similar in many respects to Private Acts of 1929, Chapter 756. This Act authorized a \$200,000 bond issue at 5½% interest, maturing within 20 years. If approved in a referendum, the proceeds would be expended as follows: \$100,000 to acquire suitable grounds and to erect a high school thereon in Cookeville; \$25,000 to purchase the school house at Algood; \$100,000 to purchase the school buildings and grounds at Baxter, plus \$5,000 to improve the heating plant at Baxter school; \$25,000 to complete and acquire the

school at Monterey; and \$35,000 for building and repairing rural school houses. A tax levy was included.

5. Private Acts of 1931, Chapter 522, validated and confirmed the Quarterly Court's action in the issue and sale of \$100,000 in 5% bonds, payable at a semi-annual rate with \$10,000 maturing each year from the year 1943 through year 1952, all the proceeds of which would be used for school purposes.
6. Private Acts of 1931 (2nd Ex. Sess.), Chapter 6, directed the Trustee of Putnam County to pay over to the County Board of Education \$7,500, the amount of the funds arising from the sale of \$100,000 in bonds sold pursuant to a referendum election and a Resolution of the County Court. The Board of Education was directed to take up and pay off \$7,500 of the outstanding bonds of the 19th Special School District which contained the city of Algood. If the bonds could not be paid off at this time, the money would be invested at 6% interest, or more, and used to pay off the bonds when they did mature. The Board of Education would give the Trustee a receipt for the money.
7. Private Acts of 1939, Chapter 154, authorized the County Court to direct that school warranty issued by the County Board of Education to public school teachers pay interest at 6% per annum. The County Trustee was directed to pay said interest.
8. Private Acts of 1939, Chapter 288, authorized the Putnam County Quarterly Court to issue school bonds in an amount not exceeding \$117,000, bearing interest at 4% per annum, and maturing within 20 years. The proceeds would be used to assume the indebtedness incurred by the City of Cookeville (\$50,000), the town of Monterey (\$30,000), the town of Baxter (\$10,000 and \$5,000), and the Algood Special School District (\$22,500) in the construction of school buildings now the property of the County. The prior affirmative vote of the people was required prior to the issuance of the bonds.
9. Private Acts of 1947, Chapter 167, was the enabling law for the Putnam County Quarterly Court, by adoption of a Resolution, to issue up to \$100,000 in bonds, at 4%, or less, interest, and over a maturity schedule spanning twenty years, to build and furnish schools. The County Judge could appoint three citizens to serve with him as a Commission to sell the bonds and to supervise all work thereunder. The County Judge would select a committee to choose the sites and to see after the construction and equipping of the schools, who would have sole and exclusive authority to decide the number, location, and cost of new schools, and the amount to be expended on repairing other schools of their choice. A sinking fund tax must be levied.

War Memorial Building

1. Private Acts of 1947, Chapter 347, provided that in the referendum election to be held on March 12, 1947, on the question of issuing \$100,000 in bonds to build a War Memorial Building, all those who had served in World War II or who were presently serving would be entitled to vote without having to pay the poll tax.

Water, Gas, Sewer

1. Private Acts of 1957, Chapter 351, was the authority for Putnam County to construct, acquire, extend, repair, and improve water, gas, and sewer lines with the necessary fittings and appurtenances, or to assist and cooperate with municipalities engaged in said work. The Act also authorized the Court to borrow money, and execute notes, or bonds, at a maximum 5% interest, and a 30 year maturity schedule, in an amount not to exceed \$100,000, or short term certificates could be issued for five years at 5%. The bonds, if issued, must be general obligation bonds with a mandatory general tax levy to pay them off as long as any were due and unpaid. The powers specifically granted in this law were in addition to those granted by any other law.

Chapter IV - Boundaries

Creation of Putnam County

Acts of 1841-42 Chapter 169

SECTION 1. That a new county is hereby established, to be known by the name of Putnam County, in honor of the brave Revolutionary General of that name, to be taken from the counties of White, Fentress, Overton and Jackson, and bounded as follows: Beginning where the Cumberland River crosses the line between the counties of Smith and Jackson; running thence up the river, with its meanders to the mouth

of Indian Creek; thence southeast upon the extreme height of the dividing ridge to a point, from which an East line will cross Martin's Creek, near the mouth of Shaw's Branch; thence crossing Martin's Creek at a point above the mouth of said branch, continuing East so as to leave Gainsborough twelve miles to the North, to the line of Overton county; thence a direct line to William Marchbanks; thence a direct line to the Walton road, where the same strikes the Cumberland Mountain; thence with the said road to George M'Cormacks, in Fentress county; thence a direct line to the line of Morgan county; then Southward with the same to its corner, at Johnson's stand; thence South-westwardly to the declivity of Cumberland Mountain; then Westwardly with the extreme height of the mountain, meandering the Bluff, so that, running West, will strike the ridge dividing the waters of the Calf Killer Fork, of the Caney Fork from the Board Valley; thence upon the extreme height of said ridge, West, leaving Sparta twelve miles to the South, crossing the Falling Water, and running near to where Lawler now lives, including Ditty's Stand, to the corner of DeKalb county; thence with the line of said county, West to Smith county line; thence North with the same to the beginning.

SECTION 2. That, for the due administration of Justice in said county of Putnam, the several different courts, to be holden in said county, shall be held at White Plains, in the said county, until the seat of Justice for said county shall be located, and a suitable house erected for that purpose, the county court, in the intermediate time, shall have full power to adjourn to such other place as they may deem proper in said county, better suited for the holding the same for the public convenience, and to adjourn to the seat of Justice, whenever, in their judgment, the necessary arrangements are made, and all writs and other processes returnable to either of the places, shall and may be returned to the place where said courts may have been removed by the county court aforesaid, and the said courts to be holden for the said county of Putnam, shall be under the same rules and restrictions, and shall have the same power and jurisdiction as are possessed by other courts of the same character and denomination in the other counties in this State.

SECTION 3. That all officers, civil and military, in said county of Putnam, shall continue to hold their offices, and exercise all of the powers and functions thereof, until others are elected under the constitution and laws made in pursuance thereof; and it shall be the duty of the county court of said county, at their first session, to appoint some suitable person to open and hold elections in each civil district and parts of districts, in said county, on the first Saturday in March, 1842, for the purpose of electing county officers, according to the constitution and laws of this State; also all other officers that, by the constitution, the people are entitled to elect, and the officers so elected, shall have the same powers and jurisdiction, subject to the same restrictions, and have the same fees and emoluments as the officers of other counties have by law; and the said county of Putnam shall be placed upon an equal footing, possess equal powers and privileges, in all respects, as other counties in this State; provided, that nothing in this act shall prevent the counties of Jackson, White, Overton and Fentress from exercising jurisdiction over the Territory composing said county, as they now do, until the election of county officers in said county; Provided also, nothing in this act shall be so construed as to prevent the counties aforesaid from entering up Judgment or the sheriffs of said counties from selling, under such Judgment, any lands within the said county of Putnam, for taxes for any preceding year, or to prevent the sheriffs thereof from collecting the taxes due for any preceding year.

SECTION 4. That the citizens of the county of Putnam, in all elections, for Governor, members of Congress, for President and Vice-President, and members of the General Assembly, shall vote with the counties from which they have been stricken off, until the next apportionment, agreeable to the constitution.

SECTION 5. That Isaac Buck, Burton Marchbanks, Henry L. McDaniel, Lawson Clark, Carr Terry, Richard F. Cook, H. D. Marchbanks, Craven Maddox, Elijah Con, of Jackson county, or any five of them, are hereby appointed commissioners, any three of whom may act, and they shall employ Mounce Gore, of Jackson county, to survey said county, a plat of which shall be deposited, mark the lines calling for natural objects; and he shall designate the center thereof, and if it shall appear, from the measurement, that there is not a constitutional Territory, or any of the counties from which the Territory is taken, shall be reduced below their constitutional limits, then it shall be the duty of said commissioners, to designate the place for the seat of Justice, and report the same to the county court of said county, which place, designated, shall not be more than three miles from the center of said county, as fixed upon by the surveyor aforesaid: Provided, the same shall, in no event, be East of the White Plains.

SECTION 6. That, so soon as the said commissioners shall report, it shall be the duty of the county court of said county, to appoint five commissioners, who shall proceed to lay off a town at the place designated, to be known by the name of Monticello, with an many streets, and of such width as they may deem necessary, reserving at least three acres for a Public Square, a lot for a Public Jail, and lots for a male and female Academies, and for the erection of a Church for Public Worship.

SECTION 7. That the commissioners of the town of Monticello, shall sell the lots in said town, on a credit of at least twelve months, first giving due notice thereof, in some newspaper printed in this State, and

shall take bond with sufficient security, for the purchase money, payable to themselves and successors in office, and shall make titles in fee simple to the respective purchasers of said lots, and the proceeds of sales of said lots, shall be a fund in the hands of said commissioners, for defraying the expenses incurred in purchasing the land upon which the said town is erected, and erecting the public buildings.

SECTION 8. That said commissioners shall superintend the building of a court house and jail, and shall let out the building of the same upon such terms, and of such dimensions as the county court of said county shall direct or order, and shall take bond and good security from the undertaker, payable to themselves and successors, for double the sum for which said buildings may be undertaken, conditioned for the faithful performance of the contract.

SECTION 9. That the said commissioners, before they enter upon the duties of their office, shall take an oath before the county court of said county, that they will well and truly perform the duties assigned to them by this act, to the best of their ability, and shall, moreover, execute bond and security in the sum of ten thousand dollars to the chairman of the county court, conditioned for the true and faithful performance of their duties as enjoined upon them by this act, which bond shall be filed in the clerk's office of said county, and the said commissioners shall keep a fair and regular statement of all monies received and expended, which statement, when required, shall, from time to time, be laid before the county court, and when all of the public buildings are completed, pay over what may remain, if any, to the county trustee of said county, and it shall be the duty of the county court to make a reasonable allowance to both sets of commissioners and surveyor appointed by this act, to be paid out of the Treasury of said county.

SECTION 10. That the said county of Putnam shall be attached to the chancery court district of Gainesborough, and all appeals in nature of writs of error, and writs of error shall be taken to the supreme court at Nashville, and the first county court shall be held on the first Monday in February next, and afterwards as the county courts of the other counties of the several counties in this State are held.

SECTION 11. That the said county of Putnam shall constitute one Regiment, and shall be attached to the Brigade to which they are now attached, and the field officers shall meet at White Plains on the first Monday in February next, to lay off and divide the said Regiment into Battalions and companies, and provide for electing all officers in the manner prescribed by law.

SECTION 12. That the first circuit court of said county of Putnam shall be held at White Plains, in said county, on the second Monday of March next, and ever after on the second Monday of March, July and November, and the Judge of the fourth Judicial circuit shall hold the courts thereof, and shall adjourn to the seat of Justice whenever the county court of said county shall notify him that a suitable house is erected to hold the court in.

SECTION 13. That it shall be the duty of the commissioners, first in this act appointed, to purchase twenty acres of land, including the town to be laid off, upon the best terms they can, and make report thereof to the county court of said county.

SECTION 14. That if it shall appear, from the survey directed to be made by this act, that there is not a constitutional Territory contained in the bounds of said county of Putnam, or that either of the counties from which it is taken is reduced below the constitutional limits, then this act shall not take effect: Provided, that it shall not be lawful for the county lines of the said county of Putnam to approach nearer than twelve miles to the seat of Justice of either of the counties from which it is taken, and, in no case, shall any charge be made upon the State for any cost or charges in establishing the county.

SECTION 15. That the citizens of said county may file their bills in the chancery court at Gainsborough, Sparta or Livingston, at their option; and each of said courts shall have jurisdiction of all equity causes in said county.

SECTION 16. That an Academy is hereby established at Monticello, in said county, with all of the rights and emoluments of other counties in this State; and the county court shall appoint trustees as in other counties, and shall name the same; and may, at their option, change the name of the county town from Monticello to any other name they may see proper.

Passed: February 2, 1842.

COMPILER'S NOTE: This Act was declared to be in violation of the Tennessee Constitution in the case of Patrick Pool and William Goodbar v. William H. Carr, et. al. in the Chancery Court of Overton County, during the March 1853 Term.

Acts of 1845-46 Chapter 75

Whereas, By an act passed by the General Assembly of the State of Tennessee at its regular session of 1841 and 2, entitled "an act to establish the county of Putnam, to perpetuate the name and public services of General Israel Putnam, of the Revolutionary war," a county, formed of parts of the counties of

Jackson, White and Overton, was established by the name of Putnam county; and in pursuance of said act said county was surveyed and organized, county and district officers were elected, and when required by law, commissioned and duly sworn and entered upon the duties of their respective offices; the circuit and county courts were regularly held for said county, at White Plains, the place designated in said act, at which said courts were to be held, and suits were instituted, and judgments rendered, and decrees pronounced in said circuit court, and before justices of the peace in said county; executions were issued from said courts, and by said justices of the peace, and levied by the proper officers, and property, both real and personal, were sold by virtue of said executions; marriages were solemnized; deeds and other instruments were proven and registered; wills were proved and administration of intestate's estates granted in said county court, and letters testamentary and letters of administration issued; guardians appointed, and other proceedings had in said county and circuit courts. And whereas, At March term, 1845, of the chancery court, at Livingston, by a decree pronounced in said court by the Honorable Bromfield L. Ridley, Chancellor, in the case pending in said court, of Patrick Pool and William Goodbar, complainants, against William H. Carr and other officers of said county of Putnam, defendants; said county was quashed on account of its reducing the counties of Jackson and Overton, each to a less content than 625 square miles, and other causes, which decree is final and not appealed from. And whereas, Great inconvenience and injury has arisen in consequence of the premises, to those interested in the proceedings had in said county: For remedy whereof;

SECTION 1. That all marriages regularly solemnized, and all deeds and other instruments of writing, duly proven and registered in said county, and all other proceedings, judgments, decrees and orders of the court, and of justices of the peace of said county of Putnam, and all levies and sales regularly made by virtue of executions issued from said courts, and by justices of the peace of said county, and all sales made in pursuance of decrees of said circuit court and confirmed by said court, and all probates of wills, appointments of administrators, and all proceedings of the county court, regularly had in said county court, be and the same are hereby made legal and valid, as fully and completely as though the said county of Putnam had been at the time of said marriages, registrations, judgments, decrees, orders, levies, sales, and other legal proceedings, a constitutional county.

SECTION 2. That the clerks of the county and circuit courts of said county of Putnam, shall file their records and papers belonging to their respective offices in the county and circuit courts of the county of Jackson, and it shall be the duty of the clerk of the circuit court of Jackson county to issue executions on all unsatisfied judgments of the circuit court of the said county of Putnam, for the balance due of the judgments and costs of suits. And the circuit court of Jackson county shall proceed to try and determine all suits commenced in said county of Putnam and undetermined, in the same manner as if the suits had been regularly commenced in said county of Jackson. And the justices of the peace of said county of Putnam, shall hand over their records, papers and dockets to the justices of the peace who shall hereafter be elected and commissioned, in the districts in which said justices hereafter to be commissioned as aforesaid, as though the same had been commenced before them respectively.

SECTION 3. That the county and circuit clerks of said county of Putnam shall file their records and papers in their respective offices in the circuit and county courts of the fraction of territory where the parties live, and the same shall be proceeded in as designated in this act. And the business in said offices shall in all cases be transferred to the old county having jurisdiction, and shall be proceeded in as is prescribed in this act for the county of Jackson.

Passed: January 17, 1846.

Acts of 1855-56 Chapter 320

SECTION 1. Whereas, An act of the General Assembly, passed on the 1st February, 1842, entitled "an act to establish the county of Putnam, to perpetuate the name of General Israel Putnam of the Revolutionary War," chapter 179, and under the operations of said act and other acts subsequent thereto, the county was completely organized by the election of all the proper officers, both civil and military, and by the holding of circuit and county courts at the time established by law. This state of things continued until the spring of 1844; and a bill in equity and for an injunction was then filed in the chancery court of Overton county against William H. Carr, clerk of the circuit court and Joseph A. Ray, clerk of the county court, and other officers in Putnam county, enjoining them from further acting in their official capacity; and no answer or demurer or plea being put in, the bill was taken for confessed and the said injunction was rendered perpetual, and the said county was declared by the court of chancery not to have been legally and constitutionally established, and the functions of all the officers have ceased since that period. And whereas, the supreme court of this State have decided in the case of Ford vs. Farmer, et. al., 8th Humphreys, page 152, that after the organization of a county is complete, and the original commissioners have executed their duty, that it is not the province or within the jurisdiction of the courts of justice to enjoin the civil officers of a county from proceeding in their official duties; and, therefore, the decree of

the court of chancery rendered in the case above specified was and is not binding, except as to the parties on record; and it is represented to this Legislature, by petition and otherwise, that the constitution has not been violated by the establishment of the county of Putnam, and the citizens residing within the limits of said county are desirous that the county may be reestablished. That said county of Putnam is hereby reestablished, with all the powers and privileges of other counties in the State of Tennessee, and with all the butts, bounds and lines that governed the limits of said county at the time said bill of injunction was filed against the officers of said county, except such as shall or may hereinafter be provided for in this act.

SECTION 2. That the bounds of said county of Putnam shall be as originally run by Mounce Gore, principal surveyor, and his deputies, with such alterations as may be necessary to preserve the constitutionality of said county, or better promote the interest of her citizens; provided, that in no case the change of any of the original lines shall affect the constitutional right of the old counties; and the beginning corner shall be on the south bank of Cumberland river where the line dividing Smith and Jackson counties crosses said river, running up said river with its various meanders to the mouth of Indian creek; thence in a southeast direction with Mounce Gore's last line, upon the extreme height of the dividing ridge, to a point from which an east line crosses Martin's creek, near the mouth of Shaw's branch; thence in an eastern direction with said Gore's line as last run, crossing the road leading from Sparta to Gainesboro, between the twelve and thirteen mile post at about twelve and a half miles from Gainesboro; thence with the said Gore's line through Jackson county to the west boundary line of Overton county, to the original corner of Putnam county on said line; thence with said Gore's last line through Overton county, bearing twelve miles south of Livingston to George McCormack's old stand in Fentress county, on the road leading from Brady's turnpike gate to Jamestown; thence with the original line of Putnam county in the direction of the Morgan county line, as far as two miles, if necessary to preserve the constitutional limits in territory to the said county of Putnam; thence in a southeastern direction, so as to strike the Morgan county line north of Johnson's stand on Walton's road, at or near the same distance that it may be necessary to run east of George McCormack's; thence with said Morgan county line south to said Johnson's stand on Walton's road; thence south two degrees, west five miles to the southeast corner of said county, marked P.C.; thence west five miles with said original line to the declivity of the Cumberland mountain; thence with John Welsh's last line through White county, leaving the town of Sparta at the distance of twelve miles, to the mouth of Hutchins' creek; thence down the Falling Water with its various meanders to the east boundary line of DeKalb county, where said line crosses said Falling Water near the falls; thence in a southern direction crossing said river and with said DeKalb county line one and a half miles; thence in a northwestern direction, crossing said Falling Water between the mouth of Cane creek and Riley Medly's old place on said river, and crossing Mine Lick creek twelve miles from the town of Smithville in DeKalb county; and thence in a western direction bearing twelve miles north of Smithville to the Jackson county line; thence west with the north boundary line of DeKalb county to the Caney Fork river; thence down said river with its various meanders to the mouth of Rock Spring creek in Smith county; and thence in a northern direction to a point in the line dividing Smith and Jackson counties south of Walton's road and opposite and upper end of Major James McDaniel's farm; thence north, crossing Walton's road with said Jackson county line to the beginning.

SECTION 3. That for the due administration of justice in said county of Putnam, the several different courts to be holden in said county shall be held at the house of Lewis Huddleston, or some other house on his premises, in the county of Putnam as originally established, until the seat of justice for said county shall be located, and a suitable house erected for that purpose; the county court in the intermediate time shall have full power to adjourn to such other place as they may deem proper in said county, better suited for the holding of the same for the public convenience, and to adjourn to the seat of justice whenever, in their judgment, the necessary arrangements are made, and all writs and process returnable to either of the places shall and may be returned to the place where said courts may have been removed by the county court aforesaid; and the said county of Putnam shall be under the same rules and restrictions, and shall have the same power and jurisdiction as are possessed by other courts of the same character and denomination in the other counties in this State.

SECTION 4. That all officers, civil or military, in said county of Putnam, shall continue to hold their offices and exercise all of the powers and functions thereof, until others are elected and qualified under the constitution and laws made in pursuance thereof; and it shall be the duty of the justices of the peace within the limits of Putnam county, as above described, including the fraction of Smith and DeKalb counties, at the first term of the county court, a majority of said justices being present, to proceed to appoint a suitable person to open and hold elections in each civil district in the county of Putnam and the fractions of the counties of Smith and DeKalb, as above described, for the purpose of electing county officers, according to the constitution and laws of the State; and said officers so appointed by said county court shall have and exercise all the authority and power of the sheriffs of other counties in this State, in holding said elections and appointing deputies and administering oaths, and in all things pertaining to holding said elections and making returns, be governed by the laws that govern such elections in this

State.

SECTION 5. That said election shall be held on the first Saturday in June, 1854, and all future elections at the same time of other elections in this State, as established by law; and it shall be the duty of said county court to appoint a clerk, whose duty it shall be to prepare the necessary and usual bonds required by law, and to qualify the officers so elected under this act; and the officers so elected and qualified shall have the same powers and jurisdiction, subject to the same restrictions, and have the same fees and emoluments as the officers of other counties have by law; and the said county of Putnam shall be placed on an equal footing, possess equal powers and privileges, in all respects, as other counties in this State; provided, that nothing in this act shall prevent the counties of Jackson, White, Overton, Fentress, DeKalb and Smith from exercising jurisdiction over the territory composing said county of Putnam, as they now do, until the election of county officers, and said officers shall have been qualified and given bonds according to law in said county; provided, also, that nothing in this act shall be so construed as to prevent the counties aforesaid from entering up judgment, or the sheriffs of said counties from selling under such judgment, any lands within said county of Putnam for taxes for any preceding year, or to prevent the sheriffs thereof from collecting the taxes due for any preceding year.

SECTION 6. That the citizens of the county of Putnam, in all elections for governor, members of congress, for president and vice president, and members of the general assembly, shall vote with the counties from which they have been stricken off, until the next apportionment under the constitution.

SECTION 7. That the county of Putnam shall be attached to the 4th Judicial Circuit, and the circuit courts shall be held by the judge of said circuit on the second Monday of April, August and December, in each and every year. The first court in said county shall be held on the second Monday in December next, and the citizens of said county may file bills in chancery in either of the chancery courts held at Sparta, Livingston or Gainesboro, at their option, and all appeals in nature of writs or error shall be taken to the supreme court at Nashville; and the first county court shall be held on the second Monday in April, 1854, and afterwards as the county court of the other counties of this State; and when a suitable building is prepared at the established seat of justice, it shall be the duty of the county court to inform the judge of the 4th judicial circuit, and it shall be his duty to adjourn the court over to the same.

