

**PRIVATE ACTS  
OF  
STEWART COUNTY, TENNESSEE**

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**REVISED EDITION**

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**COUNTY TECHNICAL ASSISTANCE SERVICE  
THE UNIVERSITY OF TENNESSEE  
INSTITUTE FOR PUBLIC SERVICE  
NASHVILLE, TENNESSEE**

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## PREFACE

County government in Tennessee is a political subdivision of state government. As a political subdivision, county government has only that authority which is delegated to it by the state. In Tennessee, the process of delegation of power from state government to county government is accomplished through legislative action of the general assembly, either through a general (public) act or private act. In the case of the general act, the general assembly grants certain powers which have general application to all or a large number of counties across the state. These general acts are assembled and codified in the Tennessee Code Annotated which is revised and published on an annual basis and is widely available. However, finding individual county legislation (private acts) is not so easy since it is not published in the official code.

The presence of a large body of private legislation in this state is the result of two basic factors. First, although the Tennessee Constitution mentions some county government offices, the provisions of the Tennessee Constitution dealing with county government lack detail, thereby allowing the general assembly wide latitude in county government administration. Secondly, the Tennessee General Assembly has seen fit to enact much of the law relating to county government on an individualized county-by-county approach. The result has been that the 95 counties in Tennessee operate under both general laws and private acts. This body of private legislation is a mass of separate acts, with each applying to only one or a very small group of counties. Since these acts affect counties on an individual basis, they are not included in the Tennessee Code Annotated but rather are published annually in separate volumes.

The result of this past method of publication of private legislation has been the accumulation of a large portion of county law in a cumbersome mass of chronologically arranged volumes which at last count numbered over 120 books. To further complicate matters, the older volumes have not been reprinted, so that there are today only a handful of complete sets of the private acts in existence. Nevertheless, scattered through these hard-to-obtain volumes is the only public record of those laws from which Tennessee counties draw a large portion of their authority to govern and under which they operate daily. Before the County Technical Assistance Service began compilation of the private acts on a county-by-county basis, there was no statewide effort to organize these acts into a body of current law easily accessible for reference by county officials and interested citizens. It is our hope that this volume of The Private Acts of Stewart County will provide a useful reference for county administration in Stewart County.

We are indebted to the Stewart County legislative delegation for its continued support of the County Technical Assistance Service and this compilation.

## HOW TO USE THE PRIVATE ACTS OF STEWART COUNTY

At least three methods can be used to locate a private act contained in this volume. The method used will depend on the amount of information you have at the outset of your research.

First, when you have no information about any specific act but merely a general question as to the law on a given subject, the table of contents can be used to ascertain the pages of this volume pertaining to that particular subject area. The chapter headings found in the table of contents are arranged alphabetically and conform to what the compiler believes to be the most commonly used terms found in county government in Tennessee. You should note, however, that the table of contents is general in nature and is not a word index.

A second method can be used if you already know the year and chapter number of an act in question. The parallel reference table in the back of this volume affords a reference to the pages containing the desired act or acts.

Finally, if you have a copy of the Tennessee Private Acts Index (The Michie Co., Charlottesville, VA, 1984; currently LexisNexis) it can be used as a more complete word index. Upon ascertaining the chapter and year of the private act of interest, the parallel reference table in this volume can be used to locate the private acts.

The private acts currently in effect for the county are reprinted in this volume. When going through this volume you will note that there are some acts noted herein which are no longer current laws due to subsequent passage of acts which have superseded them in usage. The compiler has described these acts which have been superseded in historical notes at the end of the chapter wherein the current act on the subject is reprinted. Under topic headings throughout this volume, brief summaries or references are made to general law codified in Tennessee Code Annotated that deals with the particular topic.

The acts that are printed in full in this volume include any subsequent amendments to the act. Although no statement is made regarding whether the amendatory act was ratified, the ratification was checked by the compiler to insure that the amendatory act was approved locally and is in effect.

**This compilation is updated through the 2005 Second Regular Session of the 104th Tennessee General Assembly.**

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## CHAPTER I - ADMINISTRATION

## ADMINISTRATION

### BUDGET SYSTEM

Counties in Tennessee may operate their budgeting system under one of the three optional general laws on the subject or under the provisions of private acts or county or metropolitan government charters. The three optional general laws dealing with budgeting are the County Budgeting Law of 1957, the County Financial Management System of 1981 and the Local Option Budgeting Law of 1993. If neither an optional general law nor a private act or county charter has been adopted, the county may have established a budget committee by resolution to serve in an advisory role to the county legislative body. Also see T.C.A. §§ 5-9-401 through 5-9-407, and T.C.A. § 49-2-301 (school budget). Most counties are subject to a general law dealing with the procedure for making budget amendments that is codified at T.C.A. § 5-9-407.

The County Budgeting Law of 1957 is found in title 5, chapter 12 of Tennessee Code Annotated. It is a general law establishing procedures for the preparation and adoption of county budgets for all county funds, activities and agencies. The County Budgeting Law of 1957 is permissive legislation and in order to come under its provisions, counties must adopt a resolution by 2/3 vote of the county legislative body or pass the proposal in a referendum. Section 5-13-111 of Tennessee Code Annotated specifically provides that the 1957 general law does not affect either private acts then in existence or prevent the enactment of private legislation for Tennessee counties creating central accounting systems, the position of budget director, or other budgeting procedures.

The County Financial Management System of 1981 is codified at T.C.A. § 5-21-101 et seq. This law provides an optional system and methods of controlling the financial affairs of a county, including budgeting, purchasing, and investment processes. This act is permissive in nature and can be activated by a two-thirds (2/3) vote of the county legislative body, or by a majority vote in a referendum election.

The Local Option Budgeting Law of 1993 is an optional general law located at T.C.A. §§ 5-12-201 through 5-12-217. This law may be adopted by a two-thirds (2/3) vote of the county legislative body. This law may be adopted and used in conjunction with the County Budgeting Law of 1957 or the County Financial Management System of 1981, or used alone. This optional law provides procedures for the formulation, adoption and amendment of an annual budget that includes deadlines for action. If a county legislative body operating under this law fails to adopt a budget by August 15, the portion of the budget prepared by the department of education goes into effect, and similarly, the remainder of the budget as proposed by the county executive or budget committee goes into effect.

ADMINISTRATION

COUNTY ATTORNEY

PRIVATE ACTS OF 1909

CHAPTER 316

SECTION 1. That the County Court of Stewart County, Tenn., is hereby authorized and empowered to elect a County Attorney, whose term of office shall be two years, and to fix his salary.

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

Passed: April 24th, 1909.



ADMINISTRATION

COUNTY ATTORNEY

The office of county attorney is not a constitutional office nor is it an established office under general law. The office of county attorney may be set up by private act. The county mayor is authorized by T.C.A. § 5-6-112 to employ counsel where there is no county attorney established by private act or county or metropolitan government charter.

The general law at T.C.A. § 49-2-203 authorizes the board of education to employ legal counsel to advise or represent the board. The County Uniform Highway Law authorizes county highway departments subject to this general law (most counties) to employ legal counsel or to solicit the use of legal counsel retained by the county to prosecute or defend litigation caused by or necessary to the operation of the county highway department. T.C.A. § 54-7-110. There may be other private acts which allow other governmental departments to hire attorneys.

## ADMINISTRATION

### COUNTY CLERK

The county clerk, formerly the county court clerk, is a constitutional office as provided by article VII, section I of the Constitution of Tennessee. The county clerk is popularly elected for a term of four years. T.C.A. § 18-6-101. The bond required for county clerks is \$50,000 in counties with a population greater than 15,000 and \$25,000 in counties with a population less than 15,000. T.C.A. § 18-2-201.

Most of the duties of the county clerk are specified in the general law (public acts) codified in Tennessee Code Annotated. The county clerk is the clerk of the county legislative body. The clerk keeps the official record (minutes) of the legislative body. The county clerk is responsible for the issuance of marriage licenses and pawnbrokers' licenses. The county clerk is the collector for a number of local and state taxes including local wheel taxes, local hotel/motel taxes, wholesale beer tax, business taxes and vehicle registration fees. T.C.A. § 18-6-105. The clerk's salary is determined in accordance with T.C.A. § 8-24-102. The basic fee schedule for the county clerk is found at T.C.A. § 8-21-407.

## ADMINISTRATION

### COUNTY MAYOR

All counties in Tennessee, except those with a metropolitan form of government, must have an elected county executive who is formally entitled county mayor unless entitled county executive by private act. T.C.A. § 5-6-101. The county mayor serves a four year term.

The county mayor is the chief executive officer of the county and has all of the powers and duties formerly exercised by the county judge except judicial powers. The county mayor serves as a nonvoting, ex officio member of the county legislative body, and the county mayor or a representative of the county mayor serves as a nonvoting member of all committees of the legislative body. T.C.A. § 5-6-106. The county legislative body may elect the county mayor as its chairman. However, the county mayor may refuse to serve as chairman. T.C.A. § 5-5-103. If the county mayor is not elected chairman, then the county mayor may veto legislative resolutions of the county legislative body. T.C.A. § 5-6-107.

Except as otherwise provided by law, the county mayor appoints members of county boards and commissions and county department heads. Such appointees are subject to confirmation by the county legislative body. T.C.A. § 5-6-106(c). It is important to recognize that most boards and department heads are provided for by general law or private act, and this residual appointive power of the county mayor may not be applicable.

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

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

1. Acts of 1855-56, Chapter 253, created the position of county judge in every county, who must be a person learned in the law, and who would serve a four year term. The first election will be on the first Saturday in May, 1856, under the same general election laws. The county judge shall be sworn and commissioned as other judges and operate within the jurisdictional limits expressed in the act. The judge shall also be the accounting officer and general agent of the county and exercise those powers expressly granted to him in Section 8 of this law. The quorum courts are abolished and all their functions placed on the Judge who would convene the county court on the first Monday in each month. The judge's compensation was \$5.00 per day for each day of court, and he was permitted to practice in all courts other than his. This act was repealed by the one below.
2. Acts of 1857-58, Chapter 5, expressly repealed Acts of 1855-56, Chapter 253, above, and restored to active status all those laws which may have been expressly or implicitly repealed by it.

3. Private Acts of 1921, Chapter 2, expressly abolished the office of county chairman in Stewart County.
4. Private Acts of 1921, Chapter 3, as amended by Private Acts of 1921, Chapter 336, Private Acts of 1927, Chapter 404, and Private Acts of 1933, Chapter 454, created and established the office of county judge in Stewart County for a term of eight (8) years and a salary of \$750 a year.
5. Private Acts of 1921, Chapter 225, made it the duty of the county judge in Stewart County to have and exercise all jurisdiction over public roads now established, or which may hereafter be established, and the office of road commissioner is hereby abolished. The remainder of this act concerns the operation of the road department of the county and is reported in that portion of this volume.
6. Private Acts of 1937, Chapter 643, abolished the office of county judge in Stewart County and repealed Private Acts of 1921, Chapter 3, which created the position, in its entirety. This act was declared unconstitutional, and therefore rendered null and void in the case of State, ex rel, v. Link, 172 Tenn. 259, 111 S.W.2d 1024(1938).
7. Private Acts of 1957, Chapter 75, would have amended Private Acts of 1921, Chapter 3 by increasing the salary of the county judge from \$750.00 to \$2400 per annum, but this act was not presented to the quarterly court of Stewart County and therefore never became a law.

## ADMINISTRATION

### COUNTY LEGISLATIVE BODY

Each county in Tennessee, except those with a metropolitan form of government, has a county legislative body, which is also formally known as the board of county commissioners, or informally known as the county commission.

The county legislative body, or board of county commissioners, is composed of not less than nine (9) nor more than twenty-five (25) members. The board reapportions the county into districts from which county commissioners are elected. These districts must be apportioned on the basis of population so that each commissioner represents substantially the same number of people. No more than three commissioners may be elected from the same district. T.C.A. § 5-1-108.

The county legislative body replaced the quarterly county court as provided in the Public Acts of 1978, Chapter 934, T.C.A. § 5-5-101 *et seq.* The county commissioners are vested with all the legislative powers and duties formerly vested in justices of the peace, but possess no judicial powers and are not charged with any judicial functions. Under T.C.A. § 36-3-301, members of county legislative bodies may solemnize marriages.

The following acts once applied to the quarterly court or the county legislative body of Stewart 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 1803, Chapter 39, fixed the opening dates for the terms of all the courts of pleas and quarter sessions of all the counties making up the Mero District. Stewart County's Court would meet on the second Monday in March, June, September, and December.
2. Acts of 1806, Second Session, Chapter 48, reset the time for the meeting dates of the courts of pleas and quarter sessions in the Mero District. Hereafter, the court in Stewart County would begin its terms on the third Monday in January, April, July, and October.
3. Acts of 1807, Chapter 53, rescheduled all the opening dates for the terms of court for the quarterly courts of the counties in the Robertson District, which had been formed out of the Mero District. The counties in that district were Montgomery, Dickson, Hickman, Robertson, and Stewart whose courts would convene on the fourth Monday in January, April, July, and October.
4. Acts of 1809, First Session, Chapter 93, established the starting dates for the courts of pleas and quarter sessions for every county in Tennessee. Hereafter, the quarterly court of Stewart County would meet on the first Monday in February, May, August, and November.
5. Acts of 1817, Chapter 138, Section 3, rearranged the opening dates of some of the counties for the quarterly courts but left Stewart County's Court to begin its terms on the first Monday in February, May, August, and November.

6. Public Acts of 1821, Chapter 32, Section 13, provided that all persons who were appointed and acting as justices of the peace for Stewart County, who live in the bounds of Henry County, newly formed by this act, are continued in office with as many duties, with full power and authority as though they had been appointed by and for Henry County.
7. Public Acts of 1827, Chapter 44, established the quorum courts of the county courts in several different counties. The courts of pleas and quarter sessions for Perry, Humphreys, Stewart, Hickman, and Henry counties, a majority of the court being present, on the first day of the first session of the year, may select by ballot amount themselves three members of their own body to hold the court for the remainder of the year under the same rules and regulations as the full court would be bound to keep.
8. Public Acts of 1835-36, Chapter 6, was one of the organizational acts enacted subsequent to the adoption of the 1835 State Constitution, and provided for a quorum court in the quarterly courts of all the counties, which would meet on the first Monday in every month, and remain open until the business of the court was finished. Three justices of the peace could constitute a court to hear the probates of will, and all other testamentary cases related to that function in the administration of estates. The court could not hear any jury trials, those being disallowed. The quarterly court was permitted to levy taxes on property to produce operating funds including the selection and employment of either 25, or 37, jurors, as the court determined, who would be paid \$1.00 a day for their services.
9. Private Acts of 1955, Chapter 57, set the per diem compensation of justices of the peace in Stewart County at \$5.00 for each day of attendance at the meetings of the quarterly court, and ten cents per mile traveled.

## ADMINISTRATION

### COUNTY REGISTER

The office of county register is a constitutional office, established by article VII, section 1 of the Constitution of Tennessee, and is regulated by the general statutes found in Tennessee Code Annotated, title 8, chapter 13; title 10, chapter 7 (public records); title 47, chapter 9 (U.C.C. Secured Transactions); and title 66 (real property and registration of instruments). The salary of the county register is determined in accordance with T.C.A. § 8-24-102.

The principal duty of the county register is the registration of instruments which the law requires to be, or allows to be, filed or recorded. These instruments include, but are not limited to: deeds of conveyance of real estate, powers of attorney, deeds of trust, mortgages, liens, land sale contracts, plats, leases, military discharges, and papers under the Uniform Commercial Code. The purposes of such registrations are also varied. The records of the register's office provide a public record of real property ownership, liens and various other transactions that affect the public interest. The basic fee schedule for the register is found at T.C.A. § 8-21-1001.

## ADMINISTRATION

### COUNTY TRUSTEE

The county trustee is one of the county officers established by article VII, section 1 of the Constitution of Tennessee. The office is regulated by title 8, chapter 11 of Tennessee Code Annotated. Duties of the county trustee regarding the collection of property taxes are codified in Tennessee Code Annotated, title 67, chapter 5. The county trustee is elected by the qualified voters of the county to serve a four year term. T.C.A. § 8-11-101. Upon election the trustee must take the required oath of office and enter into a surety bond. T.C.A. § 8-11-102. For other statutes pertaining to the many duties of the trustee as a fiscal officer, see volume 14 of the combined general index of T.C.A. under "County Trustee". The salary of the county trustee is determined in accordance with T.C.A. § 8-24-102.



ADMINISTRATION

LAND BETWEEN THE LAKES

PUBLIC ACTS OF 1972

CHAPTER 552

SECTION 1. Concurrent criminal jurisdiction is hereby ceded by Tennessee to the United States, solely for the purposes of Section 13 of Title 18 of the United States Code and enforcement proceedings pursuant thereto, over the portion of Stewart County that lies within the boundaries of the Tennessee portion of the Land Between the Lakes and is more specifically described as follows:

Beginning at a point in the Tennessee River at Tennessee River mile 49.2, such being the point where the Tennessee-Kentucky state line turns in an easterly direction along the boundary between Stewart County, Tennessee, and Trigg County, Kentucky; thence with the Tennessee-Kentucky state line as it meanders in an easterly direction for a distance of approximately 8.6 miles to a point where the Tennessee-Kentucky state line intersects the 378-foot contour on the west shore of Lake Barkley; thence with the 378-foot contour as it meanders southward for a distance of approximately 62 miles to a point, said point being N. 84 degrees 01 foot W., 27 feet from U.S.E.D. Corner 6822-1 (Coordinates: N. 777, 559; E. 1,448,835); thence N. 84 degrees 01 foot W., 2,869 feet to a set stone; thence N. 83 degrees 55 feet W., 1879 feet to an angle iron; thence N.1 degree 30 feet W., 4 feet to an angle iron; thence N. 81 degrees 12 feet W., 373 feet to a post oak tree; thence N. 5 degrees 25 feet W., 621 feet to an oak stump; thence N. 2 degrees 21 feet W., 1151 feet to a angle iron; thence S. 84 degrees 17 feet W., 787 feet to an angle iron; thence S. 84 degrees 17 feet W., 266 feet to a point in the centerline of a road; thence with the centerline of the road approximately along the following bearings and distances: S. 5 degrees 52 feet E., 23 feet and S. 2 degrees 28 feet E., 422 feet to a point; thence with the centerline of the road approximately along a bearing and distance of S. 0 degree 34 feet E., 50 feet to a iron pin; thence, leaving the road, N. 85 degrees 14 feet W., 158 feet to a concrete monument (U.S.E.D. Corner 6605-6606-41); thence S. 6 degrees 37 feet W., 497 feet to a concrete monument (U.S.E.D. Corner 6605-6606-37); thence N. 88 degrees 5 feet W., 420 feet to an iron pin; thence N. 85 degrees 19 feet W., 664 feet to a concrete monument (U.S.E.D. Corner 6607-30); thence S. 7 degrees 33 feet W., 519 feet to a concrete monument (U.S.E.D. Corner 6607-26); thence N. 83 degrees 39 feet W., 319 feet to a buggy axle; thence N. 82 degrees 14 feet W., 2024 feet to an angle iron; thence S. 6 degrees 45 feet W., 1097 feet to an angle iron and three set stones; thence S. 5 degrees 16 feet W., 721 feet to an angle iron; thence N. 81 degrees 50 feet W., 1375 feet to a 10-inch hickory tree; thence N. 80 degrees 25 feet W., 378 feet to a stake; thence N. 84 degrees 21 feet W., 314 feet to a 16-inch ash tree; thence S. 59 degrees 28 feet W., 347 feet to a 6-inch hackberry tree; thence S. 1 degree 46 feet W., 201 feet to an 18-inch walnut tree; thence N. 87 degrees 8 feet W., 595 feet to a stake; thence S. 12 degrees 1 foot W., 849 feet to a 30-inch hickory tree; thence S. 12 degrees 36 feet W., 511 feet to an angle iron; thence S. 70 degrees 36 feet E., 87 feet to an angle iron; thence S. 4

degrees 31 feet W., 282 feet to a stone; thence N. 85 degrees 28 feet W., 799 feet to a point in the centerline of a road; thence with the centerline of the road as it meanders in a westerly direction approximately along the following bearings and distances: S. 63 degrees 5 feet W., 322 feet, S. 72 degrees 7 feet W., 399 feet, S. 86 degrees 51 feet W., 485 feet, and S. 85 degrees 39 feet W., 177 feet to a point; thence, leaving the road, S. 20 degrees 12 feet W., 671 feet passing a 24-inch red oak tree at 27 feet to a 6-inch post oak tree; thence S. 35 degrees 39 feet E., 1080 feet to a stump hole; thence S. 1 degree 4 feet W., 114 feet to a 10-inch white oak tree; thence S. 8 degrees 26 feet W., 1540 feet to an angle iron; thence S. 59 degrees 44 feet W., 1380 feet to an angle iron at a stone pile; thence S. 16 degrees 32 feet W., 1044 feet to an angle iron at a rock pile; thence N. 51 degrees 47 feet W., 783 feet to an angle iron; thence N. 27 degrees 44 feet W., 651 feet to an angle iron at a stone pile; thence S. 41 degrees 36 feet W., 703 feet to an angle iron in a fence line; thence S. 29 degrees 21 feet W., 978 to an 18-inch white oak tree; thence S. 14 degrees 46 E., 671 feet to an 18-inch red oak tree; thence S. 8 degrees 19 feet W., 1391 feet to a stump; thence S. 83 degrees 27 feet E., 425 feet to a stump; thence S. 5 degrees 59 feet W., 1084 feet to a 14-inch black gum tree; thence S. 74 degrees 2 feet W., 470 feet to a 24-inch white oak tree; thence S. 33 degrees 31 feet W., 422 feet to an oak stump; thence N. 82 degrees 21 feet W., 500 feet to a stone pile; thence S. 33 degrees 33 feet E., 692 feet to a point in the centerline of the relocated U.S. Highway 79 at survey station 340+64 on said highway at or near Bear Creek; thence with said centerline as it meanders in a westerly direction 2.55 miles to survey station 205+66.6; thence leaving the centerline of the highway S. 18 degrees 22 feet E., 209 feet to a 16-inch red oak tree; thence S. 35 degrees 16 feet W., 2315 feet to a stake; thence N. 82 degrees 12 feet W., 1424 feet to a stone; thence N. 7 degrees 38 feet E., 619 feet to a point in the centerline of relocated U.S. Highway 79; thence with the said centerline as it meanders in a westerly direction approximately 4.1 miles to a point where the centerline of U.S. Highway 79 intersects the Stewart County-Henry County line at Tennessee River mile 66.3 at the Scott Fitzhugh Bridge; thence with said county line as it meanders in a northerly direction approximately 3.8 miles to a point at or near Tennessee River mile 62.5 where said county line abuts the Tennessee-Kentucky state line and the county line between Stewart County, Tennessee, and Calloway County, Kentucky, approximately 13.3 miles to the point of beginning. Nothing in this Section shall be construed as ceding to the United States any existing legislative or other regulatory jurisdiction of the State of Tennessee.

