

**PRIVATE ACTS OF  
CANNON COUNTY  
TENNESSEE  
REVISED EDITION**

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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 Cannon County will provide a useful reference for county administration in Cannon County.

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

## HOW TO USE THE PRIVATE ACTS OF CANNON 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 2007 Session of the 105th 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.

## 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.

## 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. § 8-21-701.

## 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 Cannon County and are included herein for historical purposes.

1. Acts of 1835-36, Chapter 33, Page 141, Section 2, stated that all the courts to be held in newly formed Cannon County would meet at the home of Henry D. McBroom until the county seat was established although the County Court could adjourn to other places whenever necessary in its discretion.
2. Private Acts of 1959, Chapter 372, Page 1243, provided that Justices of the Peace in Cannon County, using the 1950 Federal Census figures, shall receive \$8 per day and ten cents per mile travel allowance between home and the county seat, for each day actually spent in attendance at the County Court. This Act was rejected by the Quarterly County Court and therefore never became a part of the laws of Cannon County under the Home Rule Amendment to the State Constitution.
3. Private Acts of 1972, Chapter 42, Page 1700, provided for the election of the Chairman of the County Court in 1972 for a term of four years. The act provided for both judicial and administrative duties as then provided by general law. This act was superseded in part by Private Acts of 1977, Chapter 84, and later by Public Acts of 1978, Chapter 934.

4. Private Acts of 1973, Chapter 93, Page 324, established the compensation of Justices of the Peace for attending meetings of the Quarterly County Court (\$15 per day) and for committee meetings (\$7.50 per meeting) not to exceed four committee meetings per year. This act has not been repealed, but has been superseded by the general law providing for compensation of county commissioners (T.C.A. 5-5-107).

## COUNTY MAYOR (COUNTY ADMINISTRATOR)

### PRIVATE ACTS OF 1977 --- CHAPTER 84

SECTION 1. There is created the office of County Administrator for Cannon County, Tennessee. The County Administrator shall be elected by the qualified voters of the county at the August general election in 1978. He shall take office on September 1 following his election and shall serve a term of four (4) years, and until his successor is elected and qualified. In August, 1982, and thereafter every four (4) years at the August general election, a person shall be elected to fill the office of County Administrator. Terms shall commence on September 1 following the election. Any qualified person who is a citizen and legal resident of Cannon County, Tennessee, shall be eligible to serve as County Administrator for as many terms as he shall be elected.

SECTION 2. The County Administrator shall have the same duties, authority, powers and jurisdiction, except for those of a judicial nature, as set out in the general law of this state for county judges and county chairman, and in addition, he shall have and exercise such other duties of a nonjudicial nature as may be assigned by private act to the County Chairman of Cannon County. The County Administrator shall be the presiding officer of the Cannon County Quarterly Court.

SECTION 3. The County Administrator shall be paid a minimal annual salary equal to that provided by law for a county judge or chairman and payable in equal monthly installments out of the treasury of the county, at the same time and in the same manner as the salaries of other county officers are paid. He shall be furnished and shall maintain an office in the county courthouse. He shall have the authority to hire a secretary and such other assistants as necessary to enable him to carry out the duties of his office and to fix their compensation, subject to the approval of the Cannon County Quarterly Court.

SECTION 4. The office of County Chairman of Cannon County is abolished, effective September 1, 1978. All judicial powers and duties exercised prior to the effective date of this act by the County Chairman of Cannon County, whether pursuant to general law or private act, are transferred, effective September 1, 1978, to the Judge of the Court of General Sessions of Cannon County. The Clerk of the County Court shall continue to be the clerk for all matters of probate but all other judicial matters shall be the duty of the Clerk of the General Sessions Court.

SECTION 5. Chapter 421 of the Private Acts of 1972, and all other private acts dealing with the duties, functions and operations of the County Chairman, are amended to the extent, but only to the extent that they are in conflict with the provisions of this Act, and any references in such acts concerning such duties, functions and operations of the County Chairman shall apply to the County Administrator unless otherwise provided by this Act.

SECTION 6. In case of a vacancy in the office of County Administrator, the Quarterly County Court shall appoint a successor to serve until the next general election for county officials. The person elected at such election shall serve the balance of the unexpired term, if any.

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 Quarterly County Court of Cannon County within one hundred and twenty days subsequent to its approval by the Chief Executive of this State. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

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

Passed: May 9, 1977.

*COMPILER'S NOTE: Parts of this act may have been superseded by Tennessee Code Annotated title, 5, chapter 6.*

## COUNTY MAYOR REDESIGNATED TITLE TO COUNTY EXECUTIVE PRIVATE ACTS OF 2004 --- CHAPTER 124

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

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

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

Passed: May 13, 2004.

## 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.

## 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.

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

1. Private Acts of 1929, Chapter 232, Page 509, provided that the Register in Cannon County, identified by the use of the 1920 Federal Census figures, shall be allowed and paid, in addition to the fees now allowed and paid by law, ex-officio fees in the amount of \$500 per year to be paid by the county in quarterly payments on the warrant of the Chairman of the County Court.
2. Private Acts of 1949, Chapter 262, Page 696, amended Chapter 232, Private Acts of 1929, above, by increasing the payment of ex-officio fees to the County Register from \$500 to \$600 per year.

## COUNTY TREASURY

### PRIVATE ACTS OF 1923 --- CHAPTER 616

SECTION 1. That it shall be unlawful for any county official to issue warrants on the County Treasury in excess of the amount of money appropriated, or to be received from some other source, for any specific purpose for, or during the year for which said money was appropriated or received.

SECTION 2. That each official authorized to issue warrants on the County Treasury for any purpose shall keep a stub of all warrants issued showing the number and date of the detached warrant, the amount, to whom and for what purpose issued; and shall post annually, at the courthouse in counties coming within the provisions of this Act, a sworn statement showing the total amount of all warrants issued by him, or her, for the last twelve months next preceding the date of said notice. Said notice to be posted on the first Monday in January.

SECTION 3. That any person violating the provisions of this Act shall be guilty of a misdemeanor, and punishable by a fine of not less than \$25.00 nor more than \$100.00, or confinement in the county jail or workhouse for not less than thirty days nor more than ninety days, or both, at the discretion of the court.

SECTION 4. That this Act shall only apply to counties having a population of not less than 10,240 nor more than 10,250, according to the Federal Census of 1920, or any subsequent Federal Census. That all

laws and parts of laws in conflict with this Act be and they are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 30, 1923.

## COUNTY TRUSTEE

### PRIVATE ACTS OF 1927 --- CHAPTER 604

SECTION 1. That the Trustee or Trustees of the several counties in Tennessee, having by the Federal census of 1920, and any subsequent Federal census, a population of not more than 10,241 nor less than 10,246 inhabitants may, if he or they so desire, make and execute to the State of Tennessee, for the use of the said State and the county in which they are elected, one single bond in the penal sum as now provided by law for the State and for the county, an amount equal to one-third of all the taxes, and revenues, general and special, and of every kind and nature, due the said state and county for the year next preceding the date of the execution of said bond.

The conditions of said bond shall be for the faithful, collecting, disbursing, accounting and paying and paying over any and all such taxes, revenues, and funds of every kind (sic) and character which may come into his hands by virtue of his office as Trustee, and for the faithful performance of this duties as Trustee and final settlement and laying over all the moneys remaining in his hands to his successor in office.

SECTION 2. That the said bond shall be accepted and approved by the Chairman of the County Court and his official approval endorsed upon said bond, which will be spread upon the minutes of the county, together with the said approval of the Chairman; and then forwarded and deposited with the State Treasurer.

SECTION 3. That an Act does not repeal or modify the General law in force in this State regulating the making of bonds by Trustees, but this Act is only intended, as an alternative bond that the Trustee may execute the bond herein provided, at his option, or he may tender the usual bonds provided by the General laws of the State; provided however, should the Trustee in the county or counties herein named prefer to execute the bond herein provided, to shall be received by the State and county in lieu of all other bonds now provided by the General laws of the State for Tennessee.

SECTION 4. That should the Trustee tender the bond provided for in this Act, it shall be the duty of the county to pay the premiums and costs of the execution of said bond; provided the same is executed and signed by some bonding or guaranty company authorized to do business in the State

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

Passed: April 8, 1927.

## 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.

# MOBILE HOME PARK REGULATIONS

## PRIVATE ACTS OF 1998 --- CHAPTER 167

SECTION 1. Purpose and Scope. The purpose of this act is to provide areas within the confines of Cannon County outside the corporate limits of Auburntown and Woodbury for the location and development of planned mobile home parks. These areas shall be developed and located so as to provide safe and sanitary living conditions for mobile home occupants and to be convenient to employment, shopping centers, schools and other community facilities. These regulations shall be entitled the "Cannon County Mobile Home Park Regulations".

### SECTION 2. Definitions.

- (1) "Buffer strip" means a planted material or other material as may be approved by the Cannon County Regional Planning Commission which will provide a screen not less than six feet (6') in height;
- (2) "Mobile home" means a detached single-family dwelling unit with all of the following characteristics:
  - (a) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems;
  - (b) Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels;
  - (c) Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking, and assembly operations, location of foundation supports, connection to utilities and the like; and
  - (d) Double-wide mobile homes and modular homes set upon permanent foundations are excluded from this definition and these regulations.
- (3) "Mobile home park" means any plot of ground containing a minimum of two (2) acres upon which three (3) or more mobile homes are located or are intended to be located, but does not include sites where unoccupied mobile homes are on display for sale. A mobile home park cannot be developed on a site that is less than two (2) acres in size.

SECTION 3. It is unlawful for any person to place or maintain three (3) or more mobile homes for living or sleeping purposes on any premises or tract of land in Cannon County outside the corporate limits of Auburntown and Woodbury unless they are contained within a planned mobile home park duly permitted pursuant to the provisions of this act.

SECTION 4. The Cannon County Regional Planning Commission shall grant approval of a mobile home park when all the provisions of this act have been met. An application and all accompanying plans and supporting data shall be filed in duplicate with the Planning Commission at least seven (7) days prior to a regular meeting of the Commission.

SECTION 5. The owner or lessee of the land parcel proposed for a mobile home park shall submit a plan for development to the Cannon County Planning Commission for approval. The plan shall show:

- (a) The park plan drawn to scale;
- (b) The area and dimensions of the proposed park;
- (c) The location and width of all driveways and walkways;
- (d) The location and dimensions of any proposed service building and structures;
- (e) The location of all water and sewer lines;
- (f) The location of all equipment and facilities for refuse disposal and other park improvements.
- (g) A plan for drainage of the park;
- (h) A certificate of accuracy signed by the surveyor or engineer that the boundary survey is correct;
- (i) A certificate and signature of the County Environmentalist stating suitability for subsurface sewage disposal;
- (j) A certificate for Planning Commission approval; and
- (k) Any other information deemed pertinent by the Planning Commission.

SECTION 6. Minimum Standards.

- (a) A mobile home park shall contain a minimum of two (2) acres.
- (b) Mobile home parks shall be designed so that the distance between mobile homes and between mobile homes and any attached or unattached structure of another mobile home is a minimum of thirty (30) feet in all directions.
- (c) The site shall be located on a well-drained and flood-free site with proper drainage. The Cannon County Flood Insurance Rate Map date 7/1/91 or subsequent updates to said maps shall be used to determine floodable areas.
- (d) The site shall not be exposed to objectionable smoke, noise, odors, insect or rodent harborage or other adverse influences.
- (e) The site shall be located with direct access to an existing county or state road.
- (f) The Planning Commission may attach special conditions and safeguards to protect both the occupants of the park and the occupants of surrounding property from such elements as noise, light and dust. Where required to serve these ends, walls, planting, surfacing or other material or artificial means for protection may be required as a part of such special conditions.
- (g) The mobile home park shall not contain more than four (4) individual mobile home spaces per gross acre.
- (h) Service buildings shall be a permanent construction, adequately ventilated and lighted.
- (i) An approved water supply and sewer shall be provided to each mobile home space. Piping and connections shall be as specified and approved by the County Environmentalist.
- (j) All service buildings shall be convenient to the spaces which they serve and shall be maintained in a clean and sanitary condition.
- (k) The drives, walks, and parking areas shall be paved with hard surface material which shall be not less than double bituminous surface.
- (l) Roadways shall be a minimum of eighteen feet (18') in width.
- (m) Entrances and exits to the mobile home park shall be designed for safe and convenient movement of traffic into and out of the park and shall be located and designed as prescribed by the Cannon County Planning Commission.
- (n) Any part of the park areas not used for building or other structures, parking, or access ways shall be landscaped with grass, trees, shrubs, and pedestrian walks.
- (o) The park shall be adequately lighted at night with security lights.
- (p) Each mobile home shall be set back a minimum of thirty feet (30') from any public street and a minimum of fifteen feet (15') from all property lines.

- (q) Each mobile home park shall provide at least two (2) off-street parking spaces for each mobile home unit. The parking spaces shall be located for convenient access to the mobile home units.
- (r) All mobile homes, service buildings, and the grounds of the park shall be maintained in a clean, slightly condition and kept free from any conditions that will menace the health of any occupant or the public or constitute a nuisance.
- (s) Fire hydrants will be required if sufficient size water lines are available to serve the hydrants.
- (t) In each mobile home park, the duly authorized attendant or caretaker shall be charged at all times to keep the mobile home park, its facilities and equipment, in a clean, orderly, safe and sanitary condition.
- (u) It is unlawful for any person to maintain or operate a mobile home park within the Cannon County Planning Region, unless such person first obtains approval from the Cannon County Regional Planning Commission.
- (v) There shall be no more than one (1) mobile home per septic tank and drainage field.
- (w) A buffer strip shall be provided along all property lines of the park except across ingress and egress points to county roads.

SECTION 7. Enforcement and Penalties for Violation. The county may enforce this Mobile Home Park Regulation by action or injunction. Any person or persons who willfully neglects or refuses to comply with any of the provisions of this act shall be subject to a civil penalty of not more than fifty dollars (\$50.00) for each offense. Each day of violation shall constitute a separate offense.

SECTION 8. Review Power of the Commission.

- (a) Any of the foregoing provisions may, at the discretion of the Cannon County Planning Commission, be waived for good and sufficient reasons. However, all mobile home park requests shall be submitted to the Planning Commission for review and shall be accompanied by a mobile home park development plan. The Planning Commission shall review all mobile home park plans for preliminary and final approval.
- (b) Expansion of existing mobile home parks shall be submitted to the Cannon County Planning Commission for approval and must conform to the standards set forth in this act.
- (c) The Cannon County Regional Planning Commission shall have the authority to establish operational procedures for administering the provisions of this act and to establish reasonable fees for the administration thereof.

SECTION 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of 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 10. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the County Legislative Body of Cannon County. Its approval or non-approval shall be proclaimed by the Presiding officer of the County Legislative Body of Cannon County and certified to the Secretary of State.

SECTION 11. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 10.

Passed: April 27, 1998.

## 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 \$10,000 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 \$10,000 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 \$10,000, (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 \$10,000 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.

## 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 Cannon 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 1837-38, Chapter 157, Page 223, Section 3, fixed the dates for the County drills and musters of every county unit of the State Militia. The Tenth Brigade was made up of the units in Warren, Franklin, and Cannon Counties. The units in Cannon would hold their annual muster on the Monday and Tuesday following the first Friday and Saturday in September of each year.

2. Acts of 1841-42, Chapter 87, Page 96, Section 2, declared that any person residing in Cannon County who shall join any Volunteer Company in Rutherford County and muster with the unit, shall be exempt from military duty in Cannon County so long as that person continues to meet with the Volunteer Company.

3. Acts of 1847-48, Chapter 35, Page 65, stated that a new Director is added in addition to all the others, to the Bank of Tennessee at Nashville who shall reside in Cannon County and who shall be selected and appointed in the same way as are other Directors of the Bank, and who shall have the same powers, authority, and duties as other Directors of the Bank.

4. Acts of 1856, Chapter 253, Page 511, created the office of County Judge in every county of the State to hold for a term of four years, who shall be learned in the law, and who shall be commissioned as are other Judges. All Quorum Courts were abolished and all their duties vested in the County Judge whose jurisdiction in administrative and judicial functions were spelled out in the Act, including the right to preside over the County and Quarterly Court in place of the Chairman. County Court Clerk shall keep records and act as Clerk to Court. This Act was repealed by Chapter 5, Acts of 1857-58, and all Quorum Courts were restored as well as the Chairman of the Court.

5. Acts of 1875, Chapter 15, Page 17, amended Section 1792, Code of Tennessee, so as to allow the Counties of Knox, DeKalb, Shelby, Cannon, White, Davidson, and Weakley each to have one additional Notary Public, over and above the number permitted under the general law, who would be appointed by the Justices of the Quarterly County Court.

6. Acts of 1875, Chapter 134, Page 221, provided for the election by the people of Jackson and Cannon Counties each of a person learned in the law and thirty years of age, or older, to be the County Judge for a term of eight years. The first election thereunder would be on the first Thursday in August, 1876, under the general election laws of the State. The Judges were granted the same powers as had been conferred upon the other County Judges in other Counties. The Judge in Cannon County would be paid \$300.00 per year and the section paying \$5 per day for each day of court was repealed. This Act, as it applied to Cannon County was repealed by Chapter 9, Acts of 1877, below.

7. Acts of 1877, Chapter 9, Page 12, expressly repealed all the provisions of Chapter 134, Private Acts of 1875, Item 6, above, as the same applied to Cannon County in their entirety.

8. Acts of 1897, Chapter 124, Page 282, fixed the salaries for several different county officials across the State according to the population of the county in which they served. Conditions were established which had to be met before the salary would be paid one of which was that all fees collected in the office became the property of the County. A sworn, itemized statement of all fees collected must be filed with the County Judge, or Chairman, every month. This Act further specified the maximum number of deputies to be hired in each office and the salary they could be paid. Although this particular Act was declared unconstitutional in *Weaver v. Davidson County*, 104 Tenn. 315, 59 SW 1105 (1900), it nevertheless served as a model for many general salary acts which followed whose legality was upheld.

9. Private Acts of 1935, Chapter 137, Page 301, removed the disabilities of infancy from Creed Warf whom the index lists as being a resident of Cannon County, but the Act states that Warf is a resident of Hamilton County. In any event he was free to conduct himself in all business matters as an adult.
10. Private Acts of 1935, Chapter 139, Page 303, was an Act emancipating Mrs. Leola Hoover Davenport from all the disabilities of her minority and granting to her the authority to act and bind herself as an adult.
11. Private Acts of 1935, Chapter 424, Page 1005, removed the bonds of infancy from Louise Turney, granting her the right to conduct her affairs as an adult including all the matters which may exist between herself and her guardian.
12. Private Acts of 1937, Chapter 346, Page 1058, made Magnus Phillips, of Cannon County, an adult in the eyes of the law and his fellow man by removing all the disabilities and protection of minority from him, granting him the right to conduct all affairs as an adult would.
13. Private Acts of 1959, Chapter 320, Page 1066, created the position of County Judge of Cannon County which would be effective on January 1, 1960, and abolished the post of County Chairman. The County Judge must be of good moral character, at least thirty years of age, a good business man and learned in the law, but does not have to be an attorney. The Governor would appoint someone to serve until September 1, 1960, when a Judge would be elected for six years, and in 1966, the term would be for eight years. The Judge's salary would be set by state law, and he would have all the powers of a County Judge, and the Fiscal Agent of the County, plus the powers and jurisdiction of the General Sessions Judge. This Act was rejected by the County Court of Cannon County and consequently never became an effective law.
14. Private Acts of 1972, Chapter 42, Page 1700, provided for the election of the Chairman of the County Court in 1972 for a term of four years. The act provided for both judicial and administrative duties as then provided by general law. This act was superseded in part by Private Acts of 1977, Chapter 84, and later by Public Acts of 1978, Chapter 934.