SECTION 8. That the said county of Putnam shall constitute one regiment, and shall be attached to the brigade to which they now belong, and the field officers of said county shall meet at the house of the said Lewis Huddleston on the first Saturday in June, and proceed to divide the militia of said county into two regiments and designate the bounds of each regiment and the place of holding each regimental muster; the senior officer in command shall preside and proceed to organize both regiments as soon as practicable.

SECTION 9. That John West, Amos Maxwell, John Lee, Burton Marchbanks, and John Bohanon, and Riley Medlin, are hereby appointed commissioners to superintend the resurvey of said county of Putnam agreeable to the provisions of this act, any three of whom may act, and shall employ Madison F. Conner, of White County to survey said county, a plat of which shall be returned to said commissioners designating the center of said county, which survey shall be made as near as possible in conformity to the boundaries of said county as described in the second section of this act, having due regard to the legal rights of Putnam county, and the constitutional rights of the old counties, and it shall be the duty of said commissioners to furnish said surveyor with all the information in their power to the faithful and speedy discharge of his duty, and deposite said plat in the County Court Clerk's office at as early a day as possible.

SECTION 10. And whereas, a small fraction of the north east corner of DeKalb county, adjoining the county of Putnam, and a small fraction of the eastern boundary of the county of Smith, has by the citizens of said fractional parts of DeKalb and Smith county, prayed this Legislature by petition to be attached to said county of Putnam; therefore

That so much of the county of DeKalb, as lies north of the south boundary line, of the county of Putnam as described in the second section of this act, be and the same is hereby attached to the county of Putnam, to wit: beginning at the north-east corner of said DeKalb county, and running south with the east boundary line of said county, crossing the Falling Water near the falls, and with said line one mile and a half to a corner on the White county line, thence in a north western direction, crossing the Falling Water between the mouth of Cane Creek and Riley Medlin's old place; and crossing Mine Lick Creek, bearing twelve miles from Smithville to the north boundary line of DeKalb county, and said last described line shall be regarded as the line dividing the county of DeKalb and Putnam counties, and the said county of Putnam shall have and exercise jurisdiction over the fraction north of said line, and which shall hereafter be and constitute a part of the county of Putnam, any law or usage to the contrary notwithstanding. That so much of the fractional part of the county of Smith as lies east of the Caney Fork river, and a line running from the mouth of Rock Spring Creek in a northern direction to the eastern boundary line of said county of

Smith as described in the second section of this act, establishing the boundary line of the county of Putnam, is hereby established as a part and parcel of the said county according to the prayer of the petitioners, and said Caney Fork river and line as above described, shall be the boundary line between the counties of Smith and Putnam counties; and all the citizens east of said river and line shall be subject to the authority, and under the jurisdiction of the county of Putnam, any former law or usage to the contrary notwithstanding; and it shall be the duty of the surveyor that surveys the county of Putnam, to include said territory in the county of Putnam as described by the second section of this act.

SECTION 11. That as soon as the survey of Putnam county is completed, and the center of the county found and shown to the commissioners by the said surveyor, and a plat of the same furnished them by the said surveyor, they shall deposite the same in the Clerk's office of the County Court, and it shall be the duty of said County Court to appoint at least nine commissioners to lay off said county, into not less than nine nor more than twelve civil districts of as near an average number of voters as practicable, and to suit the convenience of the citizens, and designate the place of holding the elections in each district describing the boundary, and the number of each civil district; the center district being (No.1). And it shall be the duty of said County Court to appoint three of said commissioners from the fractional part of Jackson county, and two from the fraction of Overton, and two from the fraction of White, and one from the fraction of DeKalb, and one from the fraction of Smith, and one from the fraction of Fentress county, and if any of said commissioners fail or refuse to act, the vacancy may be filled by the appointment of another commissioner in said fraction by any three of the board, and any five shall constitute a quorum, and do the business and report to the next County Court.

SECTION 12. That Joshua R. Stone, and Doctor Green H. Baker, of White county; Austin Morgan, and Maj. John Brown, of Jackson; and William Davis, and Isaiah Warthon, of Overton county; and William B. Stokes, and Bird S. Rhea, of DeKalb county; and Benjamin A. Vaden, and Nathan Ward, of the county of Smith, be and the same are hereby appointed commissioners to locate the seat of Justice for the county of Putnam, any five of whom shall have the power to act as a body; seven members shall constitute a quorum, and one from each county may act and adjourn from day to day, or fill any vacancy that may occur by the refusal of any of said commissioners to act, or from any other cause by appointing a disinterested man from the same county, such vacancy or refusal to act may occur, and it shall be the duty of the commissioners first appointed by this act, to superintend the surveying of said county on the receipt of the plat, and the center of said county, being shown to them by said surveyor, to appoint a day giving said commissioners ten days' notice at least to meet at the said center of the county of Putnam, and proceed to examine the different sites or places in the vicinity of the said central point of said county of Putnam, which may be deemed suitable for the county seat of said county, and after full examination it shall be the duty of said commissioners to select the nearest suitable site to said central point for the location of said town or county seat, taking properly into consideration the necessary quantity of water as well as the situation of the ground, and then and there place a stake at or near the spot where said court-house, for said county shall be erected, which spot so selected shall not exceed two miles and a half from the center of said county; and it shall be the duty of said commissioners or a majority of those who may act, to report to the next County Court of said county, specifying the place where they have selected as the site of said county of Putnam, and which shall be thereby established.

SECTION 13. That so soon as the said commissioners shall report, it shall be the duty of said County Court to appoint five commissioners, who shall proceed to lay off a town at the place designated, to be named Cookeville, in honor of Maj. Richard F. Cooke, of Jackson county, with as many streets and of such width as they may deem proper, or necessary, reserving at least two acres and a half for a public square; a lot for a public jail, and for a male and female Academy, and for the erection of a church for public worship.

SECTION 14. That said commissioners, of said town shall first proceed to purchase or procure by donation, at least twenty acres of land, including the town to be laid off on the best terms they can, and report the same to the County Court, which title shall be made to the chairman of said Court and his successors in office for the use and benefit of said county of Putnam.

SECTION 15. That the said commissioners of said town shall, after said purchase and the laying off of said town is completed and a plan of said town laid down, proceed to sell the lots in said town on a credit of at least twelve months, first giving due notice thereof in some newspaper printed in this State, and shall take bond with sufficient security for the purchase money, payable to themselves and their successors in office, and shall make titles in fee simple to the respective purchasers of said lots; and the proceeds of the sale of said lots shall be a fund in the hands of said commissioners for defraying the expenses incurred in purchasing the land on which the town is erected, and for erecting the public buildings.

SECTION 16. That said commissioners shall superintend the building of a courthouse and jail, and let out the building of the same and upon such terms and of such dimensions as the county court of said county

shall direct or order, and shall take bond and good security from the undertaker, payable to themselves and their successors in office, for double the sum for which said building may be undertaken, conditioned for the faithful performance of the contract.

SECTION 17. That the said commissioners, before they enter upon the duties of their offices, shall take and subscribe the following oath before the county court of said county, that they will well and truly perform the duties assigned to them by this act to the best of their ability, and shall moreover execute bond and security in the same of ten thousand dollars to the chairman of the county court, conditioned for the true and faithful performance of their duties, as enjoined upon them by this act, which bond shall be filed in the clerk's office of said county; and the said commissioners shall keep a fair and regular statement of all the monies received and expended, which statement, when required, shall, from time to time, be laid before the county court, and when all of the public buildings are completed, pay over what may remain, if any, to the county trustee of said county; and it shall be the duty of the county court to make a reasonable allowance to all the commissioners and surveyor, appointed under the provisions of this act, to be paid out of the treasury of said county.

SECTION 18. That an academy is hereby established at Cookeville in said county, with all the rights and emoluments of other counties in this State, and the county court shall appoint trustees, as in other counties, and shall name said academy.

SECTION 19. That if Madison F. Connor, the surveyor appointed by this act to survey said county of Putnam, shall refuse, or from any other cause fail to discharge the duties enjoined on him by this act, then the commissioners appointed by this act to superintend the surveying of said county, or any two of them, may, and it shall be their duty, to employ the county surveyor of Smith county to survey said county of Putnam, under all the provisions and restrictions provided for in the ninth section of this act; and it shall be the duty of the county court to provide for the payment of the same out of the county treasury.

SECTION 20. That it shall be the duty of the Clerk of the County Court of Putnam county, within three months after the said Clerk shall be elected and qualified, to call on the clerks of the Courts or other officers, who may have or hold the possessions of the original records of the county of Putnam, either in the county of Jackson, White, or Overton county; and it shall be the duty of said clerk or other person to deliver all marriage license and bonds of license, and the county Register Books, properly belonging to the county of Putnam, to the said clerk of Putnam county, whose duty it shall be to file said papers in his office, as future evidence of said transfers of land and marriages in said county, during the former two years existence of said county of Putnam, and all said transfers and sale of lands and marriages shall be as valid and legal as if said county had never been abolished.

COMPILER'S NOTE: Section 21 does not concern Putnam County. Therefore, it has been omitted.

SECTION 22. That the justices of the peace and constables that shall or may be elected at the next March election, which shall or may reside within the limits or bounds of said county of Putnam, as described in the second section of this act, shall continue to hold said offices until the next regular election, according to the constitution of this State, and nothing in this act shall be construed to the contrary notwithstanding; provided nevertheless, that when said county of Putnam is organized and the civil districts laid off, that said justices of the peace and constables shall be required to give such bonds to the county court of Putnam county as other officers of the same grade are required to do in this State; and the original bonds they may have given in the old counties, shall cease to be longer in force against said officers; and each civil district shall at the first election fill all vacancies for said officers so that each district shall have two justices of the peace, and one constable, according to the constitution.

COMPILER'S NOTE: Sections 23, 24 and 25 of this act did not affect Putnam County and are omitted for that reason.

Passed: February 11, 1854.

Change of Boundary Lines

Private Acts of 1857-58 Chapter 129

COMPILER'S NOTE: The first seven Sections of this Act did not concern Putnam County and are not reprinted herein.

SECTION 8. That the county line between the counties of DeKalb and Putnam, be so changed as to run as follows, to wit: Beginning on the line between said counties, on the top of a large ridge, near Gordon Maxwell's; running with said ridge, a north-west direction, to the Caney Fork river below Joseph Mitchell's; thence up said river to the old line; and that the territory and citizens in said amended boundary be attached to the 16th Civil District of DeKalb county; and that said citizens have all the rights and

privileges of other citizens of said county of DeKalb. That all the tax and revenue due from said citizens to the county of Putnam, for the year 1858, shall be paid to the revenue collector of Putnam county: Provided, the property of said persons, included in said portion detached from the county of Putnam and attached to the county of DeKalb, shall be given in to the revenue Commissioner, of the county of Putnam, for and during the term of five years from this time, and the tax thereon shall be assessed against them in the county of Putnam; and the tax collector for said county of Putnam shall have the right to collect the same.

SECTION 9. That this act shall take effect from its passage.

Passed: March 15, 1858

Private Acts of 1905 Chapter 538

SECTION 1. That the county line between Overton and Putnam Counties be changed as follows:

Beginning with a post oak in A. P. Warren's west boundary line; thence east with said line seventy poles to a white oak in Ben Mason's west boundary line; thence north eighty poles with said line to a white oak in B. L. Loften's south boundary line; thence west with said line and P. M. Greenwood's south boundary line seventy poles to a stone in G.W. Roberts' east boundary line; thence south with said line one hundred and forty poles to a stone, it being Roberts' southeast corner; thence west eighty poles with said Robert's line to Mill Creek; thence south eighty poles with said creek to a stake; thence southeast seventy poles with D. H. Maddux's north boundary line to stake; thence east seventy poles with said Maddux's north boundary line to a stone in A. P. Warren's west boundary line; thence north seventy poles with the said Warren's line to the beginning, detaching the above lands from Overton County and attaching to Putnam County.

Passed: April 14, 1905

Private Acts of 1915 Chapter 477

SECTION 1. That the County line between said Counties be changed as follows:

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

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

Passed: May 14, 1915.

COMPILER'S NOTE: See Putnam County v. White County, 140 Tenn 19, 203 S.W. 334 (1918).

Private Acts of 1955 Chapter 414

SECTION 1. That the county line between Smith and Putnam Counties is hereby changed so as to take from the Twelfth Civil District of Jackson County and place in the Eighteenth Civil District of Putnam County the following prescribed land:

A certain tract or parcel of land in the Twelfth Civil District of Jackson County, State of Tennessee, belonging to Jess Rogers bound and described as follows, on the north by the land of Haskel Billingsley, on the south by the land of Haskel Billingsley on the east by Rid McHenry and on the west by the A. W. Flatt land, and containing by estimation 50 acres and known as the B. A. Julian land.

A certain tract or parcel of land in the Twelfth Civil District of Jackson County, State of Tennessee, belonging to Jess Rogers and described as follows beginning on a beech tree near the creek on Rid McHenry's line, thence with said line to the A. W. Flatt corner, thence eastward with the said Flatt line to the B. A. Julian line, thence with said line to Rid McHenry's corner, thence with said McHenry's line to the creek, then with said creek to the beginning, containing 42 acres more or less. This is known as the Pink Pippin place.

A certain tract or parcel of land in the Twelfth Civil District of Jackson County, State of Tennessee as follows:

Beginning on a beech, James Goolsby's corner and running thence south 72 poles to a hickory and chestnut, thence north $8\frac{1}{2}$ degrees east 14 poles, thence north 72 degrees east 16 poles thence south $72\frac{1}{2}$ degrees east 12 poles thence south $62\frac{1}{2}$ degrees east 32 poles to a beech and ash pointers thence south 69 degrees east 8 poles thence south 46 degrees east 14 poles to a chestnut in the scantland line thence north 19 poles to a buckeye and red bud pointers, thence north $81\frac{1}{2}$ degrees east 18 poles to a buckeye stump James Goolsby's corner thence north 16 poles to the creek thence north 61 degrees west down the creek 77 poles to a beech near the bank of the creek thence north 12 degrees east 36 poles to five maples thence east 52 poles to a beech in the scantland line, thence north 62 poles to a linn and walnut thence west 80 poles to a sugar tree thence south 7 degrees west 20 poles to a sugar tree thence south 21 degrees west 14 poles to a beech, thence south 26 degrees west 16 poles to a sugar tree thence south 30 degrees west 20 poles to a walnut thence south 25 degrees west 10 poles to an elm thence to a beech the beginning corner.

Also an adjoining tract of land as follows beginning on a rock 2 poles south of the northeast corner of Goolsby's 25 acre tract of which this is a part and running $1\frac{1}{2}$ " west 11 poles to a stake in Martins Creek thence down the same south 70 degrees west 16 poles to a stake at the mouth of a branch thence north 22 degrees west 10 poles to a black walnut thence north 57 degrees east 8 poles to a hickory thence north 65 degrees east to the beginning.

Consisting of 142 acres and 97 square rods known as the Alvin V. Goolsby tract located about $11\frac{1}{2}$ miles southwest of Gainesboro, Tennessee, on the public road leading from Martins Creek to Bloomington Springs, Tennessee in the Twelfth Civil District.

Beginning on two black oaks down to the right of Ellison Goolsby's on a ridge at Ben Green's land, and running as follows: south $16\frac{1}{2}$ degrees west 20 poles to a bunch of chestnuts; thence south 12 degrees east 18 poles to a bunch of chestnut stumps; thence south $27\frac{1}{2}$ degrees west 20 poles to a stake near oak stump; thence south $14\frac{1}{2}$ degrees west 20 poles to stake; thence south 36 degrees east 6 poles to an oak; thence south 39 degrees east $10\frac{2}{5}$ poles to a chestnut; thence south 26 degrees east $17\frac{1}{5}$ poles to a hickory; thence south 10 degrees east $6\frac{4}{5}$ poles to a little beech thence south 12 degrees east $24\frac{2}{5}$ poles to a stone corner at Clabbords Branch; thence south 49 degrees west $9\frac{1}{5}$ poles to stake in the edge of Martins Creek; thence up the said creek south $30\frac{1}{2}$ degrees east $20\frac{2}{5}$ poles to stake in edge of creek; thence south 56 degrees east $12\frac{2}{5}$ poles to stake at the edge of creek Jack Holloway's corner; thence south 40 degrees west $18\frac{2}{5}$ poles to stake; thence south 9 degrees east 12 poles to stake in wire fence; thence south $5\frac{1}{2}$ degrees west $7\frac{1}{5}$ poles to a stake near a sassafras; thence south 2 degrees east 9 poles to a dogwood on top of the hill near a maple; thence north $88\frac{1}{2}$ degrees west $31\frac{3}{5}$ poles to a stake; thence north 80 degrees west $10\frac{4}{5}$ poles to a stake at the top of the big falls; thence north 84 degrees west 21 poles to a hornbeam on the edge of the branch; thence down said branch north 28 degrees west $17\frac{4}{5}$ poles to a willow in the branch; thence south $61\frac{1}{2}$ degrees west $21\frac{1}{5}$ poles to a popular on top of the hill known as a corner; thence north 39 degrees west 22 poles to a poplar; thence north 31 degrees west 8 poles to a black walnut; thence north $53\frac{1}{2}$ degrees west 11 poles to a popular; thence north 25 degrees west 10 poles to a maple; thence west $6\frac{3}{5}$ poles to an oak tree; thence south 78 degrees west 8 poles to a beech, thence south 80 degrees west $7\frac{2}{5}$ poles to a stake Jack Holloway's and Wade Walter corner; thence north 4 degrees east 27 poles down the wire fence to a stake; thence north $48\frac{1}{2}$ degrees west 7 poles to a stake at the edge of Martins Creek; thence north $43\frac{1}{2}$ degrees east 12 poles to stake at the mouth of the hollow where B.A. Julian lives; thence up the branch north $16\frac{1}{2}$ degrees west $8\frac{2}{5}$ poles to a stump; thence north 5 degrees west $8\frac{4}{5}$ poles to stake in the branch; thence north 11 degrees east $16\frac{4}{5}$ poles to a stake in the B. A. Julian Hollow; thence north $13\frac{1}{2}$ degrees east $7\frac{1}{5}$ poles to B. A. Julian's line; thence up the hill south 83 degrees east $9\frac{3}{5}$ poles to a black walnut tree; thence south $86\frac{1}{2}$ degrees east 12 poles to stake on top of the point; thence north 33 degrees east 8 poles to chestnut stump; thence north $10\frac{1}{2}$ degrees east 8 poles to a black oak, thence north 14 degrees east 7 poles to a small chestnut; thence north $22\frac{1}{2}$ degrees east $13\frac{1}{5}$ poles to a stake at the double white walnut; thence north 44 degrees east 19 poles to an oak stump thence north 46 degrees east $9\frac{3}{5}$ poles to a oak; thence north 40 degrees east 11 poles to a stake B. A. Julian and Alvin V. Goolsby's corner; in Ellison Goolsby's line; thence north 71 degrees east 10 poles to an ash; thence $45\frac{1}{2}$ degrees east 20 poles to a stake in the edge of the road; thence south 74 degrees east $15\frac{4}{5}$ poles to a chestnut, Cowen Loftis corner; thence south $34\frac{1}{2}$ degrees east 4 poles to a small chestnut at a large stump; thence south 1 degree west $7\frac{3}{5}$ poles to a stake; thence south $40\frac{1}{2}$ degrees east 19 poles to the beginning containing 142 acres, 97 square rods.

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

Passed: March 18, 1955.

Private Acts of 1961 Chapter 220

SECTION 1. That the line between the Counties of Putnam and White be, and the same is hereby changed so that the county line between the counties of Putnam and White will be located in the following manner:

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

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

Passed: March 8, 1961

Private Acts of 1961 Chapter 364

SECTION 1. That the line between the Counties of Overton and Putnam be, and the same is hereby changed so that the county line between the Counties of Overton and Putnam will be located in the following manner:

Starting at a point where the county line between Putnam and Overton Counties now intersects Paron Road; thence in an eastwardly direction along Paron Road to a point where the eastern boundary line of the lands of Carson Moore now intersects with Paron Road; thence in a southwardly direction a straight line to a point intersecting with the present county line between Putnam and Overton Counties so that the tract of land consisting of 2½ acres, being a triangular tract of land, belonging to Carson Moore, which formerly lay in Overton County will now be situated in the 15th District of Putnam County. It is the intent and meaning of this Act that the boundary line between Overton and Putnam Counties be so changed that the said lands of Carson Moore, formerly laying within Overton County shall become a part of the County of Putnam, and included therein as a part of the 15th District of said County.

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

Passed: March 17, 1961.

Private Acts of 1965 Chapter 113

SECTION 1. That the county line between Overton County, Tennessee, and Putnam County, Tennessee, is hereby changed by detaching the lands presently owned by Willard B. Presley and wife, Gilberta Presley from the First Civil District of Overton County, Tennessee, and attaching and making the same a part of the Fifteenth Civil District of Putnam County, Tennessee, which said lands presently lie within the First Civil District of Overton County, Tennessee, and are described as follows:

"Beginning on a stone (formerly a black oak tree) Paul Chilton (formerly Anne Breeding) southwest corner running thence sixteen (16) poles; to a small black oak; thence fifteen (15) poles to a sassafras, M. D. McCormick northwest corner (formerly Noah Stockton); thence south ten (10) degrees west with said McCormick's line twenty-one and one-half (21½) poles to four small sycamores on the bank of a branch; thence eastward nine and one-half (9½) poles with branch to a stone and sourwood pointer; thence south twenty-eight (28) degrees west forty-seven (47) poles to a small sycamore; thence south thirty-eight (38) degrees east eighteen (18) poles to a black walnut; thence south forty-five (45) degrees west ninety-four (94) poles to a stone in Roach's line (formerly M. S. Harp line); thence southeast forty-one poles and ten (10) feet to Dow Burgess line (formerly Q. S. McClain line) thence south with said Burgess line fifty-three and one-eighth poles to the public road; thence west two-thirds of a pole to a stone; thence northwardly fifty-two and one-half (52½) poles to a stone; thence northwest two-thirds of a pole south of M. A. Stockton's line forty-one (41) poles to a stake; thence back ten (10) feet to the A. L. Holloway corner; thence north sixty-two and one-half degrees west twenty-three and one-half poles to a stone to Allen's corner (formerly M.S. Harp) with a dogwood pointer; thence north with Roach east boundary line (formerly Elias Byers) passing his corner at sixty poles in the same direction in all one hundred sixty-four poles to a stake in the mouth of the branch on the west side of Bear Creek; thence with the current of creek to near the south end of a bluff; thence south 10½ poles to a rock; thence east to the beginning containing seventy-one (71) acres more or less."

SECTION 2. That from and after its passage of this Act the above described lands of Willard B. Presley

and wife, Gilberts Presley shall cease to be a part of Overton County, Tennessee, and shall be a part of and included within the Fifteenth Civil District of Putnam County, Tennessee, and the county line between said counties is hereby changed and altered accordingly.

