



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

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# Morgan

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

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

Sincerely,

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# Morgan



Morgan County Courthouse

**Revised and Edited By:** Steve Lobertini, Codification Specialist,  
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# Chapter I - Administration

## Budget System

### General Budgeting Law

### Private Acts of 1941 Chapter 481

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee as follows:*

- (a) The term "County Judge or Chairman" when used in this Act shall mean the County Judge or Chairman of Morgan County, Tennessee.
- (b) The term "County Court Clerk" when used in this Act shall mean the County Court Clerk of Morgan County, Tennessee.
- (c) The term "Sheriff" when used in this Act shall mean the Sheriff of Morgan County, Tennessee.
- (d) The term "Trustee" when used in this Act shall mean the Trustee of Morgan County, Tennessee.
- (e) The term "Circuit Court Clerk" when used in this Act shall mean the Circuit Court Clerk of Morgan County, Tennessee.
- (f) The term "Register of Deeds" when used in this Act shall mean the Register of Deeds of Morgan County, Tennessee.
- (g) The term "Tax Assessor" when used in this Act shall mean the Tax Assessor of Morgan County, Tennessee.
- (h) The term "Commissioner" when used in this Act shall mean any Superintendent or person or persons appointed or elected by the Quarterly County Court over any Department or Institution of Morgan County, Tennessee.
- (i) The term "Quarterly County Court" when used in this Act shall mean anybody or group of people having jurisdiction over the operation of the fiscal affairs of Morgan County, Tennessee.
- (j) The term "Clerk and Master" when used in this Act shall mean the Clerk of the Chancery Court of Morgan County, Tennessee.
- (k) The term "County Superintendent" when used in this Act shall mean the County Superintendent of Schools of Morgan County, Tennessee.
- (l) The term "School Board" when used in this Act shall mean the County Board of Education of Morgan County, Tennessee.
- (m) The term "Highway Commission or Commissioner" when used in this Act shall mean the Highway Department of Morgan County, Tennessee.
- (n) The term "Budget" when used in this Act shall mean the appropriation of money appropriated by Court for each department or activity of Morgan County, Tennessee, for the period shown by the adoption of the Budget by the Quarterly County Court and any appropriation authorized by statute.
- (o) The term "Official of the County" when used in this Act shall mean any official authorized by the Quarterly County Court or the Statutes of the State of Tennessee to draw from the County Treasury and expend money of Morgan County as hereinafter provided.
- (p) The term "Budget Committee" when used in this Act shall mean a Committee of three (3) members so elected by majority vote of the Quarterly County Court of Morgan County, one of which shall be a member of said Court, as hereinafter provided.
- (q) The term "Expenditure or Expend" when used in this Act shall mean the Act of committing Morgan County, Tennessee, to expend monies then and there in the County Treasury or to come into the County Treasury of Morgan County, Tennessee.

**SEC. 2.** That at least thirty (30) days prior to the time when the annual tax levy or any part thereof is made, the Budget Committee of Morgan County shall prepare a Budget containing a Complete Plan, itemized and classified according to function and activity of all proposed expenditures and all estimated revenues by sources and borrowings for the County for the ensuing appropriation year, which shall begin on the first day of July of each year. Opposite such item of proposed expenditure, the Budget shall show in separate parallel columns the amount appropriated for the preceding appropriation year, the amount

expended during that year, the amount appropriated for the current appropriation year, and the increase or decreases in the proposed expenditures for the ensuing years as compared with the appropriation of the current year. This Budget shall be accompanied by:

*First:* An itemized estimate of the receipts to be available during the current fiscal year, but such itemized estimate shall be subject to the following provisions:

- (a) Such estimate of delinquent taxes shall not exceed an amount which represents the percentage of the amount of taxes delinquent on the first day of the current fiscal year which were actually collected in cash during such preceding fiscal year.
- (b) Such estimate of collections of special assessments shall not exceed an amount which represents the same percentage of the special assessments unpaid and owing to said County on the first day of the current fiscal year, as the percentage of special assessments unpaid and owing to said County on the first day of the preceding fiscal year where they were actually collected in cash during the preceding fiscal year.
- (c) Such estimate of collections of miscellaneous revenues from sources other than taxes or special assessments shall in no instance, nor as to any time, be in an amount in excess of the amount of such miscellaneous revenues collected in cash in the preceding fiscal year; provided, however, that there may be included in the estimate cash receipts for such amount of additional miscellaneous revenues to be derived from sources other than ad valorem taxes or special assessments as may be approved by the Director of the Budget.
- (d) The amount of cash surplus being an amount not larger than the amount of cash on hand or on deposit to the credit of the several funds of said County at the close of the preceding fiscal year, exclusive, however, of any cash derived from prepaid taxes or other sources applicable to the Budget of the succeeding fiscal year to the extent that such cash is in excess of all outstanding or unpaid bills or other obligations lawfully incurred during such fiscal year, and all amounts payable therefrom to all special funds of the County.

*Second:* An itemized and complete financial balance sheet of each fund account of said Morgan County, Tennessee, at the close of the last preceding appropriation year.

**SEC. 3.** That a brief synopsis of the Budget shall be published in a newspaper having general circulation in Morgan County, Tennessee, or by notice posted in the lobby of the Court House in one or more conspicuous places, and notice given of one or more public hearings at least fifteen (15) days prior to the date set for hearing, at which any citizen of the said Morgan County shall have the right to attend and state their views thereon. After such hearing is had, the Budget Committee shall submit to the Quarterly County Court with recommendation for adoption such Budget as may be agreed upon. However, it shall not be mandatory upon the Quarterly County Court to adopt the Budget recommended by the Budget Committee, but the Quarterly County Court shall by appropriate order adopt and enter on the minutes thereof a Budget covering all expenditures for the County for the next appropriation year, itemized and classified as required by Section 2 of this Act; provided, however, that it shall be mandatory upon the Quarterly County Court to adopt a Budget for the ensuing fiscal year, and the revenues applicable to such Budget so adopted shall be in conformity to the requirements of the provisions of Section 2 hereof.

**SEC. 4.** That the Budget Committee or Director of the Budget of Morgan County, Tennessee, may require the heads or other responsible representatives of all Departments, Divisions, Boards, Commissions, Agencies, or Offices of said County, as more specifically named in Section 1 hereof, to furnish such information as may be deemed advisable and in such form as may be required in relation to their respective affairs and activities.

**SEC. 5.** That it shall, likewise, be the duty of the School Board of said County, on or before the first Monday in April of each year, to prepare and file with the Budget Committee an itemized statement or budget as specified in Section 2 of this Act, of the funds which said Board estimates will be necessary for the maintenance and operation of the schools and expenses incident thereto for the year commencing the first day of July following the filing of such statement or budget.

**SEC. 6.** That it shall be distinctly understood that it shall likewise be the duty of the Highway Department and/or Highway Commission of said County, at least thirty (30) days prior to the beginning of the fiscal year in each year to prepare and file with the Budget Committee an itemized statement or Budget, as specified in Section 2 of this Act, of the funds which said Department or Commission estimates will be necessary for the maintenance and operation of the roads in said County and expenses incident thereto for the year commencing the first day of July and following the filing of such statement or Budget.

**SEC. 7.** That the Quarterly County Court shall at any regular, adjourned, or specially called session of such Court (at which time the bonds contemplated to be issued in connection herewith shall have been authorized), and at the expiration of each second calendar year thereafter (second calendar year

thereafter shall mean the time nearest to a regular session of the Quarterly County Court), elect a Budget Committee consisting of three (3) members, one of which must be a member of the Quarterly County Court, and the other two members to be such persons so designated and elected pursuant to a majority vote of the then existing members of the Quarterly County Court; the Budget Committee so elected shall receive as compensation for their services a fee of Three (\$3.00) Dollars for each and every day spent in the preparation of the Budget heretofore mentioned; provided, however, that the total compensation of each member of the Committee shall not in any one appropriation year exceed the sum of Forty-eight (\$48.00) Dollars.

Likewise, it shall be the duty of the Quarterly County Court at the time of naming the Budget Committee to appoint a person who shall be known as "Director of the Budget," which such person may be the Judge or Chairman of the Quarterly County Court, if so appointed upon a majority vote of the then existing members of the Quarterly County Court, or otherwise may be a person not being a member of the Quarterly County Court, but must be, however, a taxpayer within said County.

**SEC. 8.** That pursuant to the election of the Budget Committee as provided under Section 7 hereof, and pursuant to the adoption of a Budget recommended by said Committee, or otherwise, the Budget so adopted and approved by the Quarterly County Court, the completed Budget, after approval as afore provided for, shall be delivered to the Director of the Budget, which said Director shall be charged with the responsibility of seeing to the proper application and/or the expenditures made therefrom.

Thereupon during the ensuing fiscal year no member of the Quarterly County Court, or the Budget Committee, or other departmental head or representative of said County shall have the right to expend or to authorize the expenditure of any money in the County Treasury or any appropriation other than those set forth in the adopted Budget; and provided, further, that the expenditures can be made against the Budget so adopted only upon the following conditions:

(a) That any departmental head of Morgan County may authorize the expenditure of money, provided appropriation has been made for such expenditure, and, at the time of the expenditure is authorized, that a requisition has been properly executed by the Director of the Budget.

(b) That the Director of the Budget is hereby restricted from the execution of any requisition order or authorizing the expenditure of any money from the County Treasury, unless such appropriation has been made therefor in the Budget so adopted by the Quarterly County Court for the given year in which any expenditure is requested; and provided, further, that such expenditure can then be authorized only provided a sufficient balance remains to the credit of the department for which expenditure has been requested. It shall be the duty, however, of the Director of the Budget to approve expenditures requested by any of the departmental heads so long as same conform to the requirements of this Section.

**SEC. 9.** That any official of Morgan County having the power, right, or authority to expend County funds from the Treasury of the County, or funds coming into the County Treasury from the State of Tennessee in excess of the monies of funds then and there actually in the Treasury of the County to the credit of his or her department of the County government, or in excess of the Budget adopted by the Quarterly County Court of Morgan County covering that certain period of time as shown by the Budget, such County Official making any overdrafts on the County Treasury or commitments in excess of the amount appropriated for the specific purpose for which the expenditure was made by the Quarterly County Court of Morgan County, shall be personally liable, together with his sureties on his Official Bond, to Morgan County for such overdrafts or over expenditures, and the County shall have cause of action of debt to recover from such official or officials and their bondsmen, the amount of the overdraft or over expenditure with interest from date.

**SEC. 10.** That it shall be unlawful and a misdemeanor in office for any Official or employee, including the Director of the Budget of Morgan County, to draw, sign, issue, deliver, or to authorize the drawing, signing, issuance or delivery of any purchase order, warrant, or other commitment during the appropriation year when such warrant, purchase order or other commitment, added to amounts previously expended, shall exceed the appropriation made by the Quarterly County Court for the specific purpose for which the expenditure is made. That it shall be mandatory upon the members of the Quarterly County Court to determine whether or not warrants or purchase orders or other commitments have been issued or made in violation of the intent of this Act; and if warrants, purchase orders, or other commitments are found to have been issued in violation of the intent of this Act, it shall be mandatory upon the Court or its qualified representative to certify the facts to the District Attorney General for presentation to the Grand Jury at the next term of the Circuit Court; and it shall be the duty of the District Attorney General to present the facts to the said Grand Jury and to institute such other proceedings as may be necessary to give full effect to the provisions of this Act.

**SEC. 11.** That it shall be a misdemeanor in office for any Official of Morgan County, Tennessee, including

the members of the School Board, the County Superintendent, the County Judge, the County Court Clerk, the Circuit Court Clerk, the Sheriff, the Trustee, the Register of Deeds, the Clerk and Master, the Tax Assessor, or any other Official of the County, including the Highway Department, to violate any provision of this Act, to fail or to refuse to perform any of the duties placed upon them, or any of them, by this Act, and any such Officer or Official failing to perform the duties imposed by this Act, or otherwise violating this Act, or who procures, aids or abets in the violation of any provision of this Act, shall upon conviction thereof be subject to a fine of not less than \$100.00 nor more than \$500.00, by imprisonment for a period of not exceeding one year, or both, in the discretion of the Court; provided, further, that any County official convicted under this Act shall be subject to removal from office under the ouster laws of the State of Tennessee, and it shall be mandatory upon the Quarterly County Court to appropriate the necessary funds for the prosecution of such cause.

**SEC. 12.** That in order that the fiscal affairs of Morgan County, Tennessee, may be placed on a cash basis, said County is hereby authorized and empowered to issue at one time, or from time to time, bonds of Morgan County, Tennessee, for the purpose of funding any or all warrants, judgments, or other indebtedness of said County, including the indebtedness of the Highway Department; provided, however, that the total Funding Bonds outstanding at any one time issued under the provisions of this Act shall not exceed \$200,000. That all bonds issued by the County under the provisions of this Act shall be authorized by a resolution passed by the Quarterly County Court of said County; said resolution shall be passed on roll call vote and record thereof kept by the Clerk of said Court, and shall be binding upon the County only upon a majority vote of the then existing members of the Quarterly County Court.

**SEC. 13.** That the resolution providing for the issuance of the bonds may be presented or introduced at any regular, adjourned, or special call meeting of the Quarterly County Court of said County, and shall be in force from and after its passage; provided, however, that same shall have been voted by a majority of the then existing members of said Court. Said Court shall in the resolution determine the rate or rates of interest to be paid on the bonds, not exceeding six (6%) per cent per annum, and the time or times of payment of such interest, and the maturity or maturities of the bonds, which shall be at a time or times not exceeding thirty (30) years from the date of the bonds. Said Court, in the resolution, shall determine the form of bonds and the place or places of payment of principal and interest. Each of the Funding Bonds so authorized shall be executed in behalf of the County by the County Judge of the County and the County Court Clerk of said County, under the Seal of said County. In case any of the Officials whose signatures appear upon the bonds or coupons thereto attached shall cease to be such Officers before the delivery of such bonds, such signatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until such delivery. The bonds may be registered as to principal under such terms and conditions as may be determined by said Court.

**SEC. 14.** That said County may sell any or all of the bonds authorized under the provisions of this Act in such manner and at such price as it may determine to be for the best interests of the County, but no such sale may be made at a price so low as to require the payment of interest on the money received therefor at more than Six (6%) per cent per annum, computed to the absolute maturity or the average maturities of the bonds, in accordance with Standard Tables of Bond Values. If bonds authorized under this Act are sold at a discount, then additional bonds may be authorized at the same time and in the same resolution to represent the amount of such discount; provided, that said Funding Bonds so issued at the price plus the discount do not exceed a net interest charge of Six (6%) per cent per annum to said County, computed as set out in this Section.