## **CHAPTER II - ANIMALS-FISH ANIMALS - FISH**

### **LIVESTOCK INSPECTOR**

PRIVATE ACTS OF 1951 --- CHAPTER 227

SECTION 1. That in counties of this State with a population of not less than 9,870 nor more than 9,890 by the Federal Census of 1940 or any subsequent Federal Census, the Quarterly County Court is hereby authorized to elect for a term of one year, two animal inspectors. In case a licensed veterinarian or licensed veterinarians shall be located in said county, then the Quarterly County Court shall be under the obligation to elect such inspectors from such licensed veterinarians to the extent of the number in said county. It shall be the duty of such livestock inspectors to make an inspection and examination of the livestock in said county and to treat such as may be found ailing or sick with the view to promoting the spread of health among such stock and to reduce the danger of infections or contagious diseases. Such animal inspectors may contract with the owner or owners of any diseased livestock found by them for the treatment thereof by such inspectors, the compensation therefore to be mutually agreed upon between the parties. Such livestock inspectors may be compensated by the Quarterly County Court of such counties to which this Act applies in an amount not to exceed Ten (\$10.00) Dollars per annum for the inspectors so appointed.

Election thereof may be made by the Quarterly County Court at any regular term and the persons so elected shall hold office for a period of one year from the date of such election. The said county shall be liable for the default or negligence of any such livestock inspectors where such County Court has used special care and caution in the selection thereof, but nothing herein shall exempt such inspectors personally for the negligence in the performance of their duties.

As amended by: Private Acts of 1953, Chapter 235.

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

Passed: February 20, 1951. ANIMALS - FISH

### **MINNOWS**

PRIVATE ACTS OF 1951 --- CHAPTER 263

SECTION 1. That it shall be unlawful in Cannon County for any person to catch or possess minnows for the purpose of sale, provided same were caught in any stream in Cannon County.

SECTION 2. That it shall be unlawful in Cannon County for any person to possess more than one-hundred and fifty (150) minnows, provided same were caught in any stream in Cannon County.

SECTION 3. That violation of this Act shall be a misdemeanor, punishable by a fine not to exceed Twenty-five Dollars (\$25.00).

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

Passed: February 27, 1951.

## **RUNNING AT LARGE**

### **PRIVATE ACTS OF 1931 --- CHAPTER 825**

COMPILER'S NOTE: The provisions of this act may have been superseded by Tennessee Code Annotated § 44-8-401 et. seq.

SECTION 1. That it shall be unlawful for any owner or any one having the charge or control of horses, mules, asses, cattle, sheep, swine or goats to wilfully, knowingly or negligently permit the same to run at large in counties in Tennessee having a population of not less than 8,934, and not more than 8,936, according to the Federal Census of 1930, or any subsequent Federal Census.

SECTION 2. That the owner or owners of live stock mentioned in Section 1 of this Act shall be liable for all damages done to the property of others by any such livestock when or while running at large in said counties and that those so damaged shall have a lien on the live stock doing the damage, which lien may be enforced either by attachment or by judgement and execution.

SECTION 3. That any person or persons upon whose land or premises such stock so trespassing, whether said land be held as owner, tenant or lessee, shall have the right to take up and confine such stock, giving the same good and sufficient feed, water and attention, for which he or they shall be entitled to reasonable compensation and they shall have a lien on said live stock for the payment and satisfaction of the same, which lien may be enforced either by attachment or by judgement and execution.

SECTION 4. That any person or persons so taking up or confining any such trespassing live stock shall give notice the same day to the owner or person having the control or charge of such trespassing live stock, if known. If the owner or person having control or charge of such trespassing live stock be unknown the person so taking up and confining said stock shall within twenty-four hours post three notices in three conspicuous public places in the district where said live stock is being confined, giving a description of the stock, the time taken up, the place of confinement or detention and by whom held.

SECTION 5. That any person violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction be fined not less than \$2.00, nor more than \$25.00.

SECTION 6. That his Act take effect from and after October 15, 1931, the public welfare requiring it.

Passed: June 30, 1931.

## **RED FOXES**

### **PRIVATE ACTS OF 1978 --- CHAPTER 188**

COMPILER'S NOTE: This act may have been superseded by Tennessee Code Annotated Title 70. See T.C.A. § 70-4-209.

SECTION 1. It shall be lawful in Cannon County to buy or sell green hides, raw furs, or pelts of a red fox.

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

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

Passed: February 20, 1978.

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

1. Private Acts of 1870, Chapter 19, Page 35, prohibited seining, netting, either with set or a dip net, basketting, or trapping fish in any stream, pond, or reservoir, in Rutherford, Davidson, Robertson, Montgomery, Cheatham, Williamson, Maury, Stewart, Cannon, Marion, Warren, and Dickson Counties. Fines for violators would range from \$5 to \$20 for the first offense and from \$20 to \$50 for the second offense. Nothing in this Act intended to prevent appeals of any nature from being taken. This Act was repealed by the one below.
2. Private Acts of 1871, Chapter 9, Page 9, repealed Chapter 19, Private Acts of 1870, above, as the same related to Maury, Dickson, Warren, Marion, Benton, Humphreys, and Cannon Counties.
3. Private Acts of 1899, Chapter 345, Page 790, amended Chapter 127, Acts of 1895, which was a statewide Act making it lawful to take fish except by rod and reel and trotline, so as to give the Grand Jury in Cannon County inquisitorial powers on this law for the protection of fish and made it the duty and responsibility of the presiding Judge of the Circuit, or Criminal, Court to charge this Act to the Grand Jury. This Act was repealed by the one following.
4. Private Acts of 1901, Chapter 372, Page 853, exempted Cannon County from the operations and provisions of Chapter 127, Public Acts of 1895, explained above, and specifically repealed Chapter 345 of Private Acts of 1899 in its entirety.
5. Acts of 1907, Chapter 489, Page 1649, was a statewide general law regulating fish throughout the State. Section 15 provides that persons may seine for their own use in the streams, when they use nets with meshes no smaller than 1¼ inches, of several counties named in the Act including Cannon County.
6. Private Acts of 1917, Chapter 42, Page 129, made it unlawful in Cannon County, identified by the use of the 1910 Federal Census figures, for any person to shoot, kill, or injure by any method, any quail, or partridge, except during the times stated in this Act, from November 15 until February 15. Squirrels, rabbits, and all fur-bearing animals, wild ducks, wild geese, wild turkeys, and all migratory game birds may be killed during any time of the year. It was declared unlawful to gig, spear, shoot, or kill any fish in any running stream, or water, with dynamite, or any other explosive. It was lawful to use hook and line and grab hooks, to grapple with the hands, and to use a seine, or wing net, from June 1 until September 1, and no license shall be required to do so. One must have permission to hunt or fish on the lands of another. Fines for violators were set from \$5 to \$50 and would be placed in the school fund.

7. Private Acts of 1919, Chapter 162, Page 382, was the authority to hold elections in Cannon County on the questions of a "Fence Law" or "No Fence Law," the elections to be held according to the general laws of the State, the returns to be sealed up and directed to the Election Commission. All officers, Judges, and Clerks of the election would serve without compensation.
8. Private Acts of 1921, Chapter 405, Page 1225, was an Act by which many of the Counties, including Cannon, exempted themselves from the provisions of Chapter 61, Public Acts of 1919, which was a rather restrictive and coercive Act regulating the care and keeping of dogs throughout the State.
9. Private Acts of 1925, Chapter 241, Page 860, provided for an election to be held on Saturday, March 28, 1925, in Cannon County, identified by 1920 population figures, to ascertain the will of the people with reference to a stock law. All the general election laws of the State were to be observed, and the ballots were to be marked "For" or "Against." The results of the election were to be certified to the delegation in the General Assembly representing Cannon County.
10. Private Acts of 1927, Chapter 362, Page 1038, amended Chapter 102, Public Acts of 1925, which was the State Game Law, so as to exempt Cannon County from that portion of Section 28 of the Act, which related to the hunting of squirrels in Cannon County, the citizens being authorized to kill, take, or capture them at any time.
11. Private Acts of 1929, Chapter 244, Page 563, stated that the Election Commission in Cannon County shall call an election to be held in the said County within thirty days after passage of this Act for the purpose of ascertaining the will of the people with reference to a Stock Law for the County, and the election of a County Superintendent of Public Instruction for the school system. The Election Commission was instructed to canvass the vote and advise the Cannon County delegation in the General Assembly.
12. Private Acts of 1929, Chapter 908, Page 2636, made it unlawful for any person, firm, or corporation, to take, ship, or transport more than 50 minnows per day out of Cannon County on the chance of being fined from \$25 to \$50 for each violation.
13. Private Acts of 1931, Chapter 355, Page 901, required the Election Commission of Cannon County to hold an election on the second Saturday after the effective date of this Act to ascertain the will of the people with reference to a Stock Law, the ballots being either "For" or "Against." The results of the election were to be certified to the Cannon County representative and Senator in the General Assembly and the expense would be paid as any other election expense.
14. Private Acts of 1933, Chapter 86, Page 229, made it legal to hunt, chase, or kill, rabbits, squirrels, and gray foxes at and during all seasons of the year in Cannon County. All conflicting Acts were repealed.
15. Private Acts of 1933, Chapter 87, Page 230, also declared it to be lawful in Cannon County to hunt, or fish, within the geographical boundaries of such counties during the respective open seasons, and in an otherwise lawful manner, without having first to obtain the license required by the Game and Fish Commission of the State and without the necessity of having to pay any kind of fee therefor.
16. Private Acts of 1935, Chapter 772, Page 2019, stated that no license fee of any kind would have to be paid by any person to hunt and fish in Cannon County. All fur-bearing animals, including red foxes, may be lawfully hunted, trapped, and killed from November 1 of each year to February 15, of the year following. It was permitted for one to hunt, trap, and kill rabbits, squirrels, and gray foxes at anytime, it being expressly stated there would be no closed season on them. No minnow was to be taken from any

stream for the purpose of sale. Possession of a hide, skin, or pelt of any animal during the closed season on that species would be prima facie evidence of that animal having been killed illegally.

17. Private Acts of 1935, Chapter 773, Page 2021, stated that B. Z. Martin, of Cannon County, had earned a diploma from the Veterinary Science Association, of Canada, and since that time he has been engaged in the practice of veterinary medicine and surgery in Cannon County; that he is a good person of good moral character, and this area and the area surrounding have a pressing need for a veterinarian, therefore, the said Martin is authorized and licensed hereby to practice veterinary medicine and surgery in these areas. The State of Tennessee shall recognize these facts and issue a license to him upon the payment of the cost and application.

18. Private Acts of 1937, Chapter 732, Page 2257, amended Chapter 772, Private Acts of 1935, Item 16, above, by striking the word "including" and adding the word "excluding" while declaring it to be the intent and purpose of this law to place the hunting, chasing, trapping, and killing of red foxes in Cannon County under the provisions of the Public Acts of 1937 only as to the opening and closing of the seasons and not to require the purchase of a license.

19. Private Acts of 1945, Chapter 546, Page 1692, declared that C. H. Allmon, of Cannon County, was a person of good moral character and skilled in the practice of veterinary medicine and surgery, whose services are needed and desired by the people of Cannon County, and adjacent areas to the Ivy Bluff community, and, therefore, the said Allmon is hereby authorized to engage in practice of veterinary medicine and surgery in the above mentioned areas, and a certified copy of this Bill is the only license which shall be required of him.

# CHAPTER III - BOND ISSUES BOND ISSUES

## RAILROADS

PRIVATE ACTS OF 1901 --- CHAPTER 430

SECTION 1. That the County of Cannon may become a stockholder in any railroad company or railroad companies organized under the general laws of this State, which shall build a railroad or railroads connecting points within said county with any railroad or railroads connecting points within said county with any railroad or railroads now or hereafter built into the city of Nashville, Tennessee, or having railroad connection with said city, in an amount or amounts not exceeding in the aggregate an amount equal to one-tenth of the taxable value of the property within said county, by complying with the terms and requirements of this Act.

SECTION 2. That before any such subscription or subscriptions shall be made under the provisions of this Act, the application therefor shall be made and an election held in all respects in compliance with the provisions of Sections 3 to 9, both inclusive, of "An Act to enable counties and incorporated cities and towns to subscribe to the capital stock of any railroad company incorporated under the general laws of this State, in the mode prescribed therein, and to provide for the payment of such subscriptions," passed February 17, 1887 by the forty-fifth General Assembly of the State of Tennessee, except that the application shall state that it is made under the provisions of this Act. and that the proposed road will be constructed through or terminate in said county.

As amended by: Private Acts of 1919, Chapter 572.

SECTION 3. That should said county fail to vote a subscription under the provisions of this Act at any election held for that purpose, another election may at any time, after thirty days, be ordered.

COMPILER'S NOTE: The original Section 4 was deleted and the subsequent sections renumbered by the Private Acts of 1919, Chapter 572.

SECTION 4. That any subscription made under the provisions of this Act shall become due and payable in such installments and at such times as may have been prescribed and stipulated in the application which shall have been made to the County Court as hereinbefore provided.

SECTION 5. That when any subscription or subscriptions made under the provisions of this Act shall become due and payable as provided in Section 4 of this Act, said county shall make and deliver its coupon bonds for the amount of such subscription or subscriptions, payable not more than fifty years after date, and bearing interest at such rate as may be agreed upon, not exceeding five per cent per annum, payable semi-annually, and deliver the same to the railroad company or railroad companies to whose capital stock such subscription or subscriptions shall have been made.

SECTION 6. That when such subscriptions or subscriptions shall become due or payable, as provided by this Act, it shall be the duty of the County Court of said county on the receipt of the certificates of stock, as hereinafter provided, to levy, annually, such tax on the taxable property and privileges of said county as will be sufficient and necessary to meet the maturing interest on the bonds issued under the provisions of this Act. And at the expiration of ten years from the issuance of said bonds, and annually thereafter, said County Court shall levy an additional tax on the taxable property and privileges of the county for the purpose of providing a sinking fund sufficient to pay the principal of said bonds at maturity.

SECTION 7. That the taxes required by this Act to be levied shall be levied, collected, and paid into the treasury of the county as are other county taxes, and the County Trustee shall receive the same

compensation for collecting and paying out the same as is allowed by law for the same services rendered with respect to other county taxes. But no taxes collected under the provisions of this Act shall, in any event, be used for any purpose or purposes other than as provided by this Act.

SECTION 8. That the railroad company or railroad companies to whose capital stock such subscriptions shall be made shall, when such subscription or subscriptions shall become due and payable as herein provided, issue and deliver to said county, certificates of its capital stock, equal in amount to the subscription or subscriptions, and said certificates shall be held, owned, and voted by said county, and said certificates of stock, and dividends and profits thereon, and the public benefit derived from the construction and operation of the railroad, shall be in full consideration of such subscription, and the benefits derived therefrom by the railroad company or companies.

SECTION 9. That this Act is not intended to impair in any way the right of said county to subscribe to the capital stock of a railroad company under the provisions of any statutes now in effect, but only to provide an additional method by which such subscriptions may be made by said county.

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

Passed: April 3, 1901.

## 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 Cannon County is included below for reference purposes, although these acts are no longer current. Also referenced below are acts which repeal prior law without providing new substantive provisions.

## BUILDINGS

1. Private Acts of 1945, Chapter 224, Page 748, authorized the Quarterly Court of Cannon County, by a two-thirds vote, to issue \$50,000 in bonds in cooperation with the city of Woodbury, which would be used to erect joint city-county buildings. The City of Woodbury was also authorized to issue the same amount of bonds. The interest rate on the bonds could not exceed 5%, nor the maturity period go beyond thirty years. All the principle details of both issues were contained in the Act and both legislative bodies were required to levy taxes to amortize the bonds. A Building Committee would be formed consisting of three members from the County and two members from the City, or five from either one if the project was undertaken independently. The buildings would be used for such public purposes as the county and city authorities may direct.

2. Private Acts of 1949, Chapter 116, Page 265, was the authority for the Quarterly Court of Cannon County to sell interest bearing coupon bonds in an amount up to \$25,000 to erect public county buildings, provided that two-thirds of the Court agree. The minimum interest rate was 5% and the maturity period

was fixed at no longer than 30 years. The bonds would be in such form as the Court might decide, would be exempt from taxation by other governments, and would be part of the general obligations of the County. The Trustee would handle all the proceeds and keep proper records. The County Court would appoint a committee of five members to come up with a cost estimate to be approved by the Court and to supervise the work once it was under way. The buildings would be used for whatever public purpose the county officials decided.

3. Private Acts of 1951, Chapter 211, Page 599, validated, ratified, and confirmed all the prior proceedings of the Quarterly Court of Cannon County which occurred at its regular October, 1950, term in connection with the issuance of \$30,000 in Cannon County Improvement Bonds, and in connection with a note, dated January 22, 1951, for \$25,000 at 3% interest, and due in five years, all of which had been duly executed by the County Chairman and the Clerk of the County Court, as fully as if all authority had been given in the beginning. A separate section made a tax levy for the sinking fund mandatory.

4. Private Acts of 1953, Chapter 37, Page 132, declared that the Resolution of the Quarterly Court of Cannon County, dated October 6, 1952, providing for the borrowing of not more than \$22,500 in short term notes which would be used for the repair and improvement of a county building whose interest rate was 3%, or less, and which would mature as stated in the Resolution, is hereby validated, confirmed, and legalized despite any lack of statutory authority, and despite any defect, omission, or error in relation thereto. If the rents of this building are not sufficient to repay this note, then the County shall repay.

5. Private Acts of 1953, Chapter 38, Page 134, also validated, confirmed, and ratified a Resolution of the Quarterly Court, dated October 11, 1952, providing for the borrowing of up to \$40,000 in short-term notes for the purpose of repairing, reconditioning, and constructing an annex to a public building, which note would bear interest at a rate of 3%, or less, and mature as the Resolution directed.

6. Private Acts of 1955, Chapter 7, Page 47, validated a Quarterly Court Resolution, dated October 4, 1954, providing for the borrowing of \$50,000, or less, in short term notes, to repair, recondition, and construct an annex to a county building, payable in stipulated amounts for ten years at an interest rate not to exceed 3%. These notes were stated to be the incontestable obligations of Cannon County, despite any flaw in the proceedings and, should the rents prove insufficient to repay, the county will do so.

## COURTHOUSE

1. Private Acts of 1935, Chapter 212, Page 482, was the authority for the Quarterly Court of Cannon County to issue up to \$30,000 in 5%, 20 year bonds, to erect and furnish a Courthouse in Woodbury. The Act named B. B. Parker, W. G. Hollandsworth, Walter Hancock, Bob Gilley, E. E. Todd, J. B. Creson, G. A. Davenport, L. L. Yeargin, and W. B. Rogers as a committee to serve without pay to supervise the project, employ an architect, approve plans, and give the County Court their best estimate of the cost. The Court would then decide upon the bond issue. The Trustee would keep all records and be paid 1% of the money handled.

2. Private Acts of 1935, Chapter 391, Page 926, amended Chapter 212, above, by removing the requirements that the bonds be advertised for sale in New York City; by adding a provision that some suitable person be employed at \$2 per day to check the progress of the work daily to see that the plans and specifications were being met; and by providing that the remaining members of the Building Committee shall fill any vacancy on the Committee.

3. Private Acts of 1945, Chapter 472, Page 1462, allowed Cannon County, acting through its Quarterly Court, to transfer from the fund accumulated for the retirement of its Courthouse bonds, 1935 Series, any excess funds over and above the unpaid, unretired, and outstanding principal and interest thereon

calculated to the first day of the second succeeding March, and to place such excess funds in any other appropriate account and use them for any other proper and public purpose.

## DEBTS

1. Private Acts of 1929 (Ex. Sess.), Chapter 15, Page 44, allowed the Quarterly Court of Cannon County, to issue up to \$20,000 in 6%, 20 year bonds, to provide funds with which to pay off and discharge the outstanding and unpaid bonds, known as the Cannon County Highway Bonds, which were issued to construct a portion of State Highway #1 for which Cannon County was obligated. All essential details of a valid bond issue were present and a tax levy was required.

2. Private Acts of 1933, Chapter 96, Page 244, permitted the Cannon County Quarterly Court to issue up to \$12,000 in interest bearing bonds to pay off and retire outstanding bonds, previously issued to construct roads. The interest rate could not exceed 6%, and the bonds would mature as the Court should direct, but would not be longer than twenty years. All essential details were contained in the Bill along with a proviso that any surplus in this issue could be used to retire bonds other than the ones mentioned.