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

Passed: March 10, 1965.

Public Acts of 1972 Chapter 554

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

SECTION 1. The track of land now situated in the 2nd civil district of Cumberland County, hereunder described, is removed from Cumberland County into the 14th civil district of Putnam County, and the county line between Cumberland County and Putnam County at this place shall hereafter run with boundaries of said tract as to exclude said lands from Cumberland County and include the same in Putnam County. The tract of land is generally bounded and described as follows:

Beginning at United States Geological Survey Triangulation Station Putnam No. 2034; thence south 1,150 feet to the present county line between Cumberland and Putnam Counties; thence with Cumberland and Putnam County line north 85 degrees west, 2,000 feet to a point in the east right-of-way line of State Route No. 24; thence south with the east right-of-way line of State Route No. 24 to a point in the east right-of-way line 200 feet north of the point of intersection of the east right-of-way line of State Route No. 24 with the north right-of-way line of Interstate Route 40; thence 400 feet more or less in a westerly direction along a line perpendicular to the east right-of-way line of State Route No. 24 to a point in the north right-of-way line of Interstate Route 40; thence then in a northerly direction with the right-of-way line of Interstate Route 40 to the present county line between Cumberland and Putnam Counties; thence north 8 degrees east 11,250 feet more or less to a point; thence south 79 degrees east 650 feet to a point; thence south 4 degrees west 10,400 feet to a point in the Cumberland and Putnam County line; thence south 85 degrees east 1,500 feet to a point; thence north 1,150 feet to United States Geological Survey Triangulation Station Putnam No. 2034 the point of beginning.

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

Public Acts of 1987 Chapter 103

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

SECTION 1. The boundary line between the counties of Jackson and Putnam is hereby changed by detaching from the county of Jackson and attaching to the county of Putnam all of the following described territory:

A tract or parcel of land approximately 7.6 acres in size now lying in Jackson County which is owned by Hubert Bussell and Mable Bussell and which is identified as Map 96, Parcel 10 on the Tax Maps of Jackson County.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Passed: April 8, 1987.

Boundaries - Historical Notes

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

1. Acts of 1841-42, Chapter 169, was the original Act which created Putnam County but it was declared unconstitutional in 1844 and the county was in limbo until reestablished by Acts of 1853-54, Chapter 320.
2. Acts of 1845-46, Chapter 126, appointed Richard F. Cooke, William H. Richardson, and James Bartlett, as commissioners, to survey the county of Putnam in such manner that the counties from which Putnam County was taken would not be reduced below their constitutional limits, nor their seats of justice approached nearer the twelve miles, and if, upon completion of the survey they can obtain a constitutional county, the same would be duly reported to the General Assembly but the survey would not include any portion of White County in Civil District 12, known as the head of Calf Killer.
3. Acts of 1855-56, Chapter 165, changed the lines between Putnam County and DeKalb County so that they lands of Bird Sexton, Willis Coggins, and Loyd P. Coggins, would hereafter be wholly

contained in DeKalb County.

4. Acts of 1855-56, Chapter 173, rearranged the boundaries between Putnam County and White County to run from J. B. Lowry's mill on the Falling Water southward to Cole's Branch, leaving the said Lowry's house where he lives in White County to which county he would hereafter pay his taxes. Section 3 changed the line between the two counties to run northwest from Emory Pennington's to strike the northeast corner of John H. Robison's farm, thence with the Robison line to the old line so that all the lands belonging to Gideon Brown would thereafter be wholly within White County.
5. Acts of 1857-58, Chapter 36, moved the farm of Claiborne Vaughn out of Putnam County into DeKalb County.
6. Acts of 1859-60 Chapter 100, transferred the residence and farm belonging to Mathew M. Brewington out of Putnam County and into Jackson County.
7. Acts of 1859-60, Chapter 135, moved the farm on which Dudley Hunter lived out of Putnam County and into White County.
8. Acts of 1859-60, Chapter 196, contained a lengthy legal description of the land involved but actually moved only the farms belonging to D. Robeson and H. B. Clark out of Putnam County and into Smith County, provided Putnam County was not reduced below its constitutional limits. This Act was repealed by Acts of 1871, Chapter 74.
9. Acts of 1867-68, Chapter 23, transferred the residence and lands and the citizenship of Mitchell M. Crowell out of Putnam County and into Smith County.
10. Acts of 1867-68, Chapter 82, rearranged the boundary lines between Putnam County and Smith County beginning at a point in the line of Putnam and Smith Counties where the line crosses the ridge near M. M. Crowell's place; thence running along said ridge so as to include the lands of M. M. Crowell, Mary Brown, Susan F. Cardwell, and J. C. Apple; thence with G. W. Apple's line to Young's Fork of Indian Creek; and thence with said Creek to the Smith County line near Dr. William Robinson's, including all lands north and west of this line in Smith County. Section 5 transferred the residence and land of Jacob Null from Putnam to DeKalb County.
11. Acts of 1868-69, Chapter 20, Section 2, changed the lines between Putnam County and Smith County so as to include the residence and farm of F. M. Goolsby in Smith County, provided the said Goolsby paid all taxes due on his farm for the next three years to Putnam County.
12. Acts of 1868-69, Chapter 36, Section 3, moved the lands belonging to James Peak out of Overton County and placed them in Putnam County.
13. Acts of 1868-69, Chapter 43, transferred the properties of J. C. Fletcher, O. P. Apple, H. B. Clark, and F. M. Goolsby, out of Putnam County and into Smith County but the 1869 and 1870 taxes would be paid to Putnam County.
14. Acts of 1869-70, Chapter 48, detached the residence of lands of Thomas Watts from Putnam County and attached the same to Smith County.
15. Acts of 1870, Chapter 49, took all the properties belonging to Samuel Welch out of Overton County and placed them in Putnam County.
16. Acts of 1870, Chapter 84, Section 2, changed the line between Putnam County and Smith County to run with the Road and Young's Fork of Indian Creek instead of running altogether with Young's Fork, including all the road in Putnam County and that the line described above would hereafter be the line between the two counties. See *Putnam County v. Smith County*, 129 Tenn. 394, 164 S.W. 1147 (1914).
17. Acts of 1870-71, Chapter 111, rearranged the boundaries between Putnam County and Overton County so that the lands of Elijah Peeke would be wholly included in Putnam County.
18. Acts of 1871, Chapter 74, repealed Section 8, Acts of 1859-60, Chapter 135, and restored the county lines between Putnam County and White County to their position prior to the passage of that act.
19. Acts of 1871, Chapter 104, altered the boundary lines between Cumberland County and Putnam County so as to include the farm and improvements, on which John H. Officer resided wholly within Putnam County.
20. Acts of 1873, Chapter 66, detached all that tract of land on which Samuel Fitz Patrick lived from Putnam County and attached the same to Smith County, but Putnam County was not to be reduced below its constitutional limits. See *Putnam County v. Smith County*, 129 Tenn. 394, 164 S.W. 1147 (1914).

21. Acts of 1873, Chapter 76, Section 2, realigned the boundaries between Putnam County and Overton County commencing on the north boundary line of Putnam County, known as Thom Gap, running thence west with the old Thom Gap road to Spring Creek, near the old Holford farm, and just below the bridge across the creek; thence down Spring Creek to where Overton County and Jackson County's line crosses; thence south with that line to the north boundary of Putnam. All land south of the above described line would hereafter be a part of Putnam County.
22. Acts of 1873, Chapter 76, Section 3, moved the farms owned by Elmore Carrington, William Sadler, Charles M. Sadler, M. M. Jaquess, and M. M. Owen, out of Jackson County and into Putnam County.
23. Acts of 1877, Chapter 115, moved the lands belonging to Thomas L. Watts out of Putnam County and into Smith County. See Putnam County v. Smith County, 129 Tenn. 394, 164 S.W. 1147 (1914).
24. Acts of 1877, Chapter 148, transferred all the properties owned by W. W. Pippin, Reuben Whitson, and W. C. Rector out of Jackson County and into Putnam County. Taxes on these lands would not be retained by Putnam County until all the taxes owed to Jackson County were paid in full.
25. Acts of 1881, Chapter 142, took all the properties belonging to G. B. Thompson, A. J. Clark, L. D. Apple, and part of the lands of S. B. Lee out of Putnam County and placed the same into Smith County. See Putnam County v. Smith County, 129 Tenn. 394, 164 S.W. 1147 (1914).
26. Acts of 1883, Chapter 42, rearranged the boundaries between Putnam County and Jackson County so that the lands belonging to Nathan Davidson were included wholly within Jackson County.
27. Acts of 1883, Chapter 47, changed the lines between Putnam County and Jackson County so that the lands of Nancy Owen, J. M. Mabry, J. G. Smith, the lands of the heirs of John Smith, and the land of W. J. Lewis would all be located wholly within Putnam County.
28. Acts of 1883, Chapter 99, moved the farm owned by J. M. Ballard out of Putnam County and into Smith County, and the lands of Purlina Evans out of Smith County and into Putnam County. See Putnam County v. Smith County, 129 Tenn. 394, 164 S.W. 1147 (1914).
29. Acts of 1883, Chapter 109, moved a tract of land known as the Alred and Gore grant, and two tracts of land belonging to James Bartlett, adjoining the said grant, said lands being partly in the First Civil District of Cumberland County and partly in the 14th Civil District of Putnam County so that all lands, as described therein, would hereafter be wholly within Putnam County.
30. Acts of 1883, Chapter 175, transferred the lands owned by W. P. Lewis out of Putnam County and into Jackson County.
31. Acts of 1887, Chapter 192, changed the lines between Putnam County and DeKalb County in such a manner that the lands of F. H. Smith, which were located in Putnam County, would hereafter be wholly within and a part of the 16th Civil District of DeKalb County.
32. Acts of 1887, Chapter 195, moved the properties belonging to A. P. Warren out of Overton County and into Putnam County.
33. Acts of 1887, Chapter 203, realigned the boundaries between White County and Putnam County commencing on a bluff a few rods east of the mouth of Pigeon Roost Creek, running east up the Falling Water River to where the county line crosses the Falling Water River making the bed of the River the dividing line between the two counties.
34. Acts of 1887, Chapter 212, took the lands of A. J. Poteet out of Putnam County and placed them in Overton County.
35. Acts of 1889, Chapter 60, rearranged the lines between Putnam County and Overton County so as to include John Barnes, and the land upon which he now lives, wholly within Putnam County but nothing in this law was intended to affect the rights of any other citizen in either county, or to reduce Overton County below its constitutional limits.
36. Acts of 1889, Chapter 109, transferred all the lands of T. L. Maddux from Putnam County to Jackson County, and that part of the lands of R. L. Maddux and T. J. Lee which were in Jackson County was moved over to Putnam County. The land belonging to J. P. Whitfield, was taken out of Putnam County and placed into Jackson County.
37. Acts of 1889, Chapter 113, altered the lines between Putnam County and White County so that all the lands of Silas and William Howell were all situated in White County.
38. Acts of 1889, Chapter 116, detached the lands of Sampson Bartlett from Overton County and attached them to Putnam County.

39. Acts of 1889, Chapter 141, transferred the lands and residences belonging to Captain Purtaman Jones, and John H. Gamer, out of DeKalb County and into Putnam County.
40. Acts of 1891, Chapter 260, took all the lands of J. H. France completely out of Putnam County and placed them within Overton County.
41. Acts of 1893, Chapter 102, moved the land of W. J. Bartlett out of Jackson County and into Putnam County as the same was described by giving the names of the owners of the properties adjoining the land.
42. Acts of 1895, Chapter 98, transferred the properties owned by A. H. King out of Putnam County and into Smith County. See Putnam County v. Smith County, 129 Tenn 394, 164 S.W. 1147 (1914).
43. Acts of 1895, Chapter 116, took all the lands belonging to Sidney Sutton out of Jackson County and placed them into Putnam County.
44. Acts of 1897, Chapter 148, detached the lands of I. W. Evans from Putnam County and attached the same to Smith County as they were described in the Act. See Putnam County v. Smith County, 129 Tenn 394, 164 S.W. 1147 (1914).
45. Acts of 1897, Chapter 306, removed the farm belonging to D. S. Officer out of Putnam County as the same was particularly described, and placed it in White County.
46. Acts of 1901, Chapter 242, directed that all the lands on which H. F. Sadler now lives in Jackson County would hereafter become a part of the 12th Civil District of Putnam County and Martin's Creek would thence become the boundary line between the two counties.
47. Acts of 1901, Chapter 262, rearranged the boundary lines between Putnam County, Jackson County, and Overton County to the effect that the real property of Sampson Bartlett would be thereafter located wholly within the 15th Civil District of Putnam County.
48. Acts of 1903, Chapter 23, transferred the lands upon which William C. Ashburn lived out of Jackson County and placed them wholly within the First Civil District of Putnam County.
49. Acts of 1903, Chapter 56, altered the lines between Putnam County and Overton County so that the land belonging to J. W. Warren would be located entirely in Overton County.
50. Acts of 1903, Chapter 223, rearranged the boundary line between Putnam County and Overton County so that all the lands of Kate Going, as described in the Act, would become a part of the First Civil District of Overton County.
51. Acts of 1903, Chapter 425, changed the lines between Putnam County and Overton County, relocating the lands owned by W. F. Judd entirely within Putnam County.
52. Acts of 1903, Chapter 523, took all the real property belonging to Barnes and Harp, as the same were described in the Act, out of Overton County and placed them into the Fifteenth District of Putnam County.
53. Acts of 1905, Chapter 9, detached all the lands owned by F. P. Jared from Jackson County and attached the same to Putnam County.
54. Acts of 1905, Chapter 36, changed the lines with DeKalb County so that all the lands of V. M. Weaver, as described herein, were included within Putnam County.
55. Acts of 1905, Chapter 38, moved all the lands of John Bohannon out of Overton County and relocated the same in Putnam County.
56. Acts of 1905, Chapter 156, transferred the land belonging to Richard Herron from Putnam County to DeKalb County.
57. Acts of 1905, Chapter 197, realigned the boundaries between Putnam County and Jackson County beginning in the Putnam County - Jackson County line at Carrell Pippin's northeast corner; thence with his north boundary line to Henry Netherton northeast corner; thence with his north boundary line to J. W. Atkins's northeast corner; thence with his north boundary line to G. W. Brown's southeast corner; thence west with the said line to the Putnam County line so that all the lands within the area described were taken out of Jackson County and placed in Putnam County.
58. Acts of 1905, Chapter 198, changed the line between Putnam County and Jackson County beginning at the stake in the said line, thence east 60 poles to a stake; thence north 64 poles to a stake; thence west 60 poles to a stake in the said county line so that the lands described above owned by J. L. Sadler were removed from Jackson County and placed in Putnam County.
59. Acts of 1905, Chapter 199, moved the lands belonging to Samuel Henby out of Jackson County and into Putnam County.

60. Acts of 1905, Chapter 218, transferred the property of Ben Mason out of Putnam County and into Overton County.
61. Acts of 1905, Chapter 238, detached the lands owned by Norrell Chaffin from the 12th Civil District and attached the same to the Fifth Civil District of Jackson County.
62. Acts of 1905, Chapter 239, moved the lands of M. J. Julian out of Jackson County and into Putnam County.
63. Acts of 1905, Chapter 370, returned the lands owned by I. W. Evans to Smith County from Putnam County. See Putnam County v. Smith County, 129 Tenn. 394, 164 S.W. 1147 (1914).
64. Acts of 1907, Chapter 29, made a change in the line between Putnam County and Smith County beginning on the line between the said counties at a stake at low water mark on the south bank of the Caney Fork River, the northwest corner of the J. C. Barne's tract of land, running thence south 12 degrees east, 211 poles to a stake on the south side of the railroad right of way; thence north, 60 degrees east, 40 poles to a stake; thence north 70 degrees east, 23 poles to a stake, at low water mark on the west bank of the Caney Fork River so that all the above described lands would be detached from Smith County and attached to Putnam County.
65. Acts of 1907, Chapter 291, altered the boundary between Putnam County and DeKalb County so that the farm and home of Jesse Pullum would be included altogether in Putnam County.
66. Acts of 1907, Chapter 503, detached the lands of W. L. Foster from Putnam County and attached the same to DeKalb County.
67. Acts of 1909, Chapter 493, took the lands of James Warren out of Overton County and placed them in Putnam County.
68. Private Acts of 1911, Chapter 537, changed the county line between Putnam County and Overton County so as to include within Putnam County a strip of Overton County land at Cedar Springs which contained about ten acres, and which lay southwest of the northeast line at the Putnam County pike right of way which has now been surveyed, running from Monterey to Shady Grove in the direction of Brotherton and Cookeville.
69. Private Acts of 1913, Chapter 220, moved the property owned by B. L. Judd out of Overton County and into Putnam County.
70. Private Acts of 1913, Chapter 221, returned the lands of Ben Mason to Overton County from Putnam County.
71. Private Acts of 1915, Chapter 541, transferred that portion of the real property owned by Joseph Bozarth located in the 13th Civil District of Putnam County to the 8th Civil District of DeKalb County.
72. Private Acts of 1915, Chapter 656, stated in the preamble that a dispute had arisen and litigation was threatened concerning the boundary lines between Putnam County and White County. To settle the dispute this Act changed the line so that the lands known as the Rose Tract, now the property of Ed Nowlin and Jack Duncan, the lands known as the Simp Saylor's Falls or Lowery Tract, and now the property of Alonzo Burgess, and the lands of Silas and William Howell, would hereafter all be included in White County.
73. Private Acts of 1919, Chapter 80, transferred all the properties of Charles Warren then located in Overton County into Putnam County.
74. Private Acts of 1925, Chapter 698, detached the farm of Alonzo Burgess, which was conveyed to the city of Cookeville for the site of a hydro-electric facility, consisting of some 90 acres, and now being used for that purpose, from White County and attached the same to Putnam County, and the line of the Falling Water River running east from the farm with the south bank of the high water mark of the Falling Water River to the east end of the John Jones farm was all placed into Putnam County.
75. Private Acts of 1929, Chapter 412, moved about 30 acres of land owned by Albert Ashburn out of the 8th Civil District of DeKalb County and placed all of the same in Putnam County.
76. Private Acts of 1931, Chapter 391, changed the boundary lines between Putnam County and Overton County so that the portions of land described in this Act belonging to J. W. Warren would hereafter be wholly included within Putnam County.
77. Private Acts of 1931, Chapter 450, rearranged the boundary lines between Putnam County and Overton County so that about three acres of land belonging to Ben Mason was taken out of Putnam County and placed in Overton County in the First Civil District.
78. Private Acts of 1933, Chapter 214, caused all the lands owned by W. M. Barnes to be taken out of

Putnam County and placed into Overton County.

79. Private Acts of 1933, Chapter 562, detached the lands of Fate Weaver, which were described in this Act, from the 4th Civil District of Putnam County and attached them to the 11th Civil District of White. This Act was repealed by Private Acts of 1941, Chapter 62.
80. Private Acts of 1933, Chapter 711, transferred the lands owned by J. M. Lee, about 300 acres as described in the Act, out of Putnam County into Jackson County.
81. Private Acts of 1933, Chapter 712, changed the boundary lines between Putnam County and Jackson County so that two tracts of land belonging to L. A. Fuqua, both consisting of about 140 acres each, would be included wholly within Putnam County.
82. Private Acts of 1939, Chapter 152, altered the county line between Putnam County and Jackson County so as to include in Jackson County a farm owned by L. A. Fuqua, which was known as the Ferrell farm, situated near the mouth of Spring Fork.
83. Private Acts of 1941, Chapter 426, changed the lines between Putnam County and DeKalb County so as to include within the present 16th Civil District of DeKalb County the portion of land owned by John Agee, now located in the 13th Civil District of Putnam County, containing 47 acres, more or less.
84. Private Acts of 1941, Chapter 434, detached a parcel of land containing about three acres belonging to Rhoda McGuffey from DeKalb County and attached the same to Putnam County which placed all the lands of the above named in Putnam County's 13th Civil District.
85. Private Acts of 1945, Chapter 265, moved a tract of land of about 35 acres which was described in the act, and which was owned by Walter Thompson, out of Putnam County and into Overton County.
86. Private Acts of 1949, Chapter 710, detached a tract of land consisting of some 70, or more, acres, owned by Hite Garrison, and known as the Sam Myers farm, from the First Civil District of Putnam County and attached all of the same to Jackson County.
87. Private Acts of 1949, Chapter 730, realigned the boundaries between Putnam County and Overton County so that the farm owned by C. F. Officer was taken out of the 8th Civil District of Overton County and placed in the 14th Civil District of Putnam County.
88. Private Acts of 1951, Chapter 522, moved a tract of land of approximately 40 acres, owned by Herman Smith, out of Putnam County and into Jackson County. This Act was repealed by Private Acts of 1957, Chapter 225.
89. Private Acts of 1963, Chapter 131, moved the lands of Walter Loftis and L. E. Judd out of the 10th Civil District of Jackson County and into the 15th Civil District of Putnam County, containing about 75 acres, more or less, as it was described in the Act.

Chapter V - Court System

Criminal Court

Private Acts of 1907 Chapter 85

COMPILER'S NOTE: See also T.C.A. 16-2-506 for the general law, which provides that Putnam County is part of the 13th Judicial District.

SECTION 1. That a Criminal Court is hereby created and established for the counties of White, Putnam, Cumberland, Overton, Pickett, Clay, Jackson, Macon, Trousdale, and Smith, to be known as the "Criminal Court of the Fifth Judicial Circuit of Tennessee."

SECTION 2. That said Criminal Court shall have general, common law, and statutory jurisdiction, original and appellate, over all criminal cases arising in said counties to the same extent as is now, or hereafter may be, conferred upon the Circuit and Criminal Courts of this State under the common law or the statutes.

SECTION 3. That the times of holding the Criminal Courts in said counties shall be as follows: White County, first Tuesday after the first Monday in January, May, and September; Putnam County, first Tuesday after the third Monday in January, May, and September; Cumberland County, first Monday in February, June, and October; Pickett County, second Monday in February, June, and October; Overton County, third Monday in February, June, and October; Clay County, fourth Monday in February, June, and

October; Jackson County, first Monday in March, July, and November; Macon County, third Monday in March, July, and November; Trousdale County, fourth Monday in March, July, and November; Smith County, second Tuesday after fourth Monday in March, July and November.

SECTION 4. That the Circuit Court Clerks of the several counties herein named shall be the Clerks of said Criminal Court, and they shall perform the same duties and receive the same compensation as now provided by law.

SECTION 5. That the Attorney-general of the Fifth Judicial Circuit shall perform the duties of Attorney-general in the Criminal Court in the counties herein named, except the county of Fentress, and in the county of Fentress the Attorney-general of the Second Judicial Circuit shall perform the duties of Attorney-general.