SECTION 2. This Act shall take effect, subject to due acceptance of the session herein contained on behalf of the United States, from and after its passage, the public welfare requiring it.

PASSED: March 16, 1972.

COMPILER'S NOTE: This is a "Special" Public Act and is not printed in the Tennessee Code Annotated. It is published here as a service to our readers.

## ADMINISTRATION

### PURCHASING

The laws regarding purchasing for county governments are not uniform and several options exist. The county education department has its own purchasing law (T.C.A. § 49-2-203(A)(4)), but this law is superseded in those counties that adopt the statutes of the optional County Financial Management System of 1981. T.C.A. § 5-21-106 *et seq.* Further, in counties that have adopted the County Purchasing Law of 1957, another optional general law, the county board of education may or may not use the central county purchasing system depending upon the approval of the state commissioner of education. T.C.A. § 5-14-115.

The County Uniform Highway Law, at T.C.A. § 54-7-113, provides a purchasing law for the county highway department when purchasing for the department is not governed by private act or when the county has not adopted either the County Purchasing Law of 1957 or the County Financial Management System of 1981. Nevertheless, even where private acts generally govern the purchases of the county highway department, purchases of less than \$10,000 do not have to be publicly advertised and competitively bid. The purchasing provisions of the County Uniform Highway Law do not apply to Shelby, Davidson, Knox, and Hamilton counties.

Purchases from the general fund are governed by the County Purchasing Law of 1983, T.C.A. § 5-14-201 *et seq.*, unless the county operates under a county or metropolitan government charter, or has adopted the County Financial Management System of 1981 or the County Purchasing Law of 1957. Also, this general law does not apply to counties with private acts if the private act provides for public advertising and competitive bidding for purchases over \$5,000 or a lesser amount.

The County Purchasing Law of 1957, found in T.C.A. §§ 5-14-101 through 5-14-116, may be adopted by the voters in a referendum or by a two-thirds (2/3) vote of the county legislative body. This act is one of the three companion Fiscal Control Acts of 1957. Under this act the county executive appoints a purchasing agent subject to the approval of the county legislative body. T.C.A. § 5-14-103. The purchasing agent must be qualified by training and experience to perform the required duties. T.C.A. § 5-14-103.

The person appointed as purchasing agent must have a corporate surety bond of not less than \$10,000 nor more than \$25,000. The salary is not to be in excess of other county officials as prescribed in T.C.A. §§ 8-24-101 and 8-24-102. T.C.A. § 5-14-103(b). The director of accounts and budgets also serves as the purchasing agent in some counties. The primary duties of the purchasing agent are to: (1) purchase all supplies, materials, equipment and contractual services, (2) arrange for rental of all machinery, buildings and equipment, (3) transfer materials, supplies and equipment between county departments, and (4) supervise the central storeroom. T.C.A. § 5-14-105 *et seq.*

The County Financial Management System of 1981 is found in T.C.A. §§ 5-21-101 through 5-21-129. This law provides for the consolidation and establishment of a financial management system for all county funds operated through the county trustee, including purchasing. The system is similar in scope to the 1957 acts; however, under this act the county

operates under one act rather than three. This system must be approved by a two-thirds (2/3) vote of the county legislative body or a majority of the voters in order to be effective in any county. T.C.A. § 5-21-126.

Under the County Financial Management System of 1981, a finance department is created to administer the finances of the county and all funds handled by the county trustee, in conformity with generally accepted principles of governmental accounting and rules and regulations established by the state comptroller of the treasury and state commissioner of education. T.C.A. § 5-21-103. Unlike the 1957 laws, school funds are managed under this system just like all other county funds. The commissioner of education may remove the school department from the system if records are not maintained properly and timely. T.C.A. § 5-21-124.

The County Purchasing Law of 1983, T.C.A. § 5-14-201 et seq., applies to purchases by authorized officials using county funds, except that it does not apply to purchases from county highway funds, county education funds, or purchases by counties that have adopted the County Purchasing Law of 1957 or the County Financial Management System of 1981. Neither does this act apply in counties operating under a county or metropolitan government charter. Furthermore, the act does not apply to counties with private acts if the private act provides for public advertising and competitive bidding for purchases in excess of \$5,000 or a lesser amount as established by the private act.

Tennessee Code Annotated § 5-14-204 requires that all purchases and leases or lease-purchase agreements made under the County Purchasing Law of 1983 shall be made or entered into only after public advertisement and competitive bidding, except for (1) purchases costing less than \$5,000, (2) goods or services which may not be procured by competitive means because of the existence of a single source or because of a proprietary product, (3) supplies, materials or equipment needed in an emergency situation, subject to reporting requirements of the county legislative body and the county executive, (4) leases or lease-purchase agreements requiring payments of less than \$5,000 per year, and (5) fuel and fuel products purchased in the open market by governmental bodies. County legislative bodies may lower the dollar amount required in this act and may also adopt regulations providing procedures for implementing this act.

Counties with populations over 150,000 are authorized to make purchases under \$10,000 without competitive bids or proposals, but these counties may retain their present competitive bidding requirements or establish different limits by private act or charter provision. T.C.A. § 12-3-1007.

County governments may use pricing discounts obtained by the National Association of Counties (NACo) Purchasing Alliance by considering the NACo price in the same manner as a formal bid or informal quotation under the county's bidding laws. T.C.A. § 12-3-1008. The Tennessee Department of General Services (TDGS) may upon request, purchase supplies and equipment for any county. Counties, without public advertisement and competitive bidding, may purchase under the provisions of contracts or price agreements entered into by TDGS. Also, county governments may purchase goods, except motor vehicles, under federal General Services Administration (GSA) contracts, to the extent permitted by federal law or regulations. T.C.A. § 12-3-1001.

Counties are authorized to distribute and receive bids, proposals and other offers electronically, but are prohibited from requiring small or minority owned businesses to receive or respond electronically. T.C.A. § 12-3-704.

## ADMINISTRATION

### GENERAL REFERENCE

The administration of county government is placed, through a coordination of duties and responsibilities, in various elected or appointed officials, plus various boards, agencies and commissions. For general law on county administration, see Tennessee Code Annotated, title 5 (Counties) and title 8 (Public Officers and Employees). Specific subject headings in the combined general index in volumes 14, 15, and 16 of T.C.A. may be checked for other statutes relating to county administration. These duties are summarized in the Tennessee County Government Handbook, a CTAS publication.

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

1. Acts of 1804, Chapter 6, appointed a surveyor to mark the line as run by the Virginia Commissioners from the Cumberland River to the south fork of the Red River, reciting that it appeared that the line, as marked, was marked only for a short distance. Robert Crowell was appointed at a salary of \$2.00 per day, and he may employ a marker at \$1.00 a day, all of which shall be paid by the counties of Stewart and Montgomery.
2. Acts of 1807, Chapter 31, stated that the sheriff, or his deputy, shall hold an election on the second Monday and Tuesday of next April to elect five commissioners who would establish a seat of justice in Stewart County to be the county seat. The commissioners must be sworn and bonded, and may place the county seat at Dover, or at some other place. They were directed to acquire at least 30 acres, lay out the land, and sell the lots thus delineated, and then contract for and supervise the erection of a courthouse, prison, and stocks thereon. If the commissioners should choose a new place, its name shall be Windsor.
3. Acts of 1809, Chapter 71, made it lawful for any person who so desired to erect a warehouse and other proper conveniences fit and necessary for the public inspection and safe keeping of tobacco, in the town of Dover in Stewart County under the prescribed rules and regulations.
4. Acts of 1811, Chapter 27, recited that the commissioners heretofore appointed for that purpose to select a county seat have decided on the city of Dover to be the county seat of Stewart County pursuant to the powers delegated to them, therefore, this law officially designates Dover as the county seat of Stewart County until the same is changed by the law, and the county court, at its next meeting, shall cause the town to be re-surveyed and marked, and a plot to be made and filed.
5. Acts of 1815, Chapter 38, named Robert Cooper, John Allen, James Teggart, John Chambers, Thomas Gray, Robert Walker, and James H. Russell, as Commissioners, to conduct a lottery to raise up to \$4,000 to build a courthouse in Dover, and for other

unnamed purposes. The commissioners must execute a collective bond in double that amount to insure the prizes of the lottery.

6. Private Acts of 1819, Chapter 121 appointed notaries public for several different counties, William Williams of Stewart County was appointed as a notary public.
7. Public Acts of 1831, Chapter 43, Section 6, directed the cashier of the Bank of the State of Tennessee to place to the credit of the counties of Montgomery, Dickson, Robertson, Sumner, Davidson, Stewart, Humphreys, Perry, Hickman, Williamson, Lawrence, Wayne, Hardin, and Wilson, their respective shares of the \$60,000 heretofore set apart for internal improvements in Middle Tennessee, which was to be divided as the population of the particular county was in proportion to the total population of all the counties listed.
8. Acts of 1837-38, Chapter 276, repealed so much of the act establishing internal improvement boards which directs the cashier of the Bank of the State of Tennessee to pay over to the common school commissioners of Stewart County that portion of the \$60,000 appropriated for internal improvement in Middle Tennessee to which the county of Stewart may be entitled. The funds shall be placed at the disposal of the Stewart County Quarterly Court and disbursed as the court may decide.
9. Acts of 1855-56, Chapter 126, declared that Lizzy, Bob, Susan, Violet, Reynolds, Jacob and Alexander Crouse, of Stewart County, all free persons of color, are exempt from provisions of the 1854 Act of the general assembly which stated that all slaves with the right to freedom but not yet emancipated by order of the county court are subject to all the terms and conditions of that act. Upon the above named persons producing a record of their emancipation to the county court of Stewart County, it was the duty of the chancellor to award them all the funds, less expenses, which has accrued to their favor.
10. Acts of 1865-66, Chapter 45, incorporated Joshua Cobb, George C. Dortch, George H. Warfield, Dorsey H. White, D. W. Kennedy, S. B. Brown, and their associates, as one of the early corporations in Stewart County, the "La Grange Iron Works." The corporation may organize for business when \$25,000 in stock is subscribed.
11. Acts of 1867-68, Chapter 65, was written for Madison County but was made to apply to Stewart County in Section 12. This act created a board of county commissioners with three members, having staggered initial terms, appointed first by the governor and then elected by the people at the first general August election thereafter. Vacancies would be filled for the unexpired portion of the term by the remaining two members. The commissioners would be sworn, bonded, and meet at the times prescribed by law for the quarterly court. The county court clerk is to serve as the secretary for the commission. The commission would have and could exercise all the powers and jurisdiction of the county court plus the powers specifically granted in the act. All justices of the peace and magistrates were relieved of all their functions. The president, chosen by the members, would be paid \$500.00 and the other commissioners would be paid \$400.00 per year, as compensation.

12. Acts of 1869-70, Chapter 46, incorporated David Theobald, A. Guckenheimer, S. Werthumer, E. Werthumer, Isaac Werthumer, Julius Alder, and Leopold Pappenheimer, ad the "Rough and Ready Iron Works" in Stewart County, granting a succession period of 25 years.
13. Acts of 1869-70, Chapter 49, emphatically repealed all laws heretofore enacted which may have created county commissions in any county of the state, which set up a county commission for Stewart County. All the laws which may have been repealed, or nullified, by those laws, were restored and revived.
14. Public Acts of 1883, Chapter 245, released C. C. Satterfield, a citizen and resident of Stewart County, from the payment of \$250.00 adjudged against him in the circuit court for Stewart County at its August, 1882, Term, which cam because Satterfield was the surety upon a forfeited recognizance bond for one William Goode, who was under arrest and indictment for carrying a pistol.
15. Private Acts of 1925, Chapter 332, declared it to be unlawful in Stewart County for any county official, elected or appointed, to sign any notes, any bonds of any sort, or any other evidence of debt, as a surety or guarantor, whether such signing is done either for accommodation, or for compensation. The violation of these requirements would be a misdemeanor and the violator could be fined from \$25.00 to \$100.00, plus any forfeiture of office which might be proper. The grand jury was given inquisitorial powers over the question.
16. Private Acts of 1931, Chapter 19, declared that all the county officials in Stewart County deposit all funds collected by them within the scope of their authority, or, which might come into their hands otherwise, in good and solvent banks located in the said county for which indemnity bonds may be demanded if the same is desired. Any official doing otherwise, contrary to the terms of this act, may be fined from \$25.00 to \$50.00 for each violation.
17. Private Acts of 1933, Chapter 180, created a three member purchasing commission for Stewart County whose members would be elected to staggered terms by the quarterly county court, who must be residents and citizens of the county, of lawful age, and hold no other office in the county. The commission shall purchase supplies, materials, equipment, machinery, etc. for nearly all the departments of the county, including the road department and the school system, and shall keep all the required records to document the same. The commission shall also procure fuel and cause any repairs necessary to be made to the courthouse, jail, poor house, schools, or to any other building owned and operated by the county. Commissioners would be paid \$5.00 for each day devoted to the discharge of their responsibilities under this act but not to exceed 15 days a year. The secretary would be paid \$1.00 per day for keeping the record but not over \$50.00 in any one year. Every item over \$10.00 must be bid competitively, and any member may be removed by the court for neglect, misconduct, or inefficiency. This act was repealed by the one following.



18. Private Acts of 1935, Chapter 606, expressly repealed Private Acts of 1933, Chapter 180, above, which created a purchasing commission for Stewart County, as it was written and passed.
19. Private Acts of 1935, Chapter 826, stated that the quarterly court of Stewart County, identified by the use of the 1930 Federal Census, shall refuse to employ, or appropriate the money to do so, any county agricultural agent, or county home demonstrator, until the people of the county have voted on the issue. The county election commission shall have the proposition printed for the ballots which are to be used in the August general election in 1936. If the vote is favorable, the quarterly court shall make the necessary contracts and employ the above named people under the terms of this act.
20. Private Acts of 1939, Chapter 176, gave the authority to the county committee of the agricultural adjustment administration in Stewart County to make all the appointments of the assistants, or helpers, in the office of the county agent and fix their salaries, but this act did not apply to the assistant county agent. The committee also had the right to dismiss and discharge any of the above authorized helpers when their work was unsatisfactory.

## CHAPTER II - ANIMALS AND FISH

## ANIMALS - FISH

In Tennessee, the wildlife resources agency has exclusive jurisdiction of the duties and functions formerly held by the game and fish commission or of any other law relating to the management, protection, propagation, and conservation of wildlife, including hunting and fishing. T.C.A. § 70-1-301. The general statutes dealing with wildlife resources are found in title 70 of the Tennessee Code Annotated.

Stock laws or fence laws were for many years a source of bitter controversy in Tennessee counties. The general fence law for the state is now contained in T.C.A. title 44, chapter 8.

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 Stewart 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 1870, Chapter 19, prohibited the seining, netting, basketing, and trapping of fish in any stream, pond, or reservoir, in Rutherford, Dickson, Robertson, Montgomery, Cheatham, Williamson, Maury, Stewart, Cannon, Marion, Warren, and Davidson counties. Justices of the peace would have jurisdiction over these matters and could levy fines of \$5 to \$20 for the first offense and \$20 to \$50 for each subsequent violation.
2. Acts of 1873, Chapter 3, repealed so much of the 1870 Act regulating fishing in certain counties, above, as the same applied to Stewart County.
3. Acts of 1875, Chapter 114, made it unlawful for any person to catch fish with a seine, net, or trap, in the waters covering the land of another person, and set up a remedy by giving the offended person an action at law or an injunction in equity. The act further forbade any person to place a seine, net, or trap, or any other obstacle, near the mouth of any stream which would obstruct the same and prevent the free passage of fish up and down the waters of the stream. Several counties exempted themselves from the provisions of this act but Stewart County was not among them.
4. Acts of 1877, Chapter 25, was an act to protect fish by making it illegal to catch fish with seines, nets, traps, or gigs, or by any other means, than a hook and line, or trot line, from the waters of any running stream in Robertson, Montgomery, Maury, Gibson, Madison, Stewart, Franklin, Loudon, Monroe, Hawkins, Henry, and Crockett counties. One damaged could bring suits in law or equity to enforce the terms of this act. The act further prohibited the placing of obstructions near the mouth of any stream which would interfere with, or impede, the free passage of fish up and down its waters. The grand jury had inquisitional powers and the district attorney must prosecute all offenders.
5. Private Acts of 1901, Chapter 447, stated that no person may catch, or kill, grouse, prairie chickens, or pheasants, before the year 1908, and not after that date except between November 15 and the following January 15 of each year. The eggs of these fowls, named above, shall not be gathered, or destroyed. Fines ranged from \$25 to \$50, and offenders could be jailed up to 60 days in the discretion of the judge hearing the case. These

restrictions did not apply to the domestication processes for these birds, all being exempted.

6. Acts of 1903, Chapter 85, legalized the catching of fish in any lake, pond, or stream in Stewart County, identified by the 1900 Federal Census, by any method other than by poison and explosives, but this act shall not apply to those trespassing on another's property.
7. Private Acts of 1915, Chapter 224, made it lawful, after the passage of this act, for any resident citizen of Stewart County, to take, or catch, fish in any river, or stream, by net, by trot line, by gigs, and by seines, when the mesh of the net for the same is not less than one inch. Further, no fees, or license, shall be charged, or collected, by the state department of fish, game, and forestry when one is fishing in the above manner, pursuant to the terms of this act, either for home consumption, or for the purpose of sale.
8. Private Acts of 1917, Chapter 616, amended Public Acts of 1915, Chapter 152, a statewide game and fish law, by adding a provision to Section 54 of that act which exempted Stewart County from its provisions and operation.
9. Private Acts of 1919, Chapter 67, made it illegal for anyone, including the owner, having control over a bull older than seven months, or over any boar over three months old, to knowingly permit such animal to run at large on any of the unenclosed lands in Stewart county. The first offense involved fines from \$5 to \$10 and the second, and subsequent, offenses from \$10 to \$25. Anyone finding such animals running at large may castrate them and incur no liability for the action, either civil or criminal. This act was repealed by the one below.
10. Private Acts of 1921, Chapter 73, expressly and entirely repealed Private Acts of 1919, Chapter 67, Item 9, above.
11. Private Acts of 1921, Chapter 405, was an act by which nearly every county in the state, including Stewart County, exempted themselves from the provisions of Public Acts of 1919, Chapter 61, which was a statewide law regulating the care, keeping, and registration of dogs which, at the time, appeared to be rather stringent and oppressive.
12. Private Acts of 1921, Chapter 503, declared it to be unlawful in the counties of Humphreys, Stewart, Dickson, Houston, and Perry, to shoot, kill, or injure, by any means whatsoever, any quail, partridge, or doves, except within the times specified by this act, which was from November 15 to the following January 15. Squirrels and rabbits could be lawfully killed at any time, as well as wild ducks, and geese, and other migratory birds. Any person hunting on another's land must have written permission to do so. Fines for violations of this law had a schedule ranging from \$10 to \$25.
13. Private Acts of 1921, Chapter 506, required the election commission of Stewart County to hold an election at the next regular August election in 1922, to ascertain the will of a majority of the voters on the question of enacting a stock law. All persons qualified to vote may vote simply "For" or "Against". The results were to be canvassed and certified to the delegation representing Stewart County in the general assembly in 1923.

14. Private Acts of 1921, Chapter 650, authorized and directed the county trustee of Stewart County to turn over to the common school fund of the county all money, or funds, in his hands, or which may hereafter come into his hands, by reason of the taxes, privileges, or penalties, collected under the authority of the dog registration law which was Public Acts of 1919, Chapter 61. The funds designated were to be transferred as soon as this act was enacted into law. (Stewart County is listed as have exempted itself from the above law in Private Acts of 1921, Chapter 405, so the funds above must have been collected prior to that time.)
15. Private Acts of 1921, Chapter 677, provided that the election commission of Stewart County in the next regular election in August 1922, shall include in that election a ballot to ascertain the will of a majority of the voters on the question of an enactment of a stock law in Stewart County. The results shall be certified to the delegation representing Stewart County in the 1923 General Assembly.
16. Private Acts of 1921, Chapter 951, exempted the counties of Humphreys, Stewart, Dickson, Houston, and Perry from the provisions of Acts of 1909, Chapter 519, which established a department of game, fish, and forestry for the State of Tennessee.
17. Private Acts of 1923, Chapter 360, exempted Stewart County from the provisions of Senate Bill 122, Acts of 1903, which prohibited the running at large of hogs, sheep, and goats.
18. Private Acts of 1925, Chapter 337, directed the election commissions of Stewart and Houston counties, in the next regular August election if 1926, to include within the election calls one to ascertain the will of the qualified voters in the said counties on the question of the enactment of a stock law. The results shall be certified to the delegation of these counties in the general assembly who, if the result is favorable, will see to it that a suitable law is passed.
19. Private Acts of 1927, Chapter 62, made it illegal for the owner, or anyone having the control and management of livestock, including horses, mules, cattle, sheep, swine, goats, asses, or other livestock of any kind, to allow the same to run at large in Stewart County. The owner is responsible for any and all damages inflicted by these animals against which the damaged party would have a lien for damages plus the expense of taking up, caring and feeding these beasts. The owner was also guilty of a misdemeanor for which fines could be imposed. Nothing in this act would be construed to relieve any railroad from any liability they may have for animals in the right of way.
20. Private Acts of 1927, Chapter 545, again required the election commission to hold a referendum on the question of a stock law for Stewart County at the next regular August election in 1928, same to be included on the ballots used in that election.
21. Private Acts of 1933, Chapter 517, declared it to be lawful in Stewart County, identified through the 1930 Federal Census count, for any person residing in the county to hunt, chase, trap, kill, catch, or take any wild animal, wild bird, wild fowl, or fish, in the open season without having to procure any hunting or fishing tag or license. However, it is unlawful to do any of the above on the lands of another without first obtaining approval

from the owner. This shall also apply to the taking of fish by trot line, hook and line, set hook, or casting line, and applies also to bona fide residents only. License fees were \$10 per year which went into the elementary school fund. Fines went from \$5 to \$50.