3. Private Acts of 1935, Chapter 234, Page 531, was the authority for the Quarterly Court of Cannon County to issue up to \$12,000 in bonds, at interest rates up to 6%, and to mature in 20 years, or less, to provide funds to pay off and retire the outstanding bonds issued to construct roads and to pay those coming due in 1935 and 1936. All these bonds were exempted from taxation.

4. Private Acts of 1937, Chapter 166, Page 495, ratified, validated, and legalized all the prior proceedings of the Quarterly Court of Cannon County held in connection with the authorization and issuance of \$60,000 in Funding Bonds (Series 1937), dated January 1, 1937, and maturing at the rate of \$3,000 per year from 1939, through 1956, at 3% interest. These bonds were declared to be the general obligations of the County.

5. Private Acts of 1937, Chapter 312, Page 933, also validated and confirmed all the prior proceedings of the Cannon County Quarterly Court in the issuance of \$60,000 in Refunding Bonds (Series 1937) dated March 1, 1937 at 3% interest, and maturing in twenty years. With the exception of the date, this Act and the one above are similar.

6. Private Acts of 1967, Chapter 286, Page 1125, authorized the Quarterly Court of Cannon County to issue interest bearing notes in an amount not to exceed \$18,000, upon the adoption of a proper Resolution therefor, pledging the full faith and credit of the county for the purpose of paying the existing debts of the county. These notes shall not exceed a three year term and shall be repaid at the rate of \$6,000 per year at interest of 4%, or less. This Act was properly ratified by the Quarterly Court.

## GENERAL

1. Private Acts of 1921, Chapter 170, Page 462, declared that it would be unlawful in Cannon County, identified by the 1920 population figures, to authorize the issuance of bonds for any purpose whatsoever without first submitting the proposal to a vote of the people in a referendum. A majority of the votes cast in such an election would carry the issue either way. The names of 100 freeholders on a petition for that purpose will be sufficient to hold the election.

2. Private Acts of 1953, Chapter 255, Page 858, expressly and entirely repealed Chapter 170, Private Acts of 1921, above, thus making a referendum vote in a bond issue no longer necessary.

## ROADS

1. Private Acts of 1909, Chapter 396, Page 1394, provided that, subject to the successful outcome of a referendum which would be held under the general election laws of the State, the results to be certified to

the Chairman of the delegation representing Cannon County in the General Assembly, the Quarterly Court could issue up to \$75,000 in 5% bonds, or less, payable in stipulated amounts over a 35 year period from issuance to provide funds with which to build turnpikes and to improve the road system generally. \$10,000 was specified to be spent on the other roads in the county which would be a feeder system. The Court would appoint three citizens as a Board of Turnpike Commissioners, who would be sworn and bonded, who could employ an engineer, and who would follow the procedures mentioned in the Act for building the roads, or exercising the right of eminent domain and for contracting for the work.

2. Private Acts of 1931, Chapter 71, Page 168, allowed the Cannon County Quarterly Court issue and sell its coupon bonds up to \$15,000 at 6% interest or less, and to mature no later than 15 years from issuance date, to provide funds with which to obtain rights of ways and borrow pits and to construct a road across the county from the Coffee Countyline on south to DeKalb County and on north to county line by way of Mooretown, Woodbury, and Gassoway. The essential details and the mandatory tax levy were contained in the Act.

## SCHOOLS

1. Private Acts of 1923, Chapter 158, Page 552, was the authority for the Cannon County Quarterly Court, at any of its regular, or called, sessions, to borrow up to \$50,000 to redeem outstanding school warrants heretofore issued to the county which represented debts incurred prior to July, 1922, with interest at 6%, or less, and to mature from one to five years. All essential details were present and the Act specified that no one connected with this purpose would be compensated out of this bond money.

2. Private Acts of 1945, Chapter 225, Page 755, recited in the preamble that the Hollow Springs public school was destroyed by fire in 1944, and \$2,500 was collected from insurance policies; that the County Court has decided to replace the said school at a cost of \$10,000, using the \$2,500 insurance money, and by issuing \$7,500 in bonds to secure the balance of the needed capital. This building is nearing completion and the honor and integrity of the county has been pledged to this undertaking. Some doubt has arisen as to the validity of the proceedings of the County Court with reference thereto, and this Act is for the purpose of ratifying, validating, and confirming those actions of the County Court incidental hereto, and authorizes the issuance of the bonds mentioned previously at an interest rate of 3%.

# CHAPTER IV - BOUNDARIES BOUNDARIES

## CREATION OF THE COUNTY

PRIVATE ACTS OF 1835-36 --- CHAPTER 33

SECTION 1. That a new county is hereby established, to be called and known by the name of Cannon; east of Rutherford, north west of Warren and south of Wilson and Smith counties, and composed of parts of the said counties of Warren, Rutherford and Smith; beginning on the ridge, the dividing line between Bedford and Rutherford counties, where Trott's survey strikes the same, near the house of Thomas Bruce; running from thence north to the twelve mile tree marked by Joseph Fowler, near Readyville, in Rutherford county, and continuing the same course to the Wilson county line; thence north-east with the several lines of Wilson county, to the line between Smith and Wilson; thence with the line between Wilson and Smith, four miles to a point on the line heretofore run by Henry Trott, Jr.; thence north eighty degrees east, with said line, seven and a half miles to the line between Warren and Smith; thence north eighty degrees east, nine and half miles, to the Smith county line; thence the same course seven and a half miles, to the line between Warren and Smith counties; thence with the line dividing Warren and Smith counties, seven miles, to the Caney fork of Cumberland river; thence up the meanders of the Caney fork to the mouth of Lick creek; running from thence to Perry G. Magnus's, leaving the dwelling house of said Magnus in the county of Warren; thence to a point a westwardly course, so as to run not nearer than twelve miles of McMinnville; thence to John Martin's, esq. on a line heretofore run by Henry Trott; thence south, thirty degrees west, seven miles and one hundred and ninety two poles; thence south, twenty degrees west, two miles; thence south five miles and one hundred and eighty six poles; thence south, seventy-one degrees west, six miles and seventy poles; thence north, eleven degrees west, three miles and seventy poles; thence with the dividing ridge between Rutherford and Bedford counties, to the beginning.

SECTION 2. That for the due administration of justice, the different courts to be holden in said county of Cannon, shall be holden at the house of Henry D. McBroom, until the seat of justice for said county shall be located and a suitable house erected for that purpose. The county court shall, in the intermediate time, have full power to adjourn the courts to such other place in the said county as they may deem better suited for the holding of the same, and for the public convenience; and to adjourn to the seat of justice whenever in their judgement the necessary arrangements are made; and all writs and other precepts returnable to either place, shall and may be returned to the place to which said courts may have been removed by the county court aforesaid; and the said courts to be holden in and for said county of Cannon, shall be under the same regulations and restrictions, and shall have, hold, exercise and possess the same powers and jurisdiction as is possessed by said courts in other counties in this State.

SECTION 3. That all officers, civil and military, in said county, shall continue to hold their offices, and exercise all the powers and functions thereof, until others be elected under the provisions of the amended constitution and the laws made in pursuance thereof; and the said county of Cannon shall elect her officers, civil and military, under the amended constitution, at the same time, under the same rules and regulations, and in the same manner that may be provided by law for the election of officers in other counties in this State; and the said county of Cannon shall be placed upon an equal footing, possess equal powers and privileges, in all respects, as other counties in this State; PROVIDED, nothing in this act contained, shall be so construed as to prevent the counties of Warren, Rutherford, and Smith, from having, holding and exercising jurisdiction over the territory composing said county of Cannon and the citizens thereof, in as full and ample manner as they now have, until the election of county officers under the amended constitution; PROVIDED, also, nothing in this act contained, shall be so construed as to prevent the counties of Warren, Rutherford, and Smith from entering up judgements, or the sheriffs of said counties from selling, under such judgements, any lands within the bounds of said county of Cannon, for taxes, costs and charges, for the present or any preceding year; nor to prevent the sheriffs of either of

said counties from collecting, from the citizens of said county of Cannon, any taxes due for the present or any preceding year.

SECTION 4. That the citizens of the county of Cannon, in all elections for governor, for members of congress, and for members of the general assembly, shall vote with the counties from which they may have been stricken off, until the next apportionment of members of the general assembly, agreeably to the provisions of the fifth section of the tenth article of the amended constitution.

SECTION 5. That George Elliott, of the county of Sumner, Jonathan Webster of the county of Coffee, and John S. Russwurm, of the county of Williamson, be and they are hereby appointed commissioners, a majority of whom can act, who shall, on or before the first Monday in May next, proceed to fix on a suitable and eligible site for the seat of justice and for the county town, within five miles of the town Danville. And said commissioners shall procure, by purchase or otherwise, at least fifty acres of land, for which they shall cause a deed or deeds to be made to themselves or their successors in office, by general warranty; and the said commissioners shall name the county town, and report all their proceedings relative to and concerning said county, to the county court of said county--and it is hereby made the duty of the clerk to record the same.

SECTION 6. That it shall be the duty of the county court of said county, to appoint five commissioners, to whom the commissioners appointed by this act, shall convey the land acquired for the use of the county aforesaid, on which it shall be the duty of the commissioners appointed by the county court, to cause a town to be laid off, with as many streets, and of such width as they may deem necessary, reserving at least three acres for a public square, and a lot sufficient for building a jail; and the said town, when so laid off, shall be known by such name as may be given to it by the commissioners herein appointed.

SECTION 7. That the commissioners of said county shall sell the lots in said town on a credit, at least, of twelve months; first giving due notice thereof in one or more newspapers printed in this State; and shall take bonds with sufficient security for the purchase money, payable to themselves and their successors in office; and shall make titles, in fee simple, as commissioners, to the respective purchasers of said lots.

SECTION 8. That the proceeds of the sales of the lots aforesaid, shall be a fund in the hands of said commissioners, for defraying the expenses incurred in the purchase of said tract of land on which the said county seat is located, and also for defraying the expenses of erecting public buildings.

SECTION 9. That the said commissioners shall superintend the building of the court house, jail and other necessary public buildings, and shall let out such buildings as the county court in said county shall order, to be built upon such terms and conditions as the said court shall direct, and shall take bond with sufficient securities, from the person or persons to whom the same is let, payable to themselves and their successors in office, in the sum of ten thousand dollars, conditioned for the faithful performance of his or their contracts.

SECTION 10. That the said commissioners, before they enter upon the duties of their office assigned them by this act, shall take an oath or affirmation, that they will truly and faithfully execute and perform the different duties by this act enjoined on them, according to the best of their judgement; and more-over, shall enter into bond with approved security, payable to the chairman of the county court of Cannon county, and his successors in office, in the sum of five thousand dollars, conditioned for the due and faithful performance of the duties enjoined upon them by this act; which bond shall be deposited in the clerks office in said county, and shall not be so construed as to make one of the commissioners security for another.

SECTION 11. That said commissioners shall keep a fair and regular statement of all moneys by them received and expended; which statement, when required, shall, from time to time, be laid before the

county court. But said commissioners shall not be called on oftener than once a year. And when all the necessary public buildings are completed, the said commissioners shall, by order of the county court, pay over all surplus money to the county trustee, for county purposes; and they shall be allowed by the county court a reasonable compensation for their services.

SECTION 12. That the first five commissioners mentioned in this act, shall each be entitled to receive, as compensation for their services, the sum of three dollars for each day they may be absent from home, and necessarily employed in performing the duties required of them by this act, to be paid by the said county of Cannon, out of any moneys in the treasury not otherwise appropriated.

SECTION 13. That the commissioners that may be appointed to lay off the town, shall also reserve as many lots as they may deem necessary, to be given to the different religious denominations, on which to erect houses of public worship, and also a lot for a public burying ground; and said commissioners shall also reserve lots for a male and female academy, of such size as they may think necessary.

SECTION 14. That the surplus territory in the southern part of the county of Smith, shall be attached to and made a part of the county of Cannon, on the following conditions, to wit:--Abraham Overall, Moses Allen, Leonard Lamberson, John Fite and Joel Cheatham, are hereby appointed commissioners, who, or a majority of whom, shall proceed, on or before the first day of May next, and ascertain, by actual survey, the territory attached to the southern extremity of the county of Smith, over and above six hundred and twenty-five square miles, excepting the fifteen square miles included in Cannon; not running the line nearer than within twelve miles of the town of Carthage; so soon as said fact shall be ascertained, it is hereby made the duty of said commissioners, to hold an election at some suitable time and place, to be designated by the commissioners, and advertised at four of the most public places, at least ten days in said surplus territory, for the purpose of ascertaining whether a majority of the citizens in such surplus territory, are willing to be attached to the county of Cannon; and if upon counting the votes it shall appear that a majority of all the voters, competent to vote for members of the general assembly, have voted to be attached to the county of Cannon, then the said commissioners shall report the fact to the first term thereafter, of the county court to be held for the county of Cannon; which report shall be entered on the minutes of said county court; and in that event said territory shall be attached to and from a part of the county of Cannon; the citizens thereof shall be entitled to all the rights, privileges, immunities and exemptions conferred by this act on the citizens of Cannon.

SECTION 15. That nothing herein contained shall be so construed as to exempt that portion of the citizens of Warren county, included in the county of Cannon, from the payment of their rateable proportion of the subsisting-county (sic) debt of Warren County.

Passed: January 31, 1836. BOUNDARIES

## CREATION OF THE COUNTY

### PRIVATE ACTS OF 1835-36 --- CHAPTER 39

SECTION 1. That Hugh Robinson, of the county of Cannon, and Solomon Beasley and Alfred P. Gowen, of the county of Rutherford, are hereby appointed commissioners to run and plainly mark the dividing line between the counties of Cannon and Rutherford, and the line between Cannon and Warren, according to the provisions of the act as above recited, to which this is a supplement, except so far as the same directs that said line shall be run north from the twelve mile tree, near Readyville, marked by Joseph Fowler; and instead of so running, they shall run north from said twelve mile tree to John Witherspoon's, and from thence a northwest direction, leaving said Witherspoon in Rutherford County, to the nearest point of Rucker's Knob, leaving Bennett Rucker and Higdon R. Jarratt, in Cannon county; thence with the summit of the ridge to the dividing ridge, between the waters of Stone's river and Landers' Fork; thence with the

summit of said ridge to the Wilson county line. The said commissioners shall run from said twelve mile tree south to Jesse Stovall's field, then run west of south so as to strike the point of the ridge that divides the waters of Cripple creek from Brawley's Fork, and so as to include the house of Jesse Stovall, in Cannon county, leaving William Stacy in Rutherford county, then with the top of the ridge to the line of Coffee county; and the line so run, shall forever be the boundary between the said counties of Cannon and Rutherford; and said county of Cannon shall pay said commissioners a reasonable compensation for their services in running and marking said line; and the citizens residing in that part of said county of Cannon taken from Rutherford County, shall not be liable to pay any part of the debts of the county of Warren or any other county, except debts which may be hereafter incurred by the county of Cannon.

SECTION 2. That the sheriff of said county of Cannon shall, on the first Monday of January, 1837, and on the first Monday of January in every year thereafter, hold an election in the town that may be laid off under the provisions of the act to which this is a supplement, for the purpose of electing by the qualified voters of said town, four town commissioners, who shall appoint one of their own body chairman, and shall also appoint a clerk and treasurer; and said commissioners shall have power to lay and collect a tax for the use of said town, on all property within its limits which is taxable by the constitution of the State, and to lay and collect a tax on all shows and public exhibitions for money in said town; and to pass all by-laws and ordinances necessary for the regulation of said town: PROVIDED, that they shall not pass any by-laws or ordinances incompatible with the constitution and laws of the State.

SECTION 3. That all civil suits at law which may be, on the first day of March next, pending in the county and circuit courts of the counties of Cannon and Rutherford, and wherein both plaintiff and defendant, or plaintiffs and defendants, reside within the limits of the county of Cannon, it shall be the duty of the clerks of said courts respectively, to transfer them to the circuit court of said county of Cannon; and they shall forthwith, after said first day of March, file in the office of the clerk of said county, a transcript of the record of all such suits, and all the papers and proceedings in relation to them; and any suit so transferred, shall be proceeded in said circuit court of Cannon county, in the same manner as if they had been originally instituted therein.

COMPILER'S NOTE: Sections 4 and 5 did not apply to Cannon County and therefore, are not included herein.

SECTION 6. That the act to which this is a supplement shall be and is hereby amended, so that the line of the said county of Cannon, shall run from the point where the line of Cannon county strikes the line between Rutherford and Wilson according to the first section of this supplement; thence with the line of Wilson to the point near Stroud's where the line run by Trott enters Wilson county; thence north eighty degrees east with the line run by said Trott through the county of Wilson to the Smith county line; thence to the point where the line of Cannon county leaves the county line of Wilson, according to the act to which this is a supplement: PROVIDED, that the county of Wilson, on a survey to be made by the county surveyor of Sumner county, or some other good surveyor of that county, to be selected by the Senator and Representatives of Sumner county, shall have the constitutional quantity of territory after cutting off the territory aforesaid: PROVIDED, also, that if there should be less surplus territory in the county of Wilson, the line shall be so run by the surveyor aforesaid as to include such surplus territory and no more, in the county of Cannon; and as soon as the said survey may be made, and the line run cutting off the surplus territory of Wilson county to the said county of Cannon, the citizens thus cut off, shall be entitled to all the rights, privileges and immunities, in every respect, that the citizens of said county of Cannon have conferred on them by the act to which this is a supplement.

SECTION 7. If the line of the county of Cannon should be run through the county of Wilson as provided in the foregoing section, the said surveyor shall return to the Governor a fair plat of such survey, who shall in that event issue his proclamation to that effect; after which, the part of Wilson county taken off by such survey, shall be and constitute a part of the county of Cannon; and the citizens in the portion of

territory so laid off, shall have all the privileges, and be subject to all the duties of other citizens of the county of Cannon: PROVIDED, that the citizens so added to the county of Cannon shall not be liable to pay any part of the debts of the county of Warren, or any other county, except debts which may be hereafter incurred by the county of Cannon.

SECTION 8. That the portion of the county of Wilson so to be taken off and attached to the county of Cannon, shall constitute one civil district, in addition to the number now allowed to the county of Cannon, until changed according to law; and an election for magistrates and constables, and all other elections required to be held in other districts in said county of Cannon, shall take place therein at the same time, and in the same manner of other districts in the county of Cannon; PROVIDED, that if such election should not take place at the time of elections in other districts, the first election in the same may be held at any other time, to be fixed by the first county or circuit court of Cannon county; PROVIDED, also, that so soon as the proclamation shall have issued as aforesaid, the commissioners heretofore appointed to lay off Wilson county into districts, shall designate the place for general elections in said district so cut off to the county of Cannon; and they shall also arrange the territory that may be left on the Wilson county side of such line, if the said line shall divide any of the civil districts of Wilson county into a new district, or attach portions, or all of such territory to other districts, or newly to arrange the districts in that part of the county, in the manner that will best promote the convenience of the people.

SECTION 9. Said county of Cannon shall be entitled to the share to which its population will entitle it of the common school and other public funds, that are by law to be distributed among the several counties of this State; and the portion of such funds allotted to the counties from whose territory the county of Cannon is taken, shall have a deduction in proportion to the quantity of their territory and population so taken off.

SECTION 10. That in addition to the fifteen square miles taken from the county of Smith and attached to the county of Cannon, by the act to which this is a supplement, the following territory shall also be attached: beginning at a stake in the line dividing the counties of Smith and Wilson, four miles from the southwest original corner of Smith County, running thence north twenty-three degrees west eight and one fourth miles, to an elm tree in said line; thence south eighty degrees east sixteen miles, to the Caney Fork river; thence up said river with the meanders, intersecting at that point the eastern boundary of said county of Cannon; and the inhabitants included in said boundary shall have all the rights, privileges and immunities, that the inhabitants of said county of Cannon have conferred on them by the act to which this is a supplement.