SECTION 6. That immediately upon the passage of this Act, or as soon thereafter as practicable, the Governor shall appoint a Judge of said Criminal Court created by this Act, who shall possess the same qualifications and be clothed with the same powers and jurisdiction as are now provided by law for Judges of this State, and whose salary shall be the same and paid in like manner by the State as that of other Criminal and Circuit Judges of the State.

SECTION 7. That the Judge of the Criminal Court created by this Act shall hold the Circuit Courts in the counties of Pickett, Macon, and Trousdale, and it shall be lawful for said Judge of said Criminal Court and the Judge of the Fifth Judicial Circuit to hold each of their courts, both criminal and civil, in any of the different counties of said circuit at the same time; and the Judge of the Fifth Judicial Circuit shall hold the Criminal Court in the counties of Cumberland and Clay, and the Judge of the Fifth Judicial Circuit shall hold the Circuit and Criminal Court for Fentress County.

SECTION 8. That all bonds and recognizances heretofore or hereafter taken and all process hereafter issued shall be made returnable to the times and places fixed by law for holding the courts for the several counties herein named.

SECTION 9. That all laws and parts of laws in conflict with this Act be, and the same are hereby, repealed in so far as they conflict with this Act, but no further or otherwise.

SECTION 10. That this Act take effect from and after March 1, 1907, the public welfare requiring it.

Passed: February 7, 1907.

Depositions

Private Acts of 1921 Chapter 598

SECTION 1. That persons authorized to take depositions in Counties of not less than 22,225 and more than 22,240, according to the Federal Census of 1920, may take them in short hand, and subsequently, reduce the same to typewriting, or may take them directly on the typewriting machine, provided, that in case the deposition be taken in short hand, the person taking it can truthfully and does certify substantially as follows:

"I certify that being a stenographer, I took foregoing deposition in the exact language of the witness, and reduced it to typewriting (or manuscript) That it was then read over by the witness in my presence (or was read over by me to the witness) and was approved and signed by him (or by me for him or her at his or her request and I certify that I am not interested in the cause, nor of kin or counsel to either of the parties, and that I sealed up said deposition and delivered it to ----- (or delivered it to the express office, or put it in the post office) without being out of my possession, or altered after it was taken."

SECTION 2. That any deposition taken under this Act by a person authorized to take depositions, at the request of the witness may sign witnesses's name to the deposition, after the same has been reduced to writing, on the typewriter, or manuscript.

SECTION 3. That the person taking the deposition in short hand, and subsequently reducing the same to typewriting or manuscript, shall in addition to the regular fee allowed by the General Statute for taking depositions, be permitted to charge for transcribing the same, the price of ten cents per page, which may be included in the bill of cost, for taking said depositions.

SECTION 4. That all laws, or parts of law in conflict with this Act be and the same, are hereby repealed.

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

Passed: March 31, 1921.

General Sessions Court

Private Acts of 1949 Chapter 125

SECTION 1. That there is hereby created and established a court in and for Putnam County, Tennessee, which shall be designated the Court of General Sessions of Putnam County, Tennessee. The court shall be held in Cookeville and also at Monterey, the dates of which shall be fixed by such Judge and Putnam County shall provide a courtroom, dockets, furnishings and necessary supplies for the equipment and maintenance of said court, and shall pay for the same out of the general funds of the county.

As amended by: Private Acts of 1949, Chapter 451

SECTION 2. That the jurisdiction, powers and authority of said court shall be coextensive with Putnam County and shall be the same as provided by law for Justices of the Peace in civil and criminal actions; and the Justices of the Peace of Putnam County are hereby divested of all of such jurisdiction, powers and authority with the exception of the power and authority to issue search warrants, criminal warrants and mittimi, and fix bonds, the trial of the defendant on such, however, to be made by the Judge of the Court of General Sessions, hereinafter provided for. The Justices of the Peace issuing such search warrants, criminal warrants and mittimi shall receive the same fees therefor as are now provided for the issuance of such papers. The authority of said Justices of the Peace in their capacity as members of the Quarterly County Court or in the performance of rites of matrimony is in nowise affected by this Act.

As amended by: Private Acts of 1972, Chapter 265

SECTION 3. That before the issuance of any warrants in civil cases, the plaintiff shall execute a cost bond with good security in the sum of Twenty-five (\$25.00) Dollars or in lieu thereof, make a cash deposit with the Clerk of not less than Three (\$3.00) Dollars, nor more than Twenty-five (\$25.00) Dollars, to secure the costs, or take the oath prescribed for poor persons, and on motion, the court may increase the security.

SECTION 4. That the laws now governing pleading and practices; stay of and appeals from judgments, writs and processes in civil cases in the Courts of Justices of the Peace, shall apply to and govern said court; and all of the statutes regulating the conduct of Justices of the Peace in civil and criminal cases shall apply to the Judge of said Court.

SECTION 5. That the Judge of said court shall adopt such rules as may be necessary to expedite the trial and disposal of cases.

SECTION 6. That in all matters the costs and fees of the Court of General Sessions shall be the same as those provided by law for Justices of the Peace. The fees and other compensation of the Sheriff, and all other officers, for the execution of writs and processes of said court and fees for attendance and mileage of witnesses shall be the same in said court as those provided by law for the Courts of Justices of the Peace. The fees and compensation, due for services rendered by the court, shall accrue to the Clerk of the court. Said costs, fees and mileage of witnesses, the fees, commissions and emoluments of the Sheriff and all other officers, for services to said court, and the fines and forfeitures adjudged by it shall be paid to the Clerk and handled, accounted for and disbursed as required by law.

SECTION 7. That there shall be one civil docket and one criminal docket for the court in which all cases shall be entered immediately upon the issuance of the warrant. Upon said dockets shall be entered the style and number of each case, the date of the issuance of the warrant or process, the name of the officer to whom delivered, the return of the process in brief form, the action of the court, both interlocutory and final, orders, judgments, executions, garnishments, lists of fees of court, of the Sheriff, and all other officers for their respective services, fees and witnesses for attendance, credits for payments upon judgments and upon costs, and the manner in which the case was disposed of. There shall be a direct and cross index of each case in the civil docket and a direct index giving the name of the defendant on the criminal docket, so as to provide ready access to the records of each case.

On the criminal docket there shall be kept a column wherein the criminal warrant is charged to the officer taking out the warrant, and the officer who received the warrant shall give a receipt for same. No warrant, criminal or civil, shall be taken from the office of said court until its issuance has been properly entered on said respective dockets. The criminal warrants and mittimi issued by the Justices of the Peace shall be returned immediately to the Clerk of the Court of General Sessions and docket as herein required as to those issued by the Judge and Clerk of said court.

SECTION 8. Beginning September 1, 1994, the court shall be divided into Part I and Part II, and there shall be two (2) Judges for the court. Each Judge shall have all the qualifications as prescribed by law for circuit court judges, shall take the oath prescribed for circuit court judges, and shall have all the jurisdiction conferred upon the Judge of the General Sessions Court of Putnam County, whether by general law or private act, specifically including but not limited to probate jurisdiction conferred under Chapter 229

of the Private Acts of 1965, as amended. The present Judge of the court shall become the Judge of Part I of the court. At the 1994 regular August election, a Judge of Part II of the court shall be popularly elected to an initial four (4) year term, and to eight (8) year terms thereafter, and shall take office on September 1 after the election. Beginning September 1, 1994, the Judge of Part I shall be the Senior Judge, who shall be vested with the authority to assign for trial and disposition all matters, suits and cases which may be filed with the court. At the end of one (1) year, the Judge of Part II shall be designated Senior Judge, with all of the above authority and responsibility. The Judges shall rotate the position of Senior Judge each year thereafter on September 1.

As amended by: Private Acts of 1949, Chapter 451
Private Acts of 1994, Chapter 134

SECTION 9. The Judges of the court shall receive compensation as provided by general law, payable in equal monthly installments, which shall be paid out of the general funds of the county, and which shall not be increased or diminished during the term for which said Judge is elected, and said Judge shall give all his working time to duties of his office and shall not practice in or before any of the other courts of the State; provided, however, such Judge may appear in such other courts for the purpose of concluding to a final termination any case which he may have pending at the time he takes office as such Judge.

As amended by: Private Acts of 1957, Chapter 291
Private Acts of 1994, Chapter 134

COMPILER'S NOTE: See Tennessee Code Annotated, Section 16-15-5003, which establishes the minimum compensation amounts for General Session Judges.

SECTION 10. That the court herein established is hereby vested with full jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before said court upon warrant wherein the person charged with such misdemeanor enters a plea of guilty or requests trial upon the merits and expressly waives in writing an indictment, presentment, grand jury investigation and jury trial. In such cases the trial shall proceed before the court without the intervention of a jury, and the court shall enter such judgment and, as incident thereto, may inflict such punishment, within the limits provided by law for the particular offense, as he may deem proper under the peculiar circumstances of such case, but nothing herein shall be construed as undertaking to grant such Judge the power to impose a fine in excess of \$50.00 upon any citizen of this State, and provided further, that the Court herein created shall have no jurisdiction of the trial of misdemeanors for which the minimum punishment is a fine of more than \$50.00.

In addition to the duties, powers and authority enumerated above, the Judge of the General Sessions Court of Putnam County shall have authority, jurisdiction, and power to grant all extraordinary writs of injunction and attachments the same as the Circuit Judges and the Chancellors of the State now have and that he shall also exercise this power and authority in the same manner as the Chancellors and Circuit Judges. Said Judge shall also have the authority and power to suspend any penalty imposed by him upon a defendant in a misdemeanor case, provided application is made for a suspension in such cases within the time allowed for an appeal from the General Sessions Court to the Circuit Court in said County.

Any person aggrieved by the judgment of the Court of General Sessions having criminal jurisdiction rendered under the provisions of this section may appeal such judgment to the next term of the Criminal Court of Putnam County upon executing an appearance bond, and likewise, executing bond for the amount of fine and costs or, in lieu thereof, taking the oath prescribed by law for paupers. Such appeal when properly taken to the Criminal Court of Putnam County, shall be tried by the Judge of the Criminal Court without a jury and without indictment and presentment, upon the original warrant issued against such person.

The Judge of the Court of General Sessions herein created is expressly authorized to issue any and all process in connection with criminal cases disposed of by him under the provisions of this section necessary to effectuate the carrying out of the judgment rendered by him in such case. The Judge of the General Sessions Court of Putnam County shall have the same power and authority to punish for contempt of court as the Circuit or Criminal Court.

As amended by: Private Acts of 1957, Chapter 291
Private Acts of 1972, Chapter 265

SECTION 11. That for the purpose of filling the vacancy occasioned by the creation of such judgeship, John E. Bryan is hereby designated and appointed as such Judge, who shall serve until September 1, 1950, and until his successor shall be elected and qualified. At the August election, 1950, there shall be elected by the qualified voters of Putnam County a Judge thereof, who shall hold office for a period of eight years from September 1, 1950, or until his successor shall be elected. Thereafter, his successor shall be elected every eight years at such election for a term provided by a law for Judges of Inferior Courts.

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

authority as a regular Judge to hold the court for the occasion.

SECTION 13. That in the case of a vacancy for any cause the Governor shall have the power to appoint some qualified person to fill such vacancy, until the September 1st following the next regular August election, at which election said vacancy for the remainder of the term shall be filled by qualified voters of Putnam County.

SECTION 14. That the Clerk of the Circuit Court of Putnam County shall act as the Clerk of said Court of General Sessions, and when acting as such Clerk shall be designated "Clerk of the Court of General Sessions of Putnam County". Said Clerk is hereby authorized to perform the duties of the Clerk of said court, and the fees, commissions and emoluments of said Court of General Sessions shall constitute the fees, commissions and emoluments of the office of the Clerk of the Court of General Sessions of Putnam County, Tennessee, up to the sum of Twenty-four Hundred (\$2,400.00) Dollars per year, and all such fees, commissions and emoluments received by him in excess of Twenty-four Hundred (\$2,400.00) Dollars shall accrue to the County of Putnam. He shall have authority to appoint a deputy or deputies who shall have the same authority in issuing papers as the Clerk himself has under this Act. The Clerk of said Court and his deputies shall have concurrent authority with the Judges thereof to issue warrants and other processes and writs, other than those which the law requires shall be issued by a judicial officer.

SECTION 15. That at the request of the Judge of such Court of General Sessions the Sheriff of Putnam County shall assign a regular deputy sheriff to attend the sessions of the Court and to perform the same functions as do officers generally in attendance upon Courts of Record. The Sheriff of said county, or any Deputy Sheriff or Constable thereof, shall serve legal processes, writs, and papers issued by said court with the same authority as now provided by law and shall receive the same fees and emoluments therefor as is now provided for writs and processes issued by the Justices of the Peace for said county.

As amended by: Private Acts of 1949, Chapter 451

SECTION 16. That this Act shall in no way impair the right, title or interest of any Justice of the Peace of Putnam County to any unpaid fees, or funds in which he has a right or interest in any proceedings, judgment or suit, whether said cause is disposed of or pending when this Act becomes effective.

SECTION 17. That at the time this Act becomes effective all of the official dockets and records and papers in cases that are disposed of or that are undisposed of and pending, belonging to Justices of the Peace or former Justices of the Peace of said county, shall be delivered to the General Sessions Court as the successor of the said Justices of the Peace.

SECTION 18. That said Court of General Sessions shall have authority to hear and determine all undisposed of cases pending in the Courts of Justices of the Peace of Putnam County as if such cases had originated in said Court of General Sessions, and shall power to issue executions on judgments rendered by Justices of the Peace.

SECTION 19. That the Legislature expressly declares that each section of this Act be severable, and that if any portion of this Act shall be held unconstitutional or invalid, the same shall not affect the remainder of this Act, but such unconstitutional or invalid portions shall be elided, and the Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

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

Passed: February 8, 1949.

Small Claims Court of Putnam County

Private Acts of 1996 Chapter 209

SECTION 1. The purpose of this act is to establish within Putnam County, Tennessee, an accessible, convenient and informal forum for small civil cases in which the small claims of all complainants can be resolved and redressed inexpensively, expeditiously, fairly and effectively.

SECTION 2. (a) A small claims court of the general sessions court is established in Putnam County, Tennessee.

(b) The judges and clerks of the general sessions court shall serve as the judges and clerks of the small claims court divisions.

SECTION 3. (a) The small claims court is not a court of record and shall have jurisdiction, concurrent with that of the general sessions court, in all non-criminal actions, other than actions for libel and slander, if the amount in controversy does not exceed seven hundred fifty dollars (\$750) inclusive of interest.

(b) The small claims court has authority to grant any appropriate relief, including money damages and equitable relief, except that injunctions and restraining orders may only be issued by agreement of all parties.

SECTION 4. (a) The plaintiff may commence an action in the small claims court by filing with the clerk of the general sessions court a combination summons-complaint, hereinafter called the "civil warrant", which includes the name of the court, the names and addresses of the plaintiff(s) and defendant(s), the name of the county in which the action is commenced, and the statement of the claim in concise form, without technicality, including pertinent dates. In addition, the civil warrant shall include the following clearly and conspicuously stated information:

(1) The defendant may, if desired, have the case transferred from the small claims court to the regular docket of the general sessions court;

(2) If the defendant wishes to have the case heard in the small claims court, the defendant must first waive, or give up the right to be represented by an attorney, the right to appeal the decision of the court and the right to a jury trial;

(3) If the defendant fails to appear, the court may order the defendant to pay the amount claimed by the plaintiff; and

(4) The judge may schedule a different time for trial if the assigned date is inconvenient.

(b) The defendant shall be notified of the claim and of the defendant's right to appear by being served with the civil warrant. The mode of service shall be by registered or certified mail with return receipt requested; if the receipt is not returned, the defendant shall be personally served with process as in other civil cases. No action in the small claims court may proceed further unless a return is made showing completed service by registered or certified mail, return receipt requested, or by personal service of process.

SECTION 5. A written answer or plea is not required of the defendant in an action in the small claims court; provided, however, the defendant may file a written answer or plea if so desired.

SECTION 6. The defendant may plead as a counterclaim or crossclaim any claim that at the time of serving the warrant the defendant may have against the plaintiff if: (1) the counterclaim or crossclaim is within the seven hundred fifty dollars (\$750) jurisdictional limit of the small claims court; and (2) the counterclaim or crossclaim arises out of the same transaction or occurrence that is the subject matter of the plaintiff's claim; (3) the counterclaim or crossclaim does not require for its adjudication the presence of third parties over whom the court cannot acquire jurisdiction. Actions in which the defendant's counterclaim exceeds the jurisdictional limit of the small claims court shall be removed to the regular docket of the general sessions court.

SECTION 7. (a) The plaintiff, upon filing a claim, shall pay the then current general sessions civil warrant filing fee. If additional costs are accrued, the plaintiff is responsible for payment of such cost pending final adjudication by the court.

(b) The pauper's oath is available to the plaintiff as in other civil actions. No filing fee shall be required of the plaintiff who meets the requirements for initiating the action on the pauper's oath.

SECTION 8. (a) The general sessions court clerk shall initially schedule a trial in the small claims court when the action is first filed.

(b) A party's first request for a continuance may be granted if the judge determines that such request is warranted and is in the interest of justice. A party's second request for a continuance, and all requests thereafter, may be granted only upon a showing of extraordinary circumstances justifying the continuance, unless all the parties and the judge agree thereto.

SECTION 9. (a) A party may not file in the small claims court of the general sessions court more than three (3) claims in any one (1) calendar year.

(b) Any party who files a claim in the small claims court shall sign an affidavit with the clerk at the time of the filing of the warrant stating that the party has not brought more than three (3) claims in one (1) calendar year.

(c) If any party files more than three (3) claims, then each subsequent cause shall be transferred to the regular general sessions court civil docket.

SECTION 10. (a) The small claims court shall conduct hearings upon small claims in such manner as to do substantial justice between the parties according to the rules of substantive law, and shall not be bound by the statutory provisions or rules governing practice, procedure, pleading or evidence, except statutory provisions relating to privileged communications.

(b) No depositions may be taken, and no interrogatories or other discovery proceedings may be used under the small claims procedure.

SECTION 11. No attorney at law, except on his own behalf or as a witness, may take any part in the prosecution or defense of litigation in the small claims court. Provided, however, this section shall not be construed to prohibit an attorney from advising a party concerning the anticipated prosecution or defense of an action in the small claims court.

SECTION 12. (a) The judge shall conduct an informal hearing, and develop all of the facts in the particular case. The judge may take testimony, disregard rules of pleading and evidence, summon any party to appear as a witness in the suit upon the judge's own motion, and do other acts which appear necessary to effect a correct judgment and speedy disposition of the case. These powers are in addition to any powers given to judges of the general sessions courts that are not inconsistent with this act.

(b) When judgment is to be rendered in an action pursuant to this act, and the party against whom it is to be entered requests an inquiry, or on the judge's own motion, the judge shall inquire fully into the parties' financial status and may stay execution and order partial payments to the clerk of the court, as seem just under the circumstances.

After notice to the party and upon a showing by a preponderance of the evidence that the party has failed to meet an installment payment without just excuse, the stay of execution shall be vacated. When a stay of execution has not been ordered or when a stay of execution has been vacated as provided in this subsection, the party in whose favor the judgment has been entered may use all remedies available in the general sessions court for the enforcement of the judgement. Provided, however, no execution shall issue upon any judgment in the small claims court until after expiration of ten (10) days next following the date of entry of the judgment.

SECTION 13. (a) The plaintiff, or the clerk of the court at the request of the plaintiff, shall prepare the civil warrant. The plaintiff shall be responsible for sending notice to all defendants by registered or certified mail, return receipt requested. Such notice shall be mailed by the plaintiff within three (3) business days of the filing of the warrant. The plaintiff must show proof of notification at the hearing.

(b) The clerk shall cooperate with the parties in answering any questions they may have concerning the small claims procedure. The clerk shall not, however, give any legal advice nor express any opinion concerning the merits or probable outcome of the action.

SECTION 14. (a) Before any trial in the small claims court, the judge shall inquire of the defendant whether the defendant understands and wishes to waive the rights to be represented by an attorney, to appeal the judgment of the court, and to receive a jury trial, and by so doing to have the case heard in the small claims court, or whether the defendant wishes to have the case transferred to the regular docket of the general sessions court and not to waive any of such rights. In addition, before any trial in the small claims court, both the plaintiff and the defendant shall sign a statement setting forth in clear and conspicuous language a waiver of the rights to be represented by an attorney, to appeal the decision of the court, and to receive a jury trial. If the plaintiff declines to execute the waiver provided in this subsection, the action shall thereupon be dismissed without prejudice.

(b) A case shall be removed from the small claims court to the regular docket of the general sessions court if: (1) the defendant so requests; or (2) if either party declines to execute the waiver statement as provided in subsection (a) of this section; or (3) if a defendant's crossclaim or counterclaim exceeds the jurisdictional limit for the small claims court.

SECTION 15. In order for a plaintiff to be entitled to a default judgment, the plaintiff shall offer sufficient evidence of the claim against the defendant in order to make a prima facie showing that the plaintiff is entitled to judgment. The plaintiff shall offer additional evidence, if needed, to prove the amount owed to the plaintiff.

SECTION 16. The prevailing party in any action in the small claims court may be awarded the costs of the action.

SECTION 17. A trial in the small claims court shall be without a jury.

SECTION 18. An appeal may not be taken from the judgment or order of the small claims court except in a case when a default judgment has been entered; in such case an appeal may be taken to the circuit court in the same manner as provided by law for appeals from other judgments in the general sessions court. The pauper's oath is available for an appeal perfected pursuant to this section.

SECTION 19. (a) Ten (10) days after the entry of a judgment in the small claims court and

assuming no appeal has been taken as provided in Section 18 of this act, the judgment is then final, and execution may be issued thereon unless previously stayed by order of the judge or by operation of law.

(b) A judgment obtained under this act may be pleaded as res judicata only as the amount involved in the particular action, and such judgment shall not otherwise be deemed an adjudication of any fact at issue or found therein in any other action or court.

SECTION 20. All provisions relating to the general sessions court and the rules of the court apply to the small claims court as far as they may be applicable, and are not in conflict with this act. In case of a conflict, the provisions of this act shall control.

SECTION 21. 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 22. This act, being necessary for the welfare of the state and its inhabitants, shall be liberally construed so as to effectuate its purposes stated in Section 1.

SECTION 23. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Putnam County. Its approval or non-approval shall be proclaimed by the presiding officer of the county legislative body of Putnam County and certified to the Secretary of State.

SECTION 24. For the purposes of approving or rejecting the provisions of this act, it shall be effective upon becoming law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 23.

Passed: April 25, 1996.

Probate Court

Private Acts of 1965 Chapter 229

SECTION 1. That there is hereby created a court, effective July 1, 1965, for Putnam County, Tennessee, having probate jurisdiction coextensive with the boundary lines of said county, and to be known as the Probate Court of Putnam County, Tennessee.