**SEC. 15.** That all bonds issued under the provisions of this Act shall be direct general obligations of Morgan County, Tennessee, for the payment of which the full faith, credit, and resources of said County shall be irrevocably pledged. Each year while any of the Funding Bonds issued under the provisions of this Act shall be outstanding there shall be levied upon all taxable property in said County an ad valorem tax sufficient in amount to pay the interest thereon as same falls due and the principal thereof as same matures, and the proceeds derived from said tax levy shall be kept in a fund separate and apart from all other funds of said County, and shall be used solely for the purpose of retiring principal and interest of bonds authorized under the provisions of this Act, and any person being a part in interest in either law or in equity upon suit, action, mandamus, may force and compel the performance of the duties required by this Act by governing body or any Official of said County.

**SEC. 16.** That no bonds issued under authority of this Act shall be subject to taxation by the State of Tennessee or any unit of government within the State of Tennessee, and such bonds shall so state on the face thereof.

**SEC. 16-A.** That it shall be necessary to include in the resolution authorizing the issuance of bonds under the provisions of this Act a brief description of the indebtedness to be funded thereby, and the indebtedness so described being funded thereby shall be considered the legal binding and incontestable obligations of Morgan County, Tennessee.



That the presently outstanding warrants issued against the various funds of Morgan County, Tennessee, notes, and other outstanding evidences of indebtedness, are hereby validated and legalized and declared to be the incontestable obligations of Morgan County, Tennessee.

**SEC. 16-B.** That the County Judge or County Chairman, and County Court Clerk, shall execute the bonds as soon as may be after the adoption of a resolution authorizing the issuance thereof, and said bonds shall be by them delivered to the Trustee of said County for delivery to the purchasers thereof. Upon delivery of said bonds by the Trustee of said County, the proceeds derived from the sale thereof shall be deposited by said Trustee in a fund separate and apart from all other County Funds, and shall be used for no other purpose other than the retirement of the indebtedness described in the resolution authorizing the issuance of said bonds.

**SEC. 17.** That at the end of the first fiscal year of operation of said County under the provisions of this Act, a statement shall be prepared, either by a firm of auditors or an auditor, which shall necessarily recite the expenditures and income for the County for its then ending fiscal year, and which shall show in detail any overdrafts or cash balances which shall have then accrued, and if it is found in such certification that any Section of this Act shall have been not carried out, action shall immediately be instituted and prosecuted to the fullest extent in accordance with the provisions of this Act.

**SEC. 18.** That the Quarterly County Court of said County may adopt a resolution by a majority vote of the then existing members of said Court for the purpose of borrowing money for meeting appropriations made for the current fiscal year in an amount not exceeding Fifty (50%) per cent of the appropriation made by the Quarterly County Court for such fiscal year. Negotiable notes shall be issued for all monies so borrowed. Such notes shall be issued for a period of time not exceeding Sixty (60) days from their date and may be renewed from time to time; provided, however, that payment of the original note, or its respective renewal, shall be made within the current fiscal year in which same is issued. The proceeds derived from any notes, executed under the provision of this Section, by the County Judge and/or Director of the Budget, and County Court Clerk, in behalf of Morgan County, Tennessee, shall be shown in the Budget for the given fiscal year in such manner that the expenditure column thereof shall not be increased above the amount fixed by the Quarterly County Court. At such time as any notes executed in accordance with the provisions of this Act shall mature and be subject to payment, payment thereof shall be effected and made from the income credited to the Department for which the money was originally borrowed.

**SEC. 19.** That the purpose of this Act is to place and maintain the fiscal affairs of Morgan County, Tennessee, on a cash basis, and the provisions of this Act shall constitute an irrevocable contract with the holders of the bonds issued under the provisions of this Act.

**SEC. 20.** That authority and power is hereby granted to Morgan County, Tennessee, to make special tax levies for any purpose irrespective of any laws or parts thereof heretofore passed in conflict herewith, in order to carry out the provisions of this Act, and to make any special pledges necessary in connection therewith by and through action of the Quarterly County Court of said County.

**SEC. 21.** That the holding of any Section or part thereof, or any sub-section, sentence, clause or phrase of this Act, to be void or ineffective for any cause, shall not affect any other Section or part thereof of this Act. It is hereby declared, and shall be conclusively presumed, that this Act and each Section, sub-section, sentence or clause or phrase thereof would have been passed and enacted, irrespective of the fact that any one or more Sections, subsections, sentences, clauses or phrases thereof be declared unconstitutional or void or ineffective for any cause.

**SEC. 22.** That all laws or parts of laws in conflict with the provisions of this Act be and the same are hereby repealed, and this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 15, 1941.

## Citizens Gas Utility District

## Public Acts of 1959 Chapter 225

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

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

**SECTION 2.** From the date of the ratification of this act until the regular August election in 1978, the governing body of the Citizen Gas Utility District of Scott and Morgan Counties shall consist of the present

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

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

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

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

As amended by: Private Acts of 1977, Chapter 237

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

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

Passed: March 13, 1959.

## County Attorney

### Private Acts of 1951 Chapter 467

**SECTION 1.** That there is hereby created the office of County Attorney for Morgan County, whose compensation and duties shall be as hereinafter provided. At the August election 1952, there shall be elected by the qualified voters of said county some person as County Attorney, who shall be a licensed practicing attorney, who shall hold office for a period of four years and until his successor shall be elected and qualified. He shall take office upon September 1 next following his election. To fill the vacancy occasioned by the creation of such office, Geo. W. Dagley is hereby named as such County Attorney to serve until September 1, 1952. The Quarterly County Court shall fix the salary of the County Attorney and may provide such emoluments as it deems necessary and proper for the efficient operation of the office of county attorney. If a vacancy should occur in said office of County Attorney, said vacancy shall be filled by the Quarterly County Court at its next regular quarterly meeting. After the occurrence of such vacancy, the person so elected by said Quarterly County Court shall serve until the next regular election.

As amended by:

Private Acts of 1976, Chapter 233

**SEC. 2.** That the duties of said County Attorney shall be as follows:

1. To attend all meetings of the Quarterly County Court when requested by the County Judge and to advise such Court as to legal matters arising during its sessions.
2. To render opinions to the County Judge and all other county officers, in writing, upon such legal matters as may be duly presented to him by such officials. Likewise, the Quarterly County Court in session may request opinions of the County Attorney, the same to be rendered to the County Judge as representative of the Court, but such County Attorney shall not be bound to render any opinion in writing except upon matters directly pertaining to the affairs of the County.
3. To represent the County in all litigation in which it may be involved and also to draft all necessary documents to which the County is a party and to supervise the draftsmanship of those in which the County shall be directly interested.

**SEC. 3.** That the County Judge of said Morgan County is hereby directed, authorized and empowered to pay the compensation of said County Attorney out of the funds appropriated in the budget for legal expense.

As amended by:

Private Acts of 1976, Chapter 233

**SEC. 4.** That all Acts or parts of Acts in conflict with this Act be, and the same are hereby repealed.

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

Passed: March 12, 1951

## County Mayor

## Redisgnated Title to County Executive

## Private Acts of 2004 Chapter 136

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

**SECTION 2.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Morgan 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 20, 2004.

## Office Space for County Officials

## Private Acts of 1937 Chapter 264

**SECTION 1.** That all counties having a population of not less than 13,603 nor more than 13,625, or any subsequent Federal Census, shall provide through the Quarterly County Courts and the County Judges ample and sufficient office space in or near the Court House for all county offices coming under the provisions of this Act.

**SEC. 2.** That all officers coming under the provisions of this Act are hereby required to keep their offices open each and every day, with Sundays and legal holidays excepted, so that any taxpayer, citizen or interested party may have the right to inspect any records, books or papers that may be in said offices and otherwise have free access to said records.

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

Passed: February 19, 1937.

## Purchasing

# Purchasing Commission

## Private Acts of 1937 Chapter 149

**SECTION 1.** That in counties of this State having a population of not less than 13,590, nor more than 13,610, by the Federal Census of 1930, or any subsequent Federal Census, there is hereby created a Purchasing Commission which shall be composed of the County Judge, who shall be Chairman thereof and Trustee of the County and the Superintendent of Roads. Said Commission shall meet at such times as the Chairman shall deem necessary.

As amended by: Private Acts of 1939, Chapter 567

**SEC. 2.** That it shall be the duty of said County Purchasing Commission to make all purchases of every kind and character which are paid for from funds belonging to or allocated to said County, and highway departments of said County and in case the county jail in said counties shall be or has been declared a workhouse under the provisions of the statute, then such Purchasing Commission shall make all purchases for said workhouse. Provided, that said Commission shall make no purchases for the operations of the schools of said County.

As amended by: Private Acts of 1939, Chapter 567

**SEC. 3.** That in all cases where the price of articles purchased for any Department of the County at the same or any contemporaneous time shall aggregate \$100.00 or more, it shall be the duty of the County Purchasing Commission to advertise for bids for such articles as hereinafter provided. In case the value of articles to be bought shall exceed \$100.00 but shall not exceed \$500.00, then such advertisement for bids shall be made by the Commission by written or printed posters posted in three or more public places in said County, one of which shall be at the Courthouse door of said County, in case the contemplated purchase shall aggregate more than \$1,000.00 the advertisement for bids shall be published for ten days (10) prior to the date of letting thereof in some newspaper published in said County. If there is no newspaper in said County, then in some newspaper published in an adjoining County which has a substantial circulation in Counties to which this Act applies. Provided, that all purchases of \$100.00 or less may be made by the Chairman without the necessity of a meeting of the board or of letting bids. Upon the day fixed by the notice for the receiving of bids, the said Purchasing Commission shall proceed to open said bids in the presence of as many taxpayers as may choose to attend and shall in all cases proceed to let the contract to the lowest bidder therefor. In case the bid should not be let to the lowest and best bidder, either any aggrieved bidder or any interested taxpayer of counties to which this Act applies shall have the right by appropriate legal procedure, to compel the reception of such lowest bid and likewise no contract purported to be executed by said County Purchasing Commission in compliance with a bid which is not the lowest bid therefor shall be valid and enforceable, either upon said contract or upon a quantum merit basis.

All bids so received by said Commission after being opened and after the award of contract is made thereon shall be filed by said Commission in the office of the County Court Clerk of said County and shall be preserved by him for the remainder of the calendar year in which opened and for the two calendar years next succeeding such year, during which time they shall be open for inspection, during reasonable business hours, to any interested taxpayer.

The Commission shall have the right in the case of purchases of motor fuel, lubricating oil and other consumable articles of like nature to procure bids and let the contract for supplies for the county for a definite period of time, however, not to exceed twelve months from the date of the letting of such contract.

As amended by: Private Acts of 1939, Chapter 567

**SEC. 4.** That in all cases where an emergency shall exist due to unforeseen action of the elements, of conflagrations and other acts of God, the Purchasing Commission shall have the right and power to make purchases without the necessity of making advertisement for bids as herein provided; provided, however, that prior to making such purposes the County Judge shall by proclamation, which shall be entered upon the minutes of the County Court of said county, publicly proclaim the existence of such emergency, the cause thereof, and as far as possible, substantially the damages occasioned thereby and the need for repairs which will not permit of delay and after such proclamation be duly made and spread upon the minutes of the County Court, then the Purchasing Commission as aforesaid may make purchases to be delivered within the next ten days following such proclamation without the formality of either advertising or requiring competitive bids but no purchase shall be made under these conditions, delivery of which purchase is to be made more than ten days after the date of such proclamation.

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

Passed: February 3, 1937

# Rugby Historic District

## Public Acts of 1972 Chapter 821

**COMPILER'S NOTE:** The provisions of the Public Act have special effect for Morgan County and are not found in the Tennessee Code Annotated.

WHEREAS, Rugby, Tennessee, is rich in historic sites and historic buildings worthy of preservation as part of the educational and patriotic heritage of future generations; and

WHEREAS, Each year the historic buildings are being changed by remodeling, are being allowed to degrade entirely, or are encroached upon by buildings or uses in the immediate environs which substantially detract from their characters; and

WHEREAS, Many of the local citizens and land owners wish to participate in and encourage the preservation and protection of such land, buildings, and historic facilities; and

WHEREAS, Many individuals, land owners, local citizens, and officials are concerned that the educational and cultural heritage of Rugby has been neglected through the demolition of historic buildings or their conversion beyond recognition, occupancy of historic sites by other use, and encroachments which have rendered buildings or sites unattractive; now, therefore,

**SECTION 1.** This act shall be known as the "Rugby Historic Preservation Act".

**SECTION 2.** There is created and established a Rugby Historic Commission of five members made up as follows:

- (a) A representative from the Morgan County Quarterly Court.
- (b) A representative of the Tennessee Historical Commission.
- (c) A registered architect with a demonstrated familiarity with historic preservation.
- (d) A citizen-at-large who has a demonstrated interest in the historic preservation of Rugby; and
- (e) A member from the Rugby Restoration Association.

The appointment of Commission members from the Morgan County Court, the Tennessee Historical Commission, and the Rugby Restoration Association shall be by resolution of those respective organizations. The selection of the registered architect and the citizen-atlarge shall be by the three organizational members, from a list of at least three names submitted by the public for each position, public notice having been given that such selection would occur. Terms of membership shall be five (5) years, except that of those first appointed, one shall be for one year, one for two years, one for three years, one for four years and one for five years, with the length of the respective first terms to be determined by lot.

**SECTION 3.** The Commission shall elect a chairman from among its membership and shall at its first meeting develop and adopt the necessary operating regulations and rules not inconsistent with the provisions of this act. These regulations, rules, and procedures shall be available for public information. The Commission members shall serve without compensation.

**SECTION 4.** In administering this act the Rugby Historic Commission shall receive for review and prompt action applications from persons desiring to build, remodel, demolish, or change the use of buildings or lands within the designated Rugby Historic District. The Commission should meet promptly and not delay the applicant. They may require of the applicant detailed construction plans in order that they may do an adequate job of considering (1) the historical or architectural value of the present structure, (2) the relationship of the exterior architectural features of the structure to the structure and to the surrounding area, (3) the general compatibility of exterior, design, arrangement, texture, and materials proposed to be used, and (4) any other factor including aesthetics deemed pertinent: The Commission shall give a decisions within thirty (30) days following the availability of necessary data. They may direct the granting of the building permit with or without attaching conditions, or they may direct refusal of the building permit but the grounds of refusal shall be stated in writing. Anyone who may be aggrieved by any final order or judgment of the Commission may have such order or judgment reviewed by the courts as provided by Chapter 9 of Title 27, Tennessee Code Annotated.

**SECTION 5.** The Rugby Historic District is defined as including those lands within Morgan County bounded by the Clear Fork River on the North and West, Whiteoak Creek on the East, and the Whaley Branch Creek on the South, except that the western end of Whaley Branch Creek be extended to the Brewster Bridge over the Clear Fork River and the eastern portion be extended to about mile post 6 on the Whiteoak

Creek, such mile post being defined on TVA's Rugby Quadrangle map.