22. Private Acts of 1937, Chapter 449, stated that any person who has heretofore engaged in the practice of veterinary medicine, with or without a license, in Stewart County, for a period of 15 years next preceding the enactment of this law, who is of good moral character, is hereby authorized to continue such practice of veterinary medicine in those counties. A certificate of good moral character shall be obtained from the county court clerk and be filed with the state board of veterinary examiners but the provisions of this law shall not be applied outside of Stewart County.

## CHAPTER III - BOND ISSUES

## BOND ISSUES

Bond issues have been authorized by private legislation, but general law now has provisions covering bond issues needed by counties. Most of the private legislation authorizing counties to issue bonds, or to borrow money on short term notes, contained similar provisions. Generally, these common provisions concerned limitations on the rate of interest to be paid, the maximum number of years for the maturity period, and an additional tax levy for general obligation bonds, the proceeds of which were placed in a sinking fund and used to amortize the bonds and interest over the specified maturity period.

For many years the authority of counties to issue bonds was contained in many different chapters of Tennessee Code Annotated. Recently, the authority to issue bonds and notes has been consolidated in the Local Government Public Obligations Act of 1986, T.C.A. § 9-21-101 *et seq.* However, the older authority to issue bonds for school purposes remains in title 49, chapter 3 of Tennessee Code Annotated.

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

### COURTHOUSE

1. Public Acts of 1868-69, Chapter 10, permitted the quarterly court of Stewart County to issue up to \$20,000 in bonds to rebuild the courthouse which was destroyed by fire in the fall of 1862 during the Civil War. These bonds would bear such interest as the court might designate and mature in ten year, or less, all the mechanics of the sale to be under the supervision of the court.

### DEBT

1. Private Acts of 1927, Chapter 611, was the enabling legislation for the quarterly court of Stewart County to issue and sell by resolution of the court up to \$5,000 in bonds, to redeem outstanding warrants heretofore issued, or which may hereafter be issued, by the duly constituted county authorities. The interest rate could not exceed 6%, nor the maturity schedule go past five years. All the details essential to a valid bond issue were incorporated into the law including a mandatory special tax levy for the sinking fund as long as any of these bonds were outstanding and unpaid. No compensation was to be paid to any county official for any service rendered in connection herewith.
2. Private Acts of 1933, Chapter 230, was the authority for the quarterly court of Stewart County to borrow up to \$20,000 by resolution of the court, and to issue interest bearing notes, or bonds, for the same amount borrowed which money would be used to redeem and pay any outstanding warrants previously issued by county officers. The interest rate could not exceed 6%, but the notes, or bonds, could mature as the court might direct. All essential details including the mandatory tax levy were present in the act. The county judge would issue the warrants to pay the debts as they came due and no county officer would be compensated for their services in the matter.

### FERRIES



1. Private Acts of 1915, Chapter 308, allowed the mayor and city council of the city of Dover to issue up to \$10,000 in bonds, at an interest rate of 5%, or less, and which would mature over a period of 20 years, to purchase and install a free ferry within its limits. Series A for the bonds were for the ferry, and Series B was allocated to the light plant.

### JAILS

1. Private Acts of 1897, Chapter 320, permitted the Stewart County Quarterly Court to issue up to \$8,000 in 6%, ten year, general obligation bonds to build a jail for the county, provided three-fourths of the justices of the peace were present when the court made the decision to issue the bonds. All the details including the interest coupons to be attached were present in the text of the bill. The quarterly court must levy a special tax to amortize the bonds as long as they were due and unpaid.

### POOR HOUSE

1. Public Acts of 1875, Chapter 56, recited in its preamble that destitution now exists in many of the counties of Tennessee and there is a scarcity of money plus a general crop failure has just occurred. This law was the legal authority for the counties of Stewart, Montgomery, Houston, Dickson, Cheatham, Humphreys, and Benton to issue bonds whereby the wants of needy citizens might be supplied. The amount of bonds for this purpose could not be more than \$10,000, nor the interest rate go above 6%. These bonds could not be sold for less than par.
2. Private Acts of 1935, Chapter 495, stated that the quarterly court of Stewart County, without the necessity of holding a referendum on the issue, had the legal authority to issue no more than \$40,000 in 6%, 20 year, bonds to provide a poor farm and a poor house for the indigent people of Stewart County. This action may be accomplished by resolution of the court containing all the essential details. The act further grants to the court the power to purchase the land and erect the building, appointing all the necessary committees to accomplish the desired result.

### ROADS

1. Acts of 1907, Chapter 218, granted to the quarterly court, of Stewart County, the authority and power to issue and sell up to \$25,000 in 5% bonds, from time to time as needed, the whole amount at no time to exceed \$50,000, which bonds were to mature according to a schedule devised by the quarterly court between five and thirty years, the funds to be used to locate, grade, bed, drain, and macadamize such public roads in Stewart County as the court may select. The roads to be worked would be chosen and published and then a referendum would be held before any further action was to be taken. The act provided for the county court to appoint a three member commission, who would pick a chairman and secretary from themselves and set the compensation for them. The commission would keep records of the work and the county judge would be responsible for the bond records. All funds must be kept in a separate account.

### SCHOOLS

1. Private Acts of 1939, Chapter 472, allowed, subject to the successful outcome of a referendum election held for that purpose, the quarterly court of Stewart County to issue up to \$150,000 in 6%, or less, bonds, which would mature no later than 30 years from issue, to acquire the necessary land and property and to construct, repair, furnish, and

equip various schools in Stewart County. The referendum would be conducted under the general election laws of the state, and, if the vote should be against the issue, the proposal may be resubmitted any time after six months have passed. The board of education was authorized to enter into contracts with federal agencies in order to obtain financial assistance, or for aid in other ways.

2. Private Acts of 1947, Chapter 73, was the authority for the Stewart County Quarterly Court, a majority being present at the time, to issue its negotiable interest bearing coupon bonds up to \$200,000 to purchase the necessary land and to build a high school at Dover, to furnish and to equip the said school, and to pledge the full faith and credit of Stewart County in all the premises. The bond interest rate could not exceed 6%, nor the maturity period go beyond 40 years from the date of issue. All essential details were contained in the legislation, and all the actions of the court taken in connection with these purposes prior to this act are all ratified, confirmed, and made lawful notwithstanding any apparent deficiency.

## CHAPTER IV - BOUNDARIES

BOUNDARIES

CREATION OF THE COUNTY

ACTS OF 1803

CHAPTER 68

SECTION 1. That Montgomery county be divided by a line which shall commence in the Kentucky line, thirteen miles west of the meridian of Clarksville, and run south to the southern boundary of this State; and all the territory west of the said line be constituted a separate and distinct county called and distinguished by the name of Stewart.

Sec. 2. That James Elder be appointed surveyor to run the division line between the said county of Stewart and the county of Montgomery, and that he be allowed the sum of two dollars and fifty cents per day for his services, and that he be authorized to employ two chain carriers and one marker for the purposes aforesaid, which several sums shall be paid out of the funds of said county.

Sec. 3. That for the purpose of fixing on the most central and eligible place for the permanent seat of justice, that James Elder, Amos Bird, James Haling, Harry Small, and John Blair, esquires, be appointed commissioners for that purpose; and that they or any three of them, first being sworn, fix the same on Cumberland river, twelve and a half miles west of the eastern boundary of said county, or as near thereto as convenience will admit of; and that said commissioners be allowed the sum of two dollars for each and every day they are necessarily employed therein, which money shall be paid by the county as aforesaid.

Sec. 4. That the first court of said county of Stewart shall be held at the dwelling house of Mr. Martin, near the bald island, from thence to adjourn to such place as they may think proper, until the public buildings for said county are ready for their reception.

Sec. 5. That the Sheriff of Montgomery county shall have power to collect the taxes for the present year, and all arrearages of taxes due for any preceding year, from any of the inhabitants of the said county of Stewart in as full and ample manner as if this act had not been passed.

Sec. 6. That elections for governor, representatives to congress, members to the general assembly and field officers shall be held in said county at the place of holding courts, and shall be conducted under the same rules and regulations as established by law; and in all cases of elections the Sheriff shall be bound by the laws now in force and use in this State, and shall observe the same rules and regulations in making returns and comparing votes as are now observed and in use in the electoral district composed of the counties of Montgomery and Robertson.

Sec. 7. That the law authorizing and establishing separate elections and general musters at Palmyra, in Montgomery county, passed at the last general assembly, is hereby repealed and made void.

Sec. 8. That as soon as practicable after the aforesaid commissioners shall fix on the place for erecting the court house, prison and stocks in the county by this act established, that George Petty, Caleb Williams, and James Tagert, be and they hereby are appointed commissioners, who are hereby authorized to contract for, and purchase from the owner or owners, thirty acres of land, including the place so fixed as aforesaid, which said thirty acres of land, when so purchased, the commissioners last mentioned shall take a deed or deeds in fee simple, to them and their successors in office, for the use and benefit of the said county of Stewart.

Sec. 9. That the last mentioned commissioners, or majority of them, shall, as soon as may be after purchasing and obtaining a title to the thirty acres of land as aforesaid, cause a town to be laid off thereon, to be called and known by the name of Monroe, for county purposes, reserving one and an half acres for the public square, including the spot fixed on for erecting the court house, prison and stocks of said county, which one and an half acres in the plan of the said town shall be denominated the public square.

Sec. 10. That the said commissioners be, and they are hereby authorized, to sell the lots of said town at public sale, at a credit of six months, giving sixty days previous notice, by advertising the same in the Tennessee Gazette; and when sold shall take bond, with sufficient security, for the payment of the purchase money to themselves and their successors in office; and the said commissioners, or a majority of them, are hereby authorized to execute in due form of law, deeds of conveyance, in fee simple, for the same, to the purchasers, which shall be good and valid in law to all intents and purposes.

Sec. 11. That the money arising from the sale of the aforesaid lots shall be by the said commissioners applied to the payment of the said thirty acres of land, and the building of the court house, prison, and stocks for said county. And they are hereby authorized to contract with a suitable person or persons to erect the same; the court house to contain convenient rooms for juries.

Sec. 12. That the said commissioners shall keep a fair and regular account of all monies by them received and expended, which shall be laid before the court of said county, when demanded. And the said court shall have full power and authority to levy a county tax, not exceeding twelve and an half cents on each hundred acres of land, twelve and an half cents on each white poll, twenty five cents on each black poll, twenty five cents on each town lot, and one dollar on each stud horse kept for mares, for the purpose of defraying the expense of the public buildings; which tax, if necessary, may be levied for three successive years and no longer, unless otherwise provided for by law, and shall be collected in the same manner and by the same persons as public taxes are; and the money arising from said taxes shall be paid by the collector thereof, first deducting the same per centum for collection as is by law allowed for collecting public taxes, into the hands of the aforesaid commissioners or a majority of them, to be applied to the purposes aforesaid.

Sec. 13. That the said commissioners shall give bond with sufficient security in the sum of one thousand dollars each, payable to the chairman of the court of said county and his successors in office, conditioned for the faithful performance of the duties enjoined on them by this act.

Sec. 14. That the first court held for the county by this act established, shall commence on the first Monday succeeding the fourth Monday in January, one thousand eight hundred and four.

November 1, 1803.

BOUNDARIES

PRIVATE ACTS OF 1804

CHAPTER 13

Sec. 1. That hereafter the lines which divide the counties of Montgomery and Stewart shall be as follows, to wit: Beginning on the Kentucky line, sixteen miles west of the meridian of Clarksville, then south fifteen degrees east, to intersect the line of Dickson county, about three miles east of the line run heretofore for Stewart county; thence with the ridge which divides the waters of yellow creek from the water of Guises and Wellses creek to the Indian boundary, and with said boundary westwardly to the line run for Stewart county.

Sec. 2. That the territory which lies west of the line established between the same and the former line shall be and the same is hereby declared to be part of Stewart County, Guises creek settlement included, and that territory which lies east of the line hereby established between the same and the former line, shall be, and is hereby declared a part of Montgomery County.

July 31st 1804.

BOUNDARIES

ACTS OF 1809

CHAPTER 31

1. That a new county be and is hereby established on the south of Stuart, and adjoining the counties of Dickson and Hickman on the west, to be known by the name of Humphreys; bounded as follows, to wit: Beginning at the mouth of White Oak creek, on the bank of the Tennessee river, thence east to the dividing ridge between the waters of Tennessee and Cumberland rivers, thence with the said dividing ridge to Dickson county line, thence with said line to the line of Hickman, and thence with said line of Hickman to Duck river, thence south and west for compliment.

Passed: October 19, 1809.

**COMPILER'S NOTE:** The remaining sections of this Act did not affect Stewart County and are not repeated here.



## BOUNDARIES

### ACTS OF 1839-40

#### CHAPTER 76

SECTION 1. That so much of the county of Stewart as lies within the following described bounds, to wit: beginning at a point where the line between Stewart and Humphreys counties crosses the dividing ridge between White Oak and Turkey creek, at the head of Varner's branch, running thence down said branch to White Oak creek, thence up White Oak creek with its meanders to the mouth of Lewis' branch, thence up said branch with its meanders to the forks to the same at or near Nimrod Crosswell's, thence up the south fork of the same to the Tennessee ridge, thence along the top of said ridge to where the road leading up the Long branch of White Oak crosses the same, thence a due east course to the line of Dickson county, thence southwardly with said line to the north boundary of Humphreys county, thence with the line dividing Stewart and Humphreys counties to the beginning, be, and the same is hereby attached to the county of Humphreys, and that the citizens included in that portion of Stewart attached to the county of Humphreys shall have and enjoy all the rights and privileges of other citizens of Humphreys county.

SEC. 2. That all civil officers residing in that portion of Stewart county thus attached to the county of Humphreys shall continue in and hold their offices until the next regular election for county officers.

SEC. 3. That Alexander Brown, William O. Gwinn, Elisha Crosswell, William Rye and Alexander Irwin be, and they are hereby appointed commissioners, a majority of whom may act, to superintend the running and marking said line; and they shall have authority to appoint a competent surveyor, whose duty it shall be to run said line and make out two correct plats of said territory, one of which shall be deposited with the county court clerk of Stewart county, and the other with the county court clerk of Humphreys county; said commissioners and surveyors shall be entitled to the same compensation for their services that other persons are entitled to for performing similar services, to be paid out of any money in the hands of the trustee of Humphreys county not otherwise appropriated.

SEC. 4. That William O. Gwinn, Esq. shall open and hold an election at the house of Alexander Brown, Esq. on the 15th day of February, 1840, after first giving ten days notice by advertisement at two or more public places in the territory above named, and if there be a majority in favor of being attached as provided in the foregoing provisions of this act, then this act shall take effect, and not otherwise.

Passed: January 20th, 1840.

## BOUNDARIES

### PUBLIC ACTS OF 1870-71

#### CHAPTER 46

SECTION 1. That a new county be, and the same is hereby established out of the fractions of the territory composing the counties of Stewart, Humphreys, Montgomery and Dickson, to be known and designated by the name of the county of Houston, and shall be bounded as hereinafter provided.

SEC. 2. That the general boundaries of said county shall be as follows, to-wit: Beginning at a mulberry about six poles below the mouth of White Oak Creek, on Tennessee river; running east eleven miles, with the old Stewart and Humphreys county line, to a point due north from Waverly, eleven miles; thence east with a circle, keeping eleven miles from Waverly, seven miles; thence east six miles to the Dickson county line, thence north  $21^{\circ}$  east, by Norris' Mills, three and a half miles, to a sycamore on the right bank of Bear Creek, about three hundred and fifty yards from Maj. Shelton's residence; thence north seven miles, to the Montgomery county line; thence west with said county line, four miles to the south-west corner of Montgomery county; thence north  $19^{\circ}$  west, with said county line to the Cumberland river; thence with said river and its meanders, seven miles, to the residence of Capt. Naylor, on the bank of said river, opposite the "Checkered House," and about eleven miles from Dover; thence south  $70^{\circ}$  west eleven miles, with a circle, keeping eleven miles from Dover, to a stake eleven miles due south of Dover, and about one quarter of a mile west of the last residence of John Barnes, deceased; thence north  $73^{\circ}$  west, with the same circle, six and one-half miles to Leatherwood Creek; thence down said creek, with its meanders, to the Tennessee river; thence up the said river, with its meanders, to the beginning, twelve and one-half miles, containing three hundred and forty square miles.

Passed: January 21, 1871.

**COMPILER'S NOTE:** The remaining sections of this Act did not affect Stewart County and concerned Houston County only and are therefore omitted from this compilation.

## BOUNDARIES

ACTS OF 1909

CHAPTER 126

WHEREAS for a number of years doubts have existed as to the true locality of portions of the line between the counties of Stewart and Houston running from the Tennessee River to the Montgomery County line; therefore, in remedy thereof,

SECTION 1. That the line between the counties of Stewart and Houston be, and the same is hereby, settled and fixed as follows-to wit:

Beginning on the Tennessee River at the Lagrange Metal Landing, the northwest corner of Houston County, as established by the Commissioners of said county; running thence east one and five-eighths miles 526 poles to Station 79 in an old field near a ridge road between Leatherwood and Hurricane Creeks, know as the "Cotton Patch;" thence with said road north 57' east 22 poles to Station 80; thence north 70' east 54 poles to Station 81; thence north 50' east 22 poles to Station 82, a point on said ridge road eleven miles from Dover; thence with the arc of a circle, keeping the distance of eleven miles from Dover, south 60' east 86 poles to Station 83; thence south 66' one mile to Station 84; thence south 72' east one mile to Station 85; thence south 78' east one mile to Station 86; thence south 84' east one mile to Station 87' thence south 87' east one mile to Station 88, a point due south of Dover, eleven miles from Dover; thence north 87' east one mile to Station 89; thence north 84' east one mile to Station 90; thence north 78' east one mile to Station 91; thence north 72' east, crossing Hurricane Creek about 200 yards south of Samuel French's, at 144 poles, in all one mile to Station 92; thence north 66' east one mile to Station 93; thence north 60' east one mile to Station 94; thence north 54' east one mile to Station 95; thence north 48' east one mile to Station 96; thence north 42' east 180 poles to Station 97, a small black oak and several black oak pointers on a high ridge in the Bryan Forge Coaling about one-half mile north 4' east from George Hornberger's; thence north 86' east, crossing Wells' Creek at mouth of Dr. Carter's lane at three and one-half mile, crossing Grice Creek near Auther Powers at five and three-quarter miles, in all seven miles to Montgomery County line, to Station 98 in Montgomery County line, this being the line called for and established between the counties of Stewart and Houston by the Supreme Court of Tennessee in the case of W. L. Dunbar et. al. vs. N. McKinnon et. al. on the twenty-ninth day of March, 1896.

SEC. 2. That all territory lying south of said line shall be included in Houston County, and all territory lying north of said line shall be included in Stewart County.

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

Passed: February 18, 1909.

## BOUNDARIES

The private act has often been used as a means for transferring parcels of land from one county to another, often because the boundary lines would bisect an individual landowner's property, placing the landowner under the jurisdiction of two counties. This type of boundary change was often very general in its description of the land transferred, without any metes and bounds description. The following is a summary of acts which authorized boundary changes for Stewart County.

1. Acts of 1804, Chapter 6, appointed a surveyor to mark the line as run by the Virginia Commissioners from the Cumberland River to the south fork of the Red River, reciting that it appeared that the line, as marked, was marked only for a short distance. Robert Crowell was appointed at a salary of \$2.00 per day, and he may employ a marker at \$1.00 a day, all of which shall be paid by the counties of Stewart and Montgomery.
1. Acts of 1806, Second Session, Chapter 12, appointed James Tagert as a commissioner to run and mark the line between Montgomery County and Stewart County, agreeable to an act of the general assembly passed on July 31, 1804. The act provided that Stewart County pay him \$3.00 per day as compensation for him and his marker.
2. Acts of 1806, Second Session, Chapter 50, provided that the principal surveyors of the first and second districts shall proceed to run the boundary lines between the counties of Williamson, Rutherford, and Dickson and Stewart south to the southern boundary of the state and make proper return of the same to the county court clerk of each county.
3. Acts of 1809, First Session, Chapter 31, created Humphreys County and mentioned Stewart County several times in the description of the new county. However, it seems there were no territorial changes in Stewart County as a result of this act.
4. Acts of 1809, First Session, Chapter 36, named John Allen, of Stewart County, and Dudley Hutson, of Humphreys County, as commissioners to run and mark the line between Stewart County and Humphreys County agreeable to an act to lay off a new county south of Stewart and west of Dickson and Hickman counties. Each would be paid \$2.00 per day for each day spent on this program by their respective county courts.
5. Private Acts of 1823, Chapter 251, changed the lines between Stewart and Humphreys counties beginning at the first ford on White Oak Creek below McKernan's mill, thence north two miles, thence eastwardly to the northeast corner of Humphreys County, at or near David Wills, which lines shall be the permanent dividing lines between these two counties. Humphreys County was directed to appoint someone also to run and mark this line and pay them for their efforts.

## CHAPTER V - COURT SYSTEM

## COURT SYSTEM

### BOARD OF JURY COMMISSIONERS - JURORS

All private acts creating county boards of jury commissioners were repealed by § 22-2-201 of Tennessee Code Annotated, except in Davidson, Knox and Hamilton counties. The general statutes dealing with jurors and juries can be found in T.C.A. title 22. County boards of jury commissioners are described in T.C.A. § 22-2-201, and the qualifications of a juror are listed in T.C.A. § 22-1-101.