SECTION 11. That in addition to the commissioners appointed by joint resolution of both houses of this Legislature to lay off Smith county into civil districts, Jacob Fite and John Fite shall, and they are hereby appointed; and it is hereby made the duty of said commissioners, or any three of them, forthwith to lay off that part of Smith county which, by this act, is attached to the county of Cannon, into civil districts, and designate the places of holding elections in such districts; which districts shall be added to the number of districts for Cannon county, and shall be laid off as near as may be convenient, with not less than one hundred free voters to one district; and they shall also regulate and lay off the districts in Smith county, adjoining its south boundary line, as established by this act, so as to suit the convenience of the citizens, and to return ideal plats with certificates for Cannon county, to the county court of Cannon, and for Smith, to the county court of Smith, and one for each to the Secretary of State.

SECTION 12. That so much of the act to which this is a supplement, as requires the commissioners who were appointed by said act to ascertain the surplus territory in Smith County, and hold an election to ascertain the consent of the inhabitants within said surplus territory to be attached to Cannon county, to report their proceedings to the county court of Cannon county, be, and the same is hereby repealed.

Passed: February 19, 1836. BOUNDARIES

## ACTS OF 1837 --- CHAPTER NO. 67

SECTION 1. That so much of the county of Wilson, as lies south of the following line, to wit: beginning at the house of John Baxters, or near there, on the Cannon and Rutherford line, running with the dividing ridge, a north course to Wm. Jewell's, then an eastern course with the ridge, dividing the waters of Saunder's Fork, & Smith's Fork, to the mouth of Saunder's Fork, thence with Smith's Fork meanders to the Wilson and Cannon line, at Richmond's (alias) Hase's Mill, be, and the same is attached to the county of Cannon; and that the citizens included in said territory attached to Cannon from Wilson, shall have and enjoy all the rights and privileges, as other citizens of Cannon county: PROVIDED, the county of Wilson has a surplus territory to spare, over and above her constitutional limits, which is to be ascertained by reference to the survey made by Thomas Anderson, agreeable to an act of Assembly passed at the session of 1835.

COMPILER'S NOTE: Sections 2, 3 and 4 of this act referred to Coffee and Franklin Counties and are therefore not repeated here.

Passed: January 13, 1838. BOUNDARIES

## ACTS OF 1843-44 ---- CHAPTER 173

SECTION 1. That the following alteration is hereby made in the lines between the counties of Wilson and Cannon, that is to say: Beginning where the line between Wilson and Cannon counties passes through John Richardson's field, running north one half mile including the house where Joseph Moore now lives; thence north eighty degrees east parallel with the county line four miles; thence south fifty degrees east until it strikes the county line including Joseph H. Boyle; thence with the present county line to the beginning; and the line so run is hereby established as the true line between said counties; Provided, said alteration of the foregoing line, shall not reduce the county of Wilson below the constitutional limits in regard to territory; Provided further, that a majority of the voters stricken off from the county of Wilson, shall be in favor of said alteration.

SECTION 2. That the citizens living in the territory stricken from the county of Wilson by the first section of this act, if they desire said alteration, employ a competent surveyor to run and mark said alteration at their own expense; and it shall be the duty of said surveyor to make two plain plats of the same, and return one to the county court of Wilson, and the other to the county court of Cannon county, to be filed with the clerks of said county courts; said surveyor shall also report to the county court of Wilson county, whether said alteration will reduce Wilson county below her constitutional limits.

Passed: January 27, 1844. BOUNDARIES

## PRIVATE ACTS OF 1943 --- CHAPTER 410

SECTION 1. That the line between the Counties of Rutherford and Cannon be so changed as to place within the 23 Civil Districts of Rutherford County a tract of land of 18 acres, more or less, bounded and described as follows:

"Beginning on sugar tree in Clinton Wilson's line, near the corner of the Sarah Williams, thence North-East 100 yards more or less to a Locust Stake Corner, thence North-West 280 yards more or less to J. F. Williams South-West corner, thence with J. F. Williams line back to Clinton Wilson's line, thence, with Clinton Wilson's line to the beginning corner."

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

Passed: February 9, 1943.

## PRIVATE ACTS OF 1963 --- CHAPTER 229

SECTION 1. That the county line between the counties of Cannon and Rutherford be and the same hereby is changed whereby and so as to transfer the following described lands from Rutherford County to Cannon County, to wit:

"a triangular tract or parcel of land at the intersection of U.S. Highway 70S and the old Woodbury-Murfreesboro Turnpike facing 154 feet on the south side of said highway and facing 96 feet on the west side of said old turnpike with a southwest line of approximately 138 feet running from one to the other of said two terminal points; also, a contiguous strip of land six feet in width along the south margin of said highway extending in an easterly direction from the west margin of the above described triangular tract, at said intersection of said highway and said old turnpike, to Stones River."

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

Passed: March 19, 1963.

## PUBLIC ACTS OF 1970 --- CHAPTER 569

SECTION 1. The line between the counties of Cannon and Coffee be, and the same is, hereby changed by detaching from the County of Cannon and attaching to the County of Coffee all of the hereinafter described territory:

A tract or parcel of land now lying in the 13th civil district of Cannon, adjacent to, and just north of the line between the counties of Cannon and Coffee containing 40.81 acres, more or less, and more particularly described as follows:

"Beginning at the corner of a fence located at the northward margin of the Holly Spring Road, the said point of beginning being known as Kenners southwest corner, also considered as being located in the south line of Cannon County and the north line of Coffee County; thence running with a fence this being Kenners west line N 30 15' E 1500 ft. to the corner of the fence; thence running with a staked line along the top of a ravine, this being Dr. Adams southward line N 89o 45' W 407.7 ft., N 77o W 166 ft., N 62o 30' W 156 ft., N 52o 30' W 272 ft., N 84o 15' W 242 ft., to a large fence post; thence running with a fence this being Parkers lastward line S 23o 50' W 952 ft., S 24o 15' W 153 ft., to the corner of the fence; thence running with the north-ward margin of the Holly Spring Road, considered as the north line of Coffee County, and the south line of Cannon County, S 60o 45' E 668 ft., S 64o 15' E 1008 ft., to the beginning and containing 40.81 acres as surveyed by William C. Ingram, Coffee County Surveyor, on the 27th day of January, 1970."

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

Passed: February 19, 1970.

COMPILER'S NOTE: This is a Special Act of the Legislature and is not printed in the Tennessee Code Annotated.

## PRIVATE ACTS OF 1971 --- CHAPTER 182

SECTION 1. A sixteen (16) acre (more or less) tract of land now situated in the new fourth (4th), old seventeenth (17th), district of Rutherford County, hereafter described is removed from Rutherford County into the first (1st) civil district of Cannon County, and the county line between Rutherford and Cannon County at this place shall hereafter run with the boundaries of said tract so as to exclude said lands from Rutherford County and to include the same in Cannon County. The tract of land is generally bounded and described as follows:

"Bounded on the North by the lands of the McKnight sisters; on the South by Hollandsworth public road; on the East by the existing Rutherford-Cannon County line; and on the West by Hollandsworth public road and being lands conveyed by and described in that certain warranty deed from Susan P. Sneed to Mitchell Gibson et ux of date July 6, 1968, of record in the Register's Office of Rutherford County, Tennessee, in Deed Book 182 at page 556, also of record in the Register's Office of Cannon County, Tennessee, in Deed Book 73 at page 109, which tract of land is presently owned by Jerry A. Fann by warranty deed from said Mitchell Gibson et ux to said Jerry A. Fann of date April 3, 1971."

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

Passed: May 25, 1971.

### 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 Cannon County.

1. Acts of 1841-42, Chapter 85, Page 95, changed the lines between Cannon and Rutherford Counties as "beginning at a point in the present line, south of the twelve mile tree and due west of the house of Absalom Bowen, then west to the top of Cripple Creek ridge, thence along the ridge until it intersects the present line and that of the territory lying east of the said line, including the residence of Harold Laseter, so that all this area be attached to Cannon County.
2. Acts of 1841-42, Chapter 90, Page 97, changed the boundaries between Cannon and Wilson and Cannon and DeKalb Counties. The Act placed the property of Samuel Greer in Cannon County from Wilson County, and then the properties of John Sneed from Wilson County into Cannon County and then this area "thence down Smith's Fork to the DeKalb County line, thence with the said line to the line of Cannon County is established as the same between the counties but Wilson County shall not be reduced below the Constitutional limits."
3. Acts of 1843-44, Chapter 57, Page 58, transferred the dwelling house and lot belonging to Alfred Hancock out of DeKalb County into Cannon County.
4. Acts of 1846, Chapter 211, Section 8, changed the county line between Cannon and Coffee Counties to include the lands of John Banks, Stith Hays, and Samual Spangle, in Cannon County.
5. Acts of 1849-50, Chapter 62, Page 195, Section 30, authorized the official Surveyor of Coffee County to run and mark the line between Coffee and Cannon Counties at the expense of Coffee County.

6. Acts of 1851-52, Chapter 20, Page 25, moved the campground known as Mount Pisgah out of Rutherford County and into Cannon County.
7. Acts of 1851-52, Chapter 304, Page 588, Section 2, changed the lines between Cannon and DeKalb Counties so as to include the farm and residence of John Martin, Junior, in DeKalb County, and he shall be entitled to all the rights and privileges as other citizens. This Act was repealed by Chapter 152, Acts of 1853-54, below.
8. Acts of 1853-54, Chapter 108, Page 187, moved all the land belonging to John H. Wood which was lying in Rutherford County into Cannon County and all the lands lying in Cannon County which belonged to John D. Alexander and Lewis Creson into Rutherford County.
9. Acts of 1853-54, Chapter 118, Page 192, transferred the portions of land lying in Cannon County which belonged to Thomas Martin and the Widow Kersey into DeKalb County.
10. Acts of 1853-54, Chapter 152, Page 224, expressly repealed Chapter 304, Acts of 1851-52, Item 6, above, which related to DeKalb and Cannon Counties so that those boundary lines are restored to their places before the passage of that Act. This Act was repealed by the one below which would presumably restore Chapter 304.
11. Acts of 1855-56, Chapter 27, Page 29, specifically repealed that Section of Chapter 152, Acts of 1853-54, which repealed part of Chapter 304, Acts of 1851-52 both above.
12. Acts of 1857-58, Chapter 47, Page 57, Section 6, moved the residence and land of James King out of Wilson County and into Cannon County.
13. Acts of 1859-60, Chapter 100, Page 369, Section 10, provided that the portion of the farm belonging to Charles Hutchison which was located in DeKalb County be removed and attached to Cannon County.
14. Acts of 1859-60, Chapter 196, Page 577, Section 10, changed the line between DeKalb and Cannon Counties as follows "beginning at the branch at Derby Mill, running up the branch to the Woodbury road near the campground spring and thence east with the main road to the county line." This Act was repealed by Chapter 118, Acts of 1870.
15. Acts of 1867-68, Chapter 12, Page 9, moved the lands belonging to James Sheshane, George W. Derlong, John Derling, James Anderson, and Hiram Morris out of DeKalb County and into Cannon County.
16. Acts of 1867-68, Chapter 60, Page 75, Section 12, transferred the S. H. Ford tract of land, now owned by A. F. McFerrin, out of Coffee County and into Cannon County.
17. Acts of 1870, Chapter 118, Page 181, repealed the 10th Section of Chapter 196, Acts of 1859-60, Item 13, above, which took a described portion of Cannon County and gave it to DeKalb County so that the area is now returned to Cannon County and the boundary lines will resume their former positions.
18. Acts of 1870-71, Chapter 18, Page 20, Section 3, altered the lines between Coffee County and Cannon County so that all the lands belonging to Newton Jarnagin are included in Coffee County, "commencing in said Jarnagins south boundary line where it crosses the line between the Counties of Coffee and Cannon, thence east to this southeast corner, thence north with his line to the northwest corner, thence west to the County line."

19. Acts of 1870-71, Chapter 117, Page 135, changed the lines between Cannon and Rutherford Counties at a point a short distance south of Readyville so as to include in Cannon County about 50 acres of land belonging to John H. Wood, beginning at the line between John H. Wood and J. L. Dunn.
20. Acts of 1879, Chapter 57, Page 77, Section 3, changed the boundaries between Cannon and Rutherford Counties so that all the lands of A. M. McNight would be included in Rutherford County.
21. Acts of 1883, Chapter 203, Page 282, repealed Section 4, Chapter 18, Acts of 1870-71, which Section concerned only Wilson and Rutherford Counties and did not involve the Section referring to Cannon County.
22. Acts of 1887, Chapter 228, Page 389, moved seventeen acres of land belonging to J. C. Jones, out of DeKalb County and joined them with the other 42 acres belonging to Jones in Cannon County.
23. Acts of 1889, Chapter 55, Page 87, detached the lands of R. A. Hancock and J. R. Dougherty from Wilson County, and attached the same to Cannon County.
24. Acts of 1889, Chapter 57, Page 88, rearranged the boundary lines between Cannon County and Warren County so that the land belonging to Warren Cummings, known as the Gordon Farm, would be wholly included in Cannon County. This Act was repealed by Chapter 305, Acts of 1899.
25. Acts of 1891, Chapter 254, Page 489, detached a portion of land from Rutherford County containing about one acre and ten poles which ran through the center of the Porterfield School room and attached it to Cannon County.
26. Acts of 1893, Chapter 58, Page 75, transferred the land commencing at the northwest corner of Needham Jernigan's lands in Coffee County; thence west with Leroy and William Talbert's lands in Cannon County; to G. P. Burk's lands in Coffee County, so as to include the "Hill Farm" on which A. J. Hill now lives, and also the lands of James Whittamore within the limits of Coffee County.
27. Acts of 1899, Chapter 305, Page 734, repealed Chapter 57, Acts of 1889, Item 23, above, so that the old Gordon Farm was returned to Warren County.
28. Acts of 1899, Chapter 316, Page 752, moved the lands of Dr. Z. F. Dismukes out of Cannon County and into Rutherford County.
29. Acts of 1903, Chapter 213, Page 464, changed the lines between DeKalb and Cannon Counties so as to wholly include in Cannon County all the lands of E. T. Haley, Mrs. M. J. Turner, W. J. Vandergraft, George Hancock, James Kirby, J. D. Vandergraft, and W. R. Watson.
30. Acts of 1903, Chapter 387, Page 1127, is the same as the above Act except Vandergraft is spelled Vandergroft.
31. Acts of 1903, Chapter 582, Page 1546, detached all the properties of B. F. Hall from Cannon County and attached them to DeKalb County.
32. Acts of 1903, Chapter 598, Page 1562, moved all the lands owned by J. I. Hoover, Sanday Biles, Park Biles, and Andy McGill which were in the 13th Civil District of Cannon County into the 2nd Civil District of Coffee County.
33. Acts of 1905, Chapter 35, Page 81, changed the lines between Cannon and Wilson Counties so as to include wholly within Cannon County all the lands owned by J. B. Smithson.

34. Acts of 1905, Chapter 222, Page 456, detached all the lands belonging to Henry Thomas, T. L. McMillen, and Marguerite Tenpenny from Wilson County and attached them to Cannon.
35. Acts of 1909, Chapter 454, Page 1674, moved the property of John M. Kennedy out of Wilson County and into Cannon County.
36. Acts of 1909, Chapter 455, Page 1675, transferred the land owned by Mrs. Betty Grooms out of the 14th Civil District of Wilson County and into Cannon County.
37. Private Acts of 1913, Chapter 255, Page 804, changed the south line of Cannon County and the north line of Coffee County so as to include the lands of C. F. Holt in Cannon County.
38. Private Acts of 1915, Chapter 444, Page 1502, moved all the lands of R. E. Summers out of the Fifth Civil District of Cannon County and into the Eleventh Civil District of Warren County.
39. Private Acts of 1915, Chapter 556, Page 1794, detached the land which John Sadler purchased from Will Hancock in the 10th Civil District of Cannon County and attached it to the 3rd Civil District of DeKalb County.
40. Private Acts of 1915, Chapter 660, Page 2143, altered the boundaries between Coffee and Cannon Counties so as to include all the lands of C. F. Holt in Cannon County.
41. Private Acts of 1915, Chapter 662, Page 2146, detached the lands of A. J. Smithson from the 3rd Civil District of DeKalb County and attached the same to Cannon County.
42. Private Acts of 1925, Chapter 712, Page 2601, rearranged the boundaries between Cannon and Rutherford Counties so as to include all the lands of Jim Williams in Rutherford County.
43. Private Acts of 1925, Chapter 713, Page 2602, transferred the land owned by J. L. Barker, and known as the Flint Spear farm in Cannon County, bounded on the north by Jim Williams, or public road, on east by C. O. Barker and Jim Hollis, or public road; on the south by George Lassiter; and on the west by J. L. Barker, out of Cannon and into Rutherford County.
44. Private Acts of 1925, Chapter 756, Page 2703, changed the lines between Cannon and Warren so as to place that portion of the lands of F. M. Holder in the 9th Civil District of Cannon County into the 12th Civil District of Warren County.
45. Private Acts of 1929, Chapter 147, Page 298, took the lands of E. A. Simpson, known as the Couch and Truett lands, out of Warren County and placed them in the 11th Civil District of Cannon County.
46. Private Acts of 1933, Chapter 270, Page 649, transferred from DeKalb County a tract of land owned by A. J. Smithson, containing 30 acres, more or less, lying in the 3rd Civil District, and being a part of the land purchased by Smithson from Claude Lafavers, and reserved by Smithson to one Clifton Hall, and placed it in Cannon County.
47. Private Acts of 1933, Chapter 271, Page 650, detached from Coffee County and attached to Cannon County the farm of T. J. Banks, lying in the 10th Civil District of Coffee County. This farm is the tract of land purchased by the said Banks from one Williams Ault, known as the Brewer Farm, containing 75 acres, more or less.

48. Private Acts of 1939, Chapter 524, Page 1678, moved the farm of James Underhill, containing 65 acres and located in the 5th Civil District of DeKalb County, out of DeKalb County and into the 9th Civil District of Cannon County.
49. Private Acts of 1941, Chapter 435, Page 1504, rearranged the lines between Cannon and Warren Counties so that about 45 acres belonging to Thelia Cotton, located in the 11th Civil District of Cannon County, would be wholly included within the 9th Civil District of Warren.
50. Private Acts of 1943, Chapter 266, Page 952, detached from Warren County and attached to Cannon County a body of land known as the R. E. Summer's Farm, containing 250 acres, more or less, lying in the 11th Civil District, now owned in three tracts by Alonzo Hayes, Lilburn Todd, and Stanley Lewis. This Act repealed Chapter 444, Private Acts of 1915, Item 37, above, which reversed this process.
51. Private Acts of 1943, Chapter 390, Page 1329, moved the farm and residence of F. F. Craig out of Cannon County and into the 19th Civil District of Rutherford County.
52. Private Acts of 1949, Chapter 813, Page 2571, stated that the tract of land belong to O. E. Tasse, consisting of 37 acres, situated in the 16th Civil District of Rutherford County is hereby detached from Rutherford County and attached to the 1st Civil District of Cannon County.
53. Private Act of 1953, Chapter 573, Page 1928, changed the boundaries so as to take from the 11th Civil District of Warren County and place in the 8th Civil District of Cannon county a tract of land owned by John Burger.
54. Private Acts of 1963, Chapter 103, Page 368, detached the lands of Marshall Smith, and wife, Beulah Smith, from the 11th Civil District of Warren County and makes them a part of the 8th Civil District of Cannon County, describing the land by a metes and bounds description taken from a warranty deed executed by Walter M. Barrett, and wife, Nancy, recorded in Book 140, Page 588, R.O.W.C. This Act did not require local ratification.
55. Private Acts of 1971, Chapter 65, Page 238, moved that portion of the 40 acre tract of land owned by Vennie Snyder, now situated in the 9th Civil District of Cannon County from Cannon County and placed it in the 5th Civil District of DeKalb County, same being generally described in the Act.
56. Public Acts of 1972, Chapter 548, Page 297, moved the land back from DeKalb County into Cannon County belonging to Vennie Snyder, listed above.
57. Public Acts of 1975, Chapter 161, Page 298, transferred the lands belonging to Vennie H. Snyder out the of Ninth Civil District of Cannon County and into the Fifth Civil District of DeKalb County, which lands were bounded on the north by the lands of Monte Otis Hale; on the south by the lands of Larry Cantrell; on the east by Monte Otis Hale and State Highway #146; and on the west by Larry Cantrell, containing 15 acres, more or less. This Act was repealed by the one following.
58. Public Acts of 1976, Chapter 422, Page 91, expressly and entirely repealed Chapter 161, Public Acts of 1975, Item 56, above, which would again place the Snyder property in Cannon County.
59. Public Acts of 1976, Chapter 487, Page 239, moved about ten acres of land, more or less, owned by Mr. and Mrs. Willie Curtis, out of the Fifth Civil District of DeKalb County and into the Ninth Civil District of Cannon County which action would place all the Curtis Property in Cannon County.