SECTION 2. That the Judge of the General Sessions Court of Putnam County, Tennessee, upon his being elected and qualified as Judge of the General Sessions Court shall also be Judge of the Probate Court of Putnam County, Tennessee, and the present General Sessions Judge of Putnam County, Tennessee, shall be and is hereby designated to serve as such Probate Judge until his successor is duly elected and qualified under the terms and provisions of this Act.

SECTION 3. That the terms of the Probate Court of Putnam County shall be monthly, commencing on the First Monday of each calendar month. Process shall be returnable on the first Monday in each calendar month if served more than five (5) days before the said first Monday, but when served less than five (5) days before said first Monday, then on the first Monday of the next succeeding month.

SECTION 4. That the Probate Court of Putnam County, Tennessee, shall have and exercise all the jurisdiction of the County Court in all matters relating to wills; administration of decedents' estates, including the sale of decedents' land for payment of debts; qualification of guardians; partition of land cases, both by sale and in kind; the affairs of minors, incompetents, and others laboring under a disability. Said Probate court shall also have concurrent powers and jurisdiction with the Chancery Court in all suits and matters pertaining to the sale of property of persons under disability as set out and provided in Chapter 6, Title 34 of Tennessee Code Annotated and shall have concurrent powers and jurisdiction with the Chancery Court relative to removal of minority proceedings. His jurisdiction shall also include that exercised by the County Judge before the passage of this Act in all nonsupport cases. The County Judge of Putnam County upon the creation and establishment of the Probate Court is divested of all common law and statutory jurisdiction in the matters enumerated above, to the end that he (County Judge) shall serve primarily as the fiscal officer and Juvenile Judge of said county, preside over the Quarterly County Court at its regular and special meetings, and exercise all other jurisdiction and powers heretofore vested in him except those for which he has been divested above. When this Act becomes effective, all matters within the jurisdiction divested from the County Court and vested in the Probate Court by this Act pending in the County Court on said date shall be completed by the Probate Court except as otherwise prevented by the general law of this State, the same as if these matters had originated in the Probate Court, and all process in these matters returnable to the County Court shall be returned to the Probate Court. In addition to the powers and duties set out above for such Probate Judge, he may sit by interchange with the Circuit, and

Criminal Judges and with the Chancellor, and they with him, in such county.

As amended by: Private Acts of 1967-68, Chapter 156

SECTION 5. The Circuit Court Clerk of Putnam County shall be the Clerk of the Probate Court and all fees received by the Circuit Court Clerk when acting as Clerk of the Probate Court shall continue to be a part of the fees of such Clerk's office. The Circuit Court Clerk is empowered and authorized to employ any necessary deputy clerk or clerks who shall be compensated out of the fees of the office as now provided by law upon making application for such assistance as provided by Tennessee Code Annotated, Title 8, Chapter 20.

As amended by: Private Acts of 2008, Chapter 110

SECTION 6. That said Judge shall receive for his duties as Probate Judge a salary of Fifty Five Hundred Dollars (\$5,500.00) per annum, payable monthly from the county treasury like other county officials are paid, from and after the effective date of this Act, in addition to the salary received by him for his services as General Sessions Judge.

As amended by: Private Acts of 1967-68, Chapter 156

SECTION 7. That the Judge of the Probate Court of Putnam County shall take and subscribe to the same oath provided by law for Circuit Judges and Chancellors and possess the same qualifications.

SECTION 8. That this Act shall be void and of no effect unless the same shall be approved by a two-thirds vote of the Quarterly County Court of Putnam County on or before July 1, 1965. The action of the Quarterly County Court hereon shall be proclaimed by the presiding officer of said county and certified by said officer to the Secretary of State.

SECTION 9. That this Act shall take effect for the purpose of validating the same from and after its passage and for all other purposes on July 1, 1965, the public welfare requiring it.

Passed: March 15, 1965.

Private Acts of 1981 Chapter 63

COMPILER'S NOTE: Only the printed Sections applied to the Probate Court, the other sections applied to the County Executive.

SECTION 3. All judicial powers and duties formerly exercised by the County Judge whether pursuant to general law or private act which were transferred to the Judge of the Probate Court of Putnam County September 1, 1974, shall remain with the Probate Judge and he shall continue to have the authority to hire a secretary to help him carry out the duties imposed upon him, subject to the approval of the Putnam County Board of County Commissioners.

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

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

Passed: March 25, 1981.

Court System - Historical Notes

Board of Jury Commissioners - Jurors

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

1. Private Acts of 1923, Chapter 234, amended Public Acts of 1919, Chapter 37, which authorized the criminal court judges and the circuit court judges having criminal jurisdiction to appoint the foremen of grand juries so as to exempt from the provisions of Chapter 37 all the Judges holding court in Putnam County.
2. Private Acts of 1935, Chapter 392, established a three member Board of Jury Commissioners in Putnam County, who must be freeholders or householders, a two year resident of the county, and not an attorney, nor an official of the State, or County, and who could have no suit pending in the courts. The members would be appointed by the judge holding the Circuit Court for a term of two years, with the first Board hereunder serving until the fourth Monday in May, 1937. Justices of the

Peace were expressly declared to be eligible to serve. Within ten days after their appointment, the Circuit Court Clerk would call them to meet, and be sworn into office according to the oath in the Act. On the first Monday of the month preceding the opening of the criminal court term, the Board would convene and select from the tax rolls 42 names as a jury list for the criminal court and at the same time choose 18 names for the circuit court, dividing the combined number as equally as they could between the civil districts of the county. The names of those chosen would be entered upon a book supplied for that purpose and the entire list must be duly certified by all three members of the Board. The Grand Jury would be taken from this list but the Foreman of the Grand Jury was to be named by the Criminal Court Judge without any regard to the list. Provisions were made to replenish exhausted jury panels and to summon people for special juries. The Commissioners would be paid \$3 for making out the jury list at each term. This list when completed would be sent to the Sheriff at the appropriate time to be summoned. The selection of foreman of the grand jury would be in accordance with Public Acts of 1919, Chapter 37, thus repealing by implication Private Acts of 1923, Chapter 234. This Act was repealed by Private Acts of 1937 Chapter 86.

3. Private Acts of 1935 (Ex. Sess.), Chapter 114, amended Private Acts of 1935, Chapter 392, by correcting the census data so as to make Chapter 392 apply to Putnam County. Section 12 was amended by deleting the provision that prior service on a jury within two years from the date of this selection would not be a disqualification to serve as a juror. This Act was repealed by Private Acts of 1937, Chapter 86.
4. Private Acts of 1951, Chapter 20, established a three member Board of Jury Commissioners who would be appointed by agreement of the Circuit Judge and Criminal Court Judge whose members must be freeholders, householders and county residents, who are not lawyers, or elected State, County or city official and who have no suit pending in the courts. Each one would be appointed to a six year term but would not be eligible for reappointment at the end of that time. Vacancies must be filled in the same manner as original appointments, except that they would be only for the unexpired term. After being sworn to the oath prescribed in the Act, the Board would meet to select a Chairman The Circuit Court Clerk, also being sworn, would perform as Clerk of the Board. The Board would then meet to select at least 500 and nor more than 1000 names from the tax rolls, or other public sources, which would constitute the jury list for the next two years, and which would not be added to, or reduced, except as provided in this Act. The names would be enrolled in alphabetical order by the clerk in a book especially chosen for that purpose and the entire list must be certified by all three members of the Board. The names would also be placed on scrolls and placed in a jury box which would be locked and sealed, and not opened except in the presence of the Board and then only to produce a new list, or to select a jury. Not less than ten nor more than twenty days before court started, the Board would unlock the box and have a child under ten years of age draw at least 36 and nor more than 50 names from the box, unless the judge required a higher number. These people would serve as the grand and petit jurors for that term of Court. These names, and a list of them certified by the Clerk would be delivered to the Judge in open Court on the first day of the term, all names of disqualified people for any reason having been removed from the list. Five days before court the list would be delivered to the Sheriff who would summon the jurors. Provisions were included to provide special jury panels and to replenish panels which might be exhausted for any reason. Penalties were provided for violations of this act including removal of Commissioners who do not observe all the requirements herein. None could be excused from jury duty except by the Judge. The commissioners would be paid \$4 per day for each day spent in the performance of their duties hereunder.
5. Private Acts of 1957, Chapter 385, would have set the compensation of the Foreman of the Grand Jury in Putnam County at \$8 per day but no compensation would be allowed except for those days which the Foreman actually served in the performance of the duties of the office. This Act was rejected by the Putnam County Quarterly Court and therefore never became an effective law under the Provisions of the Home Rule Amendment to the State Constitution.
6. Private Acts of 1957, Chapter 391, was also rejected by the Quarterly Court and never took effect in Putnam County. A three member Board of Jury Commissioners would be appointed by the Circuit and Criminal Court Judges, who must meet the qualifications stated in the Act, and who would serve staggered terms initially and then three year terms thereafter. The Board would, after complying with the instructions of the Act prior thereto select at least 800 names from the tax rolls and voters registration lists to constitute the jury list for the county until the Judge decided a new one was needed. The Clerk must prepare a Jury Box #1 and a Jury Box #2. Box #1 would contain the names as first produced by the Board. The names selected by the child under 10 in the presence of the Judge and Commissioners would be entered in the Jury Book and finally go into Box #2. Provisions for replenishing juries were included.

Chancery Court

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

1. Acts of 1841-42, Chapter 169, which originally created Putnam County provided that all the courts would meet at White Plains until a seat of justice could be selected and built. The Court could adjourn at any time to a better place should one become available. The Chancery Court at Gainsborough, Sparta, or Livingston would receive and hear the suits in equity which originated in Putnam County.
2. Acts of 1845-46, Chapter 82, Section 2, rescheduled the terms of Court for some of the Chancery Courts in the Fourth Chancery Division. Among them was the Court at Gainsborough in Jackson County which heard the cases from Putnam County whose terms would hereafter commence on Wednesday after the fourth Monday in January and July. In Sparta, court would meet on Wednesday after the second Monday in March and September. At Livingston, court would meet on the third Monday in March and September.
3. Acts of 1849-50, Chapter 213, provided that the terms of the Chancery Court meeting at Gainsborough would begin in the future on the Wednesday after the second Monday in January and July.
4. Acts of 1851-52, Chapter 331, amended Acts of 1849-50, Chapter 213, which required the Chancellor of the Fourth Division to hold the chancery court at Gainsborough in Jackson County so that the terms of court would begin at Gainsborough on the first Wednesday after the first Monday in February and on the first Wednesday after the second Monday in July.
5. Acts of 1853-54, Chapter 320, was the second organization of Putnam County subsequent to the decision of the Supreme Court which would allow its re-establishment. The Chancery cases arising in Putnam County could be filed either at Sparta, Livingston, or Gainsboro.
6. Acts of 1855-56, Chapter 22, stated that Putnam County would be a separate Chancery District whose court would be held by the Chancellor of the Fourth Chancery Division at the Court House in Cookeville on the first Friday after the first Monday in February, and on the first Friday after the second Monday in July. The Chancellor was obligated to appoint a Clerk and Master for the new Court. It would be lawful for the Chancellor to order the cases pending at Livingston, Gainsborough, Sparta, or Smithville, which have originated in Putnam County to be transferred to this Court.
7. Acts of 1857-58, Chapter 88, divided Tennessee into the Eastern, Middle, Western, Fourth, Fifth and Sixth Chancery Divisions. The Fourth Chancery Division consisted of the counties of Wilson, Macon, Jackson, Smith, Coffee, Franklin, Lincoln, Bedford, Sumner, DeKalb, Warren, Van Buren, Grundy, Cannon, Rutherford, and Putnam whose Court would convene on the first Monday in February and the third Monday in September at Cookeville.
8. Acts of 1857-58, Chapter 95, Section 7, gave the Judge of the Fourth Judicial Circuit the duty of holding the Chancery Court in the counties of Putnam and Cumberland. The Judge would have and could exercise all the powers and jurisdiction of other Chancellors. The Court at Cookeville would begin its terms on the first Monday in February and the third Monday in September of each year. The Chancellor would also hold court on Friday after the second Monday in July.
9. Acts of 1859-60, Chapter 86, Section 4, provided that the Judge of the 6th Judicial Circuit would hold the Chancery Court at Cookeville in Putnam County on the fourth Monday of April, August, and December.
10. Acts of 1866-67, Chapter 33, created and organized the 12th Chancery Division which contained the counties of White, Van Buren, Grundy, Coffee, Franklin, Putnam, Smith, DeKalb, Cannon and Warren. The Governor was required to appoint a Chancellor for the new Division until a successor could be elected for a specified term by popular vote. Section 3 fixed the opening dates for the terms of Court assigning Putnam County to the third Monday in April and October.
11. Acts of 1870, Chapter 32, divided the State into twelve Chancery Districts of which the Fifth Chancery District included the counties of Van Buren, White, Putnam, Overton, Jackson, Macon, Smith, Dekalb and Clay.
12. Acts of 1870, Chapter 47, scheduled the opening dates for the terms of the Chancery Court of every County in the State. The Chancery Court of Putnam County would start the regular terms of court on the first Monday in March and September.
13. Acts of 1885, (Ex. Sess.), Chapter 20, was the next complete revision of the Tennessee lower

judicial system. Eleven Chancery Divisions were formed in the State. The Fifth Chancery Division contained the counties of Cumberland, Fentress, Pickett, Overton, Clay, Jackson, White, DeKalb, Smith, Macon, and Putnam whose court would meet on the last Monday in February and August. (This Act, plus many others, were carefully considered by the Supreme Court in *Flynn v. State*, 203 Tenn. 337, 313 S.W.2d 248 (1958), although the case concerned only the Memphis criminal court.)

14. Acts of 1891 (Ex. Sess.), Chapter 11, scheduled the opening dates for the Chancery Court terms for the counties in the Fifth Chancery Division. These counties were DeKalb, Jackson, Macon, Clay, Overton, Pickett, Fentress, Cumberland, White, Smith and Putnam where the Chancery Court would begin its regular terms on the first Tuesday after the fourth Monday in February and August.
15. Acts of 1895, Chapter 15, reset the court terms for some of the Chancery Courts in the Fifth Chancery Division, changing Putnam County to the third Monday in May and November.
16. Acts of 1897, Chapter 43, set the times for opening Chancery Court in the Fifth Chancery Division. Putnam County would open on the first Monday after the fourth Monday in April and October. the Chancellor of the Fifth Chancery Division would also hear non-jury civil cases which were not tried by the Circuit Judge during the first term in Putnam, Jackson and White Counties.
17. Acts of 1897, Chapter 294, rearranged the dates on which the terms of the Circuit Courts in the Fifth Judicial Circuit and the Chancery Courts in the Fifth Chancery Division would open. The Fifth Chancery Division included the counties of Smith, Macon, Jackson, Clay, Overton, Pickett, Fentress, Cumberland, White, DeKalb, and Putnam whose Chancery court terms would commence on the first Tuesday after the second Monday in June and December.
18. Acts of 1899, Chapter 427, reorganized the structure of the entire lower court system of Tennessee. The Act created ten Chancery Divisions and assigned the counties of Cumberland, Pickett, Overton, Clay, Jackson, Putnam, White, DeKalb, Smith, Macon, Van Buren, Cannon and Trousdale to the Fourth Chancery Division. Court terms would continue to open in Putnam on the first Tuesday after the second Monday in June and December.
19. Acts of 1905, Chapter 120, changed some of the counties in the Fourth Chancery Division to include Cannon, Trousdale, Cumberland, Smith, Macon, Jackson, Clay, Fentress, Pickett, Overton, Van Buren, White, DeKalb, Morgan, and Putnam whose court would thereafter convene on the second Monday in June and December.
20. Private Acts of 1911, Chapter 507, rearranged some of the scheduled dates for Chancery Court terms to start in the Fourth Chancery Division, which was now composed of the counties of Cannon, Trousdale, Overton, Cumberland, Smith, Macon, Fentress, Pickett, Jackson, Van Buren, DeKalb, Morgan, White, and Putnam whose Court would meet on the third Monday in June and the second Monday in December.
21. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, divided the State into fourteen Chancery Divisions allocating the counties of Cannon, Trousdale, Overton, Clay, Smith, Macon, Pickett, Fentress, Jackson, Cumberland, DeKalb, Morgan, White and Putnam to the Fourth Chancery Division. The Court terms would commence in Putnam County on the first Monday in June and December

Chancery Court - Clerk and Master

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

1. Acts of 1855-56, Chapter 22, in creating a Chancery District to Putnam County authorized the Chancellor to appoint a Clerk and Master.
2. Acts of 1870-71, Chapter 103, recited that the office of Clerk and Master had been vacant for several months in Putnam County, and Jesse Arnold, a Deputy, had been acting as Clerk and Master at the request of attorneys and other interested parties. This Act ratified and confirmed all the acts done and performed by the said Arnold and directed further that he receive the same fees as provided by law to Clerks and Masters.

Circuit Court

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

1. Acts of 1841-42, Chapter 169, which originally created Putnam County, provided that all the courts of the county would first meet at White Plains but the Court could adjourn to a more suitable place. The first Circuit Court would meet at White Plains on the second Monday in March,

- next, and afterwards would meet on the second Monday in March, July, and November, as part of the Fourth Judicial Circuit.
2. Acts of 1853-54, Chapter 320, re-established Putnam County after a gap of several years. The Circuit Court would meet at the home of Lewis Huddleston until the county seat was selected and prepared but the court had the authority to adjourn to any other place in the county. The Circuit Court was assigned to the Fourth Judicial Circuit and would begin the regular terms of court on the second Monday in April, August and December.
 3. Acts of 1857-58, Chapter 82, Section 4, provided that the Circuit Court of Putnam County would hereafter be held on the third Monday in January, May, and September, but the next succeeding term after the passage of this Act would occur at the time set by the current law.
 4. Acts of 1857-58, Chapter 98, separated the State into sixteen Judicial Circuits. The Sixth Circuit contained the counties of Jackson, Macon, Smith, DeKalb, and Putnam where the regular court terms would begin on the fourth Monday in April, August, and December.
 5. Acts of 1870, Chapter 31, was part of a complete restructuring of the lower Court system undoubtedly influenced by the reconstruction policies after the Civil War and in anticipation of the Constitutional Convention to come. The General Assembly formed fifteen regular, and one special, judicial circuits in this law. The Fifth Circuit was composed of the counties of DeKalb, Overton, Putnam, White, Smith, Jackson, Macon, and Clay, if established.
 6. Acts of 1870, Chapter 46, scheduled the opening dates for the terms of the Circuit Courts in every County in Tennessee. In Putnam County the Court would commence on the second Monday of February, June, and October.
 7. Acts of 1872 (Ex. Sess.), Chapter 15, changed the schedule of Circuit Court terms in the counties of Macon, Clay, Jackson, Overton, White, DeKalb, and Smith, but Putnam County would continue the terms of circuit court on the second Monday in February, June, and October.
 8. Acts of 1881, Chapter 92, reset the terms of the Circuit Courts in the Fifth Judicial Circuit. The Circuit Court of Putnam County would commence the regular terms of the court on the first Tuesday after the second Monday in February, June, and October.
 9. Acts of 1885 (Ex. Sess.), Chapter 20, formed sixteen regular, and one special, judicial circuits in this complete revamping of the lower Court system of the State. The Fifth Judicial Circuit included the counties of Pickett, Fentress, Cumberland, Overton, Clay, Macon, Jackson, Smith, Trousdale, and Putnam where the Court would open on the Tuesday after the second Monday in February, June, and October.
 10. Acts of 1887, Chapter 12, rescheduled the terms of court for the Circuit Courts in the Fifth Judicial Circuit. Putnam County would take up the regular docket of the Court on the second Monday in January, May, and September.
 11. Acts of 1891 (Ex. Sess.), Chapter 3, repealed the Act which detached Cumberland County from the Fifth Judicial Circuit and added it to the Third Circuit, thus restoring Cumberland to the Fifth Circuit composed of the counties of White, Cumberland, Smith, Trousdale, and Putnam County which would start its Circuit Court terms on the first Monday in January, May, and September.
 12. Acts of 1895, Chapter 221, amended Acts of 1891 (Ex. Sess.), Chapter 3, to the effect that the Circuit Court of Putnam County would hereafter be held on the Tuesday following the first Monday in January, May, and September.
 13. Acts of 1897, Chapter 43, set the times for holding the circuit courts in the Fifth Judicial Circuit. In Putnam County, the Court would meet on the second Monday in January, May and September.
 14. Acts of 1897, Chapter 294, amended Acts of 1897, Chapter 43, but Putnam County's Court remained on the first Tuesday after the first Monday in January, May and September. The Circuit was made up of the counties of White, Overton, Pickett, Clay, Jackson, Macon, Smith, Trousdale, and Cumberland.
 15. Acts of 1899, Chapter 427, reorganized the lower judicial system of Tennessee into fourteen Judicial Circuits assigning the counties of Pickett, Cumberland, Putnam, Overton, Clay, Jackson, Smith, Trousdale, White, and Macon to the Fifth Judicial Circuit. The terms in Putnam County would still open on the Tuesday after the first Monday in January, May, and September.
 16. Acts of 1901, Chapter 324, reset the court schedule for some of the counties in the Fifth Judicial Circuit but did not affect Putnam County.
 17. Acts of 1903, Chapter 457, amended Acts of 1901, Chapter 324, so as to change the dates of the Circuit Court terms in Smith County, White County, and Putnam County whose Court would hereafter begin the regular terms of court on the first Tuesday after the third Monday in January,

May, and September.

18. Private Acts of 1907, Chapter 85 divided the Circuit Court's jurisdiction in Putnam County into civil and criminal divisions.
19. Private Acts of 1907, Chapter 122, rearranged the terms of the circuit court in the Fifth Judicial Circuit for the counties of Smith, White, Cumberland, Pickett, Overton, Clay, Jackson, Trousdale, Macon, and Putnam where the Court would afterwards meet on the fourth Monday in March, July, and November.
20. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, created a total of twenty Judicial circuits in this complete reorganization of most of the trial courts in Tennessee. The Fifth Judicial Circuit contained the counties of Clay, White, Overton, Jackson, Cumberland, Pickett, and Putnam whose circuit court would meet on the fourth Monday in March, July, and November.

Circuit Court - Clerk

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

1. Acts of 1903, Chapter 255, was a salary act for Circuit Court Clerks in which their annual salary was determined by the population class of the county in which they served, according to the census of 1900. A sworn, itemized statement had to be filed with the County Judge, or chairman, showing the total amount of fees collected in the office for the preceding year. If the fees were less than the salary, the County was obligated to pay the difference. If the fees exceeded the salary, the Clerk could retain the excess. According to the 1900 census figures the Circuit Court Clerk in Putnam County would have drawn \$750 a year.
2. Private Acts of 1915, Chapter 601, provided that the Circuit Court Clerk in Putnam County would be paid \$5 per day for clerical help during the actual sessions of the Court in which the clerk was required to keep minutes. To be paid the Clerk must verify the accuracy of the minutes whereupon a warrant would be issued to pay the above amount. This Act was repealed by Private Acts of 1919, Chapter 721.