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

1. Acts of 1803, Chapter 73, set the number of jurors to be sent to serve in the courts of the Mero District by each county in that district. Stewart, being one of the newly formed counties in the state, was required to send only two jurors.
2. Acts of 1805, Chapter 36, provided that hereafter, from and after the passage of this act, any householder, or any person holding land by bond, or entry, shall be competent in all respects whatever to serve as jurors in the said counties of Jackson and Stewart, in the same manner as if they were freeholders, any law to the contrary notwithstanding.
3. Acts of 1806, Second Session, Chapter 24, apportioned the number of jurors to be furnished to the courts in the Robertson District, a newly formed Mero District, by the counties of which it was composed. Robertson County would furnish eleven jurors, Montgomery, twelve jurors, Dickson, nine jurors, and Stewart was responsible for providing seven jurors.
4. Acts of 1817, Chapter 128, granted to several counties, including Stewart, the power to levy, at their first session of the year, a majority of the justices being present, a tax on the taxable property of the county for the purpose of making additional compensation to jurors for their attendance at the terms of the county and circuit courts, provided, however, that the additional compensation shall not exceed the sum of fifty cents per day.
5. Private Acts of 1939, Chapter 177, declared that, in Stewart County, in order to form a grand jury, the court shall direct that the names of the jurors in attendance be written on scrolls, and placed in a box, or other suitable receptacle, from which a child under ten years of age would draw thirteen names who shall be and serve as the grand jury for that term of court. If for any reason the jurors do not attend, the grand jury may be completed from by standers, or taken completely from bystanders. The jury could select a foreman from their own number by ballot but the foreman would not be paid any extra compensation. This act was specifically repealed by the one following.
6. Private Acts of 1951, Chapter 392, expressly repealed Private Acts of 1939, Chapter 177.

7. Private Acts of 1953, Chapter 429, established a three member board of jury Commissioners for Stewart County, who would be appointed by the circuit court judge, who must be householders, or freeholders, not lawyers, who had no suit pending in court, who must be discreet people of good moral character, and who were not state, county, district, or city employees. The commissioners would serve a six year term and could not succeed themselves. Vacancies would be filled for the unexpired term in the same manner. If one commissioner is ill and cannot serve, the other two will act. The commissioners must take the oath prescribed in this act, and select one of their number as the chairman. The circuit court clerk, after being likewise sworn, shall serve as clerk for the board. The board would select from the tax rolls of the county a list of names which would be no less than 500 nor more than 1,000 who would be the jury list for the next two years.



## COURT SYSTEM

### CHANCERY COURT

The chancery courts are the traditional trial level equity courts in Tennessee. Equity law deals with matters not traditionally addressed by the common law (case law) of the law courts or the statutory law. Equity acts when a traditional law court remedy is not adequate to reach a just result. In Tennessee, chancery courts have exclusive jurisdiction over some matters that are traditionally considered to be equity cases, but the statutory law has given chancery courts concurrent jurisdiction with the circuit courts over most civil cases.

Stewart County, under the provisions of § 16-2-506 of Tennessee Code Annotated, is part of the 23rd judicial district. The general law on chancery courts is found in title 16, chapter 11 of Tennessee Code Annotated, and title 17 applies to judges and chancellors.

The following acts form an outline of the development of equity jurisdiction in Stewart 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. Acts of 1803, Chapter 68, stated that the courts of the newly formed county of Stewart would meet at the home of Mr. Martin near an island in the river, and could adjourn from there to some other place in the county as may be more suitable and expedient.
2. Public Acts of 1822, Chapter 13, provided that one of the judges of the supreme court shall hold at least once each year a court of equity at the places where the supreme court met; at Rogersville on the first Monday in November; at Charlotte on the fourth Monday in December; at Nashville on the fourth Monday in January, and at Columbia on the second Monday in January. All terms to last two weeks unless the dockets were completed sooner.
3. Public Acts of 1824, Chapter 14, stated that the supreme court would henceforth meet only at Knoxville, Sparta, and Nashville. The justices would arrange among themselves to hold the chancery court at least twice each year at Greeneville, Rogersville, Kingston, Carthage, McMinnville, Franklin, Columbia, and Charlotte. The court at Charlotte would decide the equity cases from the counties of Robertson, Montgomery, Dickson, Stewart, Humphreys, and Hickman on the third Monday in June and December, the terms being slated for two weeks duration unless completed sooner.
4. Public Acts of 1827, Chapter 79, provided for three judges of the supreme court, one form each grand division of the state. The state was divided into two chancery divisions, the Eastern, composed of the courts now held at Rogersville, Greeneville, Kingston, Carthage, and McMinnville, and the Western which had the courts then being held at Franklin, Columbia, Charlotte, Jackson, and Paris.
5. Public Acts of 1835-36, Chapter 4, formed three chancery divisions in Tennessee, roughly comparable to the three grand divisions, and further organized the court into

smaller districts within the division. The courts would be presided over by three chancellors first appointed by the joint ballot of both houses of the general assembly, later to be elected as other judges. Stewart County and Montgomery County constituted the thirteenth district of the Middle Division and their court would be held in Clarksville in Montgomery County on the first Mondays in April and October. This inauguration of a new system of equity jurisprudence was precipitated by the new 1835 State Constitution.

6. Acts of 1837-38, Chapter 14, Section 3, formed a new district of the chancery court to meet at Charlotte to which the counties of Dickson, Humphreys, Hickman, Stewart, Montgomery, and Cumberland would address their chancery suits, and this privilege was further extended to the citizens of Robertson County if they preferred to file their bills there. The terms of court would begin in Charlotte on the fourth Monday in March and September. The chancery courts at Paris, Dresden, Trenton, Jackson, Lexington, Bolivar, and Clarksville are abolished and the clerk and master at each of these places shall transfer their records to their proper counterpart, those in Paris being assigned to Charlotte. The chancellor of the Western Division would appoint the clerks and master for the courts at Huntington, Somerville, and Charlotte. Several new counties were being formed in the western portion of the state and probably necessitated a rearranging of the chancery courts.
7. Acts of 1847-48, Chapter 198, stated that Stewart County would constitute a separate chancery district and the court should be held by the chancellor of the Middle Division at the court house in Dover on the first Monday in April and October. The chancellor would appoint a clerk and master for the court who would be subject to all the duties and obligations of other clerks and masters. The citizens of Montgomery County and Humphreys County could also file their suits in the chancery court at Dover if they preferred.
8. Acts of 1849-50, Chapter 213, changed the terms of the chancery court at Dover for Stewart County so that the terms of court would begin on the third Monday in April and October instead of the first Monday.
9. Acts of 1851-52, Chapter 178, Section 3, rescheduled the terms of all the chancery courts in the Middle Division of the chancery court system which had in it the counties of Wayne, Lawrence, Giles, Marshall, Hickman, Humphreys, Dickson, Robertson, Maury, Williamson, Montgomery, Davidson, and Stewart where the terms of the chancery court would begin on the third Monday in April and October.
10. Acts of 1853-54, Chapter 55, Section 4, reset the terms of the chancery court in the counties of Robertson, Humphreys, Dickson, Maury, Blount, Monroe, Wayne, McNairy, Sumner, Montgomery, Rhea, and Stewart whose chancery court would open on the Thursday after the second Monday in April and October.
11. Acts of 1853-54, Chapter 112, repealed the second section of an act which established a chancery court at Dover in Stewart County which was Acts of 1847-48, Chapter 198, Item 7, above.

12. Public Acts of 1857-58, Chapter 88, divided Tennessee into the Eastern, Middle, Western, fourth, fifth, and sixth chancery divisions. Stewart County was in the Middle Division and the terms of court would begin on the second Monday in April and October at Dover. Other counties in the Middle Division were Marshall, Cheatham, Giles, Maury, Lewis, Williamson, Montgomery, Davidson, and Robertson.
13. Private Acts of 1859-60, Chapter 14, formed a new seventieth chancery division to which were allocated the counties of Overton, Jackson, Macon, Sumner, Robertson, Montgomery, Smith, and Stewart where the court at Dover would begin on the first Thursday after the second Monday in April and October. The chancellor would be elected, sworn, and commissioned, and have the same powers and responsibilities as other chancellors in the state, and he would also hold the circuit court in Sumner County. The sheriffs of the various counties were directed to hold the election for selection the chancellor.
14. Public Acts of 1868-69, Chapter 18, rescheduled the terms of the chancery courts in the counties of the seventh chancery divisions which were Jackson, Macon, Sumner, Robertson, Montgomery, the circuit court of Sumner County, and Stewart where the chancery court at Dover would start its terms on the second Monday in April and October of each year.
15. Public Acts of 1870, Chapter 32, reorganized all the chancery courts in Tennessee into 12 chancery court divisions. The sixth division contained the counties of Wilson, Sumner, Robertson, Montgomery, Stewart, and Trousdale.
16. Public Acts of 1870, Chapter 47, established the opening dates for the terms of the chancery court in all the counties of Tennessee. Stewart County would begin the chancery court terms in Dover on the fourth Monday in May and November.
17. Public Acts of 1873, Chapter 12, rearranged the starting dates for the chancery court terms of some of the counties in the sixth chancery division, switching Stewart County to the third Monday in February and the fourth Monday in October.
18. Public Acts of 1877, Chapter 47, reset the term of the chancery courts in all the counties of the sixth division. In Stewart County the courts would begin their chancery terms in Dover on the first Monday in March and the fourth Monday in July.
19. Public Acts of 1879, Chapter 36, also changed the court terms for the counties in the sixth chancery division which contained the counties of Sumner, Trousdale, Houston, Montgomery, Wilson, Cheatham, Robertson, and Stewart where the chancery court at Dover would take up its dockets on the first Monday in March and September.
20. Public Acts of 1883, Chapter 21, listed all the counties in the sixth chancery Division and the dates of their chancery court terms. Some were changed but Stewart County would continue to meet in Dover on the first Monday in March and September.
21. Acts of 1885, Extra Session, Chapter 20, revised the entire lower judicial system of the state in which the counties of Sumner, Robertson, Wilson, Stewart, Houston, Cheatham,

Humphreys, and Trousdale made up the eighth chancery division. Stewart County would continue to convene the chancery court on the first Monday in March and September.

22. Public Acts of 1899, Chapter 427, was also a complete renovation of the state's lower court system. The act set up ten chancery divisions and assigned the counties of Sumner, Robertson, Cheatham, Montgomery, Stewart, Houston, Dickson, Humphreys, Hickman, and Wilson to the sixth chancery division. In the schedule of court terms in each year the fourth Monday in April and October were the opening dates for Stewart County.
23. Acts of 1905, Chapter 286, reset the opening dates for the chancery court terms of the counties in the sixth chancery division. In Stewart County the chancery court would meet on the fourth Monday in May and November. The counties in the division were named as Hickman, Robertson, Montgomery, Cheatham, Wilson, Dickson, Sumner, Humphreys, Houston, and Stewart.
24. Private Acts of 1919, Chapter 455, rearranged the opening dates of all the chancery courts in the sixth chancery division which were the same as those listed in Item 23, above. The terms of the chancery court at Dover in Stewart County would begin on the second Monday in April and October.

## COURT SYSTEM

### CHANCERY COURT

#### CLERK AND MASTER

The office of clerk and master of the chancery court is covered by title 18, chapter 5 of Tennessee Code Annotated and mentioned in article VI, section 13 of the Constitution of Tennessee, which provides that the clerk and master will be appointed by the chancellor. The salary of the clerk and master is determined in accordance with T.C.A. § 8-24-102.

The basic fee schedule for clerks of court, including the clerk and master, is found at T.C.A. § 8-21-401. Tennessee Code Annotated § 16-16-203 provides the authority for the clerks and masters who are serving as the clerks of probate courts to accomplish a variety of clerical and judicial acts involving the probate of wills and the administration of estates.

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

1. Acts of 1909, Chapter 226, sets the annual salary of the clerk and master of the chancery court in several counties, but the act is rather vague and ambiguous in its terms. It seems that the act involved the counties of Hancock, Grainger, or Stewart, and Union or, all of them. The annual salary provided, in any event, was \$500, provided a sworn, itemized statement of all the fees collected in the office was filed in January with the county court. If the fees failed to equal the specified salary, the county would pay the difference between the fees and the salary.
2. Acts of 1911, Chapter 19, was a general state act setting up the annual salaries of the clerks and masters across the state and prescribing the conditions under which it would be paid. The salary was \$500 a year provided certain sworn, itemized statements were filed with the county court. Stewart County expressly exempted itself from the application of the provisions of this act.
3. Private Acts of 1927, Chapter 605, stated that the clerk and master in Stewart County would be paid \$500 annually provided a sworn, itemized statement was filed quarterly with the county judge, or chairman, showing the amount of fees paid into the office. If the fees collected were less than the salary, the clerk and master may retain the excess. Settlement and accounting would occur only once each year and not quarterly.
4. Private Acts of 1933, Chapter 104, expressly repealed Private Acts of 1911, Chapter 19.
5. Private Acts of 1933, Chapter 166, averred that in Stewart County, identified by the use of the 1930 Federal Census, the clerk and master and the circuit court clerk are hereby required to file an itemized, sworn, statement on January 1 of each year with the county judge, or chairman, showing the total amount of fees paid into the said office. Any failure to do so is a misdemeanor punishable by fines ranging from \$25 to \$500.

## COURT SYSTEM

### CIRCUIT COURT

The circuit court is the traditional trial level “law” court (as opposed to equity court) with broad civil and criminal law jurisdiction. Traditionally, the circuit courts (the “law” courts) applied the common law (case law) and the statutory law. The circuit courts continue to act as law courts, but Tennessee’s statutory law has given the circuit courts concurrent jurisdiction with the chancery courts in most civil matters. Circuit courts exercise criminal law jurisdiction as well as civil law jurisdiction in most counties in Tennessee, but in some counties a separate criminal court has been established.

Stewart County, by general law found in § 16-2-506 of Tennessee Code Annotated, is part of the 23rd judicial district. Title 16, chapter 10 of Tennessee Code Annotated contains the general law applicable to the circuit court. Judges and chancellors are covered by title 17 of Tennessee Code Annotated.

The following acts were once applicable to the circuit court of Stewart 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 1803, Chapter 68, which created the new county of Stewart in the State of Tennessee provided that the courts of the county would be held at the house of Mr. Martin, near the river, there to adjourn to any other place in the county as the officials might find expedient.
2. Acts of 1806, Second Session, Chapter 19, divided the Mero District into three districts, named Robertson, Winchester, and Mero. The Robertson District consisted of the counties of Robertson, Dickson, Montgomery, and Stewart. The circuit court would meet at Clarksville for the Robertson District on the first Monday in June and December and hold the court for twelve judicial day, if necessary.
3. Acts of 1809, First Session, Chapter 49, divided Tennessee into five judicial circuits. The fifth circuit was composed of the counties of Montgomery, Dickson, Hickman, Humphreys, Stewart, and Robertson. The circuit court would meet in Dover in Stewart County at the courthouse on the fourth Monday in March and September.
4. Acts of 1817, Chapter 138, scheduled the terms for the circuit courts in the third, fourth, fifth, and sixth judicial circuits. The terms of the circuit court in Stewart County would still meet on the fourth Monday in March and September.
5. Acts of 1819, Chapter 154, rearranged the terms for the circuit courts assigned to the fifth judicial circuit but left Stewart County's Circuit Court to begin on the fourth Monday in March and September. The counties in the circuit were Montgomery, Dickson, Hickman, Humphreys, Robertson, Wayne, Hardin, Perry, and Stewart.

6. Private Acts of 1825, Chapter 143, provided that the judge of the fifth judicial circuit of the State of Tennessee continue the circuit court of Stewart County two weeks at the next two terms of said court which began after the first day of January 1826, if the business of the circuit court required such continuance.
7. Public Acts of 1835-36, Chapter 5, pursuant to the new 1835 State Constitution, organized Tennessee into eleven judicial circuits and require each circuit court to hold three terms of court in each year instead of two. The seventh judicial circuit consisted of the counties Dickson, Hickman, Humphreys, Stewart, Montgomery, and Robertson. Circuit court terms would begin in Stewart County on the second Monday in March, July, and November.
8. Acts of 1837-38, Chapter 231, provided that the first circuit court to be held in Stewart County after the passage at this act shall be on the second Monday in next March and thereafter the courts would meet on the first Monday in July, November, and March in Dover.
9. Acts of 1841-42, Chapter 27, reset the terms of the circuit courts in the seventh judicial circuit. The circuit was made up of the counties of Robertson, Dickson, Montgomery, Humphreys, and Stewart whose circuit court would meet on the fourth Monday in February, June, and October.
10. Acts of 1847-48, Chapter 49, rescheduled the terms of the circuit courts in Montgomery, Robertson, Dickson, Humphreys, and Stewart counties. The circuit court in Stewart County would begin on the second Monday in March, July, and November.
11. Private Acts of 1857-58, Chapter 98, was a complete overhaul of the lower judicial organizations of the state. Sixteen judicial circuits were formed of which the tenth circuit comprised the counties of Montgomery, Robertson, Cheatham, Dickson, and Stewart. The circuit court in Stewart County would keep on starting its court terms on the second Monday in March, July, and November.
12. Private Acts of 1859-60, Chapter 187, Section 5, provided that effective immediately the circuit court of Stewart County would hereafter commence its term on the first Monday in November instead of the second Monday, the other terms to remain as they were then established.
13. Public Acts of 1867-68, Chapter 16, declared that the November term of the Stewart County Circuit Court at Dover would be on the second Monday as provided in the code, and not on the first Monday as required in the 1859-60 Act. A special term of the circuit court would take place on the second Monday in December in 1867, and all the parties to suits, witnesses, officers, and attorneys should appear at the court at that specified time ready to proceed with the trial of cases.
14. Public Acts of 1870, Chapter 31, was the first of four chapters in this session of the general assembly which wholly reorganized the lower judicial system in Tennessee. This act divided the state into fifteen regular and two special judicial circuits. The tenth

judicial circuit was made up of the counties of Robertson, Montgomery, Stewart, Cheatham, Dickson, Humphreys, and Sumner.

15. Public Acts of 1870, Chapter 46, was the complete schedule of the annual three terms of the circuit courts of every county in the State of Tennessee. The Stewart County Circuit Court would begin its terms on the second Monday in April, August, and December.
16. Acts of 1885, Extra Session, Chapter 20, was the next major revision of the lower court system in the state, forming fifteen regular, and one special, judicial circuits. The tenth judicial circuit listed the counties of Sumner, Robertson, Montgomery, (for civil cases only), Stewart, Houston, Dickson, and Humphreys. The Stewart County Circuit Court would start its terms on the second Monday in April, August, and December.
17. Public Acts of 1899, Chapter 427, separated the State of Tennessee into fourteen regular, and one special, judicial circuits in the next major realignment of the lower judicial organization in the state. The ninth judicial circuit was composed of the counties of Robertson, Montgomery, Stewart, Houston, Humphreys, Cheatham, Dickson, and Sumner. Court terms would commence at Dover in Stewart County on the first Monday in April, August, and December.
18. Acts of 1903, Chapter 29, rearranged the schedule of the terms of court for the counties of the ninth judicial circuit which had in it the counties of Sumner, Robertson, Cheatham, Montgomery, Houston, Dickson, Humphreys, and Stewart where the terms of the circuit court would start on the second Monday in March, July, and November, at Dover.
19. Acts of 1909, Chapter 329, reset the opening dates for the three annual terms of the circuit courts in the ninth judicial circuit which contained the same counties mentioned above. The Stewart County Circuit Court would begin on the third Monday in March, July, and November.
20. Public Acts of 1931, Extra Session, Chapter 38, created twenty judicial circuits in Tennessee and assigned to the ninth judicial circuit the counties of Sumner, Robertson, Montgomery, Houston, Dickson, Humphreys, and Stewart. The circuit court of Stewart County would meet at Dover on the third Monday in March, and the second Monday in July and November.



## COURT SYSTEM

### CIRCUIT COURT

#### CLERK

The office of circuit court clerk is governed by the general statutes found in Tennessee Code Annotated, title 18, chapter 4. The salary of this office is determined in accordance with T.C.A. § 8-24-102.

The following acts have no current effect, but once applied to the Stewart 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. Act of 1903, Chapter 255, was among the first acts which fixed the annual salaries of county officials according to the classification of that county by population. This act involved circuit court clerks only and the population classes were based on the 1900 Census. According to our records the 1900 population of Stewart County was 15,224 which would require a salary of \$750 a year for the circuit court clerk but the clerk had to file the sworn, itemized statement with the county judge, or chairman, which showed the total amount of fees collected in the office. If the fees were less than the salary established, the county would pay the difference to the clerk, but, if the fees exceeded the salary, the clerk could retain the average as part of his compensation.
2. Private Acts of 1911, Chapter 20, stated that the circuit court clerks in the state would be paid \$750 annually, as compensation, if they filed, a sworn, itemized statement with the county judge, or chairman, showing the total amount of fees collected in the office. Stewart County expressly exempted itself from the provisions and operations of this act.
3. Private Acts of 1927, Chapter 420, declared that in Stewart County, identified by the 1920 Federal Census, the circuit court clerks shall be paid \$750 per annum, provided the clerk files a quarterly report along with a sworn, itemized statement of all the fees collected in the office. If the fees are less than the salary, the county shall make up the difference, but, if the fees are more than the annual salary, the clerk may keep them as part of his compensation. The act stated that it would not apply to Stewart County but it is very obvious that the opposite was intended.
4. Private Acts of 1929, Chapter 151, declared that the clerks of the circuit court in Stewart County shall be paid a salary of \$1,000 a year but the clerk must file a sworn, itemized statement every quarter showing the amount of fees collected by the office, which the clerk may retain if they exceed the salary but which will be the basis for the payment by the county to the clerk if they are less than the salary.
5. Private Acts of 1933, Chapter 99, expressly and entirely repealed Private Acts of 1929, Chapter 151.