60. Public Acts of 1981, Chapter 81, altered the boundary line between Cannon County and DeKalb County by detaching approximately one acre of ground as described, from the Second Civil District of DeKalb County and attaching the same to the Fourth Civil District of Cannon County.

# **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 Cannon County, but are no longer operative.

1. Private Acts of 1917, Chapter 788, Page 2460, created a Board of Jury Commissioners for Cannon County, consisting of three discreet freeholders, or householders, who were not lawyers or county officials, and who had no suit pending in Courts, who would be appointed by the Judges of the County having criminal jurisdiction to serve a two year term. Vacancies would be filled in the same way. The members would meet, be sworn, and select one of their number as Chairman, the Clerk of the Court, or a Deputy, would serve the Board as Clerk. The Board would select from the tax rolls, or other public sources, a number of names equal to one-fifth of the voters voting in the last Presidential election but, in no event, would the number be less than 250, nor more than 1,000. These names would be listed on a book to be provided by the Clerk and the list verified by all three Commissioners. The names chosen would also be written on individual scrolls, or cards, and placed in a Jury Box which would be locked and sealed, not to be opened except in the presence of the Board, or the Judge. Fifteen days prior to the opening of Court, a child under ten years of age would draw out of the Jury Box the number of names specified by the Judge, or equal to the number of jurors required. The names would be placed in an envelope and presented to the Court, and would constitute the Jury list for that term. Five days before Court, the list would be delivered to the Sheriff who would summon the prospective jurors to duty. Provisions for special juries and special panels were included. No one could be excused except by the Judge, and penalties were established for those who violated this law.

2. Private Acts of 1919, Chapter 480, Page 1346, amended Chapter 788, Private Acts of 1917, above, by correcting the population figures to make the Act apply to Cannon County.

## **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.

Cannon County, under the provisions of § 16-2-506 of Tennessee Code Annotated, is part of the 16th 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 Cannon County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification.

1. Acts of 1835, Chapter 4, Page 32, separated Tennessee into three major Chancery Divisions and further divided those areas into smaller districts. Each Division's Courts would be held by a Chancellor who

would be elected by ballot of both houses of the General Assembly. This Act was dated shortly before the creation of Cannon County which would presumably be under its provisions but is not mentioned in this Act.

2. Acts of 1835-36, Chapter 33, Page 141, provided in the Act which created Cannon County that all Courts would be held at the home of Henry D. McBroom until a county seat and Courthouse could be made ready. Cannon County's Chancery Court was attached to the District of Warren and White Counties, wherein causes could be filed and heard at McMinnville, or at Murfreesboro, which ever suited the convenience of the litigants.

3. Acts of 1839-40, Chapter 66, Page 149, Section 3, established a district Chancery Court at Woodbury, in Cannon County, in the Fourth District of the Middle Division. The Court would be organized as other Chancery Courts and be held by the Chancellor of the Fourth District. Citizens of Coffee and DeKalb Counties were also given leave to file their Bills in Chancery in this Court at their personal discretion.

4. Acts of 1845-46, Chapter 82, Page 148, Section 2, rescheduled the opening of some of the terms of the Chancery Courts in the Fourth District changing the court at Woodbury in Cannon County to the fourth Monday in April and October.

5. Acts of 1847-48, Chapter 107, Page 162, stated that the Chancery Court at Woodbury in Cannon County shall begin its term on the Thursday next preceding the second Monday in March and September, starting at the next term of Court. Chapter 198, of this volume, Page 332, Section 5, provided for the same thing as the above.

6. Acts of 1851-52, Chapter 329, Page 606, Section 5, stated that hereafter the Chancery Court at Woodbury would open on the Thursday after the fourth Monday in March and September, starting after the next term.

7. Acts of 1853-54, Chapter 123, Page 196, Section 4, changed the opening dates for the Chancery Courts of Overton, DeKalb, Warren, and Cannon Counties which went to the first Monday in April and October.

8. Acts of 1855-56, Chapter 164, Page 254, Section 3, changed the schedule of Chancery Court terms in several counties but left Cannon's on the first Monday in April and October with the provision that, if there were five Mondays in March and September the Court at Woodbury would be held then.

9. Acts of 1857-58, Chapter 88, Page 96, organized the State into the Eastern, Middle, Western, Fourth, Fifth, and Sixth Chancery Divisions. The Fourth Division contained the counties of Wilson, Macon, Jackson, Putnam, Smith, Coffee, Franklin, Lincoln, Bedford, Sumner, DeKalb, Warren, Van Buren, Grundy, Rutherford, and Cannon whose terms of court would continue to start as specified in Item 8, above.

10. Acts of 1866-67, Chapter 4, Page 5, Section 3, changed the starting dates of the Chancery Court in Cannon County from the first Monday after the fourth Monday of March and September to the first Wednesday before the second Monday in April and October.

11. Acts of 1866-67, Chapter 33, Page 53, created the 12th Chancery Division which contained the Counties of White, Van Buren, Grundy, Franklin, Coffee, Putnam, Smith, DeKalb, Warren, and Cannon. Court terms for Cannon would begin on the third Monday in February and August at Woodbury. The Governor would appoint a Chancellor to hold court until one could be duly elected.

12. Acts of 1869-70, Chapter 60, Page 78, Section 3, stated that the Chancery Court for Cannon County shall hereafter be held on the third Monday in May and November and all process now returnable to February, 1870 term, shall stand and be returnable to the May, 1870 term, specified above.
13. Acts of 1870, Chapter 32, Page 60, reorganized the State into twelve Chancery Districts. The Fourth District was made up of the Counties of Franklin, Lincoln, Bedford, Rutherford, Cannon, Coffee, Warren, and Grundy.
14. Acts of 1870, Chapter 47, Page 81, scheduled the opening dates for the terms of the Chancery Courts in Tennessee. Cannon County would begin the terms at Woodbury on the third Monday of May and November.
15. Acts of 1875, Chapter 28, Page 28, provided, among other things, that the Chancery Court for Cannon County would start on the fourth Monday of April and October.
16. Acts of 1885 (Ex. Sess.), Chapter 20, Page 96, rearranged the entire lower Court system of the State. Eleven Chancery Divisions were provided of which the Fourth contained the Counties of Warren, Cannon, Rutherford, Bedford, Franklin, Lincoln, Moore, and Marshall. The Court at Woodbury would open on the fourth Monday in April and October. The Act was tested as part of the litigation in *Flynn v. State*, 203 Tenn. 341, 313 SW2 249 (1958).
17. Acts of 1891, Chapter 11, Page 36, amended Chapter 20, Acts of 1885 (Ex. Sess.), above, so as to require the Chancery Courts of Cannon County to be held hereafter on the second Monday in March and September of each year.
18. Acts of 1899, Chapter 427, Page 991, reorganized the Equity Courts in Tennessee into ten Chancery Divisions. The Fourth Divisions had in it the Counties of Cumberland, Pickett, Overton, Clay, Jackson, Putnam, White, DeKalb, Smith, Macon, Van Buren, Cannon, and Trousdale. Court in Cannon County would meet on the first Monday in January and July.
19. Acts of 1903, Chapter 97, Page 177, changed the Court terms of the Chancery Courts in the Fourth Division. Cannon would start the two terms at Woodbury on the first Tuesday in January and July.
20. Acts of 1905, Chapter 120, Page 259, changed the Court terms for some of the counties in the Fourth Chancery Division but Cannon remained on the first Tuesday after the first Monday in January and July.
21. Private Acts of 1911, Chapter 507, Page 1505, again rescheduled some of the terms of Court in the Fourth Chancery Division but did not change Cannon's terms.
22. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, Page 267, rearranged the whole lower court system of the State into 14 Chancery Divisions. The Fourth Divisions consisted of the Counties of Trousdale, Overton, Clay, Smith, Macon, Pickett, Fentress, Jackson, Cumberland, DeKalb, Morgan, White, Putnam, and Cannon whose Courts would open at Woodbury on the first Tuesday after the first Monday in January and July. All future changes were by public act rather than private.

## 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 Cannon County.

1. Private Acts of 1943, Chapter 318, Page 1138, recited that the fees and compensations available to the Clerk and Master of the Chancery Court of Cannon County were consistently insufficient to obtain a competent and qualified person for the office, therefore, this Act was the authority to pay \$50 per month to the Clerk and Master of Cannon County out of the regular county funds on the warrant of the County Judge or Chairman which sum would be in addition to all other fees and income of the office.

2. Private Acts of 1949, Chapter 266, Page 700, amended Chapter 318, Private Acts of 1943, above, by increasing from \$50 to \$60 per month the amount to be paid to the Clerk and Master in addition to all the fees and emoluments of the office.

## 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.

Cannon County, by general law found in § 16-2-506 of Tennessee Code Annotated, is part of the 16th 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 Cannon 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 1835-36, Chapter 47, Page 175, attached Cannon County, newly created, to the Fifth Judicial Circuit. Courts would be held by the Judge of that Circuit on the third Monday in March, July, and November at some suitable house in Danville until the seat of justice is established, and other arrangements made.

2. Acts of 1837-38, Chapter 116, Page 181, Section 3, rescheduled the Circuit Court terms for some of the counties in the Fifth Judicial Circuit, including Cannon whose Courts would open on the second Monday in January, May, and September.

3. Acts of 1839-40, Chapter 21, Page 42, Section 2, provided that the Circuit Court would be opened in Cannon County on the third Monday in January, May, and September.

4. Acts of 1843-44, Chapter 161, Page 186, Section 2, stated that the Circuit Court of Cannon County would hereafter be held on the fourth Monday in April, August, and December.

5. Acts of 1845, Chapter 28, changed the times of holding court in Woodbury in Cannon County to the second Mondays of February, June and October.
6. Acts of 1857-58, Chapter 98, Page 110, rearranged all of the lower Court system of the State into sixteen Judicial Circuits. The Seventh Circuit was assigned the Counties of Wilson, Rutherford, Bedford, and Cannon, and scheduled the Court terms for Cannon to begin on the second Monday of February, June, and October.
7. Acts of 1870, Chapter 31, Page 59, organized all the Circuit Courts in Tennessee into fifteen regular, and one special, Circuits. The Seventh Circuit had in it the Counties of Rutherford, Cannon, Wilson, Bedford, and the Criminal Court of Wilson County.
8. Acts of 1870, Chapter 46, Page 75, set the terms of the Circuit Courts for every County in the State. Cannon County would open the Circuit Courts on the second Monday of February, June, and October.
9. Acts of 1873, Chapter 62, Page 98, changed the opening dates of the Circuit Court in Cannon County to the fourth Monday in February, June, and October, all process outstanding to be made to conform to those dates. This Act was repealed by the one following.
10. Acts of 1875, Chapter 28, Page 28, repealed Chapter 62, Acts of 1873, above, and returned the starting dates for the Circuit Court terms in Cannon County to the second Monday in February, June and October.
11. Acts of 1885 (Ex. Sess.), Chapter 20, Page 96, rearranged the lower judicial system of Tennessee into fourteen regular and one special Circuits. The 8th Judicial Circuit was assigned the Counties of Wilson, Rutherford, Cannon, Bedford, and Marshall. Terms of Court would start in Cannon on the second Monday in February, June, and October.
12. Acts of 1895, Chapter 108, Page 174, changed the Court terms of the Circuit Courts in Rutherford and Cannon Counties. Cannon's Circuit Courts would convene on the first Monday in February, June, and October.
13. Acts of 1899, Chapter 427, Page 991, divided the State into fourteen Judicial Circuits. The 8th Judicial Circuit contained the Counties of Wilson, Rutherford, Bedford, Marshall, Cannon, and Williamson. Circuit Court terms in Cannon would remain on the first Mondays in February, June, and October.
14. Acts of 1903, Chapter 325, Page 974, rearranged the Circuit Court terms in Cannon County so that the Courts would open on the Tuesday after the first Monday in February, June, and October.
15. Acts of 1903, Chapter 522, Page 1400, was a duplicate of Chapter 325, Private Acts of 1903, above.
16. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, Page 267, rearranged all the Circuit and Chancery courts in the State, creating a total of 20 Judicial Circuits. The 8th Judicial Circuit was composed of the Counties of Bedford, Marshall, Rutherford, and Cannon whose court dates remain as they were.
17. Public Acts of 1963, Chapter 266, Page 1058, amended Section 16-218, of Tennessee Code Annotated, by providing that in addition to the regular terms of Court, the first Monday in each month shall be a Rule Day and each summons, accompanied by a declaration, shall be answered by the Defendant. All suits filed before thirty days of the opening of the court of the first Monday of every month, shall have a plea, or answer, filed by the Defendant.

18. Public Acts of 1967, Chapter 379, Page 1205, amended Section 16-218, Tennessee Code Annotated, by inserting a new Section establishing terms of Court for Rutherford and Cannon Counties. Cannon's Court would open on the third Monday in January, May, and September. In addition to the regular terms the first and third Mondays in Cannon and Rutherford Counties shall be a Rule Day, and each Rule Day shall be a Return Day for process, to which all original process will be directed. If the defendant is a non-resident, the publication shall state the date on which he is to appear and answer. Process issued five days or less before the opening of the term shall be returned to the next term of Court.

## COURT SYSTEM --- CIRCUIT COURT CLERK

### PRIVATE ACTS OF 1961 --- CHAPTER 242

SECTION 1. That the Clerk of the Circuit Court of Cannon County when acting as Clerk of the Court of General Sessions of said County shall receive as additional compensation for his services as Clerk of the Court of General Sessions the sum of Twelve Hundred (\$1,200.00) Dollars per annum which shall be paid to him in equal monthly installments out of the general funds of said County.

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 Cannon County. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse and shall be certified by him to the Secretary of State.

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

Passed: March 13, 1961.

COMPILER'S NOTE: See Section 18-4-201, Tennessee Code Annotated. 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 Cannon County Circuit Court Clerk. They were repealed, superseded, or never received local approval.

1. Acts of 1903, Chapter 255, Page 596, was a statewide Act establishing the salaries of the Circuit Court Clerks only, according to the population of the County in which they served. Under this Act the annual salary of the Clerk in Cannon County would have been \$500. This Act was one of several which were soon used as models for the current salary Acts for all county officials.

2. Private Acts of 1915, Chapter 188, Page 727, amended Section One, Chapter 255, Acts of 1903, above, so as to provide that the Circuit Court Clerk of Cannon County shall be paid \$750 a year. The population figures used to identify Cannon County did not specify the census but they fit the 1910 Census.

3. Private Acts of 1919, Chapter 165, Page 395, fixed the annual salary of the Circuit Court Clerk in all counties between 10,090, and 11,000 in population, at \$800 per year, which would apply to Cannon with a 1910 population of 10,820. The Act was probably meant to apply only to Decatur County. The Clerk must file an annual, sworn, itemized statement, showing all the fees collected in the office, and, if the fees fail to equal the salary the County will pay the difference, but, if the fees exceed the salary, the Clerk may retain the excess.

4. Private Acts of 1927, Chapter 55, Page 128, amended Chapter 188, Private Acts of 1915, Item 2, above, by increasing the annual salary of the Circuit Court Clerk from \$750 to \$1,000 in Cannon County.

5. Private Acts of 1935, Chapter 731, Page 1928, amended Chapter 55, Private Acts of 1927, Item 4, above, by increasing the annual salary of the Cannon County Circuit Court Clerk from \$1,000 to \$1,200, all other conditions to remain as they were.

6. Private Acts of 1949, Chapter 264, Page 698, amended Chapter 731, Private Acts of 1935, above by increasing the salary of the Circuit Court Clerk from \$1,200 to \$1,440 per year.

7. Private Acts of 1951, Chapter 525, Page 1607, amended Chapter 264, Private Acts of 1949, above, by raising the annual salary of the Circuit Court Clerk of Cannon County from \$1,440 to \$1,620.

## **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 \_\_\_\_\_ County, by general law found in § 16-2-506 of Tennessee Code Annotated, is part of the \_\_\_\_\_ 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, Cannon County is in the 16th 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 act once affecting Cannon County is no longer in effect but is listed here for historical purposes.

1. Acts of 1835-36, Chapter 28, Page 127, made each Solicitorial District in Tennessee coincide with the Judicial Circuits from the effective date of the Act forward.

## **COURT SYSTEM GENERAL SESSIONS COURT PRIVATE ACTS OF 1961 --- CHAPTER 270**

SECTION 1. That the Judge of the Court of General Sessions of Cannon County, Tennessee is hereby authorized and vested with exclusive jurisdiction to try, hear and dispose of all matters and causes relating to juveniles and juvenile courts as now provided for under the general laws of the State.

That all existing authority and jurisdiction now vested by law in the County Chairman of Cannon County relative to juveniles and juvenile courts is hereby divested out of said County Chairman and transferred and vested in the Judge of the Court of General Sessions for Cannon County.

SECTION 2. That the Judge of the Court of General Sessions for the performance of these extra duties shall receive the additional sum of six hundred dollars (\$600.00) per annum, payable in equal monthly installments out of the general fund of said county.

COMPILER'S NOTE: Tennessee Code Annotated § 16-15-5003 (c) (1) provides that general sessions judges in class 6 counties (which includes Cannon County by population bracket) shall receive an additional \$10,000 for exercising juvenile court jurisdictions.

SECTION 3. That the Clerk of the Circuit Court of Cannon County is hereby directed and authorized to act as Clerk of the Juvenile Court, and he shall perform all the duties, powers and functions in regard to such Court as are now vested by law in the County Court Clerk. The County Court Clerk is hereby relieved from any further duty or obligation to act as Clerk of the Juvenile Court.

SECTION 4. That this Act shall have no effect unless the same shall be approved by a two-thirds vote of the Quarterly County Court of Cannon County and its approval or non-approval shall be proclaimed by the presiding officer of said body having jurisdiction to approve or the reverse, and the same shall be certified by him to the Secretary of State.

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

Passed: March 13, 1961.

## **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 1915, Chapter 117, Page 331, created a position of Stenographer for the Chancellor of the Fourth Division, of which Cannon County was then a part of, who would serve at his will and direction, and whose salary would be paid by the State up to prescribed amounts.

# CHAPTER VI - EDUCATION/SCHOOLS EDUCATION - SCHOOLS

## BOARD OF EDUCATION

### PRIVATE ACTS OF 1929 (EXTRA SESSION) --- CHAPTER 4

SECTION 1. That Section 6, Chapter 115, Public Acts of the General Assembly of Tennessee of 1925, known as the General Educational Law, the caption of which is set forth in the caption hereof, be and the same is hereby amended so as to insert at the end of the paragraph thereof ending with the words "removal from the county" on page 323 of the public printed Acts of said General Assembly and just preceding the sentence of said page reading, "It shall be the duty of the Court Board of Education," and to provide the following:

Provided, That in Counties of the State having a population of not less than 10,240 and not more than 10,242, according to the Federal Census of 1920 or any subsequent Federal Census, the following shall obtain with respect to the composition, number, time and method of selecting, qualifications and certain of the duties of the County Boards of Education and the members thereof.