Criminal Court

The following acts once pertained to the Putnam County criminal court, but are no longer current law.

1. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, listed the counties of White, Overton, Jackson, Macon, Trousdale, Smith, Wilson, and Putnam in the Criminal Court Division of the Fifth Judicial Circuit. The Court in Putnam County was scheduled to open its regular terms of court on the first Tuesday after the third Monday in January, May, and September.

District Attorney General - Assistants and Criminal Investigators

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

1. Acts of 1907, Chapter 381, created the office of Assistant Attorney-General in the Fifth Judicial Circuit who must be at least 25 years of age, or older, learned in the law, and who would serve at the pleasure and direction of the Attorney-General of the Circuit. The salary was set at \$1,800 annually to be paid out of the State Treasury. This Act was repealed by Private Acts of 1919, Chapter 166.
2. Private Acts of 1921, Chapter 553, created the office of Assistant Attorney-General in Putnam County. The Attorney General of the Circuit was required to appoint a suitable person to serve at his will and under his direction, who must be learned in the law and not under 25 years of age. The salary of \$2,000 per year would be paid out of the State Treasury.
3. Private Acts of 1927, Chapter 805, amended Private Acts of 1921, Chapter 553, by increasing the annual salary of the Assistant Attorney-General, provided for therein, from \$2,000 to \$2,400.
4. Public Acts of 1976, Chapter 563, and Public Acts of 1978, Chapter 770, created additional positions for assistant district attorneys general and criminal investigators in the Fifth Judicial Circuit. Putnam County is now part of the Thirteenth Judicial District, according to T.C.A. 16-2-506, which also provides the number of judges, assistant district attorneys general and investigators for the district.

Chapter VI - Education/Schools

Board of Education

Private Acts of 1993 Chapter 90

SECTION 1. Chapter 14 of the Private Acts of 1963, as amended by Chapter 127 of the Private Acts of 1979, Chapter 85 of the Private Acts of 1989, and all other acts amendatory thereto, are hereby repealed.

SECTION 2. Putnam County shall be divided into six (6) school districts each of which shall be composed of two (2) adjoining county commissioner districts, as established by resolution of the county legislative body of Putnam County from time to time. One (1) member of the Putnam County Board of Education shall be elected by the qualified voters in each school district. Board members shall be elected to staggered four (4) year terms so that every two (2) years the terms of one-half (1/2) the members of the board shall expire, with all of the oddnumbered districts expiring at the same time, and all of the even-numbered districts expiring at the same time. Persons elected in the regular August elections shall take office on September 1 after the election and shall serve until their successors are duly elected and qualified.

SECTION 3. The county legislative body of Putnam County shall by resolution adopt a plan to accomplish the transition from the present seven (7) member school board to the new six (6) member school board described in Section 2 above.

SECTION 4. Members of the Putnam County Board of Education shall be paid one hundred dollars (\$100.00) per meeting, and the chairman shall be paid one hundred ten dollars (\$110.00) per meeting. Such compensation shall be paid in monthly payments from the county school funds. The compensation of a member or the chairman shall not exceed one thousand five hundred dollars (\$1,500.00) per year.

SECTION 5. The Putnam County Board of Education shall have the same powers, duties, privileges and qualifications as local boards of education established pursuant to Tennessee Code Annotated, Title 49, except as otherwise provided herein.

SECTION 6. Nothing in this act shall be construed as having the effect of altering the salary of any incumbent prior to the end of the term for which such official was elected. Nothing in this act shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which such official was elected.

SECTION 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application and to that end the provisions of this act are declared to be severable.

SECTION 8. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Putnam County Board of Commissioners. Its approval or nonapproval shall be proclaimed by the presiding officer of the Putnam County Board of Commissioners and certified to the Secretary of State.

SECTION 9. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 8.

Passed: May 17, 1993.

Superintendent of Schools

Private Acts of 1935 (Ex. Sess.) Chapter 122

SECTION 1. That in counties of this State having a population of not less than 23,700, nor more than 23,800, by the Federal Census of 1930, or any subsequent Federal Census, County Superintendents of Public Education shall be elected by the qualified voters thereof at the first election under the provisions of this Act of such office, shall be held at the regular November election 1936, and quadrennially thereafter. The person so elected shall hold office for a period of four years from January 1, 1937 next following his election in office and until his successor shall be elected and qualified. The salary of the County Superintendent shall be included in the annual minimum county school program and determined on the basis of a salary schedule prescribed by the State Board of Education and approved by the State Commissioner of Education.

As amended by: Private Acts of 1947, Chapter 420

It is expressly declared to be the legislative intent that the first election of County Superintendent under the provisions of this Act shall be held at the regular August election 1936 and that the party elected to

such office shall take office on September 1, 1936.

Within thirty days after the effective date of this Act it shall be the duty of the county executive committee of both the dominant political parties in counties to which this Act shall apply to call a special primary election for the purpose of nominating a candidate for the nomination for such respective party for county superintendent, which primary election shall not be held less than sixty days after the date of calling same.

The person receiving the highest number of votes in such primary election shall be duly certified as the nominee of the party in whose primary he was nominated for such office, provided that if only one candidate announces for the nomination of such office, no primary need be held and he shall be certified as a nominee of the party of which he belongs without further ado.

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

Passed: July 31, 1935.

COMPILER'S NOTE: See T.C.A. 49-2-301(d) for general law on the office of County Superintendent of Public Instruction.

Education/Schools - Historical Notes

Board of Education

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

1. Acts of 1907, Chapter 236, abolished all the District Directors of the Schools and established a County Board of Education, and a District Board of Advisors, for each county in the State. The Quarterly Court must divide the County into five, or less, school districts, composed of whole civil districts, from each of which one member of the Board of Education would be elected by the people. The Superintendent of Schools was to be the ex-officio Secretary of the Board. The duties of the Chairman, the Secretary, and the other members of the Board were generally specified in the Act. Certain reports were required from each of the above named officials to be filed with the Superintendent. A three member Board of Advisors would be elected in each Civil District for two year terms to discharge the duties specified and imposed by this Act. Putnam County exempted themselves from this Act along with eight other counties.
2. Private Acts of 1911, Chapter 355, amended Acts of 1907, Chapter 236, by removing Putnam County from the list of exempted counties.
3. Private Acts of 1911, Chapter 564, amended Acts of 1907, Chapter 236, by removing several counties from the list of exempted counties. Putnam County was included.
4. Private Acts of 1919, Chapter 644, abolished the County High School Board, the County Board of Education, and the District Advisory Boards as of September 1, 1920, and placed the operations of the elementary and high schools in Putnam County under the County Board of Public Education established under this Act. The new Board would be made up of six members elected by the County Court and the Superintendent who would be an ex-officio member and secretary. The members of the County High School Board were to continue in office after September 1, 1920 until their terms have expired. Some of the duties of the Board and the Secretary were specified in the Act. The Superintendent was charged with the responsibility to issue warrants for the Board and keep records. The Board would meet regularly on the first Saturday in January, April, July, and October, and at such other times as the Chairman, or Superintendent decided. A District School Commissioner would be elected in each civil district to serve a two year term. Five specific duties were outlined in the Act for District Commissioners to perform.
5. Private Acts of 1921, Chapter 390, amended Private Acts of 1919, Chapter 644, by adding to the duties of the members of the Board of Education. They included the obligation to visit the schools in their Districts to see that they were run properly, that the attendance did not fall below the number fixed in the teacher's contract, and to make monthly reports to the County Superintendent on the condition and status of the school. He would be paid \$2 for each report but the report must include all the schools in the District. If the reports were not submitted properly and on time, the office could be declared vacant.
6. Private Acts of 1943, Chapter 144, stated that in the event the Chairman of the Board of Education of Putnam County entered the armed services of the United States, the County Judge would serve as the Chairman in the absence of the regular chairman and would be clothed with all the powers and would perform all the duties of that office during that time but the County Judge

would not be compelled to execute a new bond.

7. Private Acts of 1979, Chapter 127, amended the Private Acts of 1963, Chapter 14, relative to the compensation of the board of education.

School Districts

The private acts listed below are no longer in effect in Putnam County.

1. Acts of 1891, Chapter 216, created a school district in Putnam County and Smith County which consisted of the farms of Phillip Apples, C. F. Burton, R. G. Apple, James McKinley, Robert McKinley, B. F. Brinley, and John Watts, all of Putnam County, and the farms of Wirt Apple, A. P. Apple, Dr. F. M. Amonnett, J. C. Fletcher, James Fletcher, and W. C. Apple, all of Smith County. This school district would have and enjoy the benefits conferred upon all other school districts. A board of three Directors would be elected from that part of each county comprising the school district. This Act was repealed by Acts of 1899, Chapter 329.
2. Acts of 1903, Chapter 511, transferred the title to the two public school houses and the land upon which they were located in the 18th Civil District of Putnam County, as they were described in this act, from the State of Tennessee to the Board of Public School Directors of the School District and their successors.
3. Acts of 1905, Chapter 166, formed an independent school district to be called School District #21, out of portions of the Eleventh, Twelfth, and Seventeenth District, near Gentry which area was described in this act, and by naming the owners of the farms and the families which were included within the District. This Act was repealed by Acts of 1907, Chapter 575.
4. Acts of 1905, Chapter 457, amended Acts of 1905, Chapter 166, so as to exclude the lands of L. F. Elrod, A. B. Thompson, and W. A. Holladay, of the Twelfth District; the lands of J. H. Jared, Monroe Huddleston, John Boyd, James McKinley, R. B. McKinley, and Mary Bush, of the Eleventh District, all to revert to the Districts in which they were formerly located.
5. Private Acts of 1921, Chapter 490, formed the Algood School District out of the entire 19th Civil District of Putnam County. On Saturday, April 2, 1921, an election was to be held in that District by the Election Commission which would decide by the vote of the people the question of whether or not the School District would issue up to \$30,000 in bonds. In the event the vote was affirmative, the Act named H. T. Painter, Dr. J. T. Moore, and C. H. Hickman, as a Bond Commission for the Algood School District to supervise the sale of the bonds at an interest rate not to exceed 6%, and at a maturity schedule no longer than thirty years from the issue date. The proceeds of the bond issue were to be used to purchase a site and build a school in the District, the title to which would be vested in the Board of Education in trust for the District. The management of the school would be in the hands of the County Board of Education. A general property tax of 40 cents per \$100 would be levied on all property in the Algood School District to pay the interest on the bonds and fund the school for a nine month term. The County Court could levy a tax in the district to amortize the bonds. A poll tax of \$1 was placed upon each legal voter in the District over the age of 21. (The constitutionality of this Act was attacked in the case of *Greenwood v. Rickman*, 145 Tenn. 361, 235 S.W. 425, (1921) but the constitutionality of the Act was upheld.)
6. Private Acts of 1921, Chapter 644, amended Private Acts of 1921, Chapter 490, to postpone the date of the election provided for therein from April 2 to April 30.
7. Private Acts of 1921, Chapter 828, created the "Buffalo Valley Special School District" and made the same co-extensive with the boundaries of the Ninth and Eleventh Civil Districts in the county which included the village of Buffalo Valley. The District would be supervised by a five member Board to which the Act named C. B. Maddox, R. L. Alcorn, H. C. McKenley, and W. G. Travis as four of the first five members of the Board. Vacancies would be filled by the other members of the Board. The regular Board members would serve two years and be elected by the people of the District. Eleven specific powers and duties related to the Board were enumerated in Section 5 of the Act. When the correct scholastic census was established, the school funds would be pro-rated upon that basis. In order to support the District and keep the High School in operation for 9 months in the year, a tax levy of ten cents per \$100 property valuation was required to be levied upon all the properties in the District. All children between ages of six and twenty-one residing in the area could attend the school free of charge, but others must pay according to rates of tuition established by the Board. This Act could be repealed only by a three-fourths vote of the people.
8. Private Acts of 1927, Chapter 86, amended Private Acts of 1921, Chapter 490, which established the Algood Special School District in 19th Civil District of Putnam County, by increasing the tax rate levied for the support and maintenance of the schools in the District from 40 cents to 60

cents per \$100 property valuation.

9. Private Acts of 1927, Chapter 687, established the Baxter School District in Putnam County which included the area embraced by the 20th Civil District. The management of the District would remain in the hands of the County Board of Education, it being the intention of this Act to secure additional funds through a tax levy to lengthen the school term to nine months and to pay the interest on \$15,000 in bonds issued by the City of Baxter used to erect the school. A general tax of 50 cents per \$100 property valuation was levied in order to pay the interest on the bonds. If anything remained after that it would be used in the operation of the School. A poll tax of \$1 on all voters between 21 and 50 was also levied in the District. This District was abolished by Private Acts of 1929 (Ex. Sess.), Chapter 56.
10. Private Acts of 1929 (Ex. Sess.), Chapter 56, recited in the preamble of the Act that Private Acts of 1921, Chapter 490, established an independent school district in Putnam County granting to it the authority to issue \$30,000 in bonds with which to construct and equip a school building. These bonds were sold and applied to the erection of a school building at Algood, and, further, that Private Acts of 1923, Chapter 90, was the authority for the city of Baxter to issue \$10,000 in bonds with which a public school building would be built, which bonds were also sold and devoted to that purpose, and now it had become necessary to sell the bonds of Putnam County to construct additional school buildings and to reimburse Algood and Baxter for the buildings constructed by them. This Act was the legislative authority subject to prior approval of the same by the people in a referendum vote, for the Quarterly Court of Putnam County to sell bonds up to \$200,000, at an interest rate not to exceed 5½%, and on a maturity calendar not to exceed 20 years from the date of issue with which to build a suitable high school in Cookeville at \$100,000, to purchase the school at Algood for a price not to exceed \$25,000, to purchase the school at Baxter to cost \$10,000 or under, a school at Monterey at a top figure of \$25,000, and \$5,000 would go for a heating plant at Baxter with \$35,000 being allocated to the remainder of the rural schools of the county.
11. Private Acts of 1931, Chapter 621, amended Private Acts of 1921, Chapter 86, so that the general tax levy for the support and maintenance of the Algood School District was reduced from 60 cents to 45 cents per \$100 property valuation. This Act was repealed by Private Acts of 1935, Chapter 436.
12. Private Acts of 1935, Chapter 436, repealed Private Acts of 1931, Chapter 621, and revived Private Acts of 1921, Chapter 86. The tax levy for the year 1935 in this District would be 60 cents per \$100 property valuation.

Superintendent or Director of Schools

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

1. Private Acts of 1919, Chapter 211, provided that the County Superintendent of Public Instruction in Putnam County would be elected by the qualified voters of the county for a two year term at the regular general August election. The Act would in no way effect the duties, qualifications or compensation of the County Superintendent. This Act was repealed by Private Acts of 1925, Chapter 781.
2. Private Acts of 1943, Chapter 212, amended Private Acts of 1935 (Ex. Sess.), Chapter 122, by setting the compensation of the Superintendent of Schools at not less than \$2,400 a year, and not more than \$3,000 annually, from all sources, and provided further, that the Putnam County Quarterly Court would match all additional money from the State over and above \$1,000 for the Superintendent. This Act was repealed by Private Acts of 1947, Chapter 416.

General Reference

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

1. Acts of 1841-42, Chapter 169, Section 16, in the Act which originally created the County of Putnam established a county academy at Monticello which would possess and enjoy all the rights and emoluments as other county academies. The County Court was directed to appoint Trustees for the academy who were given the special authority to name the academy as they thought proper, or to change the name of both the school and the town, if they desired.
2. Acts of 1845-46, Chapter 71, provided that when the fractions of the counties of White, Overton,

and Jackson formerly composing Putnam County would through their county court clerks make return of their scholastic population in those areas for the years 1844 and 1845 to the Comptroller of the Treasury, that, if it appeared to the Comptroller that those counties did not receive their proper share of school funds for those years, then the Comptroller must pay to the Trustees of the said counties such sum of money as the county might deserve.

3. Acts of 1847-48, Chapter 31, directed that the balance of the school fund apportioned to Putnam County for 1844 which remained undrawn from the Treasury would be paid to the Trustees of White County, Overton County, and Jackson County, on a pro-rated basis according to the scholastic population reported for those counties in 1844, and the same would be applied to the exclusive benefit of the fraction of those Counties. The school fund due Putnam County in 1845, which has never been apportioned, or set apart in the treasury, would likewise be paid to the Trustees of the three above named counties.
4. Acts of 1847-48, Chapter 91, incorporated Andrew College which would be located at the site of Jackson Academy in Putnam County, naming Isaac Buck, and Jonathan Buck, Jr., as the incorporators and the proprietors of the academy, as well as the faculty. Grants of specific powers for the operation, management, and internal discipline of the school were incorporated into this Act. A. Cullom, William B. Potter, S. D. Lisle, Nathan Jud, A. Dibrell, William Jased, A. Rodgers, R. G. Burton, and B. D. Hunter were appointed as a Board of Visitors for the College. The funds set aside for the academy of Putnam County for the years 1843 and 1844 were hereby donated to Andrew College.
5. Acts of 1868-69, Chapter 3, Section 2, reenacted Acts of 1847-48, Chapter 91, which incorporated Andrew College in Putnam County, and restored the same to full force and effect.
6. Acts of 1893, Chapter 158, authorized and required the Board of Trustees of Washington Academy in Cookeville in Putnam County to transfer and convey by deed to the Board of Directors of the Cookeville High School the land upon which the academy was located. This land to be used forever for educational purposes.
7. Acts of 1899, Chapter 360, was the authority and the directive for the Board of Directors of the Cookeville High School in Putnam County to convey all right, title, and interest of the school in the building and grounds thereof, to J. H. Curtis, J. F. Dyer, J. Whitson, James Isbell, and W. W. Smith, the Trustees of Cookeville Collegiate Institute, which were the same facilities formerly located on the Old Washington Academy premises. The voters of Cookeville, would elect the Trustees for the Institute on the last Saturday in April, 1900, and every two years thereafter. The Trustees would conduct a high school at said Institute. A description of the area embraced by the school district was included in the Act. The Trustees were prohibited from making any contracts which would extend beyond their term of office.
8. Acts of 1901, Chapter 342, amended Acts of 1899, Chapter 360, to provide that whenever a vacancy occurred in the Trustees of the Cookeville Collegiate Institute, the Sheriff of the County, after giving ten days notice, would hold an election to fill the said vacancy for the unexpired portion of the term.
9. Private Acts of 1905, Chapter 260, was the enabling legislation for the Board of Directors of the Cookeville High School to transfer by deed such title, as by law belonged to the said Board of Directors, to the Mayor and Aldermen of the town of Cookeville to the land, the buildings, and their appurtenances, on which the said facility was located, the conveyance to be forever used for educational purposes.
10. Private Acts of 1929 (Ex. Sess.), Chapter 11, obligated the Quarterly Court of Putnam County to provide sufficient funds which together with all other High School funds to which the County was entitled from every source including the apportionment of state school funds for High Schools, so as to maintain a first class, four year High School within the County seat of Putnam County.

Chapter VII - Elections

Elections - Historical Notes

Districts - Reapportionment

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

1. Private Acts of 1943, Chapter 175, detached the farm belonging to Oscar Huddelston, which was

then located in the Eleventh Civil District and attached the same to the Twelfth Civil District of Putnam County. A description of the land involved in the transfer was given in the Act.

Elections

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

1. Acts of 1842 (Ex. Sess.), Chapter 1, established 25 Senatorial Districts and 50 Representative Districts for the General Assembly. This Act stated that the citizens of the newly formed counties of Putnam and Macon would vote with the counties from which they were taken until the next enumeration and apportionment.
2. Acts of 1842 (Ex. Sess.), Chapter 7, provided for the citizens of Putnam and Macon Counties to vote in the elections for U. S. Congressmen in the counties from which they were taken.
3. Acts of 1865, Chapter 34, was a post civil war act which formed Tennessee into eight U. S. Congressional Districts. The Third Congressional District contained the counties of Meigs, Rhea, Hamilton, Marion, Grundy, Bledsoe, Van Buren, Sequatchie, Warren, White, Smith, Cumberland, Putnam, Jackson, Macon, Overton, DeKalb, and Fentress.
4. Acts of 1869-70, Chapter 105, was the authority to hold a referendum in the State of Tennessee on the question of calling a Constitutional Convention to be composed of 75 delegates from the Senatorial and Representative Districts. The Convention would be authorized to change, alter, revise, or rewrite entirely the constitution as it now existed. The Convention was slated to meet in Nashville, if approved by the voters, on the second Monday in January, 1870.
5. Acts of 1871, Chapter 146, rearranged the representation in the Senate and House of Representatives in the State. White County and Putnam County would join together to elect one of the 50 representatives while one of the 25 Senators would represent the counties of Campbell, Morgan, Scott, Roane, Fentress, Overton, Putnam, White and Cumberland in the Fifth Senatorial District.
6. Acts of 1872 (Ex. Sess.), Chapter 7, created nine U. S. Congressional Districts in the State. The Second U. S. Congressional District was made up of the counties of Sevier, Knox, Jefferson, Anderson, Campbell, Scott, Morgan, Fentress, Cumberland, White Putnam, Overton, Jackson, Smith, Macon and Clay.
7. Acts of 1873, Chapter 27, added one U. S. Congressional District to the nine already set up in the State, making ten Districts in all. The Fourth U. S. Congressional District had in it the counties of Fentress, Overton, Putnam, Jackson, Clay, Macon, Smith, Trousdale, Wilson, Sumner, and Robertson.
8. Acts of 1881 (Ex. Sess.), Chapter 5, fixed the number of State Senators in the General Assembly permanently at 33 and the number of Representatives at 99.
9. Acts of 1881 (Ex. Sess.), Chapter 6, reapportioned the Tennessee General Assembly in accordance with Acts of 1881 (Ex. Sess.), Chapter 6. Putnam County would elect one Representative alone and join the Counties of Cannon, Warren, and DeKalb to form the 10th State Senatorial District.
10. Acts of 1882 (Ex. Sess.), Chapter 27, divided Tennessee into ten U. S. Congressional Districts. The Fourth District was made up of the Counties of Sumner, Wilson, Macon, Trousdale, Smith, DeKalb, Clay, Jackson, Putnam, Overton, Fentress and Pickett.
11. Acts of 1891, Chapter 131, formed ten U. S. Congressional Districts in the State based on the 1890 census figures. The counties of Sumner, Wilson, Macon, Trousdale, Smith, Clay, Jackson, Overton, Putnam, Fentress, Pickett, Cumberland, and Rhea were all assigned to the Fourth U. S. Congressional District.
12. Acts of 1891 (Ex. Sess.), Chapter 10, established the representation of the counties in the General Assembly of the State. Putnam County would choose one Representative for herself alone and would share a State Senator with Scott, Fentress, Pickett, Overton, Clay, Jackson, and Putnam in the Tenth District. These allocations were based on the 1890 census figures.
13. Acts of 1901, Chapter 109, divided Tennessee into ten U. S. Congressional Districts based upon the population changes shown in the 1900 census. The Fourth U. S. Congressional District included the counties of Sumner, Trousdale, Wilson, Putnam, Jackson, Clay, Overton, Smith, Macon, Pickett, Fentress, Morgan, Cumberland, and Rhea.
14. Acts of 1901, Chapter 122, apportioned the representation in the General Assembly of the State. The Tenth State Senatorial District was made up of the counties of Morgan, Fentress, Clay,

Pickett, Overton, Putnam, and Jackson while Putnam County was given one Representative alone.