6. Private Acts of 1933, Chapter 111, specifically repealed Private Acts of 1911, Chapter 20.
7. Private Acts of 1933, Chapter 166, required the circuit court clerk and clerk and Master of Stewart County, identified by the 1930 Federal Census, to file an itemized, sworn account on January 1 of each year with the county judge, or chairman, showing the total amount of fees collected the preceding year. If the fees were less, the county paid the difference, if more, the clerk kept the excess.

## COURT SYSTEM

### CRIMINAL COURT

In some counties of Tennessee, a separate criminal court has been established which has the criminal law jurisdiction of the circuit courts. The criminal court has appellate jurisdiction over criminal law matters decided in the general sessions courts.

The criminal court of Stewart County, by general law found in § 16-2-506 of Tennessee Code Annotated, is part of the 23rd judicial district.

For the general law pertaining to criminal courts, see title 16, chapter 10 of Tennessee Code Annotated. For the general law pertaining to criminal court clerks, see title 18, chapter 4 of Tennessee Code Annotated.

## COURT SYSTEM

### DISTRICT ATTORNEY GENERAL

#### ASSISTANTS AND CRIMINAL INVESTIGATORS

The office of district attorney general, including assistant district attorneys and criminal investigators, is covered by title 8, chapter 7 of Tennessee Code Annotated. Section 16-2-506 of T.C.A. establishes the judicial districts of the trial courts and establishes the number of assistant district attorneys general and criminal investigators in each judicial district. According to T.C.A. § 16-2-506, Stewart County is in the 23rd judicial district. Secretarial assistance to district attorneys is authorized, but subject to the approval of the executive director of the district attorneys general conference, the comptroller of the treasury, and the commissioner of finance and administration. T.C.A. § 8-26-101(2)(G) - (1)(K).

The following acts once affecting Stewart 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, created the sixth judicial circuit and divided Tennessee into ten solicitorial districts. The tenth solicitorial district had in it the counties of Dickson, Stewart, Humphreys, Montgomery, and Robertson. The attorney generals for each District would be appointed by the general assembly and be paid an annual salary of \$125 except the attorney general of the district where the supreme court meets would receive \$150 a year as salary.
2. Public Acts of 1835-36, Chapter 28, stated that from henceforth every solicitorial district would have the same boundaries and coincide with the judicial districts having criminal jurisdiction.
3. Public Acts of 1929, Chapter 29, created the position of assistant attorney general in the ninth judicial circuit, to which Stewart County belonged, who must be a licensed attorney, over 21 years of age, and a resident of the circuit. He would serve at the pleasure and direction of the attorney general and assist the attorney general in his duties. The annual salary was \$3,000 and the act specifically provided that this position of assistant attorney general would cease to function when the attorney general recovered.
4. Public Acts of 1971, Chapter 56, created the office of assistant district attorney general for the twenty-first judicial district. The assistant district attorney was to be appointed by the district attorney, be at least 21 years old, and learned in the law and be licensed to practice law in the State of Tennessee. The assistant attorney general was to receive an annual salary paid out in equal monthly installments out of the treasury of the state.
5. Public Acts of 1972, Chapter 781, created an additional assistant district attorney general for the twenty-first judicial district of the state who was to be appointed by the district

attorney general. The assistant attorney general was required to be a licensed attorney and was paid as provided by law for assistant district attorney general

6. Public Acts of 1974, Chapter 527, created an additional post of assistant attorney general in the twenty-first judicial circuit but, since Section 3 provided that Humphreys County would pay the assistant attorney general the supplement pay of \$7,980, it is assumed he would serve only in that county.

COURT SYSTEM

GENERAL SESSIONS COURT

PRIVATE ACTS OF 1982

CHAPTER 327

SECTION 1. Effective September 1, 1982, there is created a Court of General Sessions of Stewart County.

SECTION 2. At the August General Election in 1982, and every eight (8) years thereafter, a person shall be elected as general sessions judge for a term of eight (8) years by the qualified voters of Stewart County. Such person shall possess all of the qualifications required for judges of inferior courts and shall be licensed to practice law in this state. Such judge shall have the same authority, powers and duties provided by law for Judges of Courts of General Sessions.

SECTION 3. The Court of General Sessions of Stewart County shall have the same jurisdiction as is conferred by law upon Courts of General Sessions. Such court shall also exercise exclusive juvenile jurisdiction in such county and when exercising such jurisdiction, the General Sessions Judge shall have all jurisdiction, authority, powers and duties conferred or imposed by Tennessee Code Annotated, Title 37 or any other law relating to the disposition of juveniles.

SECTION 4. Effective September 1, 1982, any person or court in Stewart County exercising jurisdiction conferred upon the Court of General Sessions by the provisions of this Act shall be divested of such jurisdiction. All matters within the jurisdiction of the General Sessions Court created by this Act, except those matters which have been heard and taken under advisement, shall be transferred to such General Sessions Court at the close of business on the day preceding the day such court is created. On such date, all official books, records and other documents pertaining to a matter within the jurisdiction of the General Sessions Court shall be delivered to such court.

SECTION 5.

(a) The compensation of the Judge of the Court of General Sessions of Stewart County shall be in the same amount as provided by law and a supplement of five thousand three hundred dollars (\$5,300) a year for compensation for service as the judge exercising juvenile jurisdiction. The compensation shall be payable in equal monthly installments from county funds appropriated for such purposes.

(b) Beginning September 1, 1982, the compensation supplement of such judge shall be the amount fixed in subsection (a) of this section adjusted to reflect the percentage of change in the consumer price index between that of the calendar year 1981 and the calendar year next preceding September 1 of the year for which the salaries are to be paid. The adjustments

shall occur on September 1, 1983, and on September 1 of every year thereafter for the ensuing year commencing September 1. As used in this subsection "consumer price index" shall mean the consumer price index (all items--United States city average) as published by the United States department of labor, bureaus of labor statistics. Provided, however, the amount of adjustment authorized by this subsection shall not exceed seven percent (7%) for a given year.

SECTION 6. This Act shall not be construed to prohibit the Judge of the Court of General Sessions of Stewart County from the private practice of law except that the judge shall be prohibited from practicing in any matter over which the Court of General Sessions of Stewart County may exercise jurisdiction.

SECTION 7. The Circuit Court Clerk shall be the Clerk of the General Sessions Court as established by this Act. Such clerk shall keep separate records, dockets, minute books and rule dockets for all general sessions matters and all juvenile matters within the jurisdiction of the General Sessions Court. The circuit court clerk shall be empowered to designate one (1) or more employees as deputies from time to time to be deputy clerk for juvenile matters. The circuit court clerk shall also be authorized to issue warrants, petitions, and other process and notices, as necessary.

SECTION 8. Notwithstanding any provision of Tennessee Code Annotated, Title 2, Chapter 5, Part 1 or any other provisions of the law to the contrary, for the 1982 election only, if this Act is approved pursuant to Section 9 after the final date for filing nominating petitions for the 1982 Regular August Election, the County Election Commission of Stewart County shall establish a time for filing such nominating petitions for the office of Judge of the Court of General Sessions.

SECTION 9. This Act shall have no effect unless it is approved by a two-thirds ( $\frac{2}{3}$ ) vote of the county legislative body of Stewart County. 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 10. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For the purpose of qualifying for and seeking election to the General Sessions Judgeship created by this Act, this Act shall take effect upon being approved as provided in Section 9. For all other purposes, it shall take effect on September 1, 1982.

PASSED: April 8, 1982.

## COURT SYSTEM

### GENERAL SESSIONS COURT

The general statutes on courts of general sessions are found in title 16, chapter 15 of Tennessee Code Annotated. The purpose of this general law is to create a statewide system of general sessions courts, but T.C.A. § 16-15-501(c) expressly provides that counties may create general sessions courts by private act, giving them both the jurisdiction and powers conferred by general law and such further jurisdiction and power as each county may require. The salary of the general sessions judge is governed by T.C.A. § 16-15-5003. The compensation received by the general sessions court clerk is set by T.C.A. § 8-24-102.



## COURT SYSTEM

### JUVENILE COURT

The Juvenile Court Restructure Act of 1982, as amended, is codified in Tennessee Code Annotated §§ 37-1-201 through 37-1-214. Its purpose is to provide adequate juvenile court services in every county. Tennessee Code Annotated § 37-1-203 provides that the general sessions courts shall exercise juvenile court jurisdiction except in counties or municipalities wherein juvenile courts are specially provided for by law.

Special juvenile courts may be created by law (private act) to exercise juvenile court jurisdiction in a county or in contiguous counties. Counties must provide funding for such special juvenile courts. T.C.A. § 37-1-205.

Clerks of general sessions courts are required to maintain separate minutes, dockets, and records for all juvenile matters in those counties in which the general sessions court is also the juvenile court. T.C.A. § 37-1-210. The clerk of a special juvenile court is a duly elected clerk of another court in the county designated by resolution of the county legislative body, except where a duly elected clerk is provided by law (private act or charter). Clerks of the special juvenile courts are given the same duties, authority and obligations provided for clerks of other courts of record. T.C.A. § 37-1-211.

Tennessee Code Annotated § 37-1-159 provides that the juvenile court shall be a court of record. Any appeal from final disposition of a case, except the transfer of a child to be dealt with as an adult under T.C.A. § 37-1-134, may be made to the circuit court for a trial de novo.

## COURT SYSTEM

### SECRETARIAL ASSISTANCE

Secretarial assistance to judges and chancellors is now provided on the basis of need by the administrative director of the courts, under the provisions of Tennessee Code Annotated § 17-1-401. Their salaries are set by the administrative director of the courts and the commissioner of finance and administration with the approval of the chief justice of the supreme court, under T.C.A. § 17-1-402. The general law provisions are now the sole authority for providing secretarial assistance to trial judges and chancellors.

The following act is no longer in effect but is listed here for historical purposes.

1. Public Acts of 1971, Chapter 277, authorized the judge of the twenty-first judicial circuit to employ and appoint a suitable and qualified person as his secretary, who would hold office at the pleasure of the said circuit judge and would perform such duties as were assigned by said judge.

## CHAPTER VI - EDUCATION/SCHOOLS

## EDUCATION - SCHOOLS

### BOARD OF EDUCATION

General statutes regulating county boards of education and elementary and secondary education in the public schools may be found in T.C.A. title 49, chapters 1 through 6. Public Acts of 1992, Chapter 535, the Education Improvement Act of 1991, substantially revised many aspects of the education statutes. County boards of education are mandated to be popularly elected. The county legislative bodies, from July 1, 1992, were given authority to establish districts for county board of education members by resolution instead of having to rely on private acts for reapportionment. The new education general law provides for board members to be elected to staggered four-year terms.

Members of county boards of education must have a high school diploma or general education equivalent. However, a few counties are purported to be excluded by narrow population exception. Board members who fail to participate in state sponsored training are subject to removal by the commissioner of education. T.C.A. § 49-2-202.

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

1. Private Acts of 1935, Chapter 458, as amended by Private Acts of 1935, Chapter 237 and Private Acts of 1939, Chapter 237, created a county board of education in counties having a population of not less than 13,270 nor more than 13,280 according to the 1930 Federal Census.

## EDUCATION - SCHOOLS

### SUPERINTENDENT OR DIRECTOR OF SCHOOLS

Under the Education Improvement Act of 1991, the office of superintendent of public instruction (county superintendent of education) has been phased out. Replacing the superintendent is a director of schools, who is an employee of the county board of education; however, the continued use of the title superintendent is permitted. The director of schools may be employed under a written contract of up to four years duration. The duties of the director of schools are enumerated in T.C.A. § 49-2-301(f).

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

1. Private Acts of 1919, Chapter 185, as amended by Private Acts of 1921, Chapter 239, and Private Acts of 1937, Chapter 851, created the office of superintendent of public instruction for counties having a population of not less than 14,850 nor more than 14,860 according to the last Federal Census. The act provided that the superintendent of public instruction would be elected by qualified voters at the general election of August 1920 and would hold office for a term of four (4) years.

## EDUCATION - SCHOOLS

### GENERAL REFERENCE

The general state statutes regulating education are found in title 49 of Tennessee Code Annotated. Of particular interest to county officials are chapter 2 (Local Administration); chapter 3 (Finances); chapter 6, part 20 (School Property); chapter 6, part 3 (Elementary and Middle Schools); and chapter 6, part 4 (Junior and Senior High Schools).

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

1. Acts of 1806, Second Session, Chapter 8, named the county academies, and their trustees, for every county in the state. The act nominated Joseph Gray, Thomas Clinton, Robert Cooper, Joseph B. Nevell, and William Allen, as Trustees, and made them a body corporate and politic of Dover Academy in Stewart County, Tennessee. The act also provided for other rules and regulations pertinent to the corporation.
2. Acts of 1817, Chapter 173, provided that an academy would be established at Dover, in Stewart County, by the name of Washington Academy which would have and enjoy the same corporate powers and privileges as other institutions of like nature. The Stewart County Court was empowered to appoint trustees for the school who would also have and exercise the same rights and prerogatives as other trustees of educational institutions.
3. Private Acts of 1825, Chapter 210, was the legal authority for Cullen Bayless, William Williams, William Bayley, Christopher Clements, and Thomas T. Watson to draft a lottery scheme and superintend the same to raise up to \$1,200 for building an academy at Dover in Stewart County. The commissioners, named above, would abide by all the rules and regulations governing the operation of lotteries.
4. Private Acts of 1825, Chapter 241, appointed Cullen Bayless, William Williams, Christopher C. Clemmons, William Bayley, and Alexander Outlaw, as trustees, and incorporated them as trustees for an academy for Stewart County. They would have the same powers as other trustees.
5. Private Acts of 1827, Chapter 161, appointed Joseph Johnson as an additional trustee for Dover Academy in Stewart County.
6. Private Acts of 1829-30, Chapter 185, appointed Thomas Bayless as a trustee for Dover Academy in Stewart County in the room and stead of Cullen Bayless, who was removed, and the said Thomas Bayless would have the same powers and authority as the other trustees have.
7. Public Acts of 1832, Chapter 17, directed the president and the Directors of the Bank of Tennessee to pay over to the clerk and treasurer of the common school fund

commissioners in Stewart County that portion of the \$60,000 appropriated heretofore for the internal improvement fund in Middle Tennessee to which Stewart County may be entitled by an apportionment agreeable to the free white population of the other counties in Middle Tennessee coming under those provisions.

8. Private Acts of 1832, Chapter 123, made it lawful for the county court of Stewart County at any of its terms to proceed to organize the common schools of the county in the manner directed by Public Acts of 1829-30, Chapter 107, and the commissioners, the trustees, and all the necessary proceedings for the organization of the common schools of Stewart County may be done at any time.
9. Private Acts of 1833, Chapter 165, authorized the county court of Stewart County, a majority being present, to appoint seven school commissioners who were thereby vested with the right to receive their proper portion of the common school fund. It would be, and was, the duty of the cashier of the Bank of Tennessee to pay over the share of the money to the clerk and treasurer of the commission, once they were selected. The commission has the authority to sue, if necessary, to secure that amount. The sum so paid would, if the county court agreed, be used for the common school fund.
10. Acts of 1837-38, Chapter 32, incorporated Philander Priestly, Jacob Shyrock, John H. Petty, Henry H. Gorin, John Richards, Jesse C. Ingram, and Alexander M. Wall, as the Trustees of the Dover Female Academy with all the rights and privileges attendant upon such legal entities. The trustees could meet when they desired and four of them was a quorum to do business. They were granted the authority to make all rules and regulations for the management and discipline of the school as were consistent with the constitution of the state. Section 3, same act, incorporated John C. Humphreys, William B. Cherry, William R. Lea, J. O. Shackelford, Solomon K. Valentine, Abethel Wallace, and John James, as the trustees for the Dover Male Academy in Stewart County.
11. Acts of 1853-54, Chapter 204, granted all the powers and benefits of corporate institutions to I. E. Rice, S. W. Kelly, A. W. Wall, C. H. Hatcher, J. W. Roberts, Joel Bayliss, C. Dudley, W. C. Cook, and R. T. David, as the Trustees for the Dover Female Academy, who, as a corporate body, were allowed to adopt all the necessary rules, regulations, and by-laws for the internal management and control of the same.
12. Acts of 1859-60, Chapter 104, was the incorporated act which chartered J. W. Wofford, H. J. Scarborough, George T. Williams, A. S. Sexton, and J. E. Rice as the Shady Grove Seminary in Stewart County, and provided the guidelines for the organization of the school and its internal operations. The seminary was declared to be exempt from taxation.
13. Acts of 1907, Chapter 236, created a board of education and a district board of advisors in every county of the state, and abolished the district directors of the schools. County court would divide the county into five, or less, school districts, composed of whole civil districts, from each of which one member of the board of education would be appointed by the court to serve until their successors could be elected at the next general August election in 1908 and take office on September 1, 1908.

## CHAPTER VII - ELECTIONS



## ELECTIONS

### DISTRICTS - REAPPORTIONMENT

The general provisions concerning county organization are found in title 5, chapter 1 of Tennessee Code Annotated. Section 5-1-101 enumerates the counties and § 5-1-108 deals with the apportionment of the county legislative bodies into a maximum of twenty-five county commissioner districts within each county that is not under a metropolitan government charter. Under T.C.A. § 5-1-111, the county legislative bodies must make necessary district boundary changes or completely redistrict a county so that the members represent substantially equal populations based on the most recent federal census at least every ten years. Upon application of any citizen affected, the chancery court of such county has original jurisdiction to review and amend the apportionment or to order an apportionment where none has been made.

Maps and legal descriptions of the boundaries of the county commissioner districts may be found in one of the following offices: County clerk, the county election commission, the state coordinator of elections, secretary of state, and the division of local government, office of the comptroller of the treasury.

Civil districts by that name are no longer used as district boundaries for election of legislative body members. These civil district boundaries have been left undisturbed as they existed prior to the first reapportionment of the quarterly county courts for real property record-keeping purposes only. T.C.A. § 5-1-112.

## ELECTIONS

Elections in Tennessee are now governed by the general statutes found in Tennessee Code Annotated title 2, chapters 1 through 19. Of particular interest to county officials is chapter 12, which covers the county election commission. The employment of administrator of elections and deputies by the county election commission is authorized by T.C.A. § 2-12-201. Tennessee Code Annotated, Section 2-12-208 sets a minimum salary for certified administrators of elections based on a percentage of the assessor's salary, and provides for certification tests, state contribution to each certified administrator's salary and other budget requirements.

Title 3, chapter 1 of Tennessee Code Annotated reapportions the state into senatorial and representative districts for the general assembly. Tennessee Code Annotated § 3-1-102 places Stewart County in the 22nd state senatorial district (along with Cheatham, Houston and Montgomery counties), while T.C.A. § 3-1-103 places it in the 75th representative district. Stewart County is part of the 8th U.S. congressional district, under the provisions of T.C.A. § 2-16-103.

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

1. Acts of 1803, Chapter 24, delineated Tennessee into five presidential electoral districts and allocated to the fifth district the counties of Davidson, Williamson, Robertson, Montgomery, Stewart, Rutherford, and Dickson. The votes in this district would be compared and counted at Nashville.
2. Acts of 1803, Chapter 79, provided for three U.S. Congressional representatives for Tennessee, one each from the districts of Washington, Hamilton, and Mero, to which Stewart County belonged.
3. Acts of 1805, Chapter 64, established the general assembly of Tennessee with 13 senators and 26 representatives. The counties of Robertson, Dickson, Montgomery, and Stewart, composed a joint senatorial district and their votes would be counted in Clarksville. Of the 26 representatives, Montgomery County and Stewart County would elect one together.
4. Acts of 1807, Chapter 4, stated that on the first Thursday and Friday in August, 1809, and every two years thereafter, the sheriff, or his deputy, of Stewart County, shall cause an election to be held at a place called Roslin, adjacent to Welles Creek meeting house where votes shall be cast for the governor, members to the United States Congress, the general assembly, and the field officers of the militia, and the president and vice-president of the United States. All the polls cast would be examined and counted at Clarksville on the Monday following.
5. Acts of 1807, Chapter 74, set up five presidential electoral districts in Tennessee. The fifth district would be made up of the counties of Davidson, Robertson, Montgomery,

Stewart, Dickson, Williamson, Maury, Rutherford, Bedford, and Hickman, in which one elector would be elected.

6. Acts of 1809, Chapter 1, decided that the three U.S. Congressmen from Tennessee would be elected from the districts of Washington, Hamilton, and the combined districts of Mero, Winchester, and Robertson.
7. Acts of 1812, Chapter 5, established eight presidential electoral districts in the state. The eighth district was made up of the counties of Robertson, Montgomery, Stewart, Dickson, Hickman, and Humphreys, and the votes would be counted and compared at Charlotte.
8. Acts of 1812, Chapter 27, organized six U.S. congressional districts in the state, thus doubling the number of Congressional Representatives for Tennessee. The sixth U.S. Congressional district was composed of the counties of Robertson, Montgomery, Dickson, Humphreys, Hickman, Stewart, Maury, and Giles and elected one representative to Congress.
9. Acts of 1812, Chapter 57, apportioned the state for representation in the general assembly in which plan the number of state senators was increased to 20 and the representatives to 40. One senatorial district was composed of the counties of Montgomery, Stewart, and Humphreys whose votes would be counted at Roslin, and the counties of Stewart and Humphreys would jointly elect one representative.
10. Acts of 1815, Chapter 31, reenacted the eight presidential electoral districts in exactly the same fashion as they were established in the 1812 Act.
11. Acts of 1815, Chapter 54, obligated the sheriff, or his deputy, of Stewart County, on the constitutional days for holding elections to hold a separate and distinct election at the house formerly occupied by Nathan Ross near the mouth of Savine Creek on the north side of the Cumberland River in Stewart County. The purpose of the election was to elect electors to elect the president, vice president, members to the state legislature and field officer for Stewart County. The votes cast here shall be counted either at Dover, or at Roslin, as the convenience of the parties may dictate.
12. Acts of 1817, Chapter 4, required that the election officers of the district of Montgomery, Stewart, and Humphreys counties, who have been heretofore meeting in Roslin in Stewart County, shall, in the future, meet at the house of Phillip Hornberger in Stewart County and be governed by the same rules and regulations.
13. Public Acts of 1819, Chapter 69, established the senatorial and representative districts of Tennessee in which the counties of Stewart, Perry, and Humphreys would share one state senator, and Stewart County would elect one representative of the 40 for herself only.
14. Public Acts of 1821, Chapter 46, declared that the new counties west of Stewart County are hereby attached to the Stewart Electoral District for all constitutional elections. The senatorial district composed of the counties of Stewart, Humphreys, Perry, Henry, Carroll, and Henderson will compare polls at Reynoldsburgh in Humphreys County.