**SECTION 6.** If any section or provision of this act be held to be unconstitutional or invalid, the same shall not affect the validity of the act as a whole or any part thereof other than the part so held to be unconstitutional.

**SECTION 7.** This Act shall take effect on becoming a law, the public welfare requiring it.

PASSED: April 7, 1972.

## Administration - Historical Notes

### County Attorney

The following act once affected the appointment, election, or office of the county attorney in Morgan County. This act is included for historical reference only.

1. Private Acts of 1933, Chapter 344, set the compensation of the Morgan County Court Clerk at \$1,800 per annum. This act was later repealed by Private Acts of 1935, Chapter 101.

### County Clerk

The following acts once affected the office of county clerk in Morgan County. They are included herein for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1820, Chapter 58, authorized William Wall to keep the Morgan County Clerk's office at his own home.
2. Private Acts of 1826, Chapter 27, authorized that the Morgan County Clerk keep his office at his own house, within one mile of the town of Montgomery, in said county.

### County Legislative Body

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

1. Acts of 1817, Chapter 132, set the time for holding county court in Morgan County on the third Mondays in January, April, July, and October.
2. Private Acts of 1825, Chapter 269, established the county seat of Morgan County at Samuel Scott's.
3. Acts of 1845-46, Chapter 149, called for an election to keep the county seat in Montgomery, to move it to Wartburg, or to a point designated by five commissioners.
4. Private Acts of 1869-70, First Session, Chapter 20, called for an election on whether to move the county seat of Morgan County to Wartburg or to keep it at Montgomery. This act was amended by Public Acts of 1869-70, First Session, Chapter 62, Section 2, which moved the date of the election from the 1st to the 4th Saturday in March.
5. Public Acts of 1870-71, Chapter 108, validated the actions taken by the county court in Montgomery after the county seat had been officially moved to Wartburg.
6. Private Acts of 1913, Chapter 212, fixed the compensation of the justices of the peace who attended the regular or special sessions of the Morgan County Quarterly Court at \$2.50 per day. In addition, each justice of the peace received 5¢ for each mile traveled in going to and from his residence to the county seat.
7. Private Acts of 1921, Chapter 357, fixed the per diem compensation of the justices of the peace for Morgan County at \$3.00 per diem for their attendance, in addition to the 5¢ for each mile traveled in going to and from their residences to the county seat.
8. Private Acts of 1923, Chapter 501, validated the issuance of \$55,000 in school bonds for Morgan County. The purpose of the bonds was for the construction and equipment of a high school building in said county.
9. Private Acts of 1923, Chapter 624, validated the issuance of \$20,000 in road bonds for the purpose of constructing roads in Morgan County.
10. Private Acts of 1929, Chapter 730, validated and authorized the payment by Morgan County of certain outstanding indebtedness created by the school authorities for the purpose of operating schools within the county.
11. Private Acts of 1937, Chapter 364, validated all actions taken by the Morgan County Court in

issuing \$1,291,300 in refunding bonds.

12. Private Acts of 1949, Chapter 180, fixed the per diem and compensation of the justices of the peace for Morgan County at \$10 per day for their attendance, in addition to the mileage provided.
13. Private Acts of 1967-68, Chapter 432, would have amended Private Acts of 1949, Chapter 180, by increasing the salary of the justices of the peace of Morgan County to \$25 per diem, however, this act was rejected by Morgan County and never became law.

### **County Mayor**

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

1. Public Acts of 1889, Chapter 41, created the office of county judge for Morgan County. The act set an eight year term and defined the judge's duties. This act was repealed by Private Acts of 1901, Chapter 456.
2. Acts of 1909, Chapter 370, as amended by Private Acts of 1919, Chapter 380, Private Acts of 1929, Chapter 687, Private Acts of 1931, Chapter 609, and Private Acts of 1972, Chapter 275, established the office of county judge for Morgan County. The act also abolished the office of chairman of the county court and transferred the powers and jurisdiction of that office to the county judge.
3. Private Acts of 1941, Chapter 497, authorized the Morgan County Judge to expend as much as \$900 per year for secretarial help. This act was amended by Private Acts of 1949, Chapter 178, to increase the amount allowed to be expended to \$1,500.
4. Private Acts of 1951, Chapter 223, authorized \$2,400 dollars in extra compensation for the county judge of Morgan County.

### **County Register**

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

1. Private Acts of 1831, Chapter 6, authorized Daniel S. Lavender, the county register of Morgan County, to keep his office at his own house in said county.
2. Private Acts of 1831, Chapter 162, provided that all deeds of conveyances and other instruments of writing registered in Morgan County be as good and valid in law and equity as if the same had been endorsed and certified in the most formal and legal manner, and that the same shall be read as evidence on trials at law or in equity in all cases.

### **General Reference**

The following private or local acts constitute part of the administrative and political history of Morgan 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

1. Private Acts of 1821, Chapter 198, released and discharged David Thomas, of Morgan County, from the payment of a fine or judgment taken against him on a scire facias in the Overton County Circuit Court, as security for the appearance of a certain George Cook.
2. Private Acts of 1829-30, Chapter 25, validated the official acts of Benjamin C. White, former surveyor of Morgan County who had been commissioned as Benjamin White.
3. Private Acts of 1831, Chapter 125, authorized the sale of the public square and buildings in Montgomery, the former county seat of Morgan County.
4. Private Acts of 1831, Chapter 223, authorized Thomas Butler, William Butler, James Gilbreath and Meriman Rector to enter any quantity of land, near their salt well, in Morgan, Roane and Anderson counties, provided that they not exceed five thousand acres. This act also provided that the land entered shall not be liable to taxation for fifteen years.
5. Private Acts of 1831, Chapter 231, authorized the tax collectors in Morgan County to turn over all state taxes collected to commissioners appointed by the county court to build a jail.
6. Private Acts of 1835-36, Chapter 116, authorized the remainder of the public square in the town of Montgomery, not previously sold, to be sold.
7. Acts of 1847-48, Chapter 76, authorized Morgan County to furnish a director for the branch of the Bank of Tennessee at Sparta.

8. Acts of 1849-50, Chapter 195, authorized the German Evangelical Church of Morgan County to hold land for church purposes.
9. Acts of 1909, Chapter 483, authorized the governor to grant a right of way through and over the property of the state in Morgan and Anderson counties for a railroad tunnel, so as to more fully develop the state's coal lands.
10. Private Acts of 1915, Chapter 539, made women over the age of 21 years eligible to be appointed and serve as deputy clerk of any of the courts in Morgan County.
11. Private Acts of 1925, Chapter 779, prevented county officials charged with the expenditure of public funds in Morgan County, from drawing or approving checks or warrants against the funds of the county to the amount of \$500.00 or more.

## Chapter II - Animals and Fish

### Coon Dogs

#### Private Acts of 1963 Chapter 133

**COMPILER'S NOTE:** This act may conflict with Tennessee Code Annotated §70-4-112.

**SECTION 1.** That from and after the passage of this Act, it shall be unlawful for any person or firm to train coon dogs by chasing coons in Morgan County at any time except during open season on the hunting of coons in such county as fixed by the State Fish and Game Commission.

Any person violating this section shall be guilty of a misdemeanor and shall be punishable accordingly. Nothing herein shall be construed as restricting the training of coon dogs where no element of chasing or hunting coons is involved.

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

Passed: March 13, 1963.

### 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 Morgan 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 1839-40, Chapter 73, authorized the Morgan County Court to compensate those who killed wolves in the county the sum of \$10.00. Provided, that the person or persons who killed the wolves or wolf, made an affidavit that stated that said animals were killed within Morgan County.
2. Public Acts of 1879, Chapter 133, made it unlawful for any persons to hunt deer or kill any game for profit within the confines of the county who was not a resident of Morgan County.
3. Public Acts of 1881, Chapter 71, provided that it was henceforth a misdemeanor to kill or capture deer or wild turkey from the 1st day of December to the 30th day of September.
4. Public Acts of 1889, Chapter 179, provided that it was a misdemeanor for any nonresident of the state to hunt game in Morgan County. This act was amended by Public Acts of 1893, Chapter 128, to exempt non-residents who hunted on land that they had the owner's permission.
5. Public Acts of 1895, Chapter 161, provided that it would be a misdemeanor to hunt deer in Morgan County for a period of five years commencing from the passage of the act.
6. Private Acts of 1897, Chapter 280, exempted Morgan County from the general act prohibiting certain methods of fishing in Tennessee. Thus it became lawful to fish in Morgan County with nets, traps, baskets and seines provided that the mesh thereof be larger than 1½ inches.
7. Public Acts of 1899, Chapter 333, provided that it was henceforth a misdemeanor to hunt deer in Morgan County for a period of 10 years after passage of the act.
8. Acts of 1903, Chapter 494, prohibited fishing by use of a seine, trap, grabbing with hands, gun, gig, poison or dynamite in Morgan County. The only make of fishing, henceforth lawful was by trot line or pole.
9. Private Acts of 1923, Chapter 299, prescribed a lawful fence and stock law for Morgan County. This act was repealed by Private Acts of 1925, Chapter 16. Private Acts of 1935, Chapter 227, purported to amend Private Acts of 1923, Chapter 299, so as to permit live stock to run at large



for twelve months during the year in the third civil district of Morgan County.

10. Private Acts of 1925, Chapter 31, prohibited hogs, bulls, goats and buck sheep from running at large in Morgan County. This act was amended by Private Acts of 1925, Chapter 812, so as to exclude the ninth civil district from the provisions of the act. This act was further amended by Private Acts of 1927, Chapter 494, which excluded the third civil district from the provisions of the act.
11. Private Acts of 1925, Chapter 142, established a fence law and prescribed the benefits to be derived therefrom in Morgan County. This act was amended by Private Acts of 1925, Chapter 770, so as to exclude the ninth civil district of Morgan County from the provisions of the act. This act was further amended by Private Acts of 1931, Chapter 151, so as to provide for the exclusion of certain areas under said act.
12. Private Acts of 1931, Chapter 211, fixed and defined the penalty for killing deer in Morgan, Cumberland, Fentress, Overton and Pickett counties.

## Chapter III - Bond Issues

### Bond Issues - Historical Notes

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

#### **Buildings**

1. Acts of 1903, Chapter 88, authorized the Morgan County Court to issue bonds in an amount not to exceed \$10,000 to build a courthouse.
2. Private Acts of 1931, Chapter 47, authorized Morgan County to borrow \$20,000 to be evidenced by interest bearing rates for the purpose of constructing a jail. This act was amended by Private Acts of 1931, Chapter 448 to provide for semi-annual payment of interest and that said notes be tax free in Tennessee.

#### **Debts**

1. Private Acts of 1921, Chapter 192, authorized Morgan County, through its county court, to issue and sell interest-bearing coupon bonds in an amount which did not exceed \$75,000, for the purpose of funding and paying off the road and bridge indebtedness which were represented by outstanding warrants. This act also provided for the levy and collection of taxes with which to pay the principal and interest on said bonds when due.
2. Private Acts of 1925, Chapter 469, authorized Morgan County to issue bonds in an amount not to exceed \$55,000 to pay off outstanding school warrants. These bonds were to bear interest at a rate not to exceed 6%.
3. Private Acts of 1927, Chapter 2, authorized the Morgan County Court to issue bonds in the amount of \$100,000 to pay off outstanding school debts and \$100,000 to pay off road debts. These bonds were to mature within 30 years and to bear interest at a rate not to exceed 6%. This act also called for the levy of a tax upon all taxable property in Morgan County for the purpose of paying said bonds and interest thereon.
4. Private Acts of 1927, Chapter 319, authorized the Morgan County Judge to borrow \$75,000 to pay off the county indebtedness. This act was amended by Private Acts of 1929, Chapter 195, so as to authorize the county judge of Morgan County to annually borrow on interest bearing notes of the county, a sum not to exceed \$75,000 in anticipation of the collection of taxes and revenue for that year to pay operating expenses and past due indebtedness of the county.
5. Private Acts of 1927, Chapter 826, authorized the Morgan County Court to issue bonds in the amount of \$150,000 to pay off outstanding road and school warrants. This act also provided for the levy of a tax to pay the interest and principal on said bonds when due.
6. Private Acts of 1933, Chapter 511, authorized the Morgan County Court to issue bonds in the amount of \$100,000 to retire at maturity outstanding bonds. These bonds were to mature within 20 years and were to bear interest at a rate not to exceed 6%.
7. Private Acts of 1939, Chapter 577, authorized the Morgan County Court to issue bonds in the amount of \$100,000 to fund a like amount of county indebtedness. These bonds were to bear interest at a rate not to exceed 6% and were to mature within 20 years.

8. Private Acts of 1941, Chapter 481, authorized the county court to issue bonds in the amount of \$200,000 for the purpose of paying off a like amount of county indebtedness.

#### **Roads - Bridges**

1. Acts of 1903, Chapter 267, authorized the Morgan County Court to issue bonds in an amount not to exceed \$80,000 to build roads. These bonds were to bear interest at a rate not to exceed 4% and required the approval of a majority of the county's voters. This act also created a board of commissioners to carry out the provisions of the act.
2. Acts of 1905, Chapter 298, authorized the Morgan County Court to issue bonds in an amount not to exceed \$50,000 and at a rate of interest not to exceed 5% for the purpose of maintaining and building roads.
3. Private Acts of 1917, Chapter 164, authorized the Morgan County Court to issue bonds in the amount of \$200,000 to build roads in the county. These bonds were to mature within 40 years and to bear interest at a rate not to exceed 5%.
4. Private Acts of 1921, Chapter 180, authorized Morgan County, through its county court, to issue and sell interest-bearing coupon bonds in an amount not to exceed \$75,000, for the purpose of building a concrete bridge across the Emory River at or near Oakdale. The act also provided for the levy and collection of taxes with which to pay principal and interest on said bonds when due.
5. Private Acts of 1929, Chapter 684, authorized Morgan County to issue and sell interestbearing coupon bonds in an amount not to exceed \$200,000 for the purpose of rebuilding certain bridges across the Emory River and its tributaries and other streams in said county. This act also provided for the levy of a tax to pay the interest on said bonds and created a sinking fund to pay the same when due.
6. Private Acts of 1941, Chapter 127, authorized Morgan County, through its county judge as financial agent, to issue interest bearing county warrants to raise money for purchasing easement rights for highways or roads right-of-ways. These warrants were to bear interest at a rate not to exceed 6%.