15. Private Acts of 1947, Chapter 347, provided that in the referendum election to be held in Putnam County on March 12, 1947, to determine whether the Quarterly Court would appropriate \$100,000 and sell bonds for that amount with which to build a war memorial in honor of the men and women of the armed services, all people otherwise qualified to vote could vote in the said election upon their presenting evidence of having paid the 1945 and 1946 poll taxes. All persons who had been honorably discharged from the service in World War Two would not have to pay any poll tax in order to vote.
16. Private Acts of 1961, Chapter 321, set the compensation of all the Judges, clerks, and officers holding a general or a primary election in Putnam County at \$8 per day for one day only. This Act was properly ratified by the Quarterly Court of Putnam County.

Chapter VIII - Health

Health - Historical Notes

The following summary is included herein for reference purposes.

1. Acts of 1895, Chapter 187, detached Overton County and Putnam County from the Eastern Division of the Tennessee Hospital for the Insane and attached them to the Middle Division of the Hospital.

Chapter IX - Highways and Roads

Road Law

Private Acts of 1989 Chapter 122

SECTION 1. Chapter 609 of Private Acts of the Private Acts of 1951, relative to the county highway commission in Putnam County, as amended by Chapter 166 of the Private acts of 1961, as amended by Chapter 111, of the Private Acts of 1965, as amended by Chapter 364, of Private Acts of 1968, as amended by Chapter 165 of the Private Acts of 1974, as amended by Chapter 126 of the Private Acts of 1979, as amended by Chapter 48, of the Private Acts of 1987, as amended by Chapter 40, of the Private Acts of 1989, and all other acts amendatory thereto, is hereby repealed.

SECTION 2. In Putnam County the building, upkeep and maintenance of all public roads which fall under the supervision and authority of such county, as distinguished from those roads which are built and maintained by the State or Federal Government, or both, shall be known as county roads.

SECTION 3. In Putnam County there is hereby created the office of county road supervisor, which office shall be filled by a resident citizen of said county. The county road supervisor shall be elected by the qualified voters of Putnam County at the regular election to be held in said county in August, 1990, said county road supervisor shall be elected for a term of four (4) years and the person so elected shall take over and perform the duties of said office in september 1, 1990. His successor shall be elected by the qualified voters in the regular August election each four (4) years thereafter and shall take office the first day of September next following his election. Provided, however, that no member of the county legislative body of Putnam County shall be eligible for the office of the county road supervisor. Before assuming the duties of said office, the person so elected shall be required to make an indemnity bond, the cost of which shall be paid from the county road fund and such bond shall be in the amount fixed by the general law of this state, under Tennessee Code Annotated, Section 54-4-103, and made with some solvent bonding company authorized to do business in Tennessee, payable to the State of Tennessee for the use and benefit of Putnam County and conditioned that said county road supervisor will faithfully and honestly perform the duties of his office. The county road supervisor may be removed from his office as other public officials are removed from office. In case of vacancy in the office of the county road supervisor, and occurring while the county legislative body of Putnam County is not in session, the same shall be filled by appointment made by the county judge, to hold until the next meeting of the county legislative body of Putnam County when the vacancy will be filled by said county legislative body until next the regular August election.

SECTION 4. The compensation of the county road supervisor shall be established as provided in the County Uniform Highway Law, Tennessee Code Annotated, Section 54-7-106.

SECTION 5. The county road supervisor shall have general supervision of all common and graded macadamized roads in the county, other than the state and federal highways and other than private roads. The county road supervisor shall have full power to hire and fire men employed to do 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. The said county road supervisor shall devote his entire working 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 not directly under his supervision, he must make himself available. He shall maintain his office at the county garage.

The county road supervisor is vested with full power and authority in all matters pertaining to the laying out, working, building, maintaining and improving and otherwise looking after the roads, bridges and culverts within the county road system. He shall be the custodian of all road supplies, tools, implements, equipment, machinery and material of all kinds belonging to the county to be used in connection with the construction, maintenance and improvement of the county road system.

It shall be the duty of the county road supervisor to prepare or cause to be prepared a complete inventory of all property which may be under his jurisdiction and control at the beginning of each new term of office, and on June 30th of each calendar year thereafter, showing original cost of equipment and supplies, when and where purchased, amount of depreciation taken the date of inventory, a copy of which will be furnished to the secretary of the county legislative body of Putnam County for permanent filing in its records. Said county road supervisor shall prepare all payrolls, showing the number of hours, days, weeks or months worked, rate of pay per hour, day, week or month, with total amount due to be paid, and shall prepare a list of bills owed and to whom to be paid, purpose and amount, with the total amount of bills to be paid, with a copy of which shall be filed with the secretary of the county legislative body of Putnam County. All inventories, payrolls, and bills to be paid must be signed by the supervisor.

The county road supervisor shall have the authority to appoint a bookkeeper, prescribe his or her duties, fix his or her compensation to be paid from the county road fund with the approval of the county legislative body of Putnam County, and who shall serve at the pleasure of the county road supervisor.

Said bookkeeper shall keep the records required to be kept in the office of the county road supervisor and shall work in the office of said county road supervisor and shall perform any and all other duties consistent with said office that may be requested from time to time by said county road supervisor; provided, however, that no member of the county legislative body of Putnam County shall be eligible for the office of bookkeeper.

SECTION 6. The county road supervisor is authorized and empowered to purchase gasoline, oil, tires, trucks and all other necessary road supplies and equipment. No expenditures in excess of two thousand five hundred dollars (\$2,500) shall be made until the same is publicly advertised and competitively bid in accordance with the provisions of the County Uniform Highway Law, Tennessee Code Annotated, Section 54-7-113. The county road supervisor shall not expend or obligate funds in excess of the funds received or receivable from all sources during the fiscal year. All disbursement warrants for obligations of the county highway department shall be signed by the county road supervisor.

SECTION 7. The county road supervisor is hereby vested with full power and authority as to all matters pertaining to the opening, closing and changing of all county roads. Said county road supervisor may from time to time hold public hearings. Before each hearing is held, the county road supervisor shall place a general notice of such hearing in a newspaper of general circulation in Putnam County at least seven (7) days prior to the date of said hearing. At such hearing, the county road supervisor shall hear from an interested party who shall make his views known by petition in regard to any matter pertaining to the opening of a new road, the closing of an existing road, or any such business as comes under the jurisdiction of the county road supervisor as provided within this act. The county road supervisor shall take whatever action on said petition he deems advisable within ten (10) days from the date thereof.

SECTION 8. The county road supervisor, before assuming the duties of his office, shall subscribe to an oath as other county officials subscribe.

SECTION 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 10. All acts and parts of acts in conflict with this act and all special road legislation heretofore enacted for said county, and the same, are hereby repealed.

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

SECTION 12. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 11. Provided, however, nothing herein shall be construed to abridge the term of any member of the existing Putnam County highway commission until there is a vacancy in such office or until the next regular scheduled election.

Passed: May 25, 1989.

Highways and Roads - Historical Notes

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

1. Acts of 1901, Chapter 136, was a general road law made applicable to all counties whose population was less than 70,000, according to the 1900 Federal Census. The County Court of each County would pick one Road Commissioner to serve two years from each Road District in the County, The Road Districts being co-extensive with the Civil Districts. The Commissioner must be sworn, bonded, would be compensated at the rate of \$1 per day not to exceed ten days per year, and the Commissioner would be in charge of all roads, bridges, road hands, tools, equipment, and materials used in his District. The County Court would determine the number of days a road hand must work on the roads which number would be no less than five days, nor more than eight days, and would fix a price for each day's labor. The County Court must levy a tax for roads of two cents per \$100 for each day's work the Court set for the road hands each year. The Commissioners were obligated to name and supervise the Road overseers in their District who would be placed in immediate charge of specific sections of road. Overseers were required to work the same number of compulsory days as everyone else but would be paid up to \$6 a year for extra work. All males, outside the cities, between the ages of 21 and 45 were subject to compulsory road work, or to pay a fixed commutation fee. Road Commissioners were to dispose of petitions to open, close, or change roads in their areas, must index and classify each road according to the specifications, and would further see that the roads in their district met the construction specs established by the Court, or the State. This Act, which did not apply to cities, was part of the case of Carroll v. Griffith, 117 Tenn. 500, 97 S.W. 66 (1906).
2. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, in several minor particulars, but primarily in the procedures to be observed in the acquisition of property for rights of way and other road purposes, especially when the power of eminent domain was to be used.
3. Private Acts of 1911, Chapter 531, created a three member Board of Public Road Commissioners in Putnam County, one of whom would reside in the eastern section of the County, one in the middle section, and one in the western section. The members, who were to be appointed by the County Court, could not be members of the Court, and would serve initially the staggered terms provided in the Act but afterwards the terms would be for three years. The Commissioners were to select one of their own members as Chairman, would be paid \$2 per day for each day spent in the discharge of their duties up to \$50 a year, plus a mileage allowance, and would take charge of and control all the public highways and bridges in the County. The Commission had the authority to employ a Road Superintendent, who must be experienced in road building, at an annual salary of \$1,200 but who must furnish his own transportation and pay all his expenses out of his salary. The Superintendent would be placed in immediate charge of the road department, its tools, equipment, and materials, and would have an office in the court house at which the Commission must meet once a month. The Superintendent was required to make a map of all county roads, classify and index them, and appoint Foremen over road crews who would be paid no more than \$1.50 per day. All males between the ages of 21 and 50 outside of cities were obligated to work out, or pay \$3.00 -- \$4.50, each year by laboring six days on the county roads. The Commissioners, who must keep sufficient records of all transactions, would hear and dispose of all the petitions to open, close, or change roads, would have the power to condemn property, and would be in charge of the county workhouse and the prisoners. The County Court was to levy a general road tax each year of no less than ten cents, nor more than twenty-five cents, for the maintenance and upkeep of the roads.
4. Private Acts of 1915, Chapter 530, generally repealed all conflicting laws and abolished the position of Public Road Superintendent and the Board of Public Road Commissioners all of whom were to make their final settlements with the County Judge no later than July 15, 1915. All the roads heretofore designated as public roads would remain in that category, and the Quarterly County Court convening after the passage of this Act were required to classify the roads of the

- county into three classes according to the width and grade. The County Court must appoint overseers for the various sections of the county roads who would be sworn into office and serve until January 1, 1916, when their successors would be appointed to serve for one year. The overseers would be in immediate supervision of road hands who would be directed to work on the roads the number of days decided by the Quarterly Court, not exceeding eight days per year, but the road hands could commute by paying \$1 for each day not worked. Tools, materials, and funds were to be distributed among the roads as equally as possible. Procedures to be followed when resorting to condemnation proceedings to acquire property were set up in the Act. The County Court could elect three Pike Commissioners, one from each geographical section of the county, who would have control of all rock crushers in the county and also be in charge of the county workhouse and its prisoners.
5. Private Acts of 1917, Chapter 605, generally repealed all conflicting laws with this Act which provided for four classifications for roads in Putnam County. The County Court was given the power to change the classes if need arose. All county roads were to be laid off in sections and persons living on those sections would be required to work their road, starting on January 1, 1918, all old regulations being left in effect until that date, at which time overseers were to be appointed for each section of road. All males, outside cities, between the ages of 21 and 50 must work eight days of eight hours each on the roads, or pay \$1 for each day missed which would be used by the overseer of that section to hire laborers. A general road tax between five and fifteen cents per \$100 must be levied with the funds used to purchase small tools and materials and to compensate overseers at the rate of two dollars per annum. Another general road tax, also of the ad valorem type, would be levied whose proceeds would be used as a pike road and graded road maintenance fund. This tax could be no less than 25 cents and no more than 40 cents and would be apportioned to roads as prescribed in the Act. The County Court could elect three Commissioners to be known as Commissioners of Pikes and Graded Roads, one from each major geographical division of the County, who, with the County Judge, or Chairman, would generally supervise the overall county road program. Provisions to open, close, or change roads, to award damages, and to condemn property were included. No gates could be placed across roads without the permission of the County Court, and one could be fined for obstructing a road. This Act was repealed by Private Acts of 1921, Chapter 625.
 6. Private Acts of 1919, Chapter 672, amended Private Acts of 1917, Chapter 605, by deleting the words "Quarterly County Court" and inserting in their place the words "County Commissioners" wherever the same occur same occur in Sections Four and Five. Section 4 was further amended by placing the time of September 1 of each year as the last day for road labor to be accomplished. Section 10 was changed to place the supervision of the road work and the payment of funds under the Commissioners. Section 28 was added which paid the County Judge, or Chairman, \$300 annually for the extra work they had to do under the terms of this Act. This Act was repealed by Private Acts of 1921, Chapter 626.
 7. Private Acts of 1920 (Ex. Sess.), Chapter 36, Page 192, amended Section 18, Private Acts of 1917, Chapter 605, so that the minimum tax rate for the road levy was reduced from 25 cents to 6 cents per \$100, property valuation, and the maximum rate was changed from 40 cents to 14 cents.
 8. Private Acts of 1921, Chapter 626, Page 1954, created the position of County Road Supervisor in Putnam County who would be appointed by the County Judge, or Chairman, and confirmed by the County Court, who must be 25 years of age, or older, and a competent road builder with experience. The Supervisor would be appointed for a two year term but could be removed for certain causes, would be paid a salary fixed by the Quarterly Court of between \$1,500 and \$2,000 annually, to be charged equally to the three Road Divisions. He must be sworn into office, and bonded, would be in charge of all county roads and equipment, would keep an office at the court house, and make requisitions to the County Judge for all supplies and materials. Wherever possible the Road Districts would be co-extensive with the Civil Districts of the county. The County Supervisor would appoint a District Supervisor for each Road District. The District Supervisor would appoint a sectional road overseer. Overseers would be in charge of their road sections for terms of one year under the direct supervision of the District Supervisor. All tools, supplies, and equipment, must be strictly accounted for. The District Supervisor must work the compulsory six, 8 hour, days on the roads as everyone else, but would be paid \$2.50 per day for every one over that number to a maximum of ten days. A general road tax of from two to five cents, and a special road tax of from ten to thirty cents were authorized to be levied but would be used only for the purposes specified. Males between the ages of 21 and 50 must labor six days, of eight hours each, on the roads or pay \$1.50 for each one missed, with special provisions being made for the owners of wagons and teams to be used in road work. A general classification of roads into

four classes plus the authority for the Quarterly Court to levy an annual privilege tax on wheeled vehicles were contained in the Act. After January 1, 1922, no toll gates would be permitted across any public road in the County. This Act was repealed by Private Acts of 1923, Chapter 13, Page 38.

9. Private Acts of 1923, Chapter 71, Page 148, created a three member Board of Public Road Commissioners, one to come from each major division of the County, who would be elected by the County Court to serve initial staggered terms and then terms would be for three years each. The Commissioners, of whom none could be a Justice of the Peace, would select one of their members as Chairman, would take charge of all roads, bridges, and culverts in the County and disburse all road funds, at a salary of \$2 per day and mileage which could not exceed \$200 in one year. The Commission would meet in Cookeville at least once each month in an office at the County Court House, and would keep records of all transactions and accurate minutes of all meetings. At their first meeting subsequent to the passage of this Act, the Quarterly Court was required to classify all the county roads into one of four classes. The County Court would elect Overseers from the recommendations of the Road Commissioners, who would be in charge of all the roads, tools, road hands, and equipment to be used in that District. Overseers must work the compulsory days but would be paid \$2 per day for each day over that number. A general road tax of ten to twenty cents per \$100 could be levied by the Quarterly Court. All males between 21 and 50 years of age must work from 6 to 8 days of eight hours, as the court might direct, and at any place in the County when a proper three day notice were given. A privilege tax was imposed on various vehicles according to the schedule in the Act. This Act was repealed by Private Acts of 1925, Chapter 463, Page 1734.
10. Private Acts of 1925, Chapter 278, Page 990, created the position of County Road Supervisor in Putnam County. A three member committee would be appointed by the Quarterly Court at its next term after this Act who would serve for two years and be paid \$10 per year. This Committee would select the Road Supervisor at a salary between \$1,500 minimum and \$2,000 maximum each year, and report the same to the Quarterly Court for confirmation. The Supervisor must be at least 25 years of age, a competent road builder, and administrator, must devote full time to the job and provide his own transportation except for trips outside the County. The Supervisor would be sworn and bonded by the County Court Clerk would be in general charge of county roads and the road department, and work out of an office which the County must provide for him. The County Road Supervisor must appoint a District Road Supervisor for each Road District (same as Civil District) for two year terms beginning on the first Monday of January of each year following appointment. The District Supervisor would be in charge of the roads in the District, must complete his work in ten days, must work the required number of compulsory days but would be paid \$2 for each day over that number. In no event would the District Supervisor be paid unless all essential records had been filed by him. The Road Supervisor would promulgate all the regulations for the Department which would be enforced by the District Supervisors. Each section of road would be in the immediate charge of an overseer, appointed by the District Supervisor, and responsible for the tools, materials, and equipment used on that Section. No toll gates were to be allowed on any public road and all telephone poles could be removed, when necessary. The Quarterly Court could levy a general road tax of five to ten cents per \$100 property valuation, plus a special road tax of not less than ten, nor more than twenty-five cents to provide special road funds to be spent according to the outline contained in this law. All contracts had to be approved by the County Judge, or Chairman. Workhouse prisoners could be worked under the Road Supervisor and the County Judge but only under the conditions stipulated in the Act. Some basic traffic regulations were published herein for the violations of which one could be fined. Males between the ages of 21 and 50 were compelled to work five days of 8 hours each, or pay \$1.50 for each day missed. The County Attorney had the duty of prosecuting any violations of this law, and a new schedule of privilege taxes to be imposed in the county were included.
11. Private Acts of 1927, Chapter 221, Page 602, amended Private Acts of 1925, Chapter 278, by deleting all of Section 37 of the Act which directed a levy and collection of privilege taxes therein on vehicles and automobiles.
12. Private Acts of 1929, Chapter 838, Page 2453, amended Section 2, Private Acts of 1925, Chapter 278, by naming the Committee provided for in that Section the County Highway Commission, made the County Judge the ex-officio Chairman of the same who would have no vote on issues but who, with the County Road Supervisor, would be the County's agent when dealing with the State. The County Judge had the duty of keeping the records of the proceedings of the Commission, and, as Secretary thereof, would receive the quarterly reports from the Road Supervisor which would be recorded. For the additional duties assigned by him by this law, the County Judge would be paid \$600 a year. The Road Supervisor could not issue any warrants, or

- enter into any contracts without the approval of the County Judge.
13. Private Acts of 1933, Chapter 473, Page 1134, provided that the State Highway Department would have and exercise full control and direction over the expenditure of all funds received in Putnam County from the State for road purposes whether they arise from registration fees, gas taxes, or any other source. The Department would receive the funds directly, expend them, and make quarterly reports on the same to the County Judge.
 14. Private Acts of 1941, Chapter 372, Page 1250, provided for a three member Highway Commission, composed of county residents, and named C.M. Stone, Clay Farmer, and Virgil Stamps, as the first Commissioners, who would serve as such until April, 1941, when their successors were to be elected by the Quarterly Court for staggered terms initially, and then for three year terms afterwards. All vacancies would be filled for the unexpired portion of that term. Commissioners would be paid \$200 each year, but would not be paid for any expenses except for trips outside the county, and then only upon their sworn and itemized statements. The Commission was allowed to choose a Chairman for one year intervals but the County Judge would serve as the Clerk for the Commission, at an annual salary of \$900, payable monthly. The Commission would hold regular quarterly meetings on the first Mondays in January, April, July and October. The Clerk would keep records of all transactions, and of all the tools, vehicles, equipment, and materials. All contracts would be made only pursuant to the directions of the Commissioners. The Commission had the authority to employ a competent, qualified person as the Road Supervisor, at a maximum salary of \$1,500 annually, who would be sworn and bonded, hired for only one year at a time, and who would be in immediate charge of the county's road system and department. The Commission was placed in charge of the Workhouse and the prisoners. The Quarterly Court had the power to levy a general road tax of ten cents and a special road tax of five cents per \$100 property valuation. The Department however could not lawfully spend more than its annual budget. This Act was repealed by Private Acts of 1951, Chapter 609, Page 1841.
 15. Private Acts of 1945, Chapter 115, Page 386, amended Private Acts of 1941, Chapter 372, to fix the annual salary of the Road Supervisor from \$1,500 to \$2,100, as determined by the Highway Commission. Section 10 was changed to give the Road Supervisor the authority to purchase gas, oil, tires, trucks, and other road equipment to be used under his direction and supervision with the approval of the County Purchasing Agent and the Supervisor could contract for supplies, materials, and equipment up to one year, with his purchases being binding on the Commission. This Act was repealed by Private Acts of 1951, Chapter 609, Page 1841.
 16. Private Acts of 1951, Chapter 609, as amended by Private Acts of 1961, Chapter 166, Private Acts of 1965, Chapter 111, Private 1968, Chapter 364, Private Acts of 1974, Chapter 165, Private Acts of 1979, Chapter 126, and Private Acts of 1987, Chapter 48, created a county highway commission and the office of county road supervisor. The act also set forth the powers and duties of the highway commission and road supervisor. This act was repealed by Private Acts of 1989, Chapter 122.
 17. Private Acts of 1973, Chapter 150, Page 518, would have amended Private Acts of 1951, Chapter 601, but this Act did not receive local approval and never became effective. The bond of the Road Supervisor would be governed by general law and his salary would be raised to \$12,000 per annum with a provision for cost of living increases. The salary of the bookkeeper was raised from \$375 to \$400 per month and could be increased to \$600 per month with the approval of the Quarterly County Court. The bookkeeper was made the secretary to the Commission.
 18. Private Acts of 1974, Chapter 208, Page 158, was rejected by the Quarterly Court of Putnam County and consequently never took effect. A seven member County Road Commission was provided whose members were to be elected from the seven road districts, composed of whole Magisterial Districts, into which the County had been divided. Initial staggered terms were established after which the term of office would be four years. Compensation was \$25 per month for the Commissioners. Regular meetings would occur on the second Tuesday in each month and special meetings at the call of the Chairman on proper notice. The Commission must keep records and report quarterly to the Court. They could hire a road supervisor for one year at a time at a minimum \$12,000 annual salary and which could not exceed 90% of the salary of the county manager. Restrictions similar to those in prior laws were placed upon the Commission and the Supervisor concerning excessive expenditures beyond the budget and the use of county property and equipment for private purposes.
 19. Private Acts of 1989, Chapter 40, would have repealed Private Acts of 1951, Chapter 609, as amended, but did not receive local government approval and therefore never became effective.