15. Public Acts of 1822, Chapter 1, separated Tennessee into nine U.S. congressional districts assigning the counties of Robertson, Montgomery, Dickson, Stewart, Humphreys, and Hickman to the eighth U.S. congressional district.
16. Public Acts of 1823, Chapter 47, set up eleven presidential electoral districts in the state. The tenth district had in it the counties of Montgomery, Robertson, Stewart, Dickson, Humphreys, and Hickman. Votes would counted and compared at Charlotte in Dickson County.
17. Public Acts of 1824, Chapter 1, was an exact reenactment of Public Acts of 1823, Chapter 47, above, which divided the state into eleven presidential electoral districts.
18. Public Acts of 1826, Chapter 3, reapportioned the state for the general assembly. The counties of Stewart, Humphreys, Perry, and Henderson were one senatorial district, and Stewart, Humphreys, and Perry constituted one representative district.
19. Private Acts of 1827, Chapter 3, directed the treasurer of West Tennessee to pay to Williamson B. Bowman the sum of \$100.00 which was due to John Graham, the late representative from Stewart, Perry, and Humphreys counties, for his services in the general assembly plus \$28.25 representing the expenses he incurred while he was in Nashville.
20. Public Acts of 1827, Chapter 17, organized Tennessee into eleven presidential electoral districts of which the tenth was made up of the Counties of Robertson, Montgomery, Dickson, Stewart, Humphreys, and Perry.
21. Public Acts of 1832, Chapter 4, created 13 U.S. congressional districts in the State of Tennessee. The eleventh U.S. district had in it the counties of Robertson, Montgomery, Stewart, Humphreys, Hickman, and Dickson.
22. Public Acts of 1832, Chapter 9, provided for 15 presidential electoral districts in the state. The thirteenth district contained the counties of Robertson, Montgomery, Stewart, Dickson, and Humphreys.
23. Public Acts of 1833, Chapter 71, divided Tennessee into senatorial and representative districts for the general assembly. One senatorial district comprised the counties of Stewart, Humphreys, Perry, and Henderson, and arrangements were made to count these votes at Reynoldsburgh in Humphreys County. Stewart, Humphreys, and Perry counties shall jointly elect one representative.
24. Public Acts of 1833, Chapter 76, provided for the election of 60 delegates to a constitutional convention on the first Thursday and Friday in March, who would meet in Nashville on the third Monday in May to amend, revise, or alter the existing State Constitution, or to write a new one. The counties of Dickson, Stewart, and Humphreys would compose one district for this purpose and elect two representatives, or delegates, to the convention.

25. Public Acts of 1833, Chapter 94, declared that a precinct election shall be held hereafter at the house of John Lea in Stewart County under regular election laws.
26. Public Acts of 1835-36, Chapter 39, divided the state into 15 presidential electoral districts allocating the counties of Robertson, Montgomery, Stewart, Dickson, and Humphreys to the thirteenth electoral district.
27. Acts of 1842, Extra Session, Chapter 1, increased the number of senators in the state legislature to 25 and the number of representatives to 50. The counties of Dickson, Stewart, Humphreys, and Benton made up the nineteenth state senatorial district where the votes would be counted at Simon's Old Store in Dickson County. Stewart County would elect one of the 50 representatives alone.
28. Acts of 1842, Extra Session, Chapter 7, created eleven U.S. congressional districts in the state. The ninth U.S. congressional district listed the counties of Robertson, Montgomery, Stewart, Dickson, Humphreys, Benton, and Henry.
29. Acts of 1851-52, Chapter 196, reduced the number of U.S. congressional districts to ten and assigned the counties of Davidson, Robertson, Montgomery, Stewart, and Dickson to the eighth congressional district.
30. Acts of 1851-52, Chapter 197, established the representation in the general assembly for the counties of the state. Stewart County would elect one representative to the legislature alone, and share a state senator with the counties of Robertson, and Montgomery, in which district the polls would be counted at Clarksville.
31. Public Acts of 1865, Chapter 34, was a post Civil War Act which delineated eight U.S. congressional districts in the state. The sixth district contained the counties of Lawrence, Wayne, Hardin, Decatur, Perry, Lewis, Maury, Hickman, Humphreys, Dickson, Montgomery, and Stewart.
32. Public Acts of 1871, Chapter 146, apportioned Tennessee for the state legislature according to the 1870 Federal Census. The number in the general assembly remained at 25 Senators of which the counties of Robertson, Montgomery, and Stewart made up the seventeenth district, and Montgomery and Stewart would jointly elect one of the fifty representatives.
33. Acts of 1872, Extra Session, Chapter 7, fashioned 9 U.S. congressional districts for the state. The seventh district was composed of the counties of Montgomery, Houston, Stewart, Humphreys, Benton, Henry, Carroll, Henderson, Decatur, Perry, Hardin, and McNairy.
34. Public Acts of 1873, Chapter 27, increased the number of U.S. congressional districts in Tennessee to ten. The sixth district contained the counties of Davidson, Cheatham, Dickson, Humphreys, Stewart, Houston, and Montgomery.
35. Public Acts of 1881, Chapter 6, reapportioned Tennessee for the general assembly according to the 1880 Federal Census count. Stewart County would elect one

representative alone and would share a state senator with Montgomery County in the twenty-first state senatorial district.

36. Public Acts of 1881, Extra Session, Chapter 5, permanently fixed the number of senators in the Tennessee General Assembly at 33 and the number of the representatives at 99.
37. Public Acts of 1882, Extra Session, Chapter 27, reorganized the state into ten U.S. congressional districts. The sixth congressional district listed the counties of Davidson, Robertson, Cheatham, Montgomery, Stewart, Humphreys, and Houston.
38. Public Acts of 1891, Extra Session, Chapter 10, divided the state into senatorial and representative districts. Stewart County retained the one representative alone and would share a state senator with Cheatham, Dickson, and Houston counties in the twenty-third senatorial district.
39. Public Acts of 1901, Chapter 109, established ten U.S. congressional districts in the state. The counties of Davidson, Robertson, Cheatham, Stewart, and Montgomery constituted the sixth U.S. congressional district. The congressional districts would continue to be organized under public law appearing in the state code from henceforth but the general assembly of Tennessee would not be apportioned again for over fifty years.
40. Public Acts of 1901, Chapter 122, assigned the counties of Dickson, Humphreys, Houston, and Stewart to the twenty-third state senatorial district, and still permitted Stewart County to elect one representative alone. This was the last act of apportionment for the general assembly for over fifty years.
41. Private Acts of 1933, Chapter 521, provided that in all the primary and general elections in Stewart County any voter who declared to the officers and judges holding the election that by reason of blindness, or other physical disability, or for any other plausible reason, he or she is unable to mark the ballot, shall upon their request receive the assistance of the officer holding the election who shall mark the ballot according to the specific directions of the handicapped person, and the officer shall certify to the above facts on the outside of the ballot form.
42. Private Acts of 1949, Chapter 741, provided that an election shall be held in Stewart County at the same time as the general election in August, 1950, on the question of whether or not beer containing  $\frac{1}{4}$  of one percent of alcohol may be sold, given away, traded, owned, or possessed in the county. The details of printing and marking the ballots and for holding the election are outlined in the laws. If the act passes, there shall be no change but if it fails, then it shall be unlawful to sell, trade, etc., the described beer in Stewart County.

## CHAPTER VIII - HEALTH

## HEALTH

For the general statutes relating to health, see Tennessee Code Annotated title 68, with particular reference to chapter 2 (Local Health Services). Chapter 2 provides for the creation of county and district health departments, boards of health, and cooperation between counties and cities in the establishment of such departments and boards. It also details the operation and financing of local health services. See volumes 14, 15 and 16 (Combined General Index) of T.C.A. for reference to statutes on specific health topics.

The following summary is included herein for reference purposes.

1. Private Acts of 1931, Chapter 18, declared that the superintendent of the county asylum for the poor in Stewart County shall hold office, and be elected by the quarterly court of the county for a term of four years, the first election hereunder to take place at the October, 1934, term. The superintendent shall receive as compensation for his services a sum not to exceed \$15 and to be no lower than \$12 per month per patient. The governor of the state would appoint someone to serve until the quarterly court elected a successor in October, 1934.



## CHAPTER IX - HIGHWAYS AND ROADS

HIGHWAYS - ROADS

FERRIES

PUBLIC ACTS OF 1974

CHAPTER 664

SECTION 1. The Department of Transportation is hereby directed to provide for the operation of the ferry now in service at Cumberland City in Stewart County, Tennessee, said ferry crossing the Cumberland River.

SECTION 2. The said ferry shall be operated each day from 6:00 a.m. until 10:00 p.m., unless the said hours of operation are changed by the direction of the Quarterly County Court of Stewart County.

SECTION 3. For the purpose of carrying out the provisions of this Act there is hereby appropriated the sum of Sixty Thousand (\$60,000.00) Dollars, said sum to become part of the budget of the Department of Transportation for the fiscal year beginning July 1, 1974 and ending June 30, 1975.

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

PASSED: March 25, 1974.

**COMPILER'S NOTE:** This is a special public act which is not printed in the Tennessee Code Annotated. The act is published herein as a service and convenience to our county officials and readers.

HIGHWAYS - ROADS

FORT DONELSON NATIONAL BATTLEFIELD AND CEMETERY

DIRECTIONAL SIGNS

PUBLIC ACTS OF 2001

CHAPTER 31

SECTION 1. Notwithstanding any other provision of law to the contrary, the Department of Transportation shall erect and maintain directional signs for Fort Donelson National Battlefield and Cemetery on Interstate Highway 24 at Exit 4, (U.S. Highway 79) both eastbound and westbound.

SECTION 2. The directional signs provided for in Section 1 shall contain sufficient information, including standard directional symbols, to indicate that U.S. Highway 79 westbound toward Dover is the closest and most direct route in Tennessee to Fort Donelson National Battlefield and Cemetery in Dover, Stewart County.

SECTION 3. The erection of such directional signs shall be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices.

SECTION 4. This act shall become operative only if the Federal Highway Administrator advises the Commissioner of Transportation in writing that the provisions of this act shall not render Tennessee in violation of federal laws and regulations and subject to penalties prescribed therein.

SECTION 5.

(1) This act shall become operative only if Stewart County, Tennessee, either admits the estimated cost of the erection of such signs to the Department of Transportation within one (1) year of the effective date of this act or manufacturers such signs in accordance with the provisions of subdivision (2). Stewart County shall make such payment prior to any expenditure by the state for manufacture or installation of such signs. The department shall return any unused portion of the estimated cost to Stewart County within thirty (30) days of the erection of such signs. If the actual cost exceeds the estimated cost, Stewart County shall remit an amount equal to the difference in such costs to the department within thirty (30) days of receiving an itemized invoice of the actual cost from the department.

(2) Stewart County may manufacture and erect such signs provided that such signs are manufactured and erected pursuant to state and federal guidelines and approved by the department.

(3) Nothing in subdivisions (1) and (2) shall be construed to preclude the use of grant funding, if available, to manufacture and erect the signs authorized by this act.

SECTION 6. This act shall take effect July 1, 2001, the public welfare requiring it.

Passed: March 22, 2001.

COMPILER'S NOTE: This is a "special" act which is not codified in Tennessee Code Annotated.

HIGHWAYS - ROADS

ROAD LAW

PRIVATE ACTS OF 1951

CHAPTER 171

SECTION 1. That, in counties having the population set out in the caption hereto, there is hereby created a County Road Commission to consist of three members. The County Judge and the County Engineer, hereinafter provided for, shall be ex-officio members of the Commission, and there shall be a third member, to be selected by the Quarterly County Court, which member shall be a resident citizen of the County and shall serve for a term of two years. No member of the Commission shall receive any additional compensation for services performed by them on such Commission, the County Engineer shall be Chairman of said Commission. It shall be his duty to call monthly meetings of said Commission after posting notices of the time and place thereof in three public places in said County, one which shall be at the Courthouse door. All meetings of the Commission shall be public and any interested citizens of said County may attend. After the conclusion of the regular meetings of the Commission, any citizen or taxpayer in the County in attendance may lodge complaints, offer advice or make suggestions.

Vacancies in the office of County Engineer shall be filled by the Quarterly County Court, the person so elected to hold for the unexpired term of the incumbents. If the office of County Judge becomes vacant, the Quarterly County Court shall select a qualified person to serve on the Road Commission, to hold office only until there shall be elected a successor to the County Judge. In case of a vacancy in the third membership on the Road Commission, the Quarterly County Court shall elect a successor to serve for the remainder of the unexpired term. Two members of said Commission shall constitute a quorum and be authorized to transact business. Notice shall be given by the Chairman to the other two members of any and all meetings of the Commission.

As amended by:        Private Acts of 1963, Chapter 110.

SEC. 2. That there is hereby created the office of County Engineer in counties to which this Act applies. His term of office shall be for a period of two years and until his successor is elected and qualified and such County Engineer shall be a resident citizen of such County. At the August election 1952 and biennially thereafter the qualified voters of said County shall elect a County Engineer. His compensation shall be at the rate of \$4500 per annum, payable in equal monthly installments out of the county funds of said County. To hold such office until September 1, 1952, W. C. Knott is appointed to fill the vacancy in the office of County Engineer by appointment.

The County Engineer shall be required to execute bond in the sum of \$5,000 conditioned to faithfully perform the duties of his office and account for all County property and funds coming into his hands.

Provided, however, that at the August general election in 1966, and quadrennially thereafter, such County Engineer shall be elected for a four year term, and he shall take office on September 1, following his election. Effective September 1, 1966, his salary shall be forty five hundred dollars (\$4,500.00) per annum, payable as above set out.

Effective September 1, 1974, the salary of the County Engineer shall be Ten Thousand Dollars (\$10,000.00) per annum, payable in equal monthly installments.

Such County Engineer shall not operate, work at or supervise any business or be engaged in any other employment while serving as County Engineer unless such activity engaged in by the County Engineer shall be approved by a two-thirds ( $\frac{2}{3}$ ) vote of the Stewart County Quarterly Court.

As amended by: Private Acts of 1951, Chapter 444,  
Private Acts of 1961, Chapter 191,  
Private Acts of 1965, Chapter 140,  
Private Acts of 1974, Chapter 262.

SEC. 3. That the Road Commission shall have the following powers:

1. To purchase all supplies and equipment of every kind to be used upon the roads of said County, provided however, that purchases of less than \$300.00 may be made by the Chairman or Engineer.

2. To enter into all appropriate contracts with the State of Tennessee or other parties where deemed advisable and to have and possess all powers of the roads of said County not specifically or otherwise provided herein.

3. To establish a wage scale for all employes of said system which wage scale shall not exceed that of the State Highway Department in such localities.

4. To open and close such roads as the Commission may deem necessary for the improvement of the road system of such counties for which purpose the Commission is hereby vested with the power of eminent domain to be exercised in conformity to general law. The actual location of new roads shall be done by the Chairman, or County Engineer.

5. To have jurisdiction and control of the expenditure of all County road and bridge funds, including that of the gasoline tax allocated to said County by general law. All disbursements of road funds shall be by the warrant of the Chairman of said Commission countersigned by the County Judge and drawn upon the road fund in the hands of the County Trustee.

As amended by: Private Acts of 1965, Chapter 140.

SEC. 4. That the Commission shall annually make a report to the Quarterly County Court in detail of all expenditures made by such Commission, which report shall show all sums paid for labor and material, the name of the person to whom paid, the date and in reporting the purchase of lumber or bridge material, it shall show the price per thousand feet for such lumber

and the amount purchased. The Quarterly County Court may at its option cause such report to be published in a newspaper of general circulation in such counties, the cost of said publication to be paid as a part of the administrative costs of said Commission.

SEC. 5. That they shall procure by rental or otherwise an office and employ a secretary therefor at a salary to be set by the Road Commission, which secretary shall also be secretary to the Chairman of the Commission, who shall have the right to use the office of the Commission as his office.

As amended by: Private Acts of 1974, Chapter 262.

SEC. 6. That the Commission shall keep a complete and accurate record of all expenditures on the part of the Commission and likewise to keep the minutes of each and every meeting of the Commission, which record and minutes shall be opened during reasonable business hours for the inspection of any interested citizen or taxpayer of said County.

SEC. 7. That the Chairman of the Commission as County Engineer shall have sole power except as hereinbelow indicated to hire all personnel deemed necessary for the better upkeep of the county roads and bridges and for the maintenance of such machinery and equipment as may be owned by the County. Provided, however, that all employes of said County road system in excess of 30 shall first be approved by the Commission and the Commission by a majority vote shall select all such employes in excess of 30.

Within sixty (60) days of the effective date of this act, each employee of the Stewart County Highway Department shall be required to furnish a statement or certificate from a practicing physician or the county health officer certifying such employee to be physically able to perform all labor or duties as shall be required of him as an employee of such department. Any applicant for employment after the effective date of this act shall be required to furnish such certificate or statement before being employed by the department. Such statement shall be filed with the Commission. Each employee shall annually furnish such statement or certificate to the Commission. The Commission is authorized to enter into an agreement with the county health officer as to the manner in which such employee shall obtain such statement or certificate from him, and any cost shall be paid by the Commission. The employee or applicant shall have the option of obtaining such statement from his personal physician.

The County Engineer shall have exclusive authority over the construction and maintenance of all county roads and bridges and of the repair, upkeep and custody of all road equipment belonging to the County and shall see that the same is maintained in proper condition.

As amended by: Private Acts of 1974, Chapter 262.

SEC. 8. That the Quarterly County Court of counties to which this Act applies is hereby vested with authority and they are required at the time of making the regular tax levy, to levy a tax for road purposes of not less than 20¢ nor more than 50¢ upon the hundred dollars worth of property in said county on its assessed valuation, which tax shall be collected by the County Trustee as are other taxes and he shall be allowed the same compensation for receiving and paying out the same as is allowed him by general law on county funds. Out of the funds raised from such tax levy, there shall be paid the administrative costs of the Commission, including the

salary of the County Engineer, the compensation of the secretary and the costs of such right of way as may be obtained by the Commission in opening new roads. The remainder of such tax levy after first paying such above mentioned costs shall be prorated to the several districts of such County in proportion to their contribution thereto and shall be used exclusively for the construction and maintenance of the roads and bridges of such civil district.

SEC. 9. That one-fifth of the tax collected by the County Court Clerk on privileges or otherwise, shall be paid to the Trustee of the County and placed with the general road funds. Said taxes shall be paid in money.

SEC. 10. That this Act shall be liberally construed and interpreted and its provisions are hereby declared severable. If any of its sections, provisions, sentences, or phrases are held to be unconstitutional or void, the remainder shall remain in full force and effect, it being the legislative intent now hereby declared that this Act would have been adopted even if such unconstitutional or void matter had not been included therein.

SEC. 11. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 14, 1951.



## HIGHWAYS - ROADS

General law on highways and roads can be found in title 54 of Tennessee Code Annotated. In 1974, the general assembly enacted the "County Uniform Highway Law," which has had a substantial effect on road law in Tennessee's counties. Found in title 54, chapter 7 of Tennessee Code Annotated, the County Uniform Highway Law applies to most counties in the state. The counties with a population in excess of 200,000 (Shelby, Davidson, Knox and Hamilton) are excluded from this law.

The County Uniform Highway Law deals extensively with the position of "Chief Administrative Officer" of the county road department. The chief administrative officer is defined in T.C.A. § 54-7-103 as a county road superintendent, county road supervisor, county engineer, director of public works, or any similar elected or appointed official. The qualifications of the chief administrative officer are set out in T.C.A. § 54-7-104. The qualifications of candidates for elected and appointed offices are reviewed by the Tennessee highway officials certification board. Qualified candidates for popular election are certified by this board to the state coordinator of elections who forwards this certification to the county election commission. T.C.A. § 54-7-104(a).

The term of office is set at four years by T.C.A. § 54-7-105, and the minimum salary of the chief administrative officer is set by T.C.A. § 8-24-102. T.C.A. § 54-7-106. The bond of the chief administrative officer is now set at \$100,000 by T.C.A. § 54-7-108.

Most of the duties of the chief administrative officer are specified in T.C.A. § 54-7-109. This section names the chief administrative officer as the head of the county highway department and gives this officer general control over the road system and the personnel employed by the county road department. However, in those counties with popularly elected highway commissions (provided by private act), the general policy decisions over the highway system remain with the elected highway commission. The chief administrative officer annually submits a county road list which includes a summary of all changes approved the previous year by the county legislative body and the reason for the change, and makes recommendations to the county legislative body respecting proposed changes to the county road list and the classification of roads. T.C.A. § 54-10-103.

The County Uniform Highway Law also gives the chief administrative officer authority to employ legal counsel (T.C.A. § 54-7-110), requires the preparation of an annual plan for road improvement (T.C.A. 54-7-111), and provides for the supervision and control of all equipment and materials owned by the county highway department (T.C.A. § 54-7-112).

The use of county equipment or materials for private purposes is prohibited by T.C.A. § 54-7-202. Any personal financial interest in the purchase of any supplies, machinery, materials or equipment by any chief administrative officer, county highway commissioner, member of the county governing body, or any employee of the county highway department is expressly forbidden by T.C.A. § 54-7-203.