#### **Schools**

1. Private Acts of 1925, Chapter 708, authorized Morgan County to issue bonds in an amount not to exceed \$25,000 to build a high school at Petros. This issue required the approval of a majority of the qualified voters.
2. Private Acts of 1931, Chapter 361, authorized the Morgan County Court to borrow \$12,000 evidenced by interest bearing notes for the purpose of building a high school gymnasium at Wartburg, Sunbright and in Oakdale. These bonds were to bear interest at a rate not to exceed 6%.
3. Private Acts of 1937, Chapter 368, authorized Morgan County to issue \$7,500 in interest bearing warrants to provide funds to operate elementary schools for eight months and high schools for nine months. These warrants were to mature within fifteen months from their execution and were to bear interest at a rate not to exceed 6%.
4. Private Acts of 1941, Chapter 128, authorized the Morgan County Court to issue bonds in the amount of \$75,000 for the purpose of erecting a public school at Wartburg. These bonds were to mature within 20 years and to bear interest at a rate not to exceed 6%.
5. Private Acts of 1947, Chapter 485, authorized the Morgan Quarterly County Court to issue and sell \$250,000 of interest bearing coupon bonds for the purposes of acquiring land and property, constructing, repairing, furnishing and equipping various schools in the county. This act also called for the levy of a tax to provide for the payment of principal and interest thereon.

## **Chapter IV - Boundaries**

### **Creation of the County**

#### **Acts of 1817 Chapter 38**

**SEC. 1.** That all that tract of country lying within the following described bounds, shall be, and is hereby made and constituted a new and distinct county by the name of Morgan, in honor, and to perpetuate the memory of the late Major General Daniel Morgan, to wit: Beginning on the top of Walden's Ridge, on the

line of Roane and Anderson counties, thence south westwardly with the extreme top of said Ridge, within ten poles of the main Cumberland Turnpike Road, thence a parallel line with said Road, leaving the same ten poles to the south, to where Robert Johnston now lives, on the great Cumberland road, thence a direct course to the ford of the clear fork on Cumberland river, where Pile's Turnpike road crosses the same, thence due North to the Kentucky line, thence East with said line to the corner of Campbell county, thence with said line to the corner of Anderson and Campbell counties, near the head of Smoky creek, leaving all the waters of Smoky creek in Anderson county, and all the waters of Brimstone in Morgan county, thence to the beginning, so as to leave all the waters of new river in Anderson county, and all the waters of Emery in Morgan county.

**SEC. 2.** That Daniel S. Saunders, John Triplet, William Davidson, sen. Lewis Rector and Elijah Rice, are hereby appointed commissioners, who, or a majority of them, shall as soon as may be, fix on a place, the most convenient, for a court house, prison and stocks, for the use of the said county of Morgan, and after agreeing on the place, they shall proceed to purchase any quantity of land, not exceeding forty acres, for which they shall cause a deed or deeds to be made to themselves or their successors in office, on which they shall cause a town to be laid off, with necessary streets and alley's, reserving two acres, as near the centre as may be, on which the court house, prison and stocks shall be erected; which town shall be known by the name of MONTGOMERY, in honor of Major Lemuel P. Montgomery.

**SEC. 3.** That when the town shall be thus off, the aforesaid commissioners are further required to advertise the sale, to the highest bidder, at a credit of twelve months, the lots of said town, giving thirty days previous notice, and shall take bond with sufficient security to themselves or successors in office, and shall make titles to the purchasers.

**SEC. 4.** That it shall be further duty of the aforesaid commissioners, to contract with suitable workmen to build a court house, prison and stocks, and the money arising from the sale of said lots, after paying for the land so purchased, shall be applied to pay for the said court house, prison and stocks.

**SEC. 5.** That should the money arising from the sale of said lots prove insufficient to pay for such public buildings, then, and in that case, a majority of the acting justices in the said county of Morgan, shall in term time, have power, and are hereby authorized, to lay an additional county tax; not exceeding twelve and a half cents on each hundred acres of land liable to taxation, twelve and an half cents on each white poll, twenty-five cents on each black poll, fifty cents on each stud horse kept for covering mares, and twenty-five cents on each town lot; the said tax to be laid from year to year, until a sufficient sum shall be collected, by the collector of the public taxes, the same per cent as other county taxes, and shall pay the same to the aforesaid commissioners, and be by them applied to the payment of said public buildings, whose receipts shall be allowed in the settlement of his accounts.

**SEC. 6.** That before the said commissioners enter on the duties of their appointment, they shall enter into bond, with sufficient security, payable to the Governor for the time being, in the sum of Twenty Thousand Dollars, for the faithful discharge of their duty as herein expressed, which bond shall be lodged in the office of the clerk of the said county of Morgan.

**SEC. 7.** That so soon as the public buildings shall be completed, the aforesaid commissioners shall lay before the county court of Morgan county, a just and fair statement of all the monies by them received, as well as those expended with sufficient vouchers for the same, by virtue of their appointment, and the court shall make a reasonable allowance for their services, provided there shall be a majority of the justices of said county present when such allowance is made.

**SEC. 8.** That for the due administration of justice, that the court of pleas and quarter sessions shall be held in and for the county of Morgan, on the second Monday's of February, May, August, and November, and the justices of said county shall hold the first court at the house known by the name of the Indian Tavern, on the second Monday of February next, and all subsequent county courts for said county, on the days above mentioned for holding courts therein at the same place, until a court house be built in and for said county, and then all causes, matters, and things, depending in said court, and all manner of process returnable to the same, shall be adjourned to such court house, and all courts held in and for said county, shall be held by commission to said justices, in the same manner and under the same rules and restrictions, and shall have, and exercise the same powers and jurisdiction, as are or shall be prescribed by, and for the courts of the several counties in this state.

**SEC. 9.** That there shall be held in and for the county of Morgan, such a number of circuit courts, as are or may be prescribed for other counties in this state, which courts shall be held at the places where the court of pleas and quarter sessions are held, on the first Monday of April and November, and the first circuit court for said county, shall be held on the first Monday of April next, and all subsequent circuit courts for said county on the days above mentioned for holding the said courts therein.

**SEC. 10.** That nothing herein contained shall be so construed as to prevent the collector of public taxes

for Roane and Anderson counties, from collecting the tax that may be due for the year 1817, or that may become due before the said county of Morgan shall be organized.

**SEC. 11.** That William Hogshead is hereby appointed a commissioner on the part of Anderson county, and Joseph M'Pherson a commissioner on the part of Roane county, and William Wall a commissioner on the part Morgan county, to run the line contemplated in the first section of this act, who are hereby authorized to employ a suitable surveyor, and a sufficient number of chain carriers, to run out and mark the lines aforesaid.

**SEC. 12.** That the commissioner on the part of Roane county, shall be allowed for his services the sum of two dollars per day, to be paid by the treasurer, of Roane county, out of any monies in his hands not otherwise appropriated, whose receipt shall be good in the settlement of his accounts, and that the commissioner on the part of Morgan county, shall be allowed the like sum per day, to be paid by the treasurer of Morgan county, out of the county monies whose receipt shall be good in the settlement of his accounts, and that the commissioner on the part of Morgan county, shall be allowed the like sum per day to be paid by the treasurer of Morgan county, out of the county monies whose receipt shall be good in the settlement of his accounts.

**SEC. 13.** That the surveyor and chain carriers, hereby authorised to be employed, shall be paid for their services by the treasurer of the county of Morgan, on a warrant from the commissioners aforesaid, out of the county monies, which shall be a good voucher in the settlement of his accounts.

**SEC. 14.** That the election for governor, elector to elect a president and vice president, member to congress, and members to the state legislature, shall be held at the place of holding court in said county, on the days pointed out by law for other similar elections, and a return thereof, shall be made by the sheriff of said county, to the sheriff of Roane, on the next succeeding day of the said election, at the court house in Kingston, who shall compare the same with the Roane county election, and the said county of Morgan is hereby declared to compose a part of the third congressional district, a part of the senatorial district of which it heretofore belonged, and to be attached and united with the county of Roane, in sending a representative to the state legislature, and the said county of Morgan shall be attached to, and compose a part of the second judicial circuit, and Bledsoe county shall be attached to, and compose a part of the third judicial circuit.

**SEC. 15.** That the sheriff of the county of Morgan, is hereby authorised and directed, on the first Thursday and Friday in March next, to open and hold an election at the house, known by the name of the Indian Tavern, in said county, for the purpose of electing Field officers in said county, the militia whereof, shall constitute the 58th. regiment of the militia of this state, which regiment shall be attached to, and compose a part of the seventh Brigade and which election shall be held and conducted under the same rules regulations and restrictions, as other similar elections are in this state.

**SEC. 16.** That there shall be laid off in said county of Morgan, eight militia companies, the citizens of which, who are liable to do militia duty, are hereby authorised, on the first Saturday after the said companies shall be laid off and designated, to open and hold an election, at such house in the bounds of each company, as shall be designated, to elect their company officers, under the same rules, regulations, and restrictions, as other similar elections are held in this state, which houses for holding said elections and the different companies, shall be pointed out and organized by the commanding officer of the regiment.

**SEC. 17.** That Abraham M'Clellan, esq. and Solomon Geran, esqr. or either of them, are hereby authorised, and required to attend at the first court to be held for the county of Morgan, for the purpose of qualifying the members of said court.

**SEC. 18.** That this act shall take effect, and be in force from and after the first day of January next.  
October 15, 1817.

## Change of Boundary Lines

### Private Acts of 1823 Chapter 302

**COMPILER'S NOTE:** Sections 1, 2 and 8 are the only sections of this act which apply to Morgan County; the remaining sections have been omitted.

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

line of the said county of Jackson, and with the same to the beginning, will leave Overton county its constitutional limits.

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

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

November 28, 1823.

## Acts of 1845-46 Chapter 175

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

**SEC. 2.** That the field officers of the 17th and 18th regiments of militia, which regiments compose the militia of Claiborne county, be and the said field officers are hereby required to meet at the court house in Tazewell, on the first Monday in July next, for the purpose of making a more equal division of the said regiments without regard to the civil districts.

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

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

Passed: February 2, 1846.

## Acts of 1849-50 Chapter 45

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

**SEC. 2.** That the county of Scott shall be bounded as follows, to wit: Beginning at a large Hickory on the bank of Crouches Creek, where the Kentucky State line crosses the same about forty poles west of the Clear river, thence south 45 degrees, west ten miles to a stake at the top of hell point opposite to where William Beard lives, thence south sixty degrees, west three miles to where Wheeler's turnpike road crosses the same, thence south 45 degrees west to a black oak and hickory on the top of the main Buffalo Mountain, about one half mile north of Richard Adkin's, thence south passing John L. Smith's at four miles, in all twelve miles to a point where the Anderson county line strikes New river, leaving William Massingale's 20 poles in the new county, thence up New river, south 30 degrees east passing the mouth of Beech Fork at four miles, in all six miles, to a stake on the east bank of New river, thence south 80 degrees, west eight miles crossing Smoky Creek, at five and one half, so as to include William Rich, in all eight miles, to the Morgan county line on the divide between Smoky and Brimstone, thence north 65 degrees west, eight miles to a stake on Black Wolf about one mile above Andrew Lewallin's, thence north 40 degrees, west ten miles crossing the Clear fork, just below the mouth of Skull Creek, in all twelve miles, to a large pine on the divide between the Clear Fork and Honey Creek, about 20 poles west of Isaac Hill's, thence north 30 degrees, west four miles to New river at the mouth of Honey creek, thence down said river the same course, including the leatherwood bottom in the new county, in all six miles to a point

at the mouth of Anderson's branch, thence north 45 west nineteen and a half miles to the Kentucky line, thence east with the Kentucky line fifty three miles to the beginning.

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

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

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

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

**SEC. 7.** All officers civil and military, in said county, shall continue to hold their offices and exercise all the powers and functions thereof until others are elected according to law, and the said county of Scott, shall elect her officers on the same day, and under the same rules, regulations and manners as provided by law for the election of officers in the other counties in this State. Provided, That nothing in this act contained shall deprive the above named counties from having, holding and exercising jurisdiction over the territory composing the county of Scott and the citizens thereof, in as full and ample a manner as they now have, until the election of county officers take place according to law. Provided also, nothing herein shall prevent the above named counties from entering up judgments, or the sheriffs of said counties from selling under such judgments any lands within the bounds of said county of Scott, for taxes, costs and charges, until

the county of Scott is organized.

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

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

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

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

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

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

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

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

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

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

**SEC. 18.** That before the said county shall be established, said commissioners shall be satisfied from an actual survey, that said county contains not less than three hundred and fifty square miles, and a

population of four hundred and fifty qualified voters, and that said counties of Anderson, Campbell, Morgan and Fentress, will not be reduced below the constitutional limits; Provided, That the survey ordered by this Act may be dispensed with if there is no opposition to the organization of the county, and all alleged reduction of the county or counties below their constitutional limits from which said county of Scott is stricken.

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

Passed: December 17th, 1849

## Public Acts of 1873 Chapter 76

**COMPILER'S NOTE:** Sections 1 is the only section of this act which applies to Morgan County; the remaining sections have been omitted.

**SECTION 1.** That the boundary line separating the County of Roane from the Counties of Cumberland and Morgan, be so changed as to run as follows: Beginning at the point on the east side of White's Creek where the said Creek now intersects the line between the Counties of Roane and Cumberland; thence up said White's Creek to the mouth of Piney Creek; thence up said Piney Creek to the point where said Creek crosses the turnpike, or main road, running between Knoxville and Nashville, and continuing up said Piney Creek to the point where said Creek leaves the present lands of the "Roane Iron Company;" thence along the present line of the said "Roane Iron Company's" land to Clifty Creek; thence down Clifty Creek to Emory River; thence down Emory River to where it intersects the present line between the Counties of Roane and Morgan.

Passed: March 22, 1873.

## Acts of 1903 Chapter 304

**COMPILER'S NOTE:** This act is printed a second time in the 1903 volume as Chapter 504.

**SECTION 1.** That the line between Anderson and Morgan Counties be and the same is hereby changed so as: Beginning at the wagon road on Fodder Stock Mountain upon the present line, running north 7 degrees, west 388 poles to a white oak near the north bank of New river; thence north 32 degrees, west 180 poles to a stake at the point Stallion Mountain, and on the top bench of said mountain where the same comes to a point; thence with the said bench of said mountain with the conditional line of Robert Patterson's heirs, south 86 degrees, west 38 poles to a stake, north 54 degrees, west 94 poles to a stake, north 84 degrees, west 10 poles to a stake, north 88 degrees, west 34 poles to a stake; north 78 degrees, west 52 poles to a stake; north 3 degrees, west 100 poles to a stake, south 32 degrees, west 50 poles to a stake; south 86 degrees, west 56 poles to a stake; north 15 degrees, west 60 poles to a chestnut; north 1 degree, west 200 poles to a stake on the top of the mountain at the present county line, so as to include all of the Bletcher Arms 2,000 tract of land lying at the head of New River, and now owned by the State of Tennessee, in Morgan County.