1. The County Board of Education shall be composed of fifteen (15) members, one (1) from, and elected by qualified voters of, each of the 15 Civil Districts.
2. Each member of said County Board of Education shall be not under 21 years of age and a citizen and resident of the Civil District from which he or she is elected.
3. At the regular August election, 1930, and every two years thereafter there shall be elected by the qualified voters of each of the fifteen civil districts of said counties a member of the County Board of Education who, before entering upon the duties of their offices, shall qualify by taking and subscribing to the oath required by law, and who shall hold their respective offices for a period of two years, or until their respective successors are duly elected and qualified.
4. The first County Board of Education under this Act shall be composed of the following:
  - Clark Barton, from the 1st Civil District
  - A. A. Tenpenny, from the 2nd Civil District
  - Ray Paschal, from the 3rd Civil District
  - Calvin Curlee, from 4th Civil District
  - Tom Parker, from the 5th Civil District
  - G. S. Smith, from the 6th Civil District
  - John Gilley, from the 7th Civil District
  - H. C. Mears, from the 8th Civil District
  - Shelah Wood, from the 9th Civil District
  - Clyde Hall, from the 10th Civil District
  - Earl McAdoo, from the 11th Civil District
  - James Caffy, from the 12th Civil District
  - Bob Parker, from the 13th Civil District
  - O. B. Alexander, from the 14th Civil District
  - Hall Markum, from the 15th Civil District

who shall qualify by taking and subscribing to the oath required by law and enter upon the duties of their offices and hold the same until the next regular August election in 1930, or until their respective successors in office are duly elected and qualified.

5. All vacancies hereafter occurring on the Board shall be filled by special election by the qualified voters of the particular civil district, or districts, in which same exists, or exist.

6. Special meetings of the Board shall be called by the Chairman thereof upon and according to the written request of a majority of Board members and may be called at any other time when, in the judgement of the Chairman, the interests of the public schools require it. Provided, That it shall be the duty of the Chairman and Secretary to notify all members of the Board of the time, place, and purpose of any and all special, or called, meeting by at least twenty-four hours' written notice served upon or left with, or at the places of residence of, all members or, unless the request for the special meeting otherwise suggests, by publishing the same in some newspaper published in the county for not less than five days. Provided further, That no compensation shall be paid to, or received by, any member of said Board for, or on account of attending any special or called meeting of the Board.

SECTION 2. That the County Boards of Education as now exist in Counties of the State to which this Act applies, be and the same are hereby abolished.

SECTION 3. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

SECTION 4. That if any part, section, subsection, sentence, clause or phrase of this Act is, for any reason, held to be unconstitutional it shall affect the validity of the other or remaining portions hereof, and it is declared by the Legislature that it would have passed this Act and each of the parts, sections, sub-sections, sentences, clauses and phrases hereof irrespective of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared unconstitutional.

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

Passed: December 9, 1929. 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. County boards of education must be popularly elected to staggered four-year terms from districts of substantially equal population. The county legislative bodies are authorized to establish districts for county board of education members by resolution instead of having to rely on private acts for reapportionment. T.C.A. § 49-2-201.

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.

## **EDUCATION –SPECIAL SCHOOL DISTRICT PRIVATE ACTS OF 1925 --- CHAPTER 547**

SECTION 1. That a Special School District be, and the same is hereby created and established in Cannon County Tennessee, to be known as the Auburntown High School Special District, and to be comprised of

and to embrace the Eleventh Civil District of Cannon County, Tennessee. The boundary of said District of Cannon County as now established.

SECTION 2. That the officers of Auburntown High School Special District shall consist of an Advisory Board of five members, the majority of whom shall constitute a quorum for the transaction of business. The first board to consist of five members namely: Tom Carter, (2) Earl McAdoo, (3) Oscar Moore, (4) W. B. Kennedy, and (5) J. T. Taylor.

All vacancies that may occur in said board shall be filled immediately by an appointment made by chairman of said board, provided that no one be chosen a member of said board who has not been a resident of said district, as above defined, for at least one year next preceding the anointment or election, and of the age of twenty-five years or more,(sic) The members of the school board shall serve as follows: (1) Tom Carter, (2) Earl McAdoo, (3) Oscar Moore, (4) W.B. Kennedy, (5) J. T. Taylor each shall serve two years, their successors to be elected by the qualified voters residing within said Auburntown High School at the regular August election 1926, and every two years thereafter, to serve two years.

Said board shall organize within thirty days after the passage of this act, by the election of a chairman and a secretary and a treasurer.

SECTION 3. That the members of the Advisory Board above named and those hereafter elected shall have the right to erect buildings, repair and improve school buildings, and other school property, purchase land, to pay off indebttness, or any future indebttness, and concurrently with the County Board of Education to employ teachers, and generally to do those things necessary to carry on the business of a modern school.

SECTION 4. That for the purpose of assisting in the support of the school or schools of said Special District and for the supplementing the regular school fund for said District so that the proper buildings and equipment and if necessary lengthening the term as a free public school or schools, there is hereby assessed for the year 1925, and for each succeeding tear thereafter a tax of not to exceed at any time twenty-five cents on every hundred dollars worth of property, both real and personal, situated within said Auburntown High School Special District, and there is also assessed for said purposes, one dollar poll tax on all persons who are liable for State and County poll, between twenty-one and fifty years, residing within said district. The members of said Advisory Board shall have the power to fix rate of assessment, but not at any time to exceed one dollar poll and twenty-five cents tax on every one hundred dollars worth of personal and real property.

The basis for said taxes on said property shall be assessed values as shown by the books of the County Trustee and all taxes assessed on real estate shall be a lien upon such real estate.

The taxes herein assessed shall become due and be collected at the same time and in the same manner as taxes under the general laws of the State of Tennessee by the County Trustee. The said taxes herein provided for shall be paid by the County Trustee to the Treasurer of said Advisory Board of Auburntown High School Special District, and the said Treasurer executing to the said trustee his receipt wherefor, which receipt shall be and constitute said Trustee's voucher for the sum or sums paid, and all said sums shall be and constitutes the supplementary fund of said Special School District which fund shall be under the control of said Advisory Board to be held, used, and paid out promptly for the use and benefit of the schools in said districts, the same to be paid out by the treasurer of said Advisory Board.

The tax assessor of Cannon County shall prepare a separate and complete list of all taxable property, real and personal, and poll within Special School District, for the use of County Trustee in collecting said taxes.

SECTION 5. That the powers and duties of said Advisory Board shall be as follows:

- (a) To perfect and organize as herein provided.
- (b) To serve without compensation.
- (c) To administer the funds arising from this Act.
- (d) To advise, counsel, and cooperate with the Board of Education of Cannon County, in the conduct of school in said District.
- (e) To adopt rules and fix terms by and with the consent of the Cannon County Board of Education, for the admission of students and pupils from the outside to the schools within the district.
- (f) To require the Treasurer to file with said Board a good solvent bond for all funds coming into his hands as treasurer of said Board.

SECTION 4. That no part of this Act shall be construed as in any way interfering with or abridging the powers of County Board of Education of Cannon County in the administration of the schools of said district but supplementary thereto only.

SECTION 5. That all laws in conflict with this Act be and are hereby repealed and that this act take effect from and after its passage, the public welfare requiring it.

Passed: April 4, 1925.

*COMPILER'S NOTE: The Tennessee Department of Education has no record of this special school district. It is included in this compilation, however, because it has not been specifically repealed or superseded by law.*

## SUPERINTENDENT OR DIRECTOR OF SCHOOLS

SUPERINTENDENT OF PUBLIC INSTRUCTION  
PRIVATE ACTS OF 1929 --- CHAPTER 748

SECTION 1. That in all counties of this State having a population of not less than 10,238, or not more than 10,245, according to the Federal Census of 1920 or any subsequent Federal Census, the County Superintendent of Schools shall hereafter be elected by the qualified voters of said counties at the regular August election, in the same manner as other county officials.

SECTION 2. That the first election under this Act shall be at the August election next preceding the expiration of the term of the present incumbent, and subsequent elections every two years thereafter.

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

Passed: April 8, 1929.

## SUPERINTENDENT OR DIRECTOR OF SCHOOLS

After the passage of the Education Improvement Act of 1991, the elected office of superintendent of public instruction (county superintendent of education) was 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 is employed by the board under a written contract of up to four years duration under T.C.A. § 49-2-203(a). The duties of the director of schools are enumerated in T.C.A. § 49-2-301.

## 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 Cannon 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 1837-38, Chapter 96, Page 132, established an academy in Woodbury in Cannon County which would be called Laurens Academy with all the incidental rights and privileges of other academies. James Taylor, James J. Trott, Joseph Ramsey, Eli A. Fisher, and Thomas C. Ward were named as Trustees of the Academy, and were granted all the power of that position plus the right to make regulations for the management, operation, and internal discipline of the school.
2. Acts of 1855-56, Chapter 118, Page 132, Section 6, incorporated J. D. Alexander, Henry Goodloe, D. Hogwood, and A. McNight, as the "Trustees of the Philosophian Institute of the County of Cannon." The Institute may hold and transfer property, do other corporate acts, and make all rules and regulations necessary for the proper operation of the Institute.
3. Acts of 1855-56, Chapter 237, Page 484, Section 4, formed a common school district in Cannon and Rutherford Counties which would include the following families: C. D. Ivie, Simeon Hollis, W. J. Walkup, William Peak, Walter Peak, Peyton Shepherd, John Davison, William G. Brandon, H. L. Thompson, T. T. Peay, Mary Holmes, Martha Hollis, Dr. J. H. Dickens, Isaac McCullough, Charles Ready, J. C. Martin, Lewis Jetton, D. F. Weedon, John H. Wood, Dr. J. B. Armstrong, William Owen, and John Chappell. These families would have the right to elect a Commissioner jointly and enjoy all the rights and privileges generally granted to other school districts.
4. Acts of 1903, Chapter 293, Page 850, created a special school district in the Fourth Civil District of Cannon County describing the area involved with a metes and bounds description. A special election would be held on the second Saturday in May, 1903, to elect the school directors who would all serve with no compensation. The Clerk would furnish a statement of the number of pupils in the district to the County Superintendent of Schools. He would furnish the County Trustee with a copy so that the school funds could be pro rated.
5. Acts of 1905, Chapter 190, Page 394, created a special school district in the Third Civil District of Cannon County describing the area with a proper description. This Act called for an election to be held on the second Saturday in May, 1905, so as to elect the School Directors for the District. The Clerk would furnish a scholastic census to the County Superintendent who would forward a copy to the Trustee to pro rate the school funds.
6. Acts of 1907, Chapter 43, Page 144, created the "Readyville School District" out of portions of Cannon and Rutherford Counties, as described therein. The Act named for Dr. W. E. Yanree, Bill McBroom, and Josh Burton as Directors of the District who would serve without charge. The Clerk would send the scholastic count to the Superintendent who would advise the Trustee in order to pro rate the school funds. Anyone who was qualified to work in the County System would also be eligible to serve in the District. The school building shall be placed on the Porterfield and Milton Road, near New Hope Church, not over one-quarter of a mile from the Pike. This Act was repealed by Chapter 529, Private Acts of 1915.

7. Acts of 1907, Chapter 79, Page 226, formed a special school district in Cannon and Rutherford Counties to be called the "Porterfield School District." The District would include the Readyville School District and the following families: Mrs. M. A. Davis, Andy McKnight, Col. J. D. Vaught, William Thomas, Charlie Dement, William McElroy, Sam McElroy, Grooms, W. E. Hogwood, Dr. A. E. McKnight, Taylor Mingle, John Elrod, Sam Elrod, John Peyton, James Northcut, Ervin Ready, J. D. Northcut, J. E. K. Alexander, O. M. Alexander, Sambo Travis, J. A. Dement, and Bailey Paschal. The Act named Dr. F. Desmukes, Steve Jordan, and C. L. Duggin to be Directors until the next election. The other provisions were for the scholastic count and pro rata of funds.

8. Acts of 1907, Chapter 176, Page 520, changed the lines of the Special School District of the Third School District so as to detach the land of Wiley Willis from it and attach it to the 12th Civil District of Cannon County.

9. Acts of 1907, Chapter 236, Page 845, abolished the office of District Directors and created a Board of Education and District Board of Advisors in every County. The County Courts would divide the County into five districts, composed of whole Civil Districts, from each of which one member of the Board of Education would come as selected by the County Court to serve until the members could be elected by the people. The duties of the Chairman, selected by the other members, the Secretary, and the Board are all enumerated in the Act. A three member Advisory Board would be elected in each Civil District and their duties are stipulated in the Act. This Act did not apply to city schools nor to those counties exempting themselves in Section 17.

10. Acts of 1907, Chapter 495, Page 1666, also created a "Readyville Special School District" describing it with a detailed description which bears a lot of similarity to the former one. Dr. W. E. Youree, Bill McBroom, and John Barton would serve as Directors of the District without pay.

11. Private Acts of 1915, Chapter 529, Page 1699, expressly repealed Chapter 43, Private Acts of 1907, Item 6, above, which first created the Readyville School District.

12. Private Acts of 1921, Chapter 317, Page 982, created the Auburntown Special School District out of the 11th Civil District of Cannon county, except for Mrs. W. T. Mengle's farm, which included Auburntown. A five member Board of Trustees would be elected for the School District on the first Saturday in August to serve two year terms. The Act named J. D. Odom, J. A. O'Neal, W. B. Kennedy, T. H. Summer, and C. S. Hawkins to serve on the Board without compensation until the scheduled election. The powers and duties of the Board were enumerated in the Bill. A special school tax of 25 cents per \$100 property evaluation and a \$1 poll tax on all males between the ages of 21 and 50 were allowed to be levied by the Quarterly Court, so that the school year would be extended to eight months which taxes would be collected as other taxes and paid to the school district by the Trustee. The District was authorized to provide primary and secondary schools, to employ qualified teachers and other personnel and to acquire and hold property through its Trustees. The Auburn District was further entitled to have one Representative on the County Board of Education. This Act was repealed by the one following.

13. Private Acts of 1923, Chapter 227, Page 744, expressly repealed Chapter 317, Private Acts of 1921, Item 12, above, in its entirety.

14. Private Acts of 1929, Chapter 878, Page 2548, amended Chapter 115, Public Acts of 1925, Item 14, above, by inserting a new provision concerning the composition of the County Board of Education in Cannon County. The Board would consist of one member each from 15 Civil Districts, elected to six year terms by the people in the District. The present Board would consist of those now in office who were J. R. Caffy, O. B. Alexander, Claud Spurlock, Clark Barton, John Gilley, G. S. Smith, A. A. Tenpenny, Ray Paschal, Cal Curlee, Tom Parker, H. C. Mears, Shelah Wood, Earl McAdoo, Bob Parker, and Hall

Markum. Staggered terms were provided for the future which seemed to elect five members every two years to six years terms. This Act was apparently superseded by the one published herein.

15. Private Acts of 1935, Chapter 445, Page 1066, provided that the Chairman of the Board of Education of Cannon County shall receive compensation, the amount of which shall be fixed by the Quarterly County Court and paid out of the school fund, but the said compensation shall not be less than \$300 nor more than \$500 per year.

16. Private Acts of 1937, Chapter 313, Page 935, provided that all teachers in Cannon County who have taught school for 25 years out of the last 30 and who hold a Life Professional Elementary Teacher's Certificate given by the State of Tennessee for two year's college credit, be given a Life County Superintendent's Certificate.

17. Private Acts of 1939, Chapter 199, Page 613, stated that in Cannon County no senior high school shall be established and maintained with fewer than 50 pupils in average daily attendance, but the County Board of Education is authorized and empowered to establish and maintain senior high schools where there are 50, or more, pupils in average daily attendance.

# 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, county election commission, 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 Cannon County in the 15th state senatorial district (along with Clay, Coffee, DeKalb, Jackson, Macon, Pickett, and Putnam counties), while T.C.A. § 3-1-103 places it in the 40th representative district. Cannon County is part of the 16th U.S. congressional district, under the provisions of T.C.A. § 2-16-103.

The following is a listing of acts for Cannon 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 1839-40, Chapter 79, Page 162, made each one of the U. S. congressional Districts into an Electoral District for the election of the President and Vice-President of the United States, and established all the details for holding the first election thereunder.
2. Acts of 1842, Chapter 1, Page 16, apportioned the state for the General Assembly into 25 Senatorial districts. The 10th Senatorial District contained Warren, DeKalb, Cannon, and Coffee Counties, and of the 50 State Representatives, Cannon County would elect one alone.

3. Acts of 1842, Chapter 7, Page 30, divided Tennessee into eleven U. S. Congressional Districts. Wilson, Rutherford, Cannon, and Williamson Counties were in the Seventh Congressional District.
4. Acts of 1851-52, Chapter 196, Page 293, delineated the U. S. Congressional Districts for the State. The Counties of Sumner, Rutherford, Cannon, Wilson, and Williamson were grouped together in the Fifth U. S. Congressional District.
5. Acts of 1851-52, Chapter 197, Page 295, reapportioned the State for the General Assembly. Cannon County would continue to elect one Representative alone and would share a State Senator with Warren, Coffee, Grundy, and Van Buren Counties.
6. Acts of 1865, Chapter 34, Page 52, was the first post Civil War apportionment, giving Tennessee eight U. S. Congressional Districts, assigning the Counties of Bedford, Rutherford, Cannon, Coffee, Franklin, Lincoln, Marshall, and Giles to the Fourth U.S. Congressional District.
7. Acts of 1871, Chapter 146, Page 171, reapportioned the State, probably based on the 1870 Census. Coffee and Cannon Counties would elect one State Representative jointly while Warren, Coffee, DeKalb, and Cannon Counties constituted one Senatorial District.
8. Acts of 1872, Chapter 7, Page 28, organized the State into nine U.S. Congressional Districts. The Fourth District under this Act was composed of the Counties of Franklin, Lincoln, Marshall, Bedford, Coffee, Cannon, and Rutherford.
9. Acts of 1873, Chapter 27, Page 52, reorganized Tennessee into ten U.S. Congressional Districts assigning the Third U. S. Congressional District the Counties of Polk, McMinn, Meigs, Rhea, Bradley, James, Hamilton, Marion, Grundy, Sequatchie, Bledsoe, Van Buren, White, Warren, DeKalb, Cannon, and Cumberland.
10. Acts of 1881, Chapter 5, Page 9, fixed the number of State Senators in the General Assembly at 33, and the Representatives at 99.
11. Acts of 1881 (Ex. Sess.), Chapter 6, Page 10, apportioned the State according to the terms of the 1881 Act above. Cannon, Warren, DeKalb, and Putnam Counties made up the 10th State Senatorial District while Cannon was given one Representative.
12. Acts of 1882, Chapter 27, Page 34, divided the State into ten U. S. Congressional Districts. The Fifth District contained the Counties of Cannon, Coffee, Franklin, Lincoln, Moore, Marshall, Bedford, and Rutherford.
13. Acts of 1883, Chapter 237, Page 319, specified in Section One that Chapter 27, Acts of 1882, above, is amended so that Monroe, Polk, Bradley, Hamilton, Meigs, Rhea, Cumberland, James, McMinn, Bledsoe, Sequatchie, Marion, Grundy, Van Buren, White, and Warren Counties shall compose the Third U. S. Congressional Districts.
14. Acts of 1889, Chapter 196, Page 391, amended Chapter 27, Acts of 1882, Item 12, above, by detaching Cannon County from the 5th U.S. Congressional District and attaching it to the Third U.S. District. The Act also moved Cumberland and Rhea Counties from the Third to the Fourth District, and Marion County from the Third to the Fifth District.
15. Acts of 1891 (Ex. Sess.), Chapter 10, Page 25, apportioned Tennessee for the General Assembly according to the 1890 Census. Rutherford and Cannon Counties would share a State Representative while the Counties of Rutherford, DeKalb, and Cannon made up the 12th Senatorial District.

16. Acts of 1901, Chapter 109, Page 151, divided Tennessee into ten U.S. Congressional Districts assigning DeKalb, Cannon, Rutherford, Marshall, Bedford, Coffee, Moore, and Lincoln Counties to the 5th District.

17. Acts of 1901, Chapter 122, Page 182, apportioned the State for the General Assembly for the last time until the decision in the Baker v. Carr case compelled the Legislature to comply. The 12th State Senatorial District had Rutherford, Cannon, and DeKalb Counties in it while Cannon County would enjoy a Representative alone.

18. Acts of 1907, Chapter 404, Page 1372, created six Civil Districts in Cannon County instead of the 15 then existing. The six Civil Districts were composed of the fifteen smaller Districts. The Districts would remain as they were thus described until changed by the Legislature. The election precincts were to remain as they were then organized. This Act was repealed by the one following.