Chapter X - Law Enforcement

Department of Law Enforcement

Private Acts of 1969 Chapter 84

SECTION 1. That there is hereby created for Putnam County, Tennessee, a Department of Law Enforcement, which shall exist for the purpose of assisting the Sheriff of Putnam County in carrying out his constitutional and statutory duties of maintaining law and order within Putnam County, Tennessee, in serving civil and criminal processes, in operating the Putnam County Jail, and in accounting for the statutory fees of the office of Sheriff, and other duties incidental thereto.

SECTION 2. That such Department of Law Enforcement for Putnam County, Tennessee, shall be under the direct supervision of the Sheriff of Putnam County, who shall be paid the maximum salary as provided by the general law of the State of Tennessee for Sheriffs, and the same shall be staffed with duly appointed and bonded Deputy Sheriffs who shall be selected by the Sheriff of Putnam County, and he shall be responsible for their conduct and their actions as under the general law of this State. Putnam County shall have a minimum of four full-time Deputy Sheriffs, a Jailer, and such other personnel, either full-time or part-time, as the needs of the office may require and as the Putnam County Quarterly Court may authorize from time to time. Salaries of deputies, jailers, and other employees of said department shall be fixed by the Putnam County Quarterly Court and included in the budget hereafter provided for.

SECTION 3. That the Putnam County Quarterly Court shall establish a budget for the operation of said Department, providing therein for the payment of salaries for the Sheriff and all employees, and the purchase, maintenance, and operation of all automobiles which the Court may see fit to furnish the office of the Sheriff, but in no event, less than three.

SECTION 4. That all fees accruing to the office of Sheriff or any of his agents or employees, and the board bill for the operation of the Putnam County Jail, shall be paid into the General Fund of the County. The Sheriff of Putnam County shall be responsible for keeping full, complete and accurate records of all fees and board bills accruing to him or any employee or Deputy appointed by him, and shall likewise account for all funds expended by him for salaries, equipment, maintenance, food for the jail, and all other lawful and proper expenses of said office.

SECTION 5. That this Act shall have no effect unless the same be approved by a twothirds (2/3) vote of the Quarterly County Court on or before October 1, 1969. The presiding officer of such body shall proclaim its approval or non-approval and shall certify the same to the Secretary of State.

SECTION 6. This Act shall take effect from and after July 1, 1969, the public welfare requiring it.

Passed: April 17, 1969.

Law Enforcement - Historical Notes

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

1. Private Acts of 1931, Chapter 805, relieved E. M. Pippin, of Putnam County, of all personal liability as security for the fine and cost payable to the State of Tennessee for Robert McBroom in the Criminal Court of Putnam County on a charge of possessing intoxicating liquors.
2. Private Acts of 1931, Chapter 808, released E. M. DuBois from any and all liability incurred by him in signing as the security for the fine and cost of A. A. Hill, in Putnam County, on a charge of public drunkenness, the said Hill having died shortly thereafter.
3. Private Acts of 1931, Chapter 809, released Mrs. Callie Cole, widow of R. W. (Bob) Cole, as surety for the payment of a fine for a violation of the liquor laws, plus costs and taxes.
4. Private Acts of 1933, Chapter 721, released and discharged J. V. McDowell, as Principal, and H. W. Shanks, as Surety, of any and all personal liability they may have incurred in the signing of a note and bond for \$100, assessed by the Criminal Court in Putnam County against McDowell on a charge of unlawfully possessing and transporting intoxicating liquors. McDowell had a half pint of liquor in his possession when he was arrested. McDowell paid the court costs but he is now destitute and a sufferer of the Depression.
5. Private Acts of 1933, Chapter 881, relieved Bob Mathews, of Putnam County, of the payment of the balance of a fine heretofore imposed upon him by the Criminal Court of Putnam County at the January term of Court in 1930. He was convicted of possessing intoxicating liquors.

6. Private Acts of 1933, Chapter 890, released Albert Wade, and his sureties, C. H. Dowell and G. C. Peak, from any further payment on the fine and cost assessed against him in the criminal court of Putnam County, Wade having been convicted of possessing intoxicating liquors and fined \$100 plus court costs. The balance due on the fine and costs were hereby cancelled and rendered null and void.
7. Private Acts of 1961, Chapter 320, set the salary of the Sheriff at \$8,200 per annum, payable from the fees of his office. In the event the fees do not match the salary, then he would be entitled to the greater of the fees or the minimum salary fixed by T.C.A. 8-2405.

Chapter XI - Taxation

Assessor of Property

Private Acts of 1961 Chapter 165

SECTION 1. That in counties of this State with a population of not less than 29,200 nor more than 29,250, by the Federal Census of 1960, or any subsequent Federal Census, the Quarterly County Court shall appropriate to the County Tax Assessor a sum not in excess of \$1800 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 \$150 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 had 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 6 months form the date of final legislative action thereon the same shall be approved and ratified by 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 1, 1961.

Private Acts of 1980 Chapter 239

SECTION 1. Any conveyance of property vesting or divesting title or interest in or to any real property located in Putnam County, shall be noted in the office of the county tax assessor before any such instrument may be registered and stamped in the office of the county register of deeds. The county tax assessor shall:

(I) receive such instruments for notation;

(II) make a permanent record of the instrument for his office, which shall show (1) the date of the instrument, (2) the consideration for the transfer, (3) the name and address of the grantor and grantee or trustee, (4) the location of the property, and (5) a sufficient description of the property; and

(III) stamp on such instruments a notation of his endorsement signifying compliance with the requirements of this section.

SECTION 2. Any such instrument specified in Section 1 of this Act shall bear the name and the address, as of the date of the notation of the grantor, and grantee or trustee, before such instrument shall be received for registration by the county register of deeds.

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

SECTION 4. For the purpose of approving this Act as provided in Section 3, it shall take effect on becoming a law, the public welfare requiring it, but for all other purposes, it shall take effect on the first day of the month following the month in which this Act received approval as provided in Section 3.

Passed: March 17, 1980.

Hotel/Motel Tax

Private Acts of 1979 Chapter 118

SECTION 1. Definitions. For the purposes of this Act:

- (a) Person. "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.
- (b) Hotel. "Hotel" means any structure, or any portion of any structure, 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.
- (c) Occupancy. "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.
- (d) Transient. "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodations in a hotel for a period of less than ninety (90) continuous days.
- (e) Consideration. "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.
- (f) County. "County" means any county within this state having a population of not less than 35,480 nor more than 35,500 according to the Federal Census of 1970, or any subsequent Federal Census.
- (g) Operator. "Operator" means the person operating the hotel whether as owner, lessee or otherwise.

SECTION 2. Authority to Levy Tax. The county is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient, in an amount not exceeding seven percent (7%) to the rate charged by the operator. The county commission may modify the amount of tax by resolution remaining subject to the seven percent (7%) limitation, and such tax is to be collected as hereinafter provided.

Private Acts of 2003, Chapter 3

As amended by:

Private Acts of 2016, Chapter 47

SECTION 3. Tax added to Room Invoice. Said tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of his hotel and to be given directly or transmitted to the transient and shall be collected by such operator from the transient and remitted to the County.

When a person has maintained occupancy for ninety (90) continuous days, he shall receive from the operator refund or credit for the tax previously collected from or charged to him, and the operator shall receive credit for the amount of such tax if previously paid or reported to the County.

SECTION 4. Remittance to Trustee. The tax hereby levied shall be remitted by all operators who lease, rent or charge for any rooms within the County which has adopted the provisions of this Act to the County Trustee 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 20th day of each month for the preceding month. The operator is hereby required to collect the said tax from the transient at the time of the presentation of the invoice for said occupancy whether prior to occupancy or after occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient; then the obligation to the County entitled to such tax shall be that of the operator.

SECTION 5. Rules and Regulations. The Trustee or other authorized collector of the tax authorized by this Act shall be responsible for the collection of said tax. A monthly tax return under oath shall be filed with the Trustee by the operator with such number of copies thereof as the Trustee may reasonably require for the collection of said 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 Trustee and approved by the Board of County Commissioners prior to use. The Trustee shall audit each operator in the county at least once per year and shall report on the audits made on a quarterly basis to the Board of County Commissioners. The Board of County Commissioners is hereby authorized to adopt

resolutions to provide reasonable rules and regulations for the implementation of the provisions of this Act.

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

SECTION 7. Penalties and Interest for Delinquency. Taxes collected by an operator which are not remitted to the County Trustee on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and in addition for 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 hereby declared to be unlawful and shall be punishable by a fine not in excess of fifty dollars (\$50.00).

SECTION 8. Records. 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 may have been liable for the collection of and payment to the County, which records the County Trustee shall have the right to inspect at all reasonable time.

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

For his services in administering and enforcing the provisions of this Act, the County Trustee shall be entitled to retain as a commission one percent (1%) of the taxes so collected. Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in T.C.A. Section 67-3033, it being the intent of this Act that the provisions of law which apply to the recovery of State taxes illegally assessed and collected under the authority of this Act: Provided further, the County Trustee shall possess those powers and duties as provided in Section 67-2301, Tennessee Code Annotated, for the county clerks. With respect to the adjustment and settlement with taxpayers, all errors of County taxes collected by him under authority of this Act and to direct the refunding of same. Notice of any tax paid under protest shall be given to the County Trustee and the Resolution authorizing levy of the tax shall designate a County officer against whom suit may be brought for recovery.

SECTION 10.

(a) Application and Allocation of Revenue. The County Trustee is hereby charged with the duty of collection of the tax herein authorized and shall place the proceeds of said tax in the county debt service fund or such other fund as the Board of County Commissioners may specify by resolution, and that one-half ($\frac{1}{2}$) of one percent (1%) of the total collections to be used to promote tourist trade.

(b) The proceeds from the one percent (1%) increase from five percent (5%) to six percent (6%) shall be for the purpose of recreational facilities operation, development and capital improvements.

(c) The proceeds from the one percent (1 %) increase from six percent (6%) to seven percent (7%) shall be for the purpose of increased funding for parks and recreation, economic development, and tourism.

Private Acts of 2003, Chapter 3
As amended by:
Private Acts of 2016, Chapter 47

SECTION 11. Severability Clause. The provisions of this Act are hereby declared to be severable. If any of its sections, provisions, exceptions, or parts be held unconstitutional or void, the remainder of this Act shall continue to be in full force and effect, it being the legislative intent now hereby declared, that this Act would have been adopted even if such unconstitutional or void matter had not been included herein.

SECTION 12. This Act shall have no effect unless it is approved by a two-thirds ($\frac{2}{3}$) vote of the Board of County Commissioners of any County to which it may apply, not more than Ninety (90) days subsequent to its approval by the Chief Executive of this State or after its otherwise effective date. Its approval or non-approval shall be proclaimed by the presiding officer of the Board of County Commissioners and shall be certified by him to the Secretary of State.

SECTION 13. This Act shall be effective upon becoming a law, the public welfare requiring it, but the provisions thereof shall not become operative until ratified as provided in Section 12.

Passed: May 10, 1979.

Litigation Tax

Private Acts of 1981 Chapter 60

SECTION 1. There is hereby imposed a special privilege tax in the amount of five dollars (\$5.00) in each case, of any description, upon all original civil and criminal suits and all cases filed in the Circuit, Criminal, Chancery, Probate and General Sessions Courts in Putnam County, such tax to be collected by the clerks of the respective courts and taxed as a part of the costs in each case.

SECTION 2. When any part of the costs in any case has been collected, after payment of any state litigation tax accrued thereon, the amount necessary for the payment of the tax hereby imposed shall be next applied thereto before applying any of the amount collected as costs to any other funds or items of costs.

SECTION 3. On or before the tenth (10th) day of each month the clerks of the respective courts shall pay over to the county Trustee all amounts collected hereunder in the preceding calendar month. The proceeds of said payments shall be utilized for the operation and maintenance of the County Courthouse and County Jail.

The Trustee shall account for the sum so paid in the same manner as he is required to account for other monies coming into his hands.

SECTION 4. Chapter 56 of the Private Acts of 1967 as amended by Chapter 216 of the Private Acts of 1967, is hereby repealed.

SECTION 5. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Putnam County before September 6, 1981. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Putnam County and certified by him to the Secretary of State.

SECTION 6. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 5.

Passed: April 1, 1981.

Mineral Severance Tax

Private Acts of 1985 Chapter 72

SECTION 1. Putnam County by resolution of its county legislative body is authorized to levy a tax on all sand, gravel, limestone, phosphate rock, and all other mineral products severed from the ground within its jurisdiction. The tax shall be levied for the use and benefit of Putnam County only and all revenues collected from the tax, except deductions for administration and collection provided for herein, shall be allocated to Putnam County.

Administration and collection of this tax shall be by the Department of Revenue of the State of Tennessee. The Department shall collect and administer this tax in the same manner and according to the same procedure as is currently used by the Department for the collection and administration of other such local severance taxes. The County Executive is authorized to contract with the Department of Revenue for the collection of said tax, and to provide in the contract for the deduction from said tax collected a reasonable amount or percentage, not to exceed three percent (3%) of the tax collected, to cover the expense of the administration and collection of the tax. The Department of Revenue may promulgate all rules and regulations necessary and reasonable for the administration of the provisions of this chapter.

All administrative provisions of all laws contained in all the other chapters of Tennessee Code Annotated, Title 67 relating to collection by the Commissioner of all taxes, licenses, fees and penalties and interest therefor, including but not limited to Chapter 60 thereof, and any amendments thereto, and all other requirements and duties imposed upon taxpayers therein, shall apply to all persons liable for taxes under the provisions of this chapter; and the Commissioner shall exercise the power and authority and perform all the duties with respect to taxpayers under this chapter as are provided in all the other chapters of Title 67, except where there is conflict, and then the provisions of this chapter shall control. Putnam County, by Resolution of its county legislative body, may terminate collection by the Department of Revenue at any time after sixty (60) days from the passage of such Resolution. If such is terminated, the County Clerk shall assume the collection and administration of such tax as provided herein.

SECTION 2. The rate of the tax shall be set by the county legislative body, but shall not exceed twenty-five cents (25¢) per ton of sand, gravel, limestone, phosphate rock, or other mineral products

severed from the ground in the county. Every interested owner shall become liable at the time the sand, gravel, limestone, phosphate rock, or other mineral product is severed from the earth.

The term "sand, gravel, limestone, phosphate rock, or other mineral product" shall mean sand, gravel, limestone, phosphate rock, or any other mineral severed from the earth in the process of producing a saleable product by whatever means of severance used. It shall not include, however, any mineral taxed under the provisions of Tennessee Code Annotated, Sections 67-7-101 through 67-7-110, Section 60-1-301 or any lime or limestone used for agricultural purposes. The tax is levied upon the entire production in the county regardless of the place of sale or the fact that delivery may be made outside the county. The tax levied shall be a lien upon all sand, gravel, limestone, phosphate rock, and other mineral products severed in the county and upon all property from which it is severed, including but not limited to mineral rights of the producer, and such liens shall be entitled to preference over all judgments, encumbrances or liens whatsoever created.

Any adjustment of taxes, penalties, or interest which is necessary to adjust any error in collection or disbursement may be made at a subsequent collection or disbursement.

SECTION 4. The tax levied by this Act shall become delinquent on the sixteenth (16th) day of the month next succeeding the month in which such tax accrues. When any required return shall not be filed and payment of the full amount of the tax levied shall not be made on or before such date, there shall be imposed, in addition to other penalties provided herein, a specific penalty in the amount of ten percent (10%) of the tax due. Whenever a penalty is imposed there shall also be added to the amount of tax and penalty due interest thereon at the rate of ten percent (10%) per annum from the date due until paid. A further penalty of fifty percent (50%) of the amount due may be added if the nonpayment of the tax is due to an intent to evade payment. If the tax is delinquent for a period of sixty (60) days or if the nonpayment of the tax is due to an intent to evade payment, the person liable for such payment may be restrained and enjoined from severing sand, gravel, limestone, phosphate rock, or other mineral products that have been severed and sold and upon which the tax is due. Restraint proceedings shall be instituted in the name of the county by the District Attorney General for the county at the request of the Putnam County Clerk or the Department of Revenue.

All such penalties and interest imposed by this Act shall be payable to and collectible by the Department of Revenue or the County Clerk in the same manner as if they were a part of the tax imposed and shall be retained by the Department of Revenue or the County Clerk's office in an amount necessary to defray the expenses of administration and collection.

Any person required by this Act to make a return, pay a tax, keep records, or furnish information deemed necessary by the Department of Revenue or the County Clerk for the computation, assessment, or collection of the tax imposed by this Act, who fails to make the return, pay the tax, keep the records, or furnish the information at the time required by law or regulation is, in addition to other penalties provided by law, guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment for not more than (1) year, or both.

Any person who willfully or fraudulently makes and signs a return which he does not believe to be true and correct as to every material fact is guilty of a felony and subject to the penalties prescribed for perjury under the law of this state. For the purposes of the section the word "person" also includes an officer or employee of a corporation or a member or employee of a partnership who is under duty to perform the act in respect to which the violation occurs.

SECTION 5. When any person shall fail to file any form, statement, report, or return required to be filed with the Department of Revenue or the County Clerk, after being given written notice of same, the Department of Revenue or the County Clerk is authorized to determine the tax liability of such person from whatever source of information may be available to him. An assessment made pursuant to this authority shall be binding as if made upon the sworn statement, report or return of the person liable for the payment of such tax; and any person against whom such an assessment is lawfully made shall thereafter be estopped to dispute the accuracy thereof except upon filing a true and accurate return together with such supporting evidence as may be required to indicate precisely the amount of the alleged inaccuracy.

SECTION 6. All revenues collected from the severance of sand, gravel, limestone, phosphate rock, or other mineral products in Putnam County, less an amount to cover the expenses of administration and collection, shall be remitted quarterly to the County Trustee of Putnam County, not later than the tenth (10th) day of the month following the end of the calendar quarter. These revenues shall become a part of the road fund of Putnam County, subject to appropriation by the county legislative body.

SECTION 7. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Putnam County. Its approval or nonapproval shall be proclaimed by the presiding officer

of the Putnam County legislative body and certified by him to the Secretary of State.

SECTION 8. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 7.

Passed: May 15, 1985.

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 assessor in Putnam County.

1. Acts of 1907, Chapter 602, was a general State law the Ninth Section of which regulated the Tax Assessors of the State, making their terms of office for four years, providing for the filling of vacancies, abolishing all Civil District Tax Assessors, and allowing the County Court to set the salary and fix the amount of the bonds of the Tax Assessors.
2. Private Acts of 1927, Chapter 273, set the compensation of the Tax Assessor of Putnam County at one and one-fourth percent on the actual amount of taxes collected by the County Trustee, provided that all funds, State, County, School, and Special, would be taken and estimated as one, but each fund would pay its respective share of the commissions. The compensation would be paid out of the County Treasury on the warrant of the County Judge.
3. Private Acts of 1941, Chapter 299, fixed the compensation of the Tax Assessor of Putnam County at \$1,680 per annum which would be paid out of the county treasury on the warrant of the County Judge on a monthly basis. The Tax Assessor must be sworn into the office, execute bond in the amount required by law, and devote his full time to the duties and responsibilities of his office.
4. Private Acts of 1951, Chapter 544, provided that the Tax Assessor of Putnam County would be compensated at the rate of \$3,600 per annum payable in equal monthly installments out of the county Treasury.

Taxation

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

1. Acts of 1870-71, Chapter 50, granted to the counties and the cities of Tennessee the power to impose taxes for county and municipal purposes in the following manner and upon these conditions, (1) that all taxable property be taxed according to its value upon the principles established for State taxation, and (2) the credit of no county or city, could be given, or loaned, to any person, firm, or corporation, unless the majority of the Quarterly Court, or the Councilmen, first agree to submit the question to a referendum wherein the issue must be approved by threefourths majority.
2. Private Acts of 1915, Chapter 81, made it the duty and responsibility of the Quarterly Court of Putnam County to levy at its January term, April term, or at any other term at which the general assessments of the county were made, a special tax of not less than ten cents per \$100 for the purpose of maintaining one or more county high schools.
3. Private Acts of 1919, Chapter 806, was the enabling legislation for the Quarterly County Court of Putnam County to levy a special tax of 15 cents per \$100, property valuation, on all taxable property to produce the funds to maintain three high schools in the county, which tax would be levied at the January, or April term, or at any other term at which the general assessment was levied. Three high schools were to be established, one at Monterey, in the eastern section of the County. These funds, and any others for this purpose, must be divided equally among the high schools in the three major geographical divisions of the County.
4. Private Acts of 1920 (Ex. Sess.), Chapter 35, amended Private Acts of 1915, Chapter 81, by reducing special tax the from ten cents to 2½ cents so that the minimum tax in Putnam County to be levied for the maintenance and support of high schools could not fall under that amount.
5. Private Acts of 1931, Chapter 223, created the office of Delinquent Poll Tax Collector in all counties with a population of no less than 22,193 and no more than 30,000, according to the 1930 census. The Collector would be appointed by the County Judge for a two year term. All poll taxes not paid on or before May 1, 1931, and by March 1 thereafter were declared to be delinquent. They would be compiled in a list by the County Trustee and delivered to the

Delinquent Poll Tax Collector for collection. The appearance of one's name on the delinquent list was a summary judgment against that individual for which a distress warrant or a garnishment could be issued. The Collector could use only those receipt books furnished to him by the Trustee, and would be paid 70 cents for each poll tax collected plus the fees normally paid the County Trustee or District Constable for collecting delinquent poll tax. The Delinquent Poll Collector could examine all public records and private papers necessary to conduct the business of his office, such as company payrolls, could issue subpoenas and conduct hearings as the need arose. The Collector must be sworn and bonded before entering upon the duties of his office.

6. Private Acts of 1931, Chapter 518, amended Private Acts of 1931, Chapter 223, to specify that the Act applied to eligible male citizens who were delinquent in paying their poll taxes.
7. Private Acts of 1931, Chapter 757, repealed Private Acts of 1931, Chapter 223, and restored any and all Private Acts repealed by it.
8. Private Acts of 1967-68, Chapter 56, imposed a special privilege tax of \$1.50 in each case heard and determined in the Circuit, Criminal, Chancery, Probate and General Sessions Courts in Putnam County. The proceeds of the tax would be utilized by the Sheriff for the operation of his department, including compensation for deputies. This Act was repealed by Private Acts of 1981, Chapter 60.
9. Private Acts of 1967-68, Chapter 216, amended Private Acts of 1967-68, Chapter 56, to make the tax applicable to all cases filed in the listed courts rather than just those where the case was heard. The tax would be paid directly to the Sheriff by the Clerks of the respective courts rather than being paid to the Trustee first. This Act was repealed by Private Acts of 1981, Chapter 60.

Source URL: <https://www.ctas.tennessee.edu/private-acts/putnam>