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

Passed: March 28, 1903.

## Boundaries - Historical Notes

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

1. Acts of 1817, Chapter 81, appointed James Chism as surveyor to run the dividing line between Morgan and Overton counties.
2. Private Acts of 1820, Chapter 48, authorized an election to be held in Morgan County to determine the location of the county seat and provided for the establishment of a new courthouse. This act was amended by Private Acts of 1822, Chapter 174, so as to appoint commissioners to superintend the building of the courthouse.
3. Private Acts of 1824, Chapter 116, revised Private Acts of 1820, Chapter 48 so as to authorize an election to determine the location of the county seat.
4. Acts of 1845-46, Chapter 206, Section 17, changed the boundary line between Morgan and Roane counties so as to placed the house of Henry King in Roane County.



5. Acts of 1855-56, Chapter 161, Section 7, changed the boundary line between Morgan, Anderson and Roane counties so as to place the farms of Moses C. Winters and L. Rutor in Roane County.
6. Acts of 1855-56, Chapter 156, Section 3, permanently established the dividing line between the counties of Morgan, Scott and Fentress as marked by Riley Long.
7. Private Acts of 1857-58, Chapter 129, changed the boundary line between Morgan, Roane and Anderson counties between Pine Ridge and the Poplar Creek. This act was subsequently repealed by Public Acts of 1869-70, Second Session, Chapter 88, and the lines were reinstated as they were before the enactment of Private Acts of 1857-58, Chapter 129.
8. Private Acts of 1859-60, Chapter 135, Section 3, changed the boundary line between Morgan and Scott counties so as to place the farm of A. H. Cross in Morgan County.
9. Private Acts of 1865-66, Chapter 76, Section 3, changed the boundary line between Morgan and Scott counties so as to place the farm of A.H. Cross back in Scott County.
10. Public Acts of 1868-69, Chapter 43, Section 6, changed the boundary line between Morgan and Scott counties so as to include the residence and lands of Dempsey Massengale in Scott County. Section 6 of Public Acts of 1868-69, Chapter 43, was repealed by Public Acts of 1885, Chapter 60 and the lines between Morgan and Scott were reestablished as if Chapter 43 was never enacted.
11. Public Acts of 1869-70, First Session, Chapter 88, changed the boundary line between Morgan and Scott counties so as to place the farms of Samuel Young within Morgan County.
12. Public Acts of 1889, Chapter 21, changed the boundary line between Morgan and Scott counties so as to place the farms of Solomon Young and John B. Young in Scott County.
13. Public Acts of 1889, Chapter 115, changed the boundary line between Morgan and Cumberland counties so as to place the farms of Solomon Norris, Thomas Norris and Daniel Hall in Morgan County.
14. Public Acts of 1899, Chapter 330, changed the boundary line between Morgan and Roane counties from the junction of Clifty Creek to the extreme top of Walden's Ridge at the boundary line of Morgan and Roane counties. This act was subsequently repealed by Public Acts of 1901, Chapter 93.

## Chapter V - Court System

### Court System - Historical Notes

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

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

1. Private Acts of 1915, Chapter 97, created and regulated a board of jury commissioners for Morgan County. The act provided for the selection of juries; prescribed the duties of the members of said board and of the judges and provided for jury lists and jury boxes. This act was amended by Private Acts of 1921, Chapter 298, which allowed the judges to summon persons as jurors if it became necessary to have additional jurors. Private Acts of 1921, Chapter 299, further amended Private Acts of 1915, Chapter 97, which eliminated the requirement that prospective jurors be both free holders and house holders of Morgan County.
2. Private Acts of 1919, Chapter 677, fixed the time for the appointment of the board of jury commissioners for Morgan County, and provided for the extension of the term of the board of jury commissioners.

#### **Chancery Court**

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

1. Public Acts of 1824, Chapter 14, set the time for holding the Morgan County Chancery Court on the first Mondays in June and December.
2. Private Acts of 1831, Chapter 217, Section 7, provided that the Kingston Chancery District be composed of the counties of Morgan, Rhea, Hamilton and Roane.

3. Public Acts of 1835-36, Chapter 4, established chancery court districts throughout the state. The counties of Morgan and Roane composed the seventh chancery district which was held on the third Mondays in April and October at Kingston.
4. Acts of 1837-38, Chapter 116, Section 12, set the time for holding the Morgan County Chancery Court on the fourth Mondays of March and September.
5. Public Acts of 1857-58, Chapter 88, placed Morgan County in the fifth chancery division and set the time for holding said court on the third Mondays of April and October at Montgomery.
6. Private Acts of 1865-66, Chapter 129, Section 4, set the time for holding the Morgan County Chancery Court on the third Monday in March, July and November.
7. Public Acts of 1869-70, Second Session, Chapter 32, divided the state into chancery districts. The second chancery district was composed of Morgan, Knox, Sevier, Campbell, Union, Anderson, Roane, Monroe, Blount, Scott, Fentress and Christiana counties.
8. Public Acts of 1869-70, Second Session, Chapter 47, fixed the time for holding chancery courts throughout the state. The time for holding the Morgan County Chancery Court was set to the third Mondays in June and December.
9. Public Acts of 1875, Chapter 41, set the time for holding the Morgan County Chancery Court to the fourth Mondays in March, July and November. This act was repealed by Public Acts of 1879, Chapter 51, which set the time for holding the Morgan County Chancery Court to the first Mondays of March, July and November.
10. Public Acts of 1885, Chapter 111, set the time for holding the Morgan County Chancery Court to the last Mondays of February, June and October.
11. Acts of 1885, Extra Session, Chapter 20, divided the state into chancery divisions. The second chancery division was composed of the counties of Morgan, Campbell, Knox, Sevier, Union, Anderson, Blount, Roane, Loudon and Scott. The time for holding said court in Morgan County was set to the second Mondays in March and September.
12. Public Acts of 1891, Chapter 240, changed the time for holding the Morgan County Chancery Court to the first Mondays in March and September.
13. Public Acts of 1899, Chapter 427, divided the state into chancery divisions. Morgan County was placed in the second chancery division along with Sevier, Blount, Loudon, Campbell, Anderson, Roane, Scott, Union, Fentress and Jefferson counties. The time for holding said court in Morgan County was set to the first Mondays in March and September.
14. Private Acts of 1901, Chapter 496, set the time for holding the Morgan County Chancery Court to the fourth Mondays in May and November.
15. Acts of 1903, Chapter 97, set the time for holding the Morgan County Chancery Court on the first Tuesday after the third Mondays in May and November.
16. Public Acts of 1931, Second Extra Session, Chapter 38, placed Morgan County in the fourth chancery division along with Cannon, Trousdale, Overton, Clay, Smith, Macon, Pickett, Fentress, Jackson, Cumberland, DeKalb, White and Putnam counties. The time for holding said court in Morgan County was set to the third Mondays in May and November.
17. Private Acts of 1935, Chapter 692, transferred Morgan County from the fourth to the second chancery division. This act was amended by Private Acts 1935, Extra Session, Chapter 120, so as to transfer Morgan County from the fourth chancery division to the second chancery division. This act also set the time for holding said court on the fourth Mondays in June and December.

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

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

1. Private Acts of 1915, Chapter 163, made women over the age of 21 years eligible to be appointed and serve as deputies in the office of the clerk and master of the Morgan County Chancery Court.
2. Private Acts of 1929, Chapter 234, set the compensation of the Morgan County Clerk and Master at \$1,800.00 per annum. This act was amended by Private Acts of 1931, Chapter 786, to reduce the compensation of the clerk and master to \$1,500.00 per annum. The act as amended, was repealed by Private Acts of 1935, Chapter 100.

#### **Circuit Court**

The following acts were once applicable to the circuit court of Morgan 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 1817, Chapter 132, set the time for holding circuit court in Morgan County on the first Mondays in March and September.
2. Public Acts of 1835-36, Chapter 5, established judicial circuits throughout the state. The second judicial circuit was composed of Morgan, Cocke, Jefferson, Sevier, Blount, Knox, Campbell and Anderson counties. The time for holding the Morgan County Circuit Court was set for the third Mondays of March, July and November. This act was amended by Acts of 1837- 38, Chapter 3, which provided that the circuit courts be composed of fourteen judicial circuits and reaffirmed the time for holding the Morgan County Circuit Court on the third Mondays of March, July and November.
3. Public Acts of 1857-58, Chapter 98, placed Morgan County in the fifth judicial circuit and set the time for holding said court on the third Mondays in February, June and October.
4. Public Acts of 1857-58, Chapter 95, established the sixteenth judicial circuit and placed Morgan County therein. The time for holding said court in Morgan County was set to the second Monday in March, July and November.
5. Private Acts of 1859-60, Chapter 59, Section 3, set the time for holding the Morgan County Circuit Court on the fourth Monday in February and the third Mondays in June and October.
6. Public Acts of 1865-66, Chapter 8, placed Morgan County in the seventeenth judicial circuit and set the time for holding said court in Morgan County on the third Mondays in March, July and November.
7. Public Acts of 1869-70, First Session, Chapter 60, Section 2, detached Morgan County from the fifth judicial circuit and attached it to the third judicial circuit.
8. Public Acts of 1869-70, Second Session, Chapter 31, laid the state off into judicial circuits. Morgan County was placed in the third judicial circuit along with Anderson, Knox, Monroe, Roane, Cumberland, Fentress, Blount and Christiana counties.
9. Public Acts of 1869-70, Second Session, Chapter 46, fixed the time for holding the Morgan County Circuit Court to the third Mondays in March, July and November.
10. Public Acts of 1870-71, Chapter 108, validated the acts of the circuit court which had held court in Montgomery for a time after the county seat had been moved to Wartburg.
11. Public Acts of 1873, Chapter 22, Section 3, created the sixteenth judicial circuit and placed Morgan County therein. The time for holding said court in Morgan County was set on the second Mondays of April, August and December in Wartburg.
12. Public Acts of 1875, Chapter 41, set the time for holding the Morgan County Circuit Court to the fourth Mondays in March, July and November. This act was repealed by Public Acts of 1879, Chapter 51, which set the time for holding the Morgan County Circuit Court on the first Mondays of March, July and November.
13. Public Acts of 1885, Chapter 111, set the time for holding the Morgan County Circuit Court on the last Mondays of February, June and October.
14. Acts of 1885 (Ex. Sess.), Chapter 20, divided the state into judicial circuits. The third judicial circuit was composed of the counties of Morgan, Blount, Monroe, Loudon, Roane and Scott. The time for holding said court in Morgan County was set on the fourth Mondays in March, July and November.
15. Public Acts of 1899, Chapter 427, divided the state into judicial circuits. The second judicial circuit was composed of the counties of Morgan, Jefferson, Sevier, Grainger, Hamblen, Cocke, Scott, Campbell, Anderson, Union and Fentress. The time for holding said court in Morgan County was set on the fourth Monday in February, June and October.
16. Acts of 1903, Chapter 227, set the time for holding the Morgan County Circuit Court on the third Mondays in March, July and November.
17. Acts of 1905, Chapter 101, set the time for holding the Morgan County Circuit Court on the first Mondays of March, July and November.
18. Private Acts of 1917, Chapter 768, placed Morgan County in the nineteenth judicial circuit, along with Hancock, Claiborne, Campbell, Scott and Anderson counties.
19. Private Acts of 1919, Chapter 330, set the time for holding the Morgan County Circuit Court on the third Mondays of February, June and October.
20. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, placed Morgan County in the nineteenth judicial

circuit along with Anderson, Campbell, Scott, Claiborne and Fentress counties. The time for holding said court in Morgan County was set to the third Mondays in October, February and June.

### **Circuit Court - Clerk**

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

1. Private Acts of 1826, Chapter 27, authorized that the Morgan County Circuit Court Clerk keep his office at his own house, within one mile of the town of Montgomery, in said county.
2. Private Acts of 1913, Chapter 318, set the salary of the Morgan County Circuit Court Clerk at \$800.00 per annum.
3. Private Acts of 1929, Chapter 75, set the compensation of the Morgan County Circuit Court Clerk at \$1,200.00. This act was amended by Private Acts of 1933, Chapter 464, which changed the method of paying the circuit court clerk from annually to quarterly.
4. Private Acts of 1931, Chapter 694, set the salary of the Morgan County Circuit Court Clerk at \$1,000.00 per annum.
5. Private Acts of 1947, Chapter 181, fixed the compensation of the Morgan County Circuit Court Clerk at \$150.00 per month.
6. Private Acts of 1949, Chapter 177, fixed the compensation of the Morgan County Circuit Court Clerk at \$200.00 per month.

### **Criminal Court**

The following acts once pertained to the Morgan County Criminal Court, but are no longer current law. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1899, Chapter 427, set the time for holding the Morgan County Criminal Court on the fourth Mondays in February, June and October.
2. Acts of 1905, Chapter 359, created a criminal court for Morgan, Anderson, Campbell, Scott, Fentress, Pickett, and Union counties to be known as the criminal court for the second judicial circuit. The court was given general common law and statutory jurisdiction, original and appellate, over all criminal cases in the county. Starting dates for court terms were specified for each county and arrangements were incorporated for a judge, clerk, and attorney general. This court would cease to exist and be abolished on September 1, 1906 and all the criminal jurisdiction herein conferred would on that date revert to the circuit court wherein it was exercised before the passage of this act.
3. Public Acts of 1913, Chapter 13, created a criminal and law court for Hancock, Claiborne, Campbell, Morgan, Scott and Anderson counties, and fixed the time for holding the said court in each county. The act stated a judge would be appointed to hold until September 1, 1914, when a popularly elected judge would take over. Hancock and Claiborne counties were taken from the first judicial circuit, and Campbell, Scott, Morgan and Anderson were taken from the second judicial circuit. This act was amended in some minor particulars by Public Acts of 1915, Chapters 64 and 87. Private Acts of 1917, Chapter 768, further amended Public Acts of 1913, Chapter 13, as it was previously amended, by making those counties named therein the nineteenth judicial circuit.
4. Public Acts of 1929, Chapter 89, created a criminal court of the nineteenth judicial circuit which was composed of the counties of Morgan, Anderson, Fentress, Campbell, Scott and Claiborne. The time for holding said court in Morgan County was set on the first Mondays of March, July and November. This act, amended by Private Acts of 1931, Extra Session, Chapter 56, changed the time for holding the Morgan County Criminal Court to the fourth Mondays in March, July and November.
5. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, placed the Morgan County Criminal Court in the nineteenth judicial circuit. The time for holding said court in Morgan County was set to the fourth Mondays in March, July and November.

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

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

1. Acts of 1817, Chapter 65, divided the state into solicitorial districts. The counties of Morgan, Knox, Anderson, Roane and Rhea composed the fourth solicitorial district.