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

1. Public Acts of 1821, Chapter 6, required the county courts of all the counties to index and classify the public roads in the county. The classifications were three in number and were based upon use, width, and surfacing material. Widths ranged from a stage road down to one which was wide enough to permit the passage of two horses and riders moving in opposite directions on the way to mill or market. This is the earliest act found which started the state on its way to a good overall transportation system bringing into reality the index and classification of roads which are the foundation of transportation networks. Obstructions were prohibited and fines could be levied against anyone violating or not complying with any of the provisions of this act.
2. Private Acts of 1822, Chapter 184, authorized Alexander Brightwell to keep his ferry on the Tennessee River where he now has it, two miles below the mouth of Sandy River, and he may receive such fees as have been established by the county court to be charged by other ferry operators. It is the duty of the said Brightwell to appear before the county court of Stewart County, at its next meeting and enter into such bond and security as the court may require of him.
3. Private Acts of 1823, Chapter 299, was the legislative permission for the quarterly court of Stewart County, a majority being present at the time, to appoint an overseer, and allow him to employ a suitable number of road hands who were to keep the streets and roads in the town of Dover in good repair and service, all of whom would be subject to the general laws of the state governing overseers, road hands, and city streets.
4. Acts of 1853-54, Chapter 180, granted to Stewart County, and to ten other named counties, the same authority and right to take out stock in railroads, and to issue the bonds of the respective counties to pay for the stock, subject to the same restrictions as were previously set up for Lawrence, Maury, Williamson, Davidson and others, passed in an act on February 28, 1852.
5. Acts of 1853-54, Chapter 323, was the Act enabling the counties of Tipton, Dyer, Stewart, and Obion, to subscribe to the stock of, and to issue bonds to pay for it, the Great Central North and South Railroad, or to any other railroad company bringing themselves within the requirements of this act.
6. Acts of 1855-56, Chapter 204, allowed the county court of Stewart County to order an election at any time to ascertain the wishes of the people relative to the subscription of stock in the Louisville, Memphis, and Ohio Railroad, and, if and when approved, the county court may purchase the amount of stock previously agreed upon and approved.
7. Private Acts of 1859-60, Chapter 214, named James E. Price, James Lee, Jr., Christopher Dudley, Nathan Brandon, James M. Scarborough, F. P. Gray, E. S. Winn, Clay Roberts, A. B. Ross, Dr. J. W. Smith, Wesley Brandon, Joseph Satterfield, John H. Lesanby, Samuel P. Gentry, E. T. Bayard, and John L. Evans, as commissioners to open books on the stock subscriptions to the Dover and Lafayette Turnpike Company which was

chartered to build and macadamize a road from Dover in Stewart County, to Lafayette in Christiana County, Kentucky.

8. Public Acts of 1889, Chapter 89, granted to the U.S. Government a right of way over the public highways leading from the steamboat landing in the city of Dover in Stewart County to the Fort Donelson National Cemetery nearby with the power and the authority to construct and maintain a gravel, or a macadamized road, plus sidewalks, over the above right of way, provided further, however, that the said road shall be traveled free of charge by all persons, and the state and county courts would retain jurisdiction over any and all offenses which might be committed thereon at any time.
9. Public Acts of 1901, Chapter 136, was a statewide road law which applied to all counties under 70,000 in population according to the 1900 Federal Census. The county court of each county in the state, shall elect one road commissioner for each road district, which shall be coextensive with the civil districts of the county, who shall have general supervision over all roads, bridges, overseers, and road hands in that district. The duties of the commissioner are itemized in the act, his compensation is set at \$1.00 per day not to exceed ten days each year, and his term is fixed at two years. The county court shall fix the number of days of compulsory labor on the county roads at between five and eight for all males outside cities between the ages of 21 and 45. The court shall also levy a tax especially for road purposes not to exceed two cents per \$100 property valuation for each day set for hands to work. The commissioners must name the overseers in their districts who will supervise the road hands and the prisoners who are slated to work on that section of road. The commissioner would also hear and dispose of petitions filed with them by the citizens to open, close, or change roads. Another road tax, not to exceed twenty cents per \$100 property valuation, on all property outside of incorporated cities and taxing districts. This act was cited and discussed by the court in the case of Carroll v. Griffith, 177 Tenn. 500, 97 S.W. 66 (1906).
10. Acts of 1905, Chapter 478, amended Public Acts of 1901, Chapter 136, in several minor particulars but substantially changed, or established additional features, in the method of acquiring rights of way for the county road system, especially when the power of eminent domain had to be exercised.
11. Acts of 1907, Chapter 452, was the first road law for Stewart County. This law allowed the quarterly court to elect at its January term a road commissioner to serve for one year, who would be sworn and bonded, and exercise the entire supervision over all roads, bridges, and culverts in the county. The commissioner must index and classify all the roads in the county and he would decide and dispose of all petitions to open, close, or change roads. Guidelines were provided for soliciting bids, awarding contracts, etc. All males between the ages of 21 and 50, outside of cities, were required to work six days on the roads or pay sixty cents a day as a commutation rate. The trustee would settle with the road commissioner on all moneys and revenues, and the commissioner was allowed to bring suit before any justice of the peace against any person who had not worked on the roads or paid his commutation fees. The commissioner would furnish the county court clerk with a full description of the county roads, would inspect the roads periodically and report their condition to the quarterly court, and would be paid \$500 per year. Penalties were set up for those who violated the provisions of this law.

12. Acts of 1909, Chapter 292, made it the obligation and duty of the quarterly court of Stewart County to elect a road commissioner for one year who shall be a freeholder, sworn and bonded, and who would have supervision over the county roads, bridges, and culverts. The commissioner shall lay out, inventory, and classify roads according to width, use, and surfacing materials, assign work hands to work details, decide on petitions to open, close, or change the roads which were filed by citizens, and could employ the use of the power of eminent domain but must follow the law in that regard very closely. The commissioner could solicit bids and award contracts but again must strictly observe the requirements of the law in these respects. The commissioner must make inspections of the roads at intervals and advise the quarterly court of their condition, keeping adequate records of all phases of these works. All males, outside cities, between the ages of 21 and 50, must work six days on the roads, consisting of nine hours of work, each year or pay a penalty of fifty cents for each day before the first day of June, and sixty cents per day afterwards. In addition, the quarterly court could levy a road tax of not less than 25 cents per \$100 property valuation on all taxable property in the county. Penalties were prescribed for violations. This act had only a general repealer but it is presumed that Acts of 1907, Chapter 452 was repealed.
13. Private Acts of 1911, Chapter 383, contained a general repealing clause and seemed only to be repetitious of prior road laws in 1907 and 1909. The quarterly court must elect a road commissioner for one year to have the supervision of all county roads, bridges, and culverts, who would lay out, index, and classify all roads according to width, use, and surface, who would decide and dispose of petitions to open, close, or change roads, who was permitted to resort to the use of eminent domain when necessary, who could solicit bids and award contracts, who would settle all accounts with the trustee at least once each year, who was required to prosecute all violations of this act before any justice of the peace in the county, and keep proper records of all roads to be improved. The commissioner would further appoint overseers to assist him on each section of road, keep an inventory of all tools, equipment, and materials, and who would draw a salary of \$500 annually. The quarterly court must levy a road tax of 25 cents, or more, to be collected by the trustee. All males between the ages of 21 and 50, living outside of cities, must work six, nine-hour days, on the roads or pay fifty cents for every day missed.
14. Private Acts of 1913, Chapter 166, was the next road law for Stewart County. The act required the quarterly court to appoint an overseer for road sections, not to exceed five miles in length, to supervise and keep the same in repair, to be in charge of all tools and road hands, to be paid \$1.00 per day, and to serve for one year. All males, outside cities, between the ages of 21 and 50, must work from 4 to 8 days, as determined by the county court, or pay from \$1.00 to \$1.50 per day. Also determined by the court, for each day missed, but may furnish an able bodied substitute, or a wagon and team if the road hand had tools, materials, and equipment, and the overseers would schedule the work but could call the road hands out at any time in an emergency. The quarterly court shall levy a road tax of not less than 25 cents per \$100 property valuation to finance the payment of these funds and to keep the roads in repair, and the court would henceforth decide on the petitions to open, close, or change roads, and prescribe how the work was to be accomplished. The highway commission shall build roads according to standards specified and certify the amounts due to laborers and contractors. All violations, or

failures to comply, could be punished by the imposition of fines in any justice's court. This act repealed all conflicting acts enacted prior.

15. Private Acts of 1913 (Ex. Sess.), Chapter 29, amended Private Acts of 1913, Chapter 166, in Section 2, by repealing it and inserting a new section to provide that anyone eligible as a road hand shall also be eligible to serve as an overseer and be compensated as any other overseer, but must first be approved by a justice of the peace. Anyone refusing to serve could be fined for not doing so. Section 6 was amended so that petitions to open, close, or change roads would be entertained and disposed of by the highway commission, who, also, by amendment to Section 13, would be paid \$1.50 per day for each day devoted to that responsibility.
16. Private Acts of 1917, Chapter 298, had a general repealing clause and provided that the quarterly court of Stewart County would elect a road commissioner at its January term who would serve for two years, and if the one elected failed to qualify, the county chairman had the authority to appoint one. The county chairman and the road commissioner were directed to appoint overseers in each civil district who would be in immediate charge of the road work and the road hands, who would be paid \$1.00 to \$1.50 as the court might decide. The road commissioner would also procure all necessary tools and machinery, make contracts under \$100 and could not pay any overseers before they settled up all accounts with him. Mile posts were to be installed, the roads inspected, and reports made to the quarterly court. The county court would fix the number of days for road hands to work which were not to be less than four, and set the price to be paid for not working. The commissioner would be paid from \$500 to \$600 a year, and road hands who did not work must pay \$1.00 for each day missed.
17. Private Acts of 1919, Chapter 58, amended Private Acts of 1917, Chapter 298, in Section 3 so as to allow for more than one overseer in the district and raised the daily pay to \$1.50 to \$2.00 for the overseer. A paragraph was added to Section 12 which required the owners of wagons and teams to work on the roads from two to four days or pay \$3.00 for each day missed by each team and wagon. The overseer shall furnish a list of all in his area who had a team and wagon. People would be assessed \$4.00 for each day due and not worked, and in addition, violators could be fined from \$10 to \$25.
18. Private Acts of 1921, Chapter 225, made it the duty of the county judge of Stewart County to have and exercise all the jurisdiction over the public roads of the county, now or hereafter established, and the office of road commissioner is hereby abolished. The county judge shall appoint one, or more, overseers in each civil district in January of each year who shall supervise and work the road hands, making out and certifying a list of them and the days to be worked to the county judge. Compensation was at the rate of \$2.50 per day, or as it was fixed by the county court. The judge was given the jurisdiction over all roads, bridges, and culverts, which shall be laid out, indexed, and classified, keeping all proper records. The judge shall make an inventory of, and be in charge of, all tools, machinery, and equipment, and may remove overseers from their posts. The county court will fix the number of days between four and eight for the road hands to work, each day being a ten hour day. All males between 21 and 50, outside of cities, must comply or pay \$2.00 for each day missed. The quarterly court must levy a road tax of no less than 25 cents per \$100 property valuation which the county trustee

shall pay over to the judge. The county judge may open, close, or change roads, and was required to take them out of creek beds wherever possible.

19. Private Acts of 1925, Chapter 602, gave to the county highway commission, of Stewart County, the jurisdiction over the automobile road funds and all public roads. The present commission shall continue in office until the April, 1927, term of the county court, who will then appoint a five-member highway commission to serve for two years. The commission shall meet, elect a chairman, and a secretary, who shall lay out and assign roads to each commissioner. The commissioner will appoint one, or more, overseers in each civil district, or may serve as overseer himself, who would supervise and work the road hands, keep track of and records on all tools, equipment, materials, and road hands to do their work. Overseers must be bonded, and would be paid \$2.00 per day worked. The commission shall lay out, index, and classify, all the roads and provide each overseer with all the necessities for keeping the roads as directed. Road hands must work at least four ten hour days, and the people furnishing teams and wagons must work two days. All males between the ages of 21 and 50 were eligible, or they must pay \$1.50 for each day missed. A special road tax of not less than 25 cents per \$100 property valuation must be levied by the quarterly court and collected by the trustee. Commissioners would pass an applications to open, close, or change roads, and be paid \$100 per year.
20. Private Acts of 1927, Chapter 546, amended Private Acts of 1925, Chapter 602, above, to provide that the sheriff is hereby declared to be the ex-officio workhouse commissioner and the county jail is declared to be the workhouse. The sheriff and the jailor shall have the care and custody of all the county convicts committed to that institution, except when they are working on the county roads or going to and from the workhouse to their work. The county judge was directed to appoint a guard at \$1.50 a day when the number of prisoners justified it. This law is intended only to provide a method for working convicts on county roads and bridges, or in procuring the materials to go on them. In all other respects the general law of the state prevails.
21. Private Acts of 1929, Chapter 231, stated that the county court of Stewart County was authorized, empowered, and directed to divert from the road bond sinking fund an amount sufficient to pay some debts still owing on some road projects. The act allocated \$5,000 to the Bumpus Mills Bridge, \$5,000 to the bridge across Standing Rock Creek at Parker's Ford, \$1,000 to Caldwell and Company for their debt on other bridges, \$250 for the bridge across Ginger Creek in the eighth civil district, and \$4,000 to retire some due and unpaid bonds in various banks. The steps to be followed in making these payments are detailed in the act.
22. Private Acts of 1929, Chapter 931, was the next road law for Stewart County with only a general repealing clause. The act created a county highway commissioner, appointed by the quarterly court for a two-year term, who must be sworn and bonded, and who would have control over all county rural road funds which would be dispersed only on his orders. The county judge must keep a record of all the expenditures. The commissioner must appoint overseers in each civil district to work the road hands which overseers must work the time required by law and then would be paid \$2.00 a day for each day over that period. Overseers must be bonded, must furnish the commissioner the names of all the road hands in his district and of those who own wagons and teams. The commissioner

must catalogue and classify the public roads, and be in charge of all the tools and equipment. A work day must be 8 hours long but no longer than ten. All males, 21 to 50 years of age, outside cities, must work 6 days, and wagons and teams must work two days, or pay \$2.50 per day or commutation for each wagon and team not worked. Road hands could commute by paying \$3.00 before June 1, and \$4.50 afterwards. The court must levy a road tax of no less than 25 cents per \$100.00 which the trustee would collect and which would be spent as the act specified. The commissioner would handle the applications to open, close, or change roads, exercise the power of eminent domain when needed, and see to it that all roads came out of creek beds whenever possible. The commissioner would report to the county judge and be paid \$800 a year, plus \$30 a month to employ clerical help in keeping the records.

23. Private Acts of 1931, Chapter 3, only had a general repealer but was the next road law for Stewart County. This act established a county highway commissioner for each civil district, or road district, as afterwards designated, who would be appointed by the governor to serve until their successors could be elected in the general August election of 1932. The commissioners must be sworn and bonded. There would be two road districts in the county, the First to be made up of the first five civil districts, plus district 13, and the remainder to be second road district. The commissioners would have control of all the road funds in the county. The county judge must keep a well-bound book in which all the records must be entered. The commissioners would appoint all overseers in each district to work at a daily rate not to exceed \$2.00 after they had completed their obligatory days. The overseers would be in immediate charge of the road hands, and must be bonded likewise before assuming their duties which were specified in the act. All males, 21 to 50, must work four, 10 hour days a year, and those furnishing wagons and teams must work two days, or both pay \$4.00 to commute. The quarterly court must levy a road tax of at least 25 cents per \$100 property valuation which would be collected by the trustee and distributed as ordered by the court. The overseers could enforce all the terms of this act before any justice of the peace. Commissioners would dispose of petitions to open, close, or change roads and exercise eminent domain in accordance with the terms and conditions of the general law. The commissioners would be paid \$800 a year, and could be fined up to \$100 for neglect of duty. The county judge would be paid \$2.50 per day for every day devoted to the discharge of his responsibilities under this act. The commissioners were named as the county agency to deal with state authorities.
24. Private Acts of 1933, Chapter 249, amended Private Acts of 1931, Chapter 3, by striking out Sections 23, 24, 25, 26, 27, 32, and 34 in their entirety. In the place of Section 34 a provision was inserted for two commissioners to be appointed by the county court for one year and whose pay shall be fixed and not changed during the term. Section 32 was changed to provide that no credit against the days he would be legally required to work. Section 23 stated that the commissioners were not authorized to make any future purchases of any kind but the same shall be done under the Purchasing Act by the purchasing commission.
25. Private Acts of 1935, Chapter 548, was a road law for Stewart County with a repealer of all conflicts. The act created a county highway commission composed of one member from each of the road districts hereinafter established, who would be elected by the people of the district. The current commissioners will hold their offices until their

successors are elected in the general August election in 1936 and take office for two years after being sworn and bonded. The two road districts were made up of the 13 civil districts in the same way as reported in the acts above. The commissioner must be a resident of his district and will be in charge of all the roads and road funds in his district. The commissioner would appoint the overseers in the area who would be paid \$1.50 per day, worked up to \$52 a year, but the overseer must first work out his compulsory days as others did. The overseer must give the commissioner the names of all road hands in his area and make settlement once a year on all the tools and supplies. The commissioner is responsible for all the tools, supplies, and materials in his district. The same regulations for road hands were repeated in this act, and a special road tax of no less than 25 cents was required. No roads would be allowed to be in creek beds, and the overseers must enforce all the provisions of this law before the justices of the peace. The commissioners would be paid \$600 a year and devote all his time between March 1 and November 1 to the job, and as much as may be necessary otherwise, and they must inspect, examine, and correct all the deficiencies. These two commissioners and the county judge, or chairman, would compose the highway commission.

26. Private Acts of 1937, Chapter 644, did not specifically repeal any prior law but was the next road law for Stewart County. The act provided for a county highway commissioner for each district created herein who would be elected by the people of the district in the August general election of 1938, and succeed the present commissioners in office on September 1, 1938, holding for a two year term, after being sworn and bonded according to law. The two road districts were composed of civil districts, as before. The commissioner would appoint overseers in each civil district who must first work their compulsory road time and then be paid \$1.50 per day up to \$50 a year, but must give bond for the tools and materials furnished during the year, and must furnish the commissioner with the names of the road hands in the area and supervise their work as they perform it. Overseers must also report the conditions in their area to the quarterly court each quarter. All males, ages 21 to 50, must work four days, and wagons and teams must work two days or pay \$4.00 and \$5.00 commutation fees respectively. The quarterly court was required to levy the 25 cents, or more, special road tax. The commission would dispose of all the applications for road changes, and be paid \$600 a year payable monthly, devoted their entire time to their positions between March 1 and November 1. The commission would disburse all state funds allotted to the district and be the agent for the county in its dealings with the state. The commissioner may appoint a general road supervisor who meets the qualifications set up in the act, who would hold office at the same time and receive a maximum salary of \$1,800 a year. No one could be exonerated from road duty. This act was repealed by the one following.
27. Private Acts of 1945, Chapter 82, expressly repealed Private Acts of 1937, Chapter 644.
28. Private Acts of 1945, Chapter 85, created the position of a general road superintendent in Stewart County, who would be appointed by the county judge, or chairman, to serve one year from the July term of court, provided the court confirmed the appointment. The superintendent must be sworn and bonded, keep his office open for the inspection of his records by the public, and be paid \$1,500 a year. Vacancies in the office must be filled in the same manner. The superintendent could employ help and pay them out of the general road funds. Th county court must levy a road tax of no less than 25 cents per \$100



property valuation which would be collected by the trustee at a 2¼% commission. Roads must be classified by the court which will also dispose of applications to open, close, or change roads. The county judge, or chairman, must approve all expenditures from the gas tax fund. The superintendent would be in charge of all the road work, tools, equipment, and materials and could appoint overseers if they were needed.

29. Private Acts of 1947, Chapter 1, amended Private Acts of 1945, Chapter 85, by striking Section 2, and inserting a new section which provided that the general road Supervisor would be elected by the quarterly court at its July term to serve for one year, and vacancies must be filled by the same method, or by appointment of the county judge, or chairman, until the July term. A majority of all the justices, not just those present, is required when the general road supervisor is being selected.
30. Private Acts of 1951, Chapter 444, added the sentence at the end of Section 2 which required the county engineer to execute bond in the sum of \$5,000, conditioned upon the faithful performance of his duties.
31. Private Acts of 1951, Chapter 170, specifically repealed Private Acts of 1945, Chapter 85, as it was amended, which was the road law of Stewart County. Chapter 171, Private Acts of 1951, followed this act and is the current road law for Stewart County with its amendments.
32. Private Acts of 1961, Chapter 191, increased the annual salary of the county road engineer from \$2400 to \$3,000 in Section 2 of the base act.
33. Private Acts of 1963, Chapter 110, deleted the second sentence in Paragraph 1, Section 1, which made the county judge, the county engineer, and the direct representative in the house of the general assembly all ex-officio members of the county road commission and substituted the provision in the act. The second sentence of the second paragraph was also deleted which provided the method of filling vacancies in the ex-officio membership of the county judge, the road engineer, and the third representative and substituted the provision written in the act. This act was properly ratified.
34. Private Act of 1965, Chapter 140, raised the term of the county road engineer from two years to four years and his annual salary from \$3,000 to \$4,500 by adding the last paragraph to Section 2. Section 3 was amended in the first power given to the commission by changing \$200 to \$300 as the same now appears.

35. Private Acts of 1974, Chapter 262, increased the salary of the road engineer to \$10,000 from \$4,500, and prohibited his working anywhere else by adding the last paragraph to Section 2. Section 5 was amended by inserting the paragraph found instead of the original which limited the salary of the secretary to \$140 a month. Section 7 was changed to include the paragraph following the first paragraph and before the third which was a new added segment.

## CHAPTER X - LAW ENFORCEMENT

## LAW ENFORCEMENT

### JAILS AND PRISONERS

The general law on jails and prisoners can be found in Tennessee Code Annotated title 41. Of particular interest to county officials are chapter 2 (County Workhouse), chapter 4 (Jails and Jailers), and chapter 8 (County Correctional Incentives Act). For the state law on jailers fees, see T.C.A. §§ 8-26-105 and 41-8-106. 1999 Public Chapter 190 authorizes two or more counties to enter into an interlocal agreement providing for a jail and/or workhouse to serve the contracting counties. Each county that is a party to an interlocal agreement for a jointly operated jail would no longer be required to maintain a separate jail.