19. Acts of 1909, Chapter 5, Page 8, repealed expressly Chapter 404, Private Acts of 1907, above, and restored the fifteen Civil Districts of Cannon County as they existed before the passage of that Act reducing the number to six. They would continue to be known by their old numbers.

# **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 1921, Chapter 591, Page 1818, stated that hereafter in Cannon County the Commissioners or authorities under whom the poor houses, poor farms, and workhouse were operated, were directed to employ jail physician, or a County Health Officer, to perform and render all medical services and attention required for the inmates of any and all of the institutions named above. The physician would be paid a reasonable amount for his services which would be passed on and appropriated by the Quarterly County Court.

# CHAPTER IX - HIGHWAYS/ROADS HIGHWAYS - ROADS

## ROAD LAW

PRIVATE ACTS OF 1933 --- CHAPTER 788

SECTION 1. That there is hereby created in all of the counties of this State having a population of not less than 8,933 nor more than 8,938, according to the Federal Census of 1930, or any subsequent Federal Census, a county road commission, which shall be composed of three members, to be appointed and elected as hereinafter provided, one of whom shall reside in each of the three road districts hereinafter provided and established, and one of whom shall be chairman of the said commission elected by the members thereof.

SECTION 2. The for the purposes of this Act there is hereby created and established three road districts as follows:

The 1st Road District shall be composed of the 1st, 2nd, 6th, and 8th Civil Districts.

The 2nd Road District shall be composed of the 3rd, 4th, 5th, 12th, and 13th Civil Districts.

The 3rd Road District shall be composed of the 7th, 9th, 10th, 11th, 14th and 15th Civil Districts.

SECTION 3. That for the purposes of this Act there is hereby appointed the following members of the county road commission for the ----

1st Road District --- C. G. McBroom

2nd Road District --- James A. Todd

3rd Road District --- Reece Patterson

The members of the commission hereinabove named and appointed shall serve and hold office until September 1, 1934, and their successors shall be elected by the qualified voters of the County at the regular August election, 1934, and every two years thereafter, and the commissioners thus elected at the August election, 1934, and each two years thereafter, shall take their office on the first day of September following, as other civil officers.

SECTION 4. That the members of said county road commission shall each take and subscribe to an oath for the faithful performance of their duties and each shall execute and file with the clerk of the county court a good and solvent bond in the penal sum of \$2,000.00 to be approved by the county court chairman for the faithful performance of their duties and to faithfully account for and turn over all funds and road property of all kinds coming into their hands.

SECTION 5. That said county road commission is hereby required to hold monthly meetings at the court house, and they are hereby required to keep and maintain an office at the county seat. Said Commission is hereby required to fix and give notice by publication in a newspaper published in said counties of the day and hour of such monthly meeting so that all interested persons may attend.

The compensation of the commissioners other than the Chairman of the Commission is hereby fixed at \$50.00 per annum and the compensation of the Chairman is fixed at \$300.00 per annum, to be paid out of the road funds of the county; provided, however, that the commission may hold special or called meetings without additional compensation, upon request of a majority of the commission or the call of the Chairman.

Provided, however, that beginning as of March 1, 1955, the compensation of the Chairman of said Commission is fixed at \$600.00 per annum and the compensation of the other members of said commission is fixed at \$300.00 per annum.

As amended by: Private Acts of 1955, Chapter 127.

SECTION 6. That the Commission named hereunder shall meet and organize on the Second Monday in May, 1933.

SECTION 7. That any vacancy occurring on the County Road Commission from any cause shall be filled by the remaining members of the Commission, and the person selected to fill such vacancy shall hold office until the next regular election.

SECTION 8. That no member of said Commission shall be a member of the County Court or hold any other State or County office and they are hereby forbidden to have either directly or indirectly any interest in any contract pertaining to the county road system.

SECTION 9. That said county road commission is hereby granted and given full power, jurisdiction and control over the entire county road system of said counties, including the right of eminent domain, the right to change or relocate roads, the right and power to improve and maintain all the county roads of said counties as their judgment and discretion may dictate, including county bridges; and the right to lay out and construct new roads and full jurisdiction over all county road labor, duty and service and full control over the expenditure of all road moneys of every kind and character, including the State aid gasoline moneys, and any and all road taxes, labor and service levied and/or fixed by the county court.

SECTION 10. That said road commission is hereby required to keep full and accurate minutes of each and every transaction, especially the expenditure of any funds, and to make quarterly reports under oath to the quarterly county court of said counties, showing in detail the work and doings of said commission, which reports shall be spread upon the records of the county court and open to the inspection of the public.

SECTION 10a. There is hereby created an Audit Committee composed of the Chairman or Judge of the County Court, the Clerk of the County court, the Clerk of the Circuit Court, the Clerk of the Chancery court (sic) and the Sheriff of said County, or Counties, with the power, authority and duty to audit and investigate the books, accounts, transactions and affairs of said Commission annually and make report thereof and recommendations thereon, in writing, to the Quarterly County Court of said Counties for any and all of which said Committee may employ such clerical and other help and assistance, including auditors, acountants (sic) and investigators as it deems necessary for true, fair and full audits, investigations and reports herein provided. The costs and expense of all such audits, investigations and reports to be paid out of funds in the hands of or for the account of said Commission on order of said Committee. The members of said Commitete (sic) shall not be allowed compensation for their personal services rendered hereunder out of said Commission funds but may be compensated therefor by the Quarterly County Court out of other County funds by proper resolution, and said Committee shall take care to practice economy in the proper performance of its duties hereunder.

As amended by: Private Acts of 1943, Chapter 211.

SECTION 11. That said county road commission is hereby empowered and required as soon as the organization is perfected, to employ by a majority vote of said commission a capable county road supervisor, who shall be capable of overseeing and looking after road construction and maintenance, and who shall also be of sufficient education to keep and make written reports to the commission from time to time, as may be required of him. The County Road Supervisor shall hold his office at the will of the

County Road Commission and his compensation shall be fixed by the County Road Commission in an amount not to exceed six hundred dollars (\$600) a month. Said road supervisor shall be required to give his entire time and attention to the duties of his position, and he shall perform his duties under the supervision and direction of the county road commission, and to do any and all things necessary to construct and maintain the best possible system of county roads, and particularly to supervise and overlook the foremen and road employees hereinafter provided for.

As amended by: Private Acts of 1947, Chapter 851;  
Private Acts of 1955, Chapter 127;  
Private Acts of 1967, Chapter 242;  
Private Acts of 1973, Chapter 100.

SECTION 12. That the county road supervisor herein provided for shall have the power and it shall be his duty to name and appoint as many road foremen as may be necessary and also to employ road hands or employees; provided, however, that these duties shall be performed with the approval of the county road commission. The salary or wages of the foremen and road hands or employees shall from time to time be fixed by the county road commission, provided always that such wages and salaries shall not exceed the prevailing prices obtaining in said counties for similar work or services.

SECTION 12A. That the Chairman and other members of the County Road Commission as in this Act provided may, in addition to their services and compensation as such Chairman or other member of said County Road Commission, be selected for and employed, and may serve as either Supervisor of Roads, or other employee, as provided for in this Act, and for any such additional service may receive compensation in addition to that authorized for their services as either Chairman or member of said Commission. Provided, however, that the qualifications, character of service and compensation for any such additional service shall conform to and be measured by the same standards, requirements and scale of wages and compensation as other employees of said Commission prevailing at the time.

As amended by: Private Acts of 1945, Chapter 226.

SECTION 13. That said county road commission is hereby authorized and empowered to purchase any and all necessary road machinery, equipment, tools, materials, and supplies as their judgement and discretion may dictate, and they are further empowered to lease or rent such road machinery, equipment and/or tools deemed to be in the best interests of the county, the purchase, lease or rental price of any and all of which to be paid out of said County Road Funds.

SECTION 14. That any and all costs and damages for rights of way or other property condemned or taken under this Act shall be a charge against the general funds of the counties, but shall be repaid to the counties out of the said county road funds to the general county funds.

SECTION 15. That all county road funds of every kind and character shall be kept by the county trustee in a separate fund designated for the purpose, and all warrants drawn on said funds shall be signed by the Chairman of the county road commission and countersigned by the county road supervisor, and no warrant thus drawn shall be issued until same has been approved by the county road commission, except warrants for weekly payrolls for road labor, but these must be signed by the Chairman and countersigned by the supervisor, and no warrant shall be issued to overdraw such funds and no contract or obligation made in excess of the reasonably anticipated funds to be available for any calendar year, except that road machinery and equipment may be purchased on installment plans in anticipation of funds.

SECTION 16. That said County Road Commission is hereby invested with full and complete power and authority to acquire by gift, purchase or condemnation proceedings all lands, rights of way, borrow pits, sand, gravel and chert beds, rock quarries and rights of way to and from the same necessary for the

opening, constructing, building, changing and/or re-locating public roads and bridges and to pay for the same out of the County Road Fund, in the manner in this Act provided. It shall be the duty of the said County Road Commission to keep definite and sufficient records of all such rights of way or lands so acquired showing the County's title thereto and rights therein.

The said County Road Commission is hereby given the power and authority in all matters of condemnation to institute and prosecute condemnation suits in which suits the county shall be made a party plaintiff and it shall not be necessary or required for the county or the said county road commission to execute any cost or indemnity bond or any other bond in such proceedings, and immediately upon the filing of or institution of any suit for condemnation under the provisions of this Act, the Commissioner, its agents, servants, and employees shall have full power and authority to proceed to take the necessary lands or property sought to be condemned and no appeal or other dilatory plea shall delay the opening, changing, construction, or working of such condemned rights of way or the taking of any such property. All costs and damages and compensation for rights of way or other property condemned or taken under this Act shall be a charge against the general funds of the County, but any and all such sums paid out of the general County Fund shall be repaid to the counties out of the County Road Fund described in this Act.

SECTION 17. That said County Road Commission is authorized and empowered to employ such engineers or skilled workmen as it may deem necessary from time to time and to employ such clerical and other help as may be necessary for the proper and efficient performance of the duties herein required.

SECTION 18. That the said County Road Commission is hereby authorized and empowered to designate the location of all telephone, telegraph, or other poles permitted by law to be placed along the public road and to require them to be placed where they will not obstruct the roads, side ditches, flow of water, or the working and maintaining of the road, and the said Commission is hereby given the power and authority to move or have moved from the road, or rights of way, any such poles or other obstructions as may cause or, in the judgment and discretion of said Commission, may be calculated to cause any such interference.

SECTION 19. That all male citizens residing within the counties at the time of notice to work is served, of the age of twenty-one (21) to fifty (50) years inclusive, shall be subject to road duty under the provisions of this act, and shall give not less than three nor more than six (6) days per annum service on said roads, the number of days to be fixed each year by the County Court. That each individual or family living together, either male or female, owning a two-horse wagon and team or two horses and a plow shall furnish the team and wagon or the team and plow, whichever may be required by said Road Supervisor, the same number of days fixed for road laborers by the County Court. Provided, that each person who is required under this Act to work on the road and/or furnish a wagon and team or a plow and team may commute for the same by paying into the said County Road Fund through said Road Commission an amount fixed by the County Court which amount shall be uniform throughout the County, provided, however, that any person subject to road duty may furnish an able-bodied substitute acceptable to said Road Supervisor.

That all persons subject to road duty or who are required to furnish a wagon and team or a plow and team, as herein provided, who shall fail or refuse to comply with the provisions of this Act with respect thereto shall be guilty of a misdemeanor.

*COMPILER'S NOTE: Private Acts of 1937, Chapter 571, contained a provision that "no person shall be subject to road duty" within Cannon County. The act was amending Private Acts of 1929, Chapter 809, which was the previous road law for Cannon County. The 1937 amendment occurred after this act (Private Acts of 1933, Chapter 788), the current road law for Cannon County, was passed. It is noted here because the subject matter of the 1937 amending act is the same as the above section.*

SECTION 20. That it shall be the duty of said Road Supervisor either in person or by and through a foreman or overseer to warn in all hands or persons subject to road duty on the roads and to notify all persons whose duty it is made by this Act to furnish wagons and teams or plows and teams for road service to report for such road duty or service at a time and place fixed.

That it shall be the duty of said Road Supervisor either in person or by and through a foreman or overseer to give to each person subject to road duty a verbal or written notice three (3) days before the time, stating the time and place where the work shall begin. Like notice shall be given persons whose duty it is to furnish teams and wagons or plows. It shall be a sufficient compliance with the requirements hereof with respect to said notice or warning to leave the same in writing at the usual place of residence of such persons subject to road duty or whose duty it is to furnish such teams and wagons or plows.

SECTION 21. That it shall be the duty of said Road Supervisor to report to the foreman of the Grand Jury and to the District Attorney-General all persons failing to work the road and/or failing to commute therefor or failing to furnish teams and wagons or plows or failing to commute therefor as provided in this Act, at the next term of the Circuit Court succeeding such delinquency.

SECTION 22. That all persons seeking to be exempt from road service shall make application for such exemption to said County Road Commission at any regular monthly meeting, such application to be accompanied by a certificate from the County Health Officer or Physician, or any other reputable practicing physician of the County, and if any such applicant shall be dissatisfied with the action of said Road Commission, he shall have the right to enter an exception to said Action of the said Commission and shall have the right to appeal from said action or decision of said Commission to the next meeting of the Quarterly County Court who shall have the right and whose duty it shall be to pass de nova on the rights and merits of said applicant for exemption.

SECTION 23. That no person shall be required to perform road duty or labor or to furnish teams and wagons or plows, as in this Act required, outside of the Civil District in which such person resides and they shall be assigned to perform such service or labor and furnish teams and wagons or plows on the particular road on which they reside unless in the judgment and discretion of the Supervisor of Roads it is impracticable or inadvisable that such service or labor or the furnishing of such teams and wagons or plows be assigned to the road on which such persons reside, in which event said Supervisor may designate the road in the Civil District on which such service or labor or the furnishing of such teams and wagons or plows shall be rendered or furnished.

SECTION 24. That no exemption shall be allowed for more than one year except where it satisfactorily appears to said Road Commission and/or County Court that the disability of the applicant is of a nature rendering the applicant permanently disabled.

SECTION 25. That all persons subject to road duty or whose duty it is to furnish teams and wagons or plows, as herein provided, who live within the limits of any incorporated town shall be exempted from such road duty for the County outside of such town, but shall perform such road service, and furnish such team and wagon or plows within such town in the manner and to the extent herein provided for the county; provided, however, that any person subject to road duty or labor residing within the limits of any incorporated town and owning and keeping such teams and wagons or plows within the County outside of such incorporated town shall perform such road duty or labor within the incorporated town of his residence and furnish such teams and wagons or plows outside of such incorporated towns.

SECTION 26. That the County Road Taxes levied upon the property situated within the corporate limits of any town shall be expended upon the public streets, highways, ditches, bridges, culverts and sidewalks within said town.

SECTION 27. That the said County Road Commission is hereby invested with full and complete power and authority to contract with the State and Federal Governments and with any incorporated town within said counties for the constructing, working, and/or maintaining any public road, highway and/or street and the application and expenditure of funds for such purposes within said counties and/or municipalities.

SECTION 28. That said County Road Commission is hereby authorized to work County and Municipal workhouse prisoners and to keep them in custody under contract and arrangements with proper County and Municipal authorities. The working of such prisoners to be always within the purposes of this Act.

SECTION 29. That said County Road Commission is hereby given all powers and authority necessarily or reasonably implied to secure the purposes of this Act and the specified powers, rights and duties herein enumerated and set out shall not be construed to restrict but rather to amplify the general powers and authority given in this Act.

SECTION 30. That all persons, firms and corporations, private and public, having and/or holding any property of any kind, real, personal and/or mixed which is of the road system of said counties or contemplated to be used in the system hereunder provided shall promptly turn same over to said County Road Commission.

Said County Road Commission shall promptly make and always keep a full, accurate and detailed inventory or record of all machinery, equipment, tools, materials, supplies and other property coming into its hands.

SECTION 31. That all laws and parts of laws in conflict with this Act, in letter or spirit, be and the same are hereby repealed.

SECTION 32. That the several sections of this Act are hereby declared to be independent in whole and in part and the declaring of any one or more of said sections or parts thereof to be unconstitutional or void shall in no wise affect the remaining sections or parts thereof.

SECTION 33. That this Act take effect from and after noon May 8, 1933, the public welfare requiring it.

Passed: April 20, 1933.

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

1. Acts of 1859-60, Chapter 114, Page 393, stated that after the passage of this Act the County Courts of the Counties hereinafter named shall classify the public roads into First, Second, and Third Classes, and to assess the tax on property and polls of said Counties which tax will be applied to keeping up the said roads according to class. All the above was subject to the successful outcome of a referendum conducted in the counties. The tax will be collected in the normal manner and given to the Trustee. Under certain conditions the County Court could contract this work out rather than attempt it with the road departments. This Act was applicable to Henry, Carter, Johnson, Greene, Obion, Robertson, Meigs, McMinn, Monroe, Polk, Cheatham, Washington, and Cannon Counties.

2. Acts of 1859-60, Chapter 137, Page 443, Section 2, provided that Section 1434 of the Code of Tennessee shall not apply to the Murfreesboro and Woodbury Turnpike, or to any other road in Cannon County.

3. Acts of 1901, Chapter 136, Page 237, was a statewide road law applying to every county in the State under 70,000 in population. The County Court would appoint a Road Commissioner for each Road District in the County which were declared co-extensive with the Civil Districts, for two year terms, who would be in immediate charge of roads in that District, who could buy tools, supplies, and expend funds with the approval of the County Chairman, or Judge and who would be paid \$1 per day for each day actually worked, not to exceed ten days per year. A special road tax of two cents per \$100 for each days work ordered for road hands could be levied by the Court. The Commissioners would appoint overseers for roads, as needed, at one dollar a day, not to exceed \$6 per year, who would serve only one year at a time. All males outside of cities between the ages of 21 and 45 shall work on roads as many days as the Quarterly Court directed. Some specifications were set up for roads, and they would also be classified. Prisoners were to be worked under certain conditions, and the Quarterly County Court could designate the

roads on which to seek repair and improvement. The mechanics were set up by which petitions to open, close, and change roads could be received and disposed of. Compensation for Commissioners was established so they could receive the same as Justices of the Peace. This Act was the subject of litigation in the case of *Carroll v. Griffith*, 117 Tenn. 500, 97 SW 66 (1906).

4. Acts of 1905, Chapter 478, Page 1016, amended Public Acts of 1901, Chapter 136, above, in several minor particulars but primarily in the methods for handling the petitions to open, close, and change roads, especially where the exercise of eminent domain was necessary.

5. Private Acts of 1917, Chapter 730, Page 2264, created a three member Board of Public Road Commissioners, one of whom would be designated as the Road Superintendent and another to be designated as the Assistant Road Superintendent. The members would be selected by the Cannon County Quarterly Court and no member of the Court would be eligible to serve. The Board would be in charge of all the public roads and bridges in the county and could open, close, or change roads, as desired. The Road Superintendent would be paid \$800 per year, and the Assistant would get \$2 per day for each day worked, not to exceed \$100 a year, and the associate member would get \$2 up to \$50 per year. The Superintendent must devote full time to the job but could hire some reliable person to work and drag the road sections. The Superintendent must lay out all the roads on a map and file the same with the County Court Clerk. The County Court was empowered to lay a tax on properties outside of cities for the upkeep of the roads. The Court would classify the roads according to width and surfacing material. Eminent domain was granted to open, close, or change roads and the power to remove, or have removed, all obstructions was conferred. Males, outside of cities between the ages of 21 and 45 must pay a tax of \$3, or work six days on the road.

6. Private Acts of 1919, Chapter 183, Page 437, amended Private Acts of 1917, Chapter 730, which was a road law applicable to counties between 10,090 and 11,000 in population, which figures would include Cannon County, so as to make the Act inapplicable to Cannon County. (An Act concerning Circuit Court Clerks was similar to this one but was not amended. That Act was intended to apply to Decatur County.)