2. Public Acts of 1929, Chapter 91, created the office of assistant attorney-general for the nineteenth judicial circuit which was composed of the counties of Morgan, Anderson, Scott, Fentress, Claiborne and Campbell. The act also prescribed the qualifications of the person who shall be eligible to fill said office, fixed his compensation and prescribed his duties. This act was amended by Public Acts of 1941, Chapter 18, which provided that the assistant attorney general be appointed by the district attorney for such district and was to hold said office at the pleasure of the attorney general. This act was further amended by Public Acts of 1943, Chapter 102, Public Acts of 1949, Chapter 29 and Public Acts of 1953, Chapter 261, which increased the salary of the assistant attorney-general to \$2,700.00, \$3600.00 and \$4,000.00 respectively.
3. Public Acts of 1965, Chapter 364, prescribed that all assistant district attorneys and criminal investigators in the nineteenth judicial circuit, which included Morgan County, would be paid \$4,800.00 per annum.
4. Public Acts of 1973, Chapter 322, created the office of a criminal investigator for the attorney general for the nineteenth judicial circuit, which included Morgan County. The act provided for the appointment, qualifications and payment of salary and defined the duties of the criminal investigator.

### **Secretarial Assistance**

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

1. Public Acts of 1951, Chapter 86, authorized and set the compensation of the secretary for the chancellor of the second chancery division, which contained Morgan County, at \$1,800 per annum. This act was amended by Public Acts of 1963, Chapter 332, so as to increase the compensation to \$3,000 per annum.
2. Public Acts of 1963, Chapter 340, authorized a secretary for the circuit judge of the nineteenth judicial circuit, which contained Morgan County, and set the salary at \$3,000 per annum.

## **Chapter VI - Education/Schools**

### **Board of Education**

### **Private Acts of 1941 Chapter 362**

**SECTION 1.** That in all Counties in Tennessee having a population of not less than 15,242, nor more than 15,252, according to the Federal Census of 1940, or any subsequent Federal Census, the administration, management, government, supervision, control and conduct of the public school affairs, and all powers and duties pertaining to, connected with, or in any manner necessary or incident to the proper conduct and control of the public school affairs, both elementary and high school, in such counties, the employment of teachers and labor, the erection, repairing or maintenance of buildings, the furnishing of materials, labor, supplies and equipment, shall be vested in a Board of School Commissioners to be elected by popular vote by the qualified voters of Counties of this State to which this Act shall apply, in the manner, form, and for the terms hereinafter provided, and with the powers, duties and privileges herein conferred and granted, and for the compensation stated.

**SEC. 2.** That in all Counties of the State to which this Act shall apply, the following school districts are created:

- (1) School District No. 1 shall include what is now Civil Districts 1 and 2.
- (2) School District No. 2 shall include what is now known as Civil Districts 3 and 10.
- (3) School District No. 3 shall include what is now known as Civil Districts 4 and 9.
- (4) School District No. 4 shall include what is now known as Civil Districts 8 and 11.
- (5) School District No. 5 shall include what is now known as Civil Districts 5 and 7.
- (6) School District No. 6 shall include what is now known as Civil Districts 6 and 12.

**SEC. 3.** The Board of School Commissioners shall be composed of one (1) member from each school district, to be known as District School Commissioners, who shall be elected by the qualified voters of the respective districts in Morgan County. Present District School Commissioners shall hold their offices until their present terms have expired or until their offices otherwise become vacant.

As amended by: Private Acts of 1982, Chapter 315

Private Acts of 1992, Chapter 246

Private Acts of 1994, Chapter 153

**SEC. 4.** That each District School Commissioner shall be at least twenty-one years of age, a resident of the School District from which he is elected, and that the several District School Commissioners in such Counties shall constitute a County Board of School Commissioners and have all the powers, duties and privileges and shall be subject to the same penalties that are now provided by law governing County Boards of Education in Tennessee, together with the additional powers and duties, privileges and restrictions hereinafter stated.

As amended by:

Private Acts of 1982, Chapter 315

Private Acts of 1992, Chapter 246

**SEC. 5.** That the first Board of School Commissioners created under this Act shall be as follows:

District No. 1---W. R. Taylor.

District No. 2---George S. Boswell.

District No. 3---John M. Davis, Chairman.

District No. 4---George H. Buxton, Sr.

District No. 5---S. H. Jones, Sr.

District No. 6---J. S. Greer.

The members of the Board herein named shall hold office until September 1, 1942, and until their respective successors shall be elected and qualified as prescribed by law. The several District School Commissioners herein named shall immediately, upon the passage of this Act, upon call by the Secretary, meet at the Courthouse of such County and qualify and organize by the election of one of their number as Chairman, as provided for in Section 8 hereof. The Chairman shall preside over all meetings of said Board, and in his absence or at his request the members constituting a quorum may elect one of their body as Chairman pro tem. A majority of the members of said Board shall constitute a quorum for the transaction of all business. The County Superintendent shall be ex officio Secretary of the Board.

**SEC. 6.** That at the regular August election, there shall be elected by the qualified voters of Morgan County district school commissioners for the various school districts, to be voted for by the qualified voters of school districts in which commissioners are to be elected, terms of such offices to begin on September 1, following their election. At the August 1994 election, commissioners shall be elected from Districts 3 and 5 for four (4) terms and from District 6 for a two (2) year term. At the August 1996 election, commissioners shall be elected from District 1 for a two (2) year term and from Districts 4 and 6 for a four (4) year term. At the August 1998 election, commissioners shall be elected from Districts 1, 3, and 5 for four (4) year terms and from District 2 for a two (2) year term. At the August 2000 election and thereafter, all elections shall be for four (4) year terms, and commissioners shall hold their respective offices for a term of four (4) years until their successors are elected and qualified. The election commissioners shall issue to all persons so elected a certificate of election in the same manner as the election of other county officers are now certified. Only the voters in the respective school districts shall vote for the commissioner from said school district.

As amended by:

Private Acts of 1982, Chapter 315

Private Acts of 1992, Chapter 246

Private Acts of 1994, Chapter 153

**SEC. 7.** That when a vacancy occurs in said Board of School Commissioners by the death, resignation or the removal from the District from which such member was elected, or the failure of one or more of the District School Commissioner to qualify as provided in this Act, the Election Commissioners of the County shall immediately call and hold an election at the several precincts in the School District in which such vacancy occurs to fill such vacancy, or the vacancy may be filled at the next regular August election.

As amended by:

Private Acts of 1982, Chapter 315

Private Acts of 1992, Chapter 246

**SEC. 8.** That on the first Monday in September following each regular August election the District School Commissioners shall meet at the Courthouse in their respective Counties and take and subscribe to the oath required of all County officials before some officer authorized to administer such oath, and shall organize said County Board of School Commissioners by the election of one of their body by a majority of those present as the Chairman. The said County Board of School Commissioners shall meet and hold a session on the first Monday in June, September, December and March of each year, and at such other times as may be deemed necessary or proper to the conduct of the school affairs.

**SEC. 9.** That the County Superintendent of Public Instruction shall be ex officio Secretary of the County Board of School Commissioners, but he shall have no vote on any question of any matter of such School Commissioners. He shall attend all meetings of such Board and keep a true, accurate and complete record

of all the acts of such Board, the names of laborers, material men and contractors, the amount of labor, materials, supplies furnished by each, prices paid for same, whether upon competitive bids or not, and all such other records shall be kept by him as is now or that may hereafter be required by law to be kept, and such records shall at all times be open for inspection by any person or persons who may request to examine or copy same, and said Secretary shall also meet with the Chairman of the County Board of School Commissioners at such other times as may be deemed necessary or proper to the proper performance of their duties, and to carry out the provisions of this Act, all such services to be performed by the Superintendent as Secretary of such Board without additional compensation other than his annual salary. And he will collect data as to the needs of the several schools, new buildings, equipment, labor, supplies, repairs and fuel, and submit same to a meeting of the Board of School Commissioners; and prepare necessary information for bidders, advertisements for bids, as hereinafter provided; and neither he nor the Chairman of the Board shall have the right or authority to let such contracts for labor, material, equipment, buildings, fuel or supplies without the express direction and authority of the Board in regular session, and not then unless the gross amount to be expended shall be less than One Hundred (\$100.00) Dollars.

**SEC. 10.** That the Board of School Commissioners in the several Counties of the State of Tennessee to which this Act shall apply, shall have the exclusive supervision and control of all public schools, both elementary and high schools, and all others maintained in whole or in part by public school funds, and they shall elect all teachers in such schools and fix their salaries and make all necessary contract for such service. And such Boards of School Commissioners shall have the power and authority to employ janitors and truant officers, bus drivers, and other laborers and employees necessary to erect, repair, furnish, improve and maintain suitable school buildings, grounds, fixtures, equipment, supplies, and to acquire and hold real estate for school purposes. And said Board shall in all things have the power and perform all the duties now imposed by law on County Boards of Education or by the Commissioner of Education as is now provided by the general laws of the State of Tennessee, or that may hereafter be enacted affecting the administration of the school affairs in the State. And such Boards shall have the exclusive possession and control of all public school property, both real and personal, now belonging to, in the custody of, or within the control of the school authorities of such Counties, or any Board of Education thereof, or that may hereafter be acquired.

Provided, that nothing in this Act shall be construed to interfere with the jurisdiction and authority of the State Department of Education under the general laws of the State.

**SEC. 11.** That the County Board of School Commissioners herein created shall have the power and authority to enter into contracts and agreements with persons, firms or corporations for the erection, purchase, repair or maintenance of its buildings and property, equipment and supplies, and for any other purpose deemed necessary by the Board of School Commissioners to carry out the provisions of this Act or the general law applicable to public school affairs, or in the proper discharge of the duties imposed by this Act. Provided, that in all cases for the employment of janitors, bus drivers, or for transporting pupils to school, and in other cases for labor, materials, fuel, equipment or supplies, or the erection, repair or maintenance of any building, part of building, or grounds where the cost shall exceed the sum of One Hundred (\$100.00) Dollars, no contract shall be entered into or made until after due advertisement of same shall have been made in some newspaper published in such County for three consecutive weeks, setting forth the amount, quality and description of such services, labor, materials, supplies or equipment desired, and the time within which written and sealed bids for same shall be received, and in all cases a cash deposit shall be made with such bids equal to fifteen per centum of the amount bid to guarantee the performance of such contract; if awarded such deposits to be returned immediately to unsuccessful bidders, and the successful bidder when the contract shall have been fully completed; and when such deposit is made with such written and sealed bids, and the Board of School Commissioners at some session shall open same, a quorum being present, such contracts shall in all cases be awarded to the lowest bidder.

**SEC. 12.** That the violation of any of the provisions of this Act is declared to be a misdemeanor, and all persons convicted of same shall be adjudged to pay a fine of not less than \$50.00 nor more than \$250.00 for each offense, and upon conviction shall forfeit any office, position or contract, respect the administration and management of the public school affairs in such County, or held under the terms and provisions of this Act, and shall be ineligible to hold any office under the terms of this Act for a period of five years from and after the date of such conviction, such provisions and penalties to be made a part of the judgment of the Court upon such conviction.

**SEC. 13.** That each member of the Morgan County Board of School Commissioners shall receive the sum of twenty-five dollars (\$25.00) per day for each day in actual attendance upon the sessions of such Board, but no member shall draw compensation for more than twenty (20) days in any one calendar year, such sums to be paid out of county school funds, upon the warrant of the County Judge or Chairman after a

certificate has been filed by the County Superintendent of Public Instruction with such County Judge or Chairman, showing the names of such members in attendance at the end of any one session and the number of days attended by each.

As amended by: Private Acts of 1978, Chapter 206  
Private Acts of 1982, Chapter 316

**SEC. 14.** That it is the intention and purpose of this Act to provide for the full and complete administration of the public school affairs of the Counties of the State of Tennessee to which this Act shall apply, and the complete conduct and control of the public school affairs in such County, and that if any section or part thereof shall be declared unconstitutional, such sections shall be considered severable, and such shall not affect the validity of the numerous other and different provisions of this Act, but the same shall remain in full force and effect.

**SEC. 15.** That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 15, 1941.

## Education/Schools - Historical Notes

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

The acts referenced below once affected the office of superintendent of education in Morgan County, but are no longer operative.

1. Private Acts of 1937, Chapter 367, as amended by Private Acts of 1939, Chapter 105, provided that counties within a certain population class elect by popular vote the superintendent of public instruction.

### **General Reference**

The following acts constitute part of the administrative and political heritage of the educational structure of Morgan 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. Public Acts of 1875, Chapter 25, authorized the trustees of Morgan Academy to sell the academy and grounds in Montgomery and to relocate in Wartburg.
2. Public Acts of 1899, Chapter 180, enabled the citizens of Oliver Springs to form a school district out of parts of Morgan, Roane and Anderson counties, to be known as the Oliver Springs School District.
3. Acts of 1905, Chapter 522, established a school district in the sixth civil district of Morgan County and set the qualifications of the election process for the board of directors.
4. Acts of 1909, Chapter 494, required the parents of children between the ages of 8 and 14 to send their children to the public schools for four months each year in Morgan County. This act was repealed by Public Acts of 1978, Chapter 716.
5. Private Acts of 1917, Chapter 668, provided that the Morgan County High School, whose term was longer than that of the elementary schools, could teach elementary students after the elementary term ended.
6. Private Acts of 1925, Chapter 708, authorized Morgan County to issue bonds in an amount not to exceed \$25,000.00 to build a high school at Petros. This issue required the approval of a majority of the qualified voters.
7. Private Acts of 1925, Chapter 771, provided for the election by popular vote of the county superintendent of public instruction and the county board of education in Morgan County.
8. Private Acts of 1931, Chapter 95, created and established a four year high school at Burreville in Morgan County to be known as the A.B. Wright High School and provided for its maintenance and upkeep.
9. Private Acts of 1931, Chapter 361, authorized the Morgan County Court to borrow \$12,000 evidenced by interest bearing notes for the purpose of building a high school gymnasium at Wartburg, Sunbright and in Oakdale. These bonds were to bear interest at a rate not to exceed 6%.
10. Private Acts of 1937, Chapter 368, authorized Morgan County to issue \$7,500 in interest bearing warrants to provide funds to operate elementary schools for eight months and high schools for



nine months. These warrants were to mature within fifteen months from their execution and were to bear interest at a rate not to exceed 6%.