The following acts once affected jails and prisoners in Stewart County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1806 (2<sup>nd</sup> Sess.), Chapter 43, named James Elver, Hugh Bell, John Shelby, and Charles Stuart as commissioners to build a courthouse, prison, and stocks, on a suitable site in Clarksville for the district of Robertson, and authorized the county courts of Montgomery, Robertson, Dickson, and Stewart to levy taxes, which would be collected by the sheriff, in order to finance the said edifices.
2. Acts of 1809 (1<sup>st</sup> Sess.), Chapter 66, deemed in its preamble that the taxes, levied above in the 1806 Act, are inadequate to build the courthouse, prison, and stocks in Clarksville, therefore, the quarterly courts of Montgomery County, Robertson County, Dickson County, Hickman County, and Stewart County may continue to levy taxes according to the schedule in the act and to collect the same for the next three years in order to accomplish the same. The commissioners must account under oath for all the money collected by them for that time.
3. Private Acts of 1829-30, Chapter 287, appointed George Petty, Emanuel Jones, Christopher Clements, John Scarbrough, Thomas Bayless, Alexander B. Outlaw, William Williams, Jacob Siroch, and John Richards, as commissioners with full power and authority to contract with suitable workmen to build a jail in Dover on such plan as may be pleasing to the majority of them. The county court may call for and appropriate funds in the hands of the trustee for that purpose. The commissioners will report when the jail is ready to be occupied and prisoners will be transferred out of the old jail and into the new one in a proper fashion.

## LAW ENFORCEMENT

### MILITIA

For many years during the early portion of Tennessee's history, the county units of the state militia were a vital part of the peace keeping and law enforcement arm of the state, being subject to call when certain conditions existed.

1. Acts of 1803, Chapter 1, averred that Stewart County shall compose the twenty-sixth regiment of the sixth brigade of the second division of the state militia. The remainder of this act is devoted to the rules and regulations of the state militia covering all aspects of organization and conduct.
2. Acts of 1803, Chapter 69, made it the responsibility of the sheriff, or his deputy, of Dickson and Stewart counties to hold an election on the first Thursday and Friday in June next for the purpose of electing the field officers of the respective militia units of the counties.
3. Acts of 1815, Chapter 119, was the enactment of the comprehensive militia law of Tennessee which organization would be made up of free men and indentured servants between the ages of 18 and 45. This acts contained a table of organization and all the rules and regulations pertinent to the internal management and discipline of the whole militia and of the individual units of which it was composed. Stewart County is not mentioned in the table of organization which was surely a mistake. Each regiment would equal two battalions, composed of companies with at least 40 privates, 2 musicians, 3 sergeants, 3 corporals, one captain, one lieutenant, and one ensign.
4. Public Acts of 1819, Chapter 68, revised and amended the militia laws of the state. The militia of Stewart County composed the twenty-sixth regiment, and held a regimental muster on the third Friday of October.
5. Public Acts of 1825, Chapter 69, was a virtual remake of the entire state militia law which, among other things, incorporated a new table of organization. Stewart County's militia constituted the twenty-sixth regiment of the sixth brigade, second division, and would conduct their regimental muster on the third Friday in October each year.
6. Private Acts of 1833, Chapter 272, authorized the citizens of Stewart County to establish a company of calvary by voluntary enlistment which is not to exceed 100 in number of rank and file people with the power of setting their own times for muster and for holding courts martial. The said company is hereby attached to the sixth brigade and subject to the orders of its commanding officer, but are not to be compelled to go beyond the limits of the county for musters.
7. Acts of 1837-38, Chapter 157, scheduled the county drills for every unit of militia in the State of Tennessee. Members would report at the place and time mentioned fully equipped to take three hours of training exercises daily conducted by the unit officers. Stewart County's unit was assigned to the fifth brigade along with Montgomery and

Humphreys counties, and the drills would be held for the ninety-third regiment in Stewart County on the first Thursday and Friday following the first Friday and Saturday in September of each year.

## LAW ENFORCEMENT

### OFFENSES

Some counties in Tennessee have made various activities illegal within their boundaries by the enactment of private legislation. Some of these were billiard playing, operating dance halls, shooting fireworks, and things of a similar nature.

## LAW ENFORCEMENT

### SHERIFF

The office of sheriff is one of the county offices established by article VII, section 1 of the Constitution of Tennessee, and it is regulated by the general statutes found in title 8, chapter 8 of Tennessee Code Annotated. The qualifications for the office of sheriff are more stringent than for most county offices. These qualifications are detailed in T.C.A. § 8-8-102. Many of the duties of the sheriff are specified in T.C.A. § 8-8-201. The sheriff's salary is determined in accordance with T.C.A. § 8-24-102. The statutes authorizing the sheriff to petition the court with criminal jurisdiction for the employment of deputies and assistants and the setting of salaries for deputies and assistants are found in T.C.A. § 8-20-101 et seq. Also, the sheriff may appoint such personnel as may be provided for in the budget adopted for the sheriff's department. T.C.A. § 8-20-120. For additional statutes relating to the sheriff, refer to the combined general index of Tennessee Code Annotated, volumes 14, 15, and 16, under specific topics relating to law enforcement, county jails and workhouses.

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

1. Acts of 1803, Chapter 66, was the act which created Dickson County out of Robertson and Montgomery counties in which Section 7 stated that the sheriffs of Robertson, Montgomery, Stewart, and Dickson shall meet at Clarksville on the Monday next succeeding the election to count the votes and the sheriff of Montgomery County shall certify the vote for the governor, and the general assembly from Montgomery and Stewart counties.
2. Private Acts of 1820, Chapter 80, recited that James Mallory, the sheriff and tax collector of Stewart County, had reported to the quarterly court that all the tax remains due and imposed upon all the lands granted and surveyed by North Carolina and that Stewart County entered judgment for the double tax on all these lands now advertised to be sold for taxes, therefore, this act makes it lawful for the sheriff to sell the said lands and convey the same to the buyer by good and valid warranty deed.
3. Public Acts of 1821, Chapter 64, said that it would not be lawful for the sheriff of Stewart County to report and sell any lands for the taxes due in 1821 which do not lie within the lines of the said county at the passage of this act, nor for the costs of advertising the same.
4. Private Acts of 1825, Chapter 231, was the legal authority for the treasurer to pay to Charles D. McLean, the late editor and publisher of the "Tennessee Watchman", printed at the city of Clarksville, the sum of \$100 for advertising various tracts of land reported by the sheriff of Stewart County for non-payment of taxes for the year 1820.
5. Private Acts of 1829-30, Chapter 31, was the authority for the sheriff, the circuit court clerk, and the county court clerk to pay over severally to the trustee of Stewart County



the state taxes collected by them in the same manner and under the same restrictions as if they were being paid to the state treasurer, and the trustee's receipt shall be sufficient proof of their compliance herewith.

6. Acts of 1841-42, Chapter 89, directed the treasurer of the state to pay to Albert Wallace, the sheriff of Stewart County, the sum of \$62.50 as compensation to him for arresting William King, Clements Manning, and Calvin Manning, on a charge of murder and transporting the three of them from Dover to the Clarksville Jail by order of the Court and for returning the same trio to Dover for their trial in the month of November.
7. Acts of 1855-56, Chapter 208, ordered the comptroller of the state to pay on warrant from the state treasury the sum of \$50 to R. T. Daniel, of Stewart County, which is the amount of the reward and the expenses paid by Daniel for the recapture of William Stephens and Thomas Medkirk who had both escaped from the Stewart County Jail.
8. Private Acts of 1919, Chapter 283, set the salary of the sheriff of Stewart County, identified by the use of the 1910 Federal Census, at \$1,200 a year, payable quarterly, on the warrant of the county judge, or chairman, provided the sheriff keeps an accurate record of all the fees collected in his office and files a quarterly statement of the same with the county judge. If the fees are less than the salary, the county will provide the difference, and the fees shall not include the board fees for prisoners and turnkeys. The sheriff was prohibited from donating the fees to anyone.
9. Private Acts of 1927, Chapter 546, amended Private Acts of 1925, Chapter 602, reported herein in the section of highways, to provide that the sheriff is hereby declared to be ex-officio workhouse commissioner and the county jail is also declared hereby to be the county workhouse and the sheriff and jailor shall have the care and custody of all the county convicts committed to that institution except when they are working on the county roads, or are being transported to and from them and the jail. The county judge shall appoint a guard at \$1.50 per day when the number of prisoners justify this action.
10. Private Acts of 1927, Chapter 734, provided that the sheriff of Stewart County shall receive as compensation the sum of \$1,200 per year, payable quarterly, on the warrant of the county judge, or chairman. The sheriff was obliged to file a sworn, itemized statement of all fees collected in the office with the judge, or chairman, with all other information which is necessary concerning the source and origin of the fees. The fees fail to equal the salary, the county must pay the difference but the sheriff cannot donate the fees to anyone.
11. Private Acts of 1933, Chapter 109, expressly repealed Private Acts of 1919, Chapter 283, in its entirety as written. The act was a regulation of the salary of the Stewart County Sheriff.
12. Private Acts of 1943, Chapter 39, stated that the salary of the sheriff of Stewart County shall not exceed \$50 per month which amount shall be over and above the fees collected in the office to which the sheriff shall also be entitled.

13. Private Acts of 1949, Chapter 440, set the salary of the sheriff of Stewart County at \$1,200 a year to be paid in monthly installments of \$100 each, and, in addition, the sheriff shall be entitled to all the fees of the office for their work which are now provided by law, and to all the other benefits now available by law, the purpose of this act being to provide a fixed salary for the sheriff and to prohibit any change in the same by any agency other than the general assembly of the State of Tennessee.
14. Private Acts of 1951, Chapter 322, amended Private Acts of 1949, Chapter 440, by increasing the annual salary of the sheriff to \$2,400 and the monthly payments to \$200.

CHAPTER XI - REGIONAL AUTHORITIES - PUBLIC UTILITIES

REGIONAL AUTHORITIES - PUBLIC UTILITIES

SOUTH CENTRAL TENNESSEE RAILROAD AUTHORITY

Public Acts of 1983, Chapter 302, which is codified in Tennessee Code Annotated §§ 64-2-501 to 64-2-513, created the South Central Tennessee Railroad Authority in the counties of Montgomery, Houston and Stewart for the purpose of securing economic benefits to the above mentioned counties and to the cities of Clarksville and Cumberland City by providing for the continuation of railroad service to Montgomery, Houston and Stewart counties.

The act sets forth the organization of the Authority; its powers, duties and functions; the means by which it is to be financed; authorizes the Authority to condemn any land, easements, or rights of way in the boundaries of the Authority to carry out the purposes of the act in accordance with chapters 16 and 17 of title 29 of Tennessee Code Annotated. Furthermore, the act requires an annual report to the governing bodies of the various political entities in the area from the board of directors of the Authority.

## CHAPTER XII - TAXATION

TAXATION

ASSESSOR OF PROPERTY

PRIVATE ACTS OF 1955

CHAPTER 138

SECTION 1. That the Quarterly County Courts of counties of this State with a population of not less than 9,175 and not more than 9,200, according to the Federal Census of 1950 or any subsequent Federal Census, are authorized to defray part of the traveling expenses of the County Tax Assessor of such county, in an amount up to but not exceeding Five Hundred (\$500.00) Dollars per annum. Said traveling expenses shall be paid from the general county fund as a general expense of the county.

As amended by: Private Acts of 1961, Chapter 308.

SECTION 2. That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of the Quarterly County Court of each such county within the population classification hereinabove described on or before its next regular meeting occurring more than thirty (30) days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and shall be certified by him to the Secretary of State.

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

Passed: February 25, 1955.

## TAXATION

### ASSESSOR OF PROPERTY

The assessor of property is a constitutional officer provided for in article VII, section 1 of the Constitution of Tennessee to be elected by the qualified voters for a term of four years. For general law on the office of county assessor of property, see Tennessee Code Annotated title 67, chapter 1, part 5.

The salary of the assessor is set by the county legislative body in accordance with T.C.A. § 67-1-508 at an amount not less than the salary provided for the assessor by T.C.A. § 8-24-102. Also, T.C.A. § 67-1-508 provides that any assessor of property who has been trained and designated as a "Certified Assessment Evaluator" will be paid additional compensation by the state. Further, any assessor of property who has earned the title of "Tennessee Certified Assessor" or "Residential Evaluation Specialist" will be paid additional compensation by the state. The assessor is authorized by T.C.A. § 67-1-506 to appoint a deputy assessor for each 4,500 parcels of property over and above the first 4,500 parcels.

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

1. Private Acts of 1911, Chapter 411, amended Acts of 1907, Chapter 602, a statewide act fixing the salaries of the tax assessors for most counties, by changing the annual salaries of some tax assessors and by setting the salary of other for the first time. In Stewart County, the annual salary of the tax assessor was fixed at \$700 a year.
2. Private Acts of 1927, Chapter 606, established the annual salary of the tax assessor of Stewart County at \$700 payable out of the regular county funds.
3. Private Acts of 1949, Chapter 439, stated that the annual compensation of the tax assessor for Stewart County shall be \$1,020 payable in equal monthly installments of \$85 on the warrant of the county judge, or chairman, on the first day of each month. The expressed purpose of this act is to fix the compensation of the tax assessor and to make no other change in the office, the duties, the manner of payment or otherwise.

TAXATION

HOTEL/MOTEL TAX

PRIVATE ACTS OF 2004

CHAPTER 110

SECTION 1. For the purposes of this act:

(a) "Clerk" means the county clerk of Stewart County, Tennessee or such other officer as the county legislative body may direct.

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

(g) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, governmental unit other than the United States or any of its agencies, or any other group or combination acting as a unit.

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

SECTION 2. The legislative body of Stewart 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. Such tax shall be added by each operator to each invoice prepared by the operator for the occupancy of the hotel. Such invoice shall be given directly or transmitted to the transient, a copy thereof to be retained and filed by the operator as provided in Section 8.

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

SECTION 4. No operator of a 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 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 clerk not later than the twentieth (20<sup>th</sup>) day of each month for the preceding month. The operator is required to collect the tax from the transient at the time of the presentation of the invoice for occupancy, whether prior to, during or after occupancy, as may be the custom of the operator. If credit is granted by the operator to the transient, then the obligation to the county entitled to such tax shall be that of the operator.

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

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

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

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

#### SECTION 7.

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

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

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

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

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

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

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

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

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

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

SECTION 13. This act shall have no effect unless it is approved by a two thirds (2/3) vote of the county legislative body of Stewart County. Its approval or nonapproval shall be proclaimed 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 be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall take effect on the first day of the month following approval as provided in Section 13, the public welfare requiring it.

Passed: April 15, 2004.

## TAXATION

### MOTOR VEHICLE TAX

#### PRIVATE ACTS OF 2004

#### CHAPTER 83

SECTION 1. For the privilege of using the public roads and highways in Stewart County, Tennessee, there is levied upon motor-driven vehicles, and upon the privilege of the operation thereof, except motorcycles, motor-driven bicycles and scooters, farm tractors, self-propelled farm machines not usually used for the operation upon public highways or roads, and motor-driven vehicles owned by any governmental agency or governmental instrumentality, and except for other exemptions provided by general law, a special privilege tax for the benefit of such county, which tax shall be in the amount of thirty-five (\$35.00) dollars for each such motor-driven vehicle, the owner of which resides within Stewart County. This tax applies to, is a levy upon, and shall be paid on each motor-driven vehicle, the owner of which resides within Stewart County.

SECTION 2. The tax herein levied shall be paid to and collected by the county clerk of Stewart County, who is authorized by Tennessee Code Annotated § 67-4-103 to collect such privilege taxes. The county clerk shall collect this tax at the same time the clerk collects state privilege tax levied upon the operation of a motor-driven vehicle over the public highways of this state. The county clerk shall deduct a fee of five percent (5%), or such higher or lower fee as may from time to time be authorized under Tennessee Code Annotated § 8-21-701(55) for receiving any paying over county revenue, from the amounts of taxes collected and paid over to the county trustee.

SECTION 3. Payment of the privilege tax imposed hereunder shall be evidenced by a receipt, issued in duplicate by the county clerk, the original of which shall be kept by the owner of the motor-driven vehicle and, if required by the county legislative body by resolution pursuant to Tennessee Code Annotated § 55-4-103, by a decal or emblem also issued by the county clerk, which shall be displayed in the manner required by resolution of the county legislative body. The design of the decal or emblem shall be determined by the county clerk.. The expense incident to the purchase of such decals herein required, as well as the expense of obtaining proper receipts and other records necessary for the performance of the duties herein incumbent upon the county clerk, shall be paid from the general fund of the county.

SECTION 4. The privilege tax or wheel tax herein levied, when paid, together with full, complete, and explicit performance of and compliance with all provisions of this act by the owner, shall entitle the owner of the motor-driven vehicle for which the tax was paid and on which and required decal or emblem has been affixed, as herein provided, to operate or allow to be operated the owner's vehicle over the streets, roads, and highways of the county for a period of one (1) year, which shall run concurrently with the period established by Tennessee Code Annotated § 55-4-104 for state registration fees.

In the event a wheel tax decal or emblem is sold by the clerk for a period of more or less than a twelve-month period, the tax imposed shall be proportionate to the annual tax fixed for the vehicle and modified in no other manner, except that the proportional tax shall be rounded off to the nearest quarter of a dollar.

SECTION 5. In the event the following circumstances occur, the county clerk shall issue a duplicated decal or emblem to the owner of any motor-driven vehicle for which the wheel tax has been paid:

- (1) the motor-driven vehicle becomes unusable; or
- (2) the motor-driven vehicle is destroyed or damaged to the extent that it can no longer be operated over the public roads, streets, or highways of such county; or
- (3) the owner transfers the title to such vehicle; or
- (4) the owner completely removes from the motor vehicle and destroys the decal or emblem issued for and placed thereon; and
- (5) the owner makes proper application to the county clerk for the issuance of a duplicate decal or emblem to be used by the owner on another vehicle for the unexpired term for which the original decal or emblem was issued; and
- (6) the county clerk is satisfied that the applicant is entitled to the issuance of a duplicate decal or emblem; and
- (7) the owner pays into the hands of the county clerk the sum of three dollars and fifty cents (\$3.50). The county clerk shall then issue to such owner a duplicate receipt, canceling the original receipt delivered to the clerk by the owner, and shall deliver to the owner a duplicate decal or emblem, which shall be affixed to the motor-driven vehicle for which it is used, as herein provided. Such duplicate decal or emblem shall entitle the owner to operate or allow to be operated the vehicle upon the streets, roads, and highways of such county for the remainder of the period for which the original decal or emblem was issued. Likewise, in the event a decal or emblem becomes obliterated, erased, or defaced, or is destroyed under the provisions of this act, and is therefore illegible and unusable by the owner, upon proper application made by the owner and filed with the county clerk, showing such circumstances and facts to be true, then the county clerk, upon receipt from the owner of three dollars and fifty cents (\$3.50) may issue and deliver to the owner a duplicate decal or emblem.

SECTION 6. Any person violating the provisions of this act, or any part thereof, shall be subject to a civil penalty of a fifty dollar (\$50.00) fine for each violation of this act.

SECTION 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of 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 8. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Stewart County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body of Stewart County and certified by him to the secretary of state.

SECTION 9. For the purpose of approving or rejecting the provisions of this act, it shall become effective upon approval as provided in Section 8 within thirty (30) days of the 2<sup>nd</sup> reading of the county legislative body of Stewart County.

Passed: February 23, 2004.

## TAXATION

Most of the general law on taxation can be found in title 67 of Tennessee Code Annotated. The chief revenue source for county government is the ad valorem tax on real and personal property. The statutes dealing with the county property tax, including assessment, levy, collection, and enforcement, are found in title 67, chapter 5. Assessments are reviewed by the county board of equalization, which is covered by title 67, chapter 5, part 14. Another large source of county revenue is the local option sales tax. The authority for the local option sales tax is codified at T.C.A. title 67, chapter 6, part 7. While the property tax may be levied by the county legislative body alone, the local sales tax must be approved by the qualified voters in a referendum. Other general law granting taxing authority for counties may be found in other sections of the code. These may be found through use of the combined general index to the Tennessee Code Annotated. In some areas private acts may be used for authority to levy a tax at the county level. The revenue sources available to county governments, and the authority for such taxes and fees either in general law or private acts, are summarized in the CTAS publication County Revenue Manual.

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

1. Public Acts of 1821 (2nd Sess.), Chapter 2, recited in the preamble that some citizens south and west of the reservation may be subjected to double taxation in some instances, especially those living in Stewart County, because the sheriff in that county was reporting some lands for sale. This act exonerates all those from having to pay a double tax, and the sheriff, or the tax collector, is expressly prohibited from collecting the double tax. It remained lawful for the sheriff to collect the single legitimate tax since the double assessment would occur only in the year 1820, it appeared. The sheriff shall be given proper credit for these extra taxes by the county trustee and the state treasurer.
2. Private Acts of 1823 (1st Sess.), Chapter 144, was the enabling legislation for the quarterly county court of Stewart County to levy a tax sufficient to complete the public buildings in the said county but the same tax shall not exceed the state tax nor the county tax for that year, and may be continued from year to year until the said public buildings are completed and paid for.
3. Public Acts of 1870-71, Chapter 50, allowed the counties and the cities of Tennessee to levy taxes for county and municipal purposes in the following manner, (1) that all taxable property be taxed according to its true value on principles established in regard to state taxation, and (2) that the credit of no county, or city, can be loaned to any person, firm, or corporation, unless a majority of the Justices shall first agree to submit the question to the people in a referendum vote, and the people vote by a three-fourths majority for approval. Twenty-six counties, not including Stewart, exempted themselves from the three-fourths approval vote by the people, substituting a majority of those voting in its place.

4. Private Acts of 1929, Chapter 116, authorized and empowered the Stewart County Quarterly Court, identified by the use of the 1920 Federal Census, to levy a tax of not more than thirty cents per \$100 property valuation, at any quarter's session in 1929 but no later than the July session, which will be used for maintaining and caring for the insane of the said county. These taxes herein are cumulative and shall be paid and collected in addition to all other taxes.



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