7. Private Acts of 1919, Chapter 567, Page 1663, formed a Board of Road Supervisors for the whole of Cannon County to be appointed by the Circuit Judge for two and four year terms and then for four year terms. The County Court would appoint a District Road Commissioner for each Civil District who would be sworn and bonded and in charge of all the road work in the District. The District Commissioners would report to the County Judge, or Chairman. Overseers who could be fined for refusing to serve as such, were liable to work the same number of days as road hands were expected to work, but would be paid \$1.50 per day for every extra day devoted to their jobs. Males between ages of 18 and 50 must work from 6 to 10 days, as decided by the Quarterly Court, or one could commute at \$1.50 per day. All roads were to be relocated in two years which eminent domain could be used, if necessary. Road Supervisors could open, close, or change roads, award damages, and would try to settle disputes. They would turn in to the Quarterly Court a list of delinquent roads as were reported to them by the District Commissioners. This Act was repealed by Private Acts of 1925, Chapter 806.

8. Private Acts of 1925, Chapter 679, Page 2506, seemed to be the next road law for Cannon County which provided that the County Court would elect a Road Commissioner from each Civil District of the county to serve two years and to have the general supervision of the roads in the District. They would appoint overseers for the roads, as needed, and supervise their work. The pay was \$2.00 per day and one could be fined for not serving. The Commissioner shall not contract for nor create a debt beyond the amount of funds available in the District he serves, and he shall have no personal interest in any of the affairs of the District. Many details on how the funds should be handled are stipulated in the Act. All people failing to work, as required, were to be reported to the Grand Jury. Overseers would serve one year, get \$1.50 for each day worked over their required number and would discharge those duties specified in the Act. All males from 18 to 50 would work from 6 to 10 days on the roads, and anyone

owning a wagon and team must furnish them for duty. Commutation rates were \$1.50 for laborers and \$2.50 for teams. An inventory of all road tools in the district was to be kept current at all times. The Quarterly Court could levy the special road tax and decide the number of days each male would work on the roads.

9. Private Acts of 1925, Chapter 806, Page 2860, expressly repealed Private Acts of 1919, Chapter 567, a previous road law for Cannon County, in its entirety.

10. Private Acts of 1927, Chapter 381, Page 1089, amended Private Acts of 1925, Chapter 679, Item 8, above, by inserting a new Section 5 requiring all male citizens between ages of 21 and 50 years to work from 4 to 8 days on the county roads, the number to be fixed by the Court, and all people owning one and two horse teams and wagons or plows shall furnish them as an overseer might need. Commutation fees were set \$1.50 per day and \$2.50 a day for wagons and teams. A new Section 6 required those who were furnishing wagons and teams who were not driving them themselves to furnish drivers.

11. Private Acts of 1929, Chapter 809, Page 2390, had a general repealer only but was the next road law for Cannon County. The County Court shall elect a Road Commissioner for each Civil District of the County to serve for two years, to have general supervision of the roads and bridges in the District, to be sworn and bonded, and to be paid \$2 per day for each day actually spent in the service of this task. The Commissioners could not contract for or spend more than the funds available in the District, and must keep record in accordance with the details specified in the Act for the handling and disposition of funds. Overseers must work the hands assigned to them on the roads assigned to them, reporting all who do not show up to work. Overseers would be paid \$1.50 per day. All males between 21 and 50 years of age must work from 5 to 10 ten-hour days on the roads, as determined by the Quarterly Court, and those who have wagon and teams must furnish them or both pay the commutation fees provided. Incorporated towns were expressly exempted and many of the other details in this Act were similar to those previously reported above.

12. Private Acts of 1931 (Ex. Sess.), Chapter 88, Page 487, amended Private Acts of 1929, Chapter 809, above, by changing the wording of Section 5 so as to put a maximum of five days to be worked on the roads instead of ten, and by deleting the requirement in Section 6 that owners of automobiles must furnish them for use on the roads.

13. Private Acts of 1937, Chapter 571, Page 1836, amended Private Acts of 1929, Chapter 809, above, by striking all of Section 5 and adding a new Section to the effect that no person shall be subject to road duty within Cannon County under the provisions of this Act, or under the provisions of any other Act, notwithstanding conflicting provisions contained in this statute.

14. Private Acts of 1937, Chapter 621, Page 1937, provided that hereafter no person 50 years, or older, would be required in Cannon County to furnish a team and wagon, or a team and plow, as is now required under the law.

15. Private Acts of 1947, Chapter 851, Page 3399, amended Private acts of 1933, Chapter 788, the current Cannon County Road law, in Section 11, by raising the monthly salary of the Road Supervisor from \$125 to \$175.

16. Private Acts of 1955, Chapter 127, Page 357, amended Section 5, Private Acts of 1933, Chapter 788, by increasing the compensation of the members of the Highway Commission to \$300 per year from \$50 per year, and of the Chairman from \$300 per year to \$600 per year, and by amending Section 11 so that the Road Supervisor was limited to \$3,600 per year. The latter restriction was removed by Private Acts of 1967, Chapter 242.

17. Private Acts of 1969, Chapter 124, Page 501, amended Private Acts of 1933, Chapter 788, by abolishing the three offices of County Road Commissioner and the three Road Districts as provided under the law and established the position of County Road Supervisor in lieu thereof. The Road Supervisor under this Act would be elected by the county at large for four years beginning in August, 1970, and he would take office starting in September 1, 1970. All the other positions were abolished effective on that date. The Supervisor's annual salary was fixed at \$6,000 per year, and he would be sworn and bonded, as the law required. The Quarterly Court would fill any vacancy until the next general election. This act was rejected by the Quarterly Court of Cannon County and therefore did not become an effective law under the Home Rule Amendment to the State Constitution.

# **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. Two or more counties may enter into an interlocal agreement providing for a jail and/or workhouse to serve the contracting counties under T.C.A. §§ 5-7-105, 41-4-141, and 41-2-151. 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.

## **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.

An act once affecting Cannon County, which related to the militia and to other law enforcement agencies other than the sheriff, is mentioned below.

1. Acts of 1836, Chapter 26, divided the Militia of the State of Tennessee into companies, battalions, regiments, brigades, and divisions. Cannon County was placed in the 69th and 141st regiments, and the 10th brigade. Provisions for electing officers and meeting times were also established.

## **OFFENSES --- AUTOMOBILE JUNKYARD**

PRIVATE ACTS OF 1993 ---- CHAPTER 105

SECTION 1. For the purpose of Sections 1 through 5 of this act, "automobile graveyard" means any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind, incapable of being operative, are placed, located or found. The term "automobile graveyard" or "automobile junkyard" does not include an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal product is scrap iron, steel or nonferrous scrap for sale for remelting purposes only.

SECTION 2. An automobile graveyard may not be established within one thousand feet (1000') of any county road in Cannon County. An automobile graveyard may not be established within one thousand feet (1,000') of any dwelling. Provided, however, this added restriction on the establishment of automobile graveyards located in relation to such U.S. numbered routes shall not apply in any case if the land where an automobile graveyard is to be established has been specifically designated or zoned for such by the governing body of the county or city in which it is proposed to be established.

SECTION 3. A person who maintains an automobile graveyard, any part of which is within one thousand feet (1,000') of any county road or dwelling, shall erect and maintain a fence around such automobile graveyard. Such fence shall be not less than eight (8') feet tall and sufficient to conceal such automobile graveyard for the view of a person standing at the same level as such graveyard.. A fence shall be required in any case when erection thereof would not effectively conceal a substantial portion of such automobile graveyard from the view of a person on such county road or dwelling.

SECTION 4. If an automobile graveyard is located within the one thousand feet (1,000') limitation with respect to a county road or dwelling, and such automobile graveyard is not operated as a business by anyone, and is not used for any purpose whatsoever, and no one claims ownership of such automobile

graveyard, then the owner of the land on which such automobile graveyard is located is responsible for the removal of such automobile graveyard.

SECTION 5. A citizen residing within a one (1) mile radius of an automobile graveyard may apply to a court in the county to abate the activities prohibited by Sections 1 through 4 of this act, but it is hereby declared to be a specific duty for the members of the Cannon County Sheriff's Department to enforce the provisions of Sections 1 through 4 of this act. A person violating any provision of Section 1 through 4 of this act may be punishable by a civil penalty of not more than fifty dollars (\$50). Each day's (sic) subsequent violation is a separate violation.

SECTION 6. For the purpose of promoting the public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in public highways and county roads, and to preserve and enhance the scenic beauty of lands bordering public highways and county roads, it is hereby declared to be in the public interest to regulate and restrict the establishment, operation and maintenance of junkyards in areas adjacent to the county road system and dwellings within this county. The county legislative body hereby finds and declares that a junkyard which does not conform to the requirements of Section 6 through 17 is a public nuisance.

SECTION 7. Whenever used in Sections 6 through 17 of this act:

(1) "Automobile graveyard" means any establishment or place of business which is maintained, used or operated for storing, keeping, buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. Five (5) or more such vehicles constitute an automobile graveyard.

(2) "Junk" means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous materials.

(3) "Junkyard" means an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. This definition includes scrap metal processors, used auto parts yards, yards providing temporary storage of automobile bodies or parts awaiting disposal as a normal part of the business operation when the business will continually have like materials located on the premises, garbage dumps and sanitary landfills.

Provided, however, a "junkyard" does not include a "recycling center"(sic). For purposes of this chapter, "recycling center" means an establishment, place of business, facility or building which is maintained, operated, or used for the storing, keeping, buying or selling which is maintained, operated, or used for the storing, keeping, buying or selling of newspaper or used food or beverage containers for the purpose of converting such items into a usable product.

(4) "Main traveled way" means the traveled. (sic) way of a highway on which through traffic is carried. In case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main traveled way. It does not include such facilities as frontage road, turning roadways, or parking areas.

(5) "Cannon County Planning Commission" means the county planning commission as it is duly organized in Cannon County, Tennessee.

(6) "Cannon County Road Department" means the commissioner of roads and the employees that are directed with the duty to care and maintain the county road system as required by law.

SECTION 8. (a) A person may not establish, operate, or maintain a junkyard, any portion of which is within one thousand feet (1,000') of the nearest edge of the right-of-way of any county road designated by the county road department, except the following:

- (1) Those located within areas which are zoned for industrial use under authority of law;
- (2) Those which are not visible from the main-traveled way of the system.

SECTION 9. A junkyard lawfully in existence when this act is enacted which is within one thousand feet (1000') of the nearest edge of the right of way and visible from the main-traveled way of any county road, shall be screened by an eight (8) foot fence so as not to be visible from the main-traveled way of such county roads, and the operator or property owner shall pay the cost of installation.

SECTION 10. The Road Commissioner of Cannon County may promulgate and enforce rules and regulations required to carry out the provisions of this chapter.

SECTION 11. It is the duty of anyone wishing to open a junkyard as defined by this act, to appear and seek approval before the Cannon County Planning Commission before beginning operations.

SECTION 12. The Cannon County Road Commissioner may apply to any court in the county fro an injunction to abate a nuisance under this act. The county attorney and the sheriff's department are authorized to assist the commissioner in the enforcement of this chapter.

SECTION 13. (a) On or after the enactment of this act, it is unlawful for a person to locate a junkyard within one thousand feet (1000') of the nearest edge of the right-of-way of any county road or within one thousand feet (1000') of any dwelling.

SECTION 14. Nothing contained in this chapter shall be construed as restricting the legislative authority of cities and towns from regulating junkyards within their respective jurisdictions.

SECTION 15. It is the intent of this act that an automobile junkyard shall be operated as a business and maintained daily by the owner or operators of such, keeping normal business hours so as not to become a nuisance to the general public.

SECTION 16. A person who establishes, operates or maintains a junkyard, or who operates a junkyard contrary to the provisions of this act, commits a violation of this act punishable by a civil penalty of twenty-five dollars (\$25.00). Each days's (sic) subsequent violation is a separate violation.

SECTION 17. A junkyard in existence on the day of enactment of this act is exempt from the provisions of this act.

SECTION 18. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Cannon County Commission. Its approval or nonapproval shall be proclaimed by the presiding officer of the Cannon County Commission and certified to the Secretary of State.

SECTION 19. For the purpose of approving or rejecting the provision of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 18.

Passed: May 18, 1993.

## 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 Cannon County Sheriff's Office.**

1. Acts of 1837-38, Chapter 61, Page 87, Section 8, stated that if, for want of timely notice or for any other reason, the Sheriff of Cannon, Jackson, White, or Warren Counties, should fail to hold an election in the fraction taken from his respective county, on the second Friday in January, as was required by the law establishing DeKalb County, then the Sheriff shall hold an election on January 30, and, if the election cannot be held on that day, the Sheriff will hold it as soon as he possibly can.
2. Private Acts of 1917, Chapter 229, Page 732, provided that, in Cannon County, identified by the use of the 1910 Federal Census figures, the Sheriff shall be allowed and paid the fees now provided for him under the law and, in addition thereto, he shall receive \$500 per year in ex-officio fees, to be paid to him quarterly on the warrant of the County Chairman.
3. Private Acts of 1925, Chapter 789, Page 2828, amended Private Acts of 1917, Chapter 229, above, by increasing the amount paid to the Sheriff of Cannon County as ex-officio fees over and above all other income, from \$500 to \$1,000 annually, under the same terms and conditions expressed in that law.
4. Private Acts of 1943, Chapter 146, Page 647, stated that in Cannon County there shall be paid to the Sheriff not less than \$83.33 per month, out of the county treasury as compensation and expenses for patrol work, protective services, and other public activities as a peace officer for which no fee, or other right to demand compensation, is now provided by law. The Act covers that the fees and compensation as now provided are not sufficient to obtain competent people to fill the office.
5. Private Acts of 1949, Chapter 263, Page 697, amended Private acts of 1943, Chapter 146, above, by increasing the extra monthly payment being made to the Sheriff from \$83.33 per month to \$100 per month.

# CHAPTER XI - TAXATION

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

1. Private Acts of 1911, Chapter 411, Page 1141, amended a general law of the State which concerned Tax Assessors only so as to fix the salary to be paid to him in several of the counties. In Cannon County, the Tax Assessor would be paid \$600 per year.
2. Private Acts of 1913, Chapter 103, Page 403, amended Private Acts of 1911, Chapter 411, above, so as to raise the annual salary of the Tax Assessor in Cannon County from \$600 to \$800 per year.
3. Private Acts of 1927, Chapter 455, Page 1352, provided that the salary of the County Tax Assessor in Cannon County, (the 1920 Census figures were used to identify the county but they were wrong on the small end) would be \$1000 per year, payable quarterly, out of the county treasury on the warrant of the County Judge, or Chairman. This act was part of the litigation in Wood v. Cannon County, 195 Tenn. 9, 166 SW2d 399 (1942), in which the legality of the act was not questioned but there were disagreements on set-off, and the statute of limitations. This act was further considered and the decision broadened in Tenpenny v. Cannon County, 177 SW2d 817 (1944).
4. Private Acts of 1949, Chapter 265, Page 699, amended Private Acts of 1927, Chapter 455, above, so as to increase the salary of the Tax Assessor from \$1,000 to \$1,200 per annum in Cannon County.
5. Private Acts of 1961, Chapter 33, Page 84, amended Private Acts of 1949, Chapter 265, above, by upping the Tax Assessor's salary from \$1,200 to \$1,800 per year in Cannon County. This Act was properly ratified by the Quarterly Court.

## LITIGATION TAX

### PRIVATE ACTS OF 1997 --- CHAPTER 49

SECTION 1. There is hereby imposed a litigation tax on the privilege of litigating a civil and criminal action in the amount of five dollars (\$5.00) to be assessed and taxed as part of the costs of the action on all such action disposed of in the circuit, criminal, chancery and general sessions courts of Cannon County.

SECTION 2. The litigation taxes provided in Section 1 shall be collected by the clerks of the various courts in which the actions are disposed. The clerks shall pay over the revenue generated by such litigation taxes to the county trustee every month, by the tenth (10th) of the month immediately following the end of the month in which such collections were made by the clerks.

SECTION 3. The trustee of Cannon County shall deposit the litigation taxes collected under the authority of Section 2 into such general fund. Such fund shall be used exclusively for the purpose of purchasing equipment for the Cannon County Sheriff's Department upon the appropriation of the county Legislative Body.

SECTION 4. The litigation taxes collected under this act shall be considered suspended when the court having jurisdiction over the cause of actions suspends the costs of such action.

SECTION 5. As used in this act, unless the context requires otherwise, "action" includes all ex parte hearings, advisory hearings and contested proceedings in the enumerated courts.

SECTION 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

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

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

Passed: May 7, 1997. TAXATION

## **MOTOR VEHICLE TAX**

### **PRIVATE ACTS OF 1975 --- CHAPTER 62**

SECTION 1. For the privilege of using the public roads and highways in Cannon County, Tennessee, there is levied upon motor-driven vehicles and upon the privilege of the operation thereof, except farm tractors, self-propelled farm machines not usually used for operation upon public highways or roads, motorcycles, motor-driven bicycles and scooters and except all motor-driven vehicles owned by any governmental agency or governmental instrumentality, a special privilege tax for the benefit of such county, which tax shall be in addition to all other taxes, and shall be in the amount of Ten Dollars (\$10.00) for each such motor-driven vehicle during each registration year.

As amended by: Private Acts of 1979, Chapter 131.

SECTION 2. This tax applies to, is a levy upon, and shall be paid on each motor-driven vehicle, the owner of which lives within, or usually stays within, or who operates such a motor-driven vehicle on, over, or upon the streets, roads, or highways of said county for a period of as many as thirty days, during any year hereafter beginning March 1st and ending the next succeeding April 15th.

Residence in the county shall constitute prima facie evidence of use by such resident of roads and highways of the county without regard to whether such resident resides within the boundaries of a

municipal corporation within the county. Any person establishing a new residence within the county shall be allowed thirty (30) days thereafter within which to comply with the provisions of this Act.

This tax also applies to, is a levy upon, and shall be paid on each motor-driven vehicle owned by motor vehicle manufactures and dealers issued registration plates under the category of dealer.

As amended by: Private Acts of 1979, Chapter 131;

Private Acts of 1992, Chapter 152.

SECTION 3. It shall be and is hereby declared a misdemeanor and punishable as such for any owner of a vehicle to operate or allow to be operated any motor-driven vehicle over the streets, roads, or highways of such county without the payment of the tax herein provided having been made as herein required, prior to such operation thereof. Provided further that nothing in this Act shall be construed as permitting and authorizing the levy of and the collection of a tax against non-residents of the county to which this Act applies and to owners of such vehicles using the streets, roads, and highways of such county, who live or reside without the bounds of said county, but who do not come within the provisions of this Act, and within a reasonable construction of the provisions hereof.

As amended by: Private Acts of 1979, Chapter 131.

SECTION 4. The tax herein levied shall be paid to and collected by the county court clerk of Cannon County, who shall collect this tax at the same time he collects the state registration tax levied upon the operation of a motor- driven vehicle over the public highways of this State. The clerk of Cannon County shall not issue to a resident of such county, a State license for the operation of a motor-driven vehicle taxable hereunder, unless, at the same time, such owner shall purchase the license or pay the privilege tax levied hereunder, for the operation of each of his motor-driven vehicles under the provisions of this Act.

SECTION 5. Payment of the privilege tax imposed hereunder shall be evidenced by a receipt, issued in duplicate by the clerk, the original of which shall be kept by the owner of the motor-driven vehicle, and by a decal or emblem, also issued by the clerk, which decal or emblem shall be displayed by affixing the same on and to the lower right-hand side of the windshield of the motor- driven vehicle for which same was issued.

The design of the decal or emblem shall be determined by the clerk and the expense incident to the purchase thereof, as well as the expense of obtaining proper receipts and other records necessary for the performance of the duties herein and hereby incumbent upon the clerk, shall be paid from the general funds of the county.

SECTION 6. The privilege tax or wheel tax herein and hereby 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 said tax was paid, and on the windshield of which the decal or emblem has been affixed as herein provided, to operate this vehicle over the streets, roads, and highways of the county from March 1st of each year to the next succeeding April 15th. When a motor-driven vehicle becomes taxable under the terms and provisions of this Act, at a later date than April 15th, of each year, the same proportionate reduction shall be made as to the cost of the privilege tax