11. Private Acts of 1941, Chapter 128, authorized the Morgan County Court to issue bonds in the amount of \$75,000 for the purpose of erecting a public school at Wartburg. These bonds were to mature within 20 years and to bear interest at a rate not to exceed 6%.
12. Private Acts of 1941, Chapter 439, authorized the payment of interest by Morgan County on warrants for teachers salaries that were outstanding.
13. Private Acts of 1947, Chapter 485, authorized the Morgan Quarterly County Court to issue and sell \$250,000 of interest bearing coupon bonds for the purposes of acquiring land and property, constructing, repairing, furnishing and equipping various schools in the county. This act also called for the levy of a tax to provide for the payment of principal and interest thereon.

## Chapter VII - Elections

### Elections - Historical Notes

#### **District - Reapportionment**

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

1. Public Acts of 1819, Chapter 5, authorized a precinct election at the home of John Triplett and a precinct election at Indian Tavern.

#### **Elections**

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

1. Public Acts of 1819, Chapter 69, apportioned the representation of the state in the Tennessee State Legislature. Morgan County, along with Anderson, Roane, Rhea, Bledsoe, Marion, Hamilton and McMinn counties, composed one election district and jointly elected one senator. In addition, the counties of Morgan and Roane elected one representative jointly.
2. Public Acts of 1822, Chapter 1, provided for the election of representatives from Tennessee to the United States Congress. The counties of Morgan, Campbell, Anderson, Roane, Rhea, Bledsoe, Marion, Hamilton, McMinn and Monroe composed the third congressional district.
3. Public Acts of 1823, Chapter 47, divided the state into eleven electoral districts for the purpose of electing electors of a president and vice president of the United States. The counties of Morgan, Blount, Knox, Anderson and Roane composed the third electoral district and elected one elector.
4. Public Acts of 1824, Chapter 1, divided the state into eleven electoral districts for the purpose of electing electors of a president and vice president of the United States. The counties of Morgan, Blount, Anderson, Knox and Roane composed the third electoral district and elected one elector.
5. Public Acts of 1826, Chapter 3, apportioned the representation of the state in the Tennessee State Legislature. Morgan County, along with Roane, Rhea, Hamilton, Bledsoe and Marion, composed one election district and elected one senator. In addition, the counties of Morgan and Roane elected one representative jointly.
6. Public Acts of 1827, Chapter 17, divided the state into eleven electoral districts for the purpose of electing electors of a president and vice president of the United States. The third electoral district was composed of the counties of Morgan, Blount, Anderson, Knox and Roane.
7. Private Acts of 1829-30, Chapter 138, prescribed the duties of the sheriffs of Morgan County in cumulating the vote totals from the county in elections for the state general assembly.
8. Public Acts of 1832, Chapter 4, divided the state into districts for the election of representatives to the United States Congress. The counties of Morgan, Roane, McMinn, Rhea, Hamilton, Bledsoe and Marion composed the fourth congressional district.
9. Public Acts of 1832, Chapter 9, divided the state into fifteen electoral districts for the purpose of electing electors of a president and vice president of the United States. The counties of Morgan, Knox, Anderson, Campbell and Roane composed the fourth electoral district.
10. Public Acts of 1833, Chapter 71, divided the state into representative and senatorial districts. The counties of Morgan, Knox, Anderson and Campbell composed one election district, and elected one senator. In addition, the counties of Morgan, Campbell and Anderson composed one election

district and elected one representative jointly.

11. Public Acts of 1833, Chapter 76, provided for the calling of a state convention for the purpose of revising and amending the state constitution. The counties of Morgan and Anderson composed one district and elected one delegate to the state convention.
12. Public Acts of 1835-36, Chapter 39, divided the state into fifteen electoral districts for the purpose of electing electors of a president and vice president of the United States. The counties of Morgan, Knox, Anderson, Campbell and Roane composed the fourth electoral district.
13. Acts of 1842, Second Session, Chapter 1, apportioned the representation in the general assembly. The counties of Morgan, Campbell, Anderson and Roane composed one senatorial district and elected one senator. In addition, Morgan and Bledsoe counties elected one representative. This act was repealed by Public Acts of 1978, Chapter 597.
14. Acts of 1842, Second Session, Chapter 7, divided the state into congressional districts for the election of representatives to the United States Congress. The counties of Morgan, Jefferson, Grainger, Claiborne, Campbell, Anderson, Sevier, Blount and Monroe composed the second congressional district.
15. Acts of 1851-52, Chapter 196, divided the state into congressional districts for the election of representatives to the United States Congress. The counties of Morgan, Grainger, Claiborne, Campbell, Scott, Anderson, Knox, Fentress and Overton composed the second congressional district.
16. Acts of 1851-52, Chapter 197, apportioned the representation in the general assembly of the state. Morgan County jointly elected one representative with Scott and Fentress counties. In addition, the counties of Morgan, Scott, Fentress and Overton composed one senatorial district and elected one senator.
17. Private Acts of 1857-58, Chapter 90, directed that the vote totals for the representative from Morgan, Scott, and Fentress counties be compared at Jamestown in Fentress County on the first Monday after election day.
18. Private Acts of 1859-60, Chapter 169, authorized the voters of Morgan County to decide as to whether the county seat should be moved from Montgomery to Wartburg.
19. Public Acts of 1865, Chapter 34, divided the state into congressional districts for the election of representatives to the United States Congress. The counties of Morgan, Claiborne, Union, Knox, Campbell, Scott, Anderson, Blount, Monroe, Polk, McMinn, Bradley and Roane composed the second congressional district.
20. Public Acts of 1871, Chapter 146, apportioned the senatorial and representative districts in the state. Morgan County jointly elected one representative with Fentress and Overton counties. In addition, Morgan County was placed in the fifth senatorial district along with Campbell, Scott, Roane, Fentress, Overton, Putnam, White and Cumberland counties.
21. Acts of 1872, Extra Session, Chapter 7, divided the state into congressional districts to apportion the representation of the state in the United States Congress. The second congressional district was composed of the counties of Morgan, Knox, Sevier, Jefferson, Anderson, Campbell, Scott, Fentress, Cumberland, White, Putnam, Overton, Jackson, Smith Macon and Clay.
22. Public Acts of 1873, Chapter 27, divided the state into congressional districts for the election of representatives to the United States Congress. The counties of Morgan, Jefferson, Sevier, Blount, Monroe, Loudon, Roane, Knox, Anderson, Campbell, Scott and Union composed the second congressional district.
23. Public Acts of 1881, Extra Session, Chapter 6, apportioned the state into senatorial and representative districts. Morgan County jointly elected one representative with Anderson County. In addition, Morgan County was placed in the ninth senatorial district along with Grundy, Sequatchie, Bledsoe, Van Buren, Rhea, Cumberland and White counties.
24. Public Acts of 1882, Chapter 27, divided the state into congressional districts to apportion the representation of the state in the United States Congress. The second congressional district was composed of Morgan, Knox, Anderson, Jefferson, Union, Sevier, Blount, Loudon, Roane, Campbell and Scott counties.
25. Public Acts of 1891, Chapter 131, divided the state into congressional districts to apportion the representation of the state in the United States Congress. Morgan, Knox, Jefferson, Union, Sevier, Blount, Loudon, Roane, Anderson, Campbell and Scott counties composed the second congressional district.
26. Acts of 1891, Extra Session, Chapter 10, apportioned the counties of the state into senatorial and

representative districts. Morgan County jointly elected one representative with Anderson and Scott counties. In addition, Morgan County was placed in the ninth senatorial district along with Rhea, Bledsoe, White, Cumberland, Sequatchie and Van Buren counties.

27. Private Acts of 1897, Chapter 216, detached Morgan County from the ninth senatorial district and attached it to the tenth senatorial district.
28. Public Acts of 1901, Chapter 109, divided the state into congressional districts to apportion the representation of the state in the United States Congress. The counties of Morgan, Sumner, Trousdale, Wilson, Putnam, Jackson, Clay, Overton, Smith, Macon, Pickett, Fentress, Cumberland and Rhea composed the fourth congressional district.
29. Public Acts of 1901, Chapter 122, apportioned the counties of the state into senatorial and representative districts. Morgan County was placed in the tenth senatorial district along with Fentress, Pickett, Clay, Overton, Putnam and Jackson counties. In addition, Morgan and Anderson counties jointly elected one representative. This act was amended by Acts of 1907, Chapter 3, which detached Morgan County from the tenth senatorial district and attached it to the third senatorial district.
30. Private Acts of 1937, Chapter 200, set the compensation of the election officials in Morgan County at \$2.00 per day.

## Chapter VIII - Health

Currently, there are no Private Acts.

## Chapter IX - Highways and Roads

### Superintendent of Highways

### Private Acts of 1981 Chapter 100

**SECTION 1.** The office of Superintendent of Highways for Morgan County is hereby created. The Superintendent of Highways shall be considered the chief administrative officer for purposes of the Tennessee County Uniform Road Law, Tennessee Code Annotated, Title 54, Chapter 7.

**SECTION 2.** The Superintendent of Highways shall be elected by the qualified voters of Morgan County in accordance with the general election laws of the state of Tennessee in the general election to be held in August 1982 and every four (4) years thereafter. Upon certification of the results of the August 1982 election the Superintendent of Highways elected shall take office September 1, 1982 for a term of four (4) years.

A vacancy in the office of Superintendent of Highways shall be filled by an appointee of the county legislative body, in accordance with Article 7, Section 2 of the Tennessee Constitution, who shall serve until a successor is elected at the next election occurring after the vacancy, whether general, primary or special.

**SECTION 3.** The county legislative body shall have the authority to set the salary of the Superintendent of Highways at a rate higher than the minimum salary established in Tennessee Code Annotated, Section 54-7-106. The county legislative body shall also have the authority to add duties and responsibilities to the office of Superintendent of Highways in addition to those provided in the Tennessee County Uniform Road Law.

**SECTION 4.** This Act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the county legislative body of Morgan County, its approval or nonapproval shall be proclaimed by the presiding officer of the Morgan County Legislative Body and certified by him to the Secretary of State.

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

PASSED: April 22, 1981

## Highways and Roads - Historical Notes

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

providing new substantive provisions.

1. Acts of 1817, Chapter 152, authorized Adam Helms to cut and open a turnpike road in Morgan County from a point at Wall's in Morgan County on Piles Turnpike Road to intersect the Cumberland Turnpike Road between Robert Johnson's and the standing Stone in Overton County.
2. Private Acts of 1824, Chapter 148, authorized the proprietors of turnpike roads in Morgan County to change their roads so that said roads could run through the seat of justice of Morgan County.
3. Private Acts of 1826, Chapter 173, Section 12, authorized Thomas Butler, William Marchbanks and Samuel Scott, the proprietors of a turnpike road which led through the counties of Morgan and Fentress, to turn said road so as to pass Conrad Pile's plantation.
4. Private Acts of 1829-30, Chapter 122, appointed Thomas Jack as commissioner of the turnpike road leading through Morgan County. This act was repealed by Private Acts of 1832, Chapter 13.
5. Public Acts of 1829-30, Chapter 136, authorized Allen McDonald to open a turnpike road which ran from Pleasant Chitwood's on the Kentucky State line to the town of Montgomery in Morgan County.
6. Private Acts of 1831, Chapter 43, authorized Amos Marney to open and keep up a turnpike road, starting at the Kentucky state line at Little South Fork, crossing the clerk fork of the Cumberland River at or near James Brusters, and thence so as to intersect Scott's Turnpike Road at or near Montgomery in Morgan County.
7. Public Acts of 1831, Chapter 48, Section 6, appointed Arthur R. Frogg and William Travis commissioners of a turnpike road which led through Morgan and Fentress counties.
8. Private Acts of 1833, Chapter 247, exempted the proprietors of the Emory Turnpike Road, in Morgan County, from the provisions of a general act passed December 15, 1831, which forced owners of a turnpike to meet certain maintenance standards.
9. Acts of 1841-42, Chapter 23, provided that William Staples of Morgan County be constituted a corporation sole for the purpose of constructing a turnpike road from Tandy Centers, in Roane County, crossing Emory River, to intersect the Turnpike Road leading from Sparta to the Crab Orchard, at or near John Kimmer's.
10. Acts of 1841-42, Chapter 44, authorized David Smith to open a turnpike road in Morgan County.
11. Acts of 1841-42, Chapter 106, appointed George McCormick, Hiram Millsaps of Fentress County, and Nicholas J. Kington of Morgan County, commissioners for Scott's Turnpike Road leading through Morgan and Fentress counties.
12. Acts of 1843-44, Chapter 83, authorized Julian F. Scott, of Morgan County, to open and keep up a turnpike road which ran from Montgomery to the Kentucky state line.
13. Acts of 1847-48, Chapter 184, authorized Caleb Ellis to open a turnpike road which ran from the foot of the Cumberland Mountain in Roane County to Scott's Road in Morgan County.
14. Acts of 1847-48, Chapter 219, authorized the Montgomery Turnpike Company to construct a turnpike which ran from Wolf River in Fentress County to the town of Montgomery in Morgan County. This act was repealed by Acts of 1849-50, Chapter 158.
15. Acts of 1849-50, Chapter 154, appointed William R. Campbell, David Hall, Sr. and Mitchell H. Frogge as commissioners of the Montgomery Turnpike Road which ran from Wolf River in Fentress County to the town of Montgomery in Morgan County.
16. Acts of 1851-52, Chapter 268, authorized the opening of a turnpike road in Morgan County beginning at Montgomery and running to the Tennessee River.
17. Private Acts of 1865-66, Chapter 88, Section 36, incorporated the Western and Montgomery Turnpike Company and to macadamize the turnpike road leading from Knoxville to the town of Montgomery in Morgan County.
18. Acts of 1903, Chapter 267, authorized the Morgan County Court to issue bonds in an amount not to exceed \$80,000.00 to build roads. These bonds were to bear interest at a rate not to exceed 4% and required the approval of a majority of the county's voters. This act also created a board of commissioners to carry out the provisions of the act.
19. Acts of 1905, Chapter 298, authorized the Morgan County Court to issue bonds in an amount not to exceed \$50,000.00 and at a rate of interest not to exceed 5% for the purpose of maintaining and building roads.
20. Acts of 1907, Chapter 552, created a board of public road commissioners to lay out and maintain the public roads in Morgan County.

21. Private Acts of 1913, First Extra Session, Chapter 37, regulated the working and laying out of public roads in Morgan County.
22. Private Acts of 1917, Chapter 164, authorized the Morgan County Court to issue bonds in the amount of \$200,000.00 to build roads in the county. These bonds were to mature within 40 years and to bear interest at a rate not to exceed 5%.
23. Private Acts of 1921, Chapter 180, authorized Morgan County, through its county court, to issue and sell interest-bearing coupon bonds in an amount not to exceed \$75,000.00, for the purpose of building a concrete bridge across the Emory River at or near Oakdale. The act also provided for the levy and collection of taxes with which to pay principal and interest on said bonds when due.
24. Private Acts of 1921, Chapter 613, prescribed the general road law for Morgan County. This act was amended by Private Acts of 1929, Chapter 637, which abolished the offices of associate members of the board of road commissioners and assign their duties to the superintendent of roads. The act as amended was further amended by Private Acts of 1933, Chapter 705, to provide for the election of the superintendent of roads.
25. Public Acts of 1921, Chapter 65, authorized and provided for the location and construction of a railroad to the state owned lands located on the waters of Flat Fork Creek in Morgan County.
26. Private Acts of 1929, Chapter 684, authorized Morgan County to issue and sell interestbearing coupon bonds in an amount not to exceed \$200,000.00 for the purpose of rebuilding certain bridges across the Emory River and its tributaries and other streams in said county. This act also provided for the levy of a tax to pay the interest on said bonds and created a sinking fund to pay the same when due.
27. Private Acts of 1937, Chapter 150, was a comprehensive road law for Morgan County. This act was amended by Private Acts of 1937, Chapter 549, to provide extra compensation to the road commissioners when overseeing work on the public roads. The act as amended was then repealed by Private Acts of 1941, Chapter 93.
28. Private Acts of 1941, Chapter 108, provided for the laying out, construction, working and maintain of all the public roads in Morgan County. In addition, this act created the office of superintendent of roads in the county. This act was amended by Private Acts of 1943, Chapter 208, which set the election for the superintendent of roads at the next general election in August, 1944, and every four years thereafter. The act as amended was further amended by Private Acts of 1947, Chapter 161, which set the salary of the superintendent of roads at \$2,400.00 per annum. Private Acts of 1949, Chapter 174, further increased the salary of the superintendent of roads to \$3,000.00 per annum.
29. Private Acts of 1941, Chapter 127, authorized Morgan County, through its county judge as financial agent, to issue interest bearing county warrants to raise money for purchasing easement rights for highways or roads right-of-ways. These warrants were to bear interest at a rate not to exceed 6%.
30. Private Acts of 1951, Chapter 475, established a system of county roads in Morgan County. This act was found constitutional in Wilson v. Williams, 194 Tenn. 200, 250 S.W.2d 73 (1952). This act was later repealed by Private Acts of 1978, Chapter 290.
31. Private Acts of 1978, Chapter 290, was a general road law for Morgan County. This act provided for the maintenance and upkeep of roads; provided for the election of a road supervisor and a bookkeeper. This act was repealed by Private Acts of 1979, Chapter 113.

## Chapter X - Law Enforcement

### Law Enforcement - Historical Notes

#### **Militia**

Those acts once affecting Morgan County, which related to the militia and to other law enforcement agencies other than the sheriff, are mentioned below in chronological order. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1819, Chapter 68, revised and amended the militia laws of the state. The militia of Morgan County composed the fifty-eighth regiment, seventh brigade of the first division and held regimental muster on the fourth Thursday of October.
2. Public Acts of 1825, Chapter 69, revised and amended the militia laws of the state. The militia of

Morgan County composed the fifty-eighth regiment, third brigade of the first division and held regimental musters on the fourth Thursday in October.

3. Private Acts of 1831, Chapter 66, exempted the militia of the fifty-eighth regiment of Morgan County from attending battalion musters.
4. Public Acts of 1835-36, Chapter 21, divided the militia of the state into companies, battalions, regiments, brigades and divisions. The militia of Morgan County composed the thirtieth regiment, fourth brigade, of the first division.
5. Acts of 1837-38, Chapter 157, amended the militia laws of the state. The militia of Morgan County remained part of the fourth brigade, but held regimental musters on the third Friday and Saturday in September. This act was repealed by Public Acts of 1978, Chapter 595.
6. Acts of 1839-40, Chapter 56, established a new militia for the state. The militia of Morgan County composed the thirtieth regiment, fourth brigade, of the first division. Morgan County held regimental musters on the second Saturday in October.
7. Acts of 1845-46, Chapter 76, exempted the militia in the third civil district of Morgan County from attending battalion and regimental musters.
8. Acts of 1849-50, Chapter 229, Section 4, exempted the militia of the eighth and ninth civil district from attending the regimental and battalion musters in said county.
9. Private Acts of 1861, Chapter 1, established a new militia for the state. The militia of Morgan County composed the thirtieth regiment of the fourth brigade. Morgan County held regimental musters on the second Saturday in October.

### **Offenses**

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

1. Private Acts of 1947, Chapter 728, regulated the possession, storage, use, manufacture or sale of pyrotechnics in Morgan County. This act was repealed by Private Acts of 1986, Chapter 172.

### **Sheriff**

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

1. Acts of 1851-52, Chapter 342, allowed James Wilson, former sheriff of Morgan County an additional year to collect tax arrearages.
2. Private Acts of 1943, Chapter 452, fixed the compensation of the Morgan County Sheriff so as to include an additional \$1,000 in ex officio fees which were paid quarterly on warrant of the judge or chairman of Morgan County.

## Chapter XI - Taxation

### Assessor of Property

### Office

### Private Acts of 1939 Chapter 519

**SECTION 1.** That it shall be the duty of Tax Assessors in all counties in the State of Tennessee with a population of not less than 13,600 nor more than 13,610, according to the Federal Census of 1930, or any subsequent Federal Census, to maintain and keep open an office during reasonable business hours at the courthouse, or at some convenient place in the county seat, at which office either the Tax Assessor or a deputy capable of discharging the duties of such office of Tax Assessor shall be on hand during office hours for the purpose of discharging the duties of the office. Office space shall be provided by the county, and it is hereby declared to be the duty of the Quarterly County Courts of such counties to provide adequate office space for the Tax Assessors of such counties.

**SECTION 2.** That all tax or assessment books in such counties shall be kept in the office of the County Tax Assessor at the county seat during business hours, except when same are in use in making assessments, or in making up the tax books.

**SECTION 3.** That said County Tax Assessors shall from time to time examine the current Deed Books in

the office of the County Registers of such counties and shall ascertain from such Deed Books and enroll in a book or books to be kept by him in his office, the following facts to be ascertained by him from an examination of the deeds recorded in such Deed Books, to-wit:

- (1) The names of the grantors or vendors and of the purchasers in each deed;
- (2) The district in which the land conveyed by each deed is situated;
- (3) The boundaries of the land and the number of acres conveyed in each deed; and
- (4) The consideration or purchase price for the land as stated in each deed.

When such County Tax Assessors make their next assessment of real estate, after ascertaining such information from an examination of the deed books in the Register's Office, they shall use such information in connection with their assessment of the real estate covered by such deeds.

**SECTION 4.** That it shall be the duty of the Tax Assessor in such counties, in person or by deputy, to go on the premises and examine all realty to be assessed, and for failure to do so he shall be subject to a fine of not less than \$5.00 nor more than \$10.00 in each case. It shall further be the duty of such Tax Assessor to perform the other duties imposed by Section 1357 of the 1932 Code of Tennessee, and all other duties imposed upon Tax Assessors by the general laws of Tennessee.

**SECTION 5.** That the compensation of the Tax Assessor in such counties shall be fixed by the Quarterly County Courts of such counties in an amount sufficient to pay such Tax Assessor adequately for his services and his necessary expenses in making assessments in said counties, in no event to exceed the compensation now paid.

**SECTION 6.** That all laws and parts of laws in conflict with the provisions hereof be and the same are hereby repealed.

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

Passed: March 2, 1939.

## Hotel/Motel Tax

### Private Acts of 2006 Chapter 113

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

- (a) "Clerk" means the county clerk of Morgan County, Tennessee.
- (b) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.
- (c) "County" means Morgan County, Tennessee.
- (d) "Hotel" means any structure or space, or any portion thereof, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist camp, tourist court, tourist cabin, bed & breakfast, recreational vehicle park, campground, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.
- (e) "Occupancy" means the use or possession, or the right to the use or possession of any room, lodgings or accommodations in any hotel.
- (f) "Person" means an individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, governmental unit other than the United States or any of its agencies, or any other group or combination acting as a unit.
- (g) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodations in a hotel for a period of less than thirty (30) continuous days.
- (h) "Operator" means the person operating the hotel, whether as owner, lessee or otherwise, and shall include governmental entities.

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

imposed is a privilege tax upon the transient occupying such room or other accommodation and is to be collected and distributed as herein provided. Such tax shall be in addition to all other taxes levied or authorized to be levied whether in the form of excise, license, or privilege taxes, and shall be in addition to all other fees and taxes now levied or authorized to be levied.

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

- (1) One hundred percent (100%) for the promotion and support of tourism in the county.

**SECTION 4.**

(a) Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of his or her hotel and to be given directly or transmitted to the transient and shall be collected by such operator from the transient and transmitted to Morgan County.

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

**SECTION 5.**

(a) The tax levied shall be remitted by all operators who lease, rent or charge for any rooms or spaces in hotels within the county, to the county clerk or such other officer as may by resolution be charged with the duty of collection thereof, said tax to be remitted to such officer no later than the twentieth (20th) day of each month for the preceding month. The operator is hereby required to collect said tax from the transient at the time of the presentation of the invoice for occupancy whether prior to, during or after the occupancy, as may be the custom of the operator, and if credit is granted by the operator to the transient, then the obligation to the county entitled to such tax shall be that of the operator.

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

**SECTION 6.**

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

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

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

**SECTION 8.** Taxes collected by an operator which are not remitted to the county clerk on or before the due dates shall be 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 a penalty of one percent (1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax therein 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 constitute a misdemeanor punishable upon conviction of a fine not in excess of fifty dollars (\$50.00).

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



## **SECTION 10.**

- (a) The county clerk, 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 Tennessee Code Annotated, Title 67, or otherwise provided by law for the county clerks.
- (b) For his or her services in administering and enforcing the provisions of this act, the county clerk shall be entitled to retain a commission of five percent (5%) of the taxes so collected.
- (c) Upon any claim of illegal assessment and collection, the taxpayer shall have the remedies provided by Tennessee Code Annotated, Title 67, it being the intent of this act that the provisions of law which apply to the recovery of state taxes illegally assessed and collected under the authority of this act; and provided further, the county clerk shall possess those powers and duties as provided in Tennessee Code Annotated, Section 67-1- 707, for county clerks.
- (d) With respect to the adjustment and settlement with the taxpayers, all errors of county taxes collected by the county clerk under the authority of this act shall be refunded by the county clerk.
- (e) Notice of any tax paid under protest shall be given to the county clerk, and the resolution authorizing levy of the tax shall designate a county officer against whom suit may be brought for recovery.

**SECTION 11.** The proceeds of the tax authorized by this act shall be allocated to and placed in the general fund of Morgan County to be used for the purposes stated in Section 3 of this act.

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

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

**SECTION 14.** For the purpose of approving or rejecting the provisions of this act, it shall become effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 13.

Passed: May 27, 2006

## **Litigation Tax**

### **Private Acts of 1981 Chapter 93**

**SECTION 1.** There is hereby imposed a litigation tax on the privilege of litigating a civil or criminal action in any of the following courts in Morgan County: Circuit Court, Chancery Court, Criminal Court, monthly County Court, General Sessions Court, Domestic Relations Court, Juvenile Court, or any other Court of Morgan County. The litigation tax shall be levied on each case filed in the courts of Morgan County in the amount of three dollars and fifty cents (\$3.50), to be assessed and collected as part of the costs of the cause.

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

**SECTION 2.** The litigation taxes provided in Section 1 shall be collected by the clerks of the respective courts in which the cases are filed. Each of the clerks shall be accountable for and shall pay over the revenue to the county Trustee quarterly, not later than the tenth (10th) of the month immediately following the end of the quarter in which such collections are made.

**SECTION 3.** The Trustee shall deposit the taxes herein collected in the Morgan County Debt Service Fund. Such fund shall be subject to appropriations by the county legislative body.

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

**SECTION 5.** This Act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the county legislative body of Morgan County before October 1, 1981. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

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

PASSED: April 16, 1981.

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

1. Public Acts of 1927, Chapter 15, amended Acts of 1907, Chapter 602, which was the General Assessment Law for the state, by changing the month in which interest would accrue upon the payment of taxes from March to May. Morgan County, however, was exempted from the provisions of Chapter 15. Private Acts of 1927, Chapter 227, duplicated the provisions of Public Acts of 1927, Chapter 15.
2. Private Acts of 1929, Chapter 888, set the compensation of the Morgan County Tax Assessor at \$1,500 per annum. This act was amended by Private Acts of 1931, Chapter 620, to reduce the tax assessor's salary to \$1,200 per annum.
3. Private Acts of 1933, Chapter 474, allowed the tax assessor of Morgan County an additional 60 days in which to complete his assessments.
4. Private Acts of 1949, Chapter 181, increased the compensation of the Morgan County Tax Assessor to \$1,800 per annum.
5. Private Acts of 1957, Chapter 374, would have set the compensation of the Morgan County Tax Assessor at \$1,800 per annum for the performance of his ex officio duties, however, this act was not ratified by Morgan County and thus did not become law.

### **Taxation**

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

1. Public Acts of 1870-71, Chapter 50, exempted Morgan County from the enforcement of article 2, section 29 of the Tennessee Constitution, which authorized several counties and incorporated towns in the state to impose taxes for county and corporation purposes.
2. Private Acts of 1917, Chapter 304, created a board of pike road and public road commissioners to establish and maintain the pike roads and all public roads in Morgan County. This act also defined the duties of said board and provided for the raising of revenues to maintain the roads. This act was subsequently amended by Private Acts of 1919, Chapter 367, to define the duties of the commissioners charged with overseeing the use of the moneys collected.
3. Private Acts of 1927, Chapter 100, validated a tax levy of 22¢ on each \$100.00 worth of taxable property in Morgan County for the year 1926, for the purpose of raising revenues with which to pay for rights-of-way by said county for a state and federal aid highway which was constructed north and south through and across the county.
4. Private Acts of 1927, Chapter 459, provided a fund for Morgan County that was designated for school replacement purposes. This act also provided for the handling and disbursement of same.
5. Private Acts of 1929, Chapter 71, validated a tax levy of 15¢ on each \$100.00 worth of taxable property in Morgan County for the year 1926, for the purpose of raising revenues with which to pay for rights-of-way by said county for a state and federal aid highway which was constructed north and south through and across the county.
6. Private Acts of 1931, Chapter 152, authorized the quarterly court of Morgan County to annually levy and provide for the collection of a tax for the support of the poor, lunatics and idiots in a sum not to exceed 7¢ on each \$100 of taxable property in the county.
7. Private Acts of 1931, Chapter 612, provided that Morgan County levy a tax for county purposes in amount not to exceed 30¢.
8. Private Acts of 1939, Chapter 581, authorized the Morgan County Quarterly Court to impose and collect a tax levy of 50¢ on each \$100 of assessed valuation to pay off the county's outstanding warrants, notes, judgments and other indebtedness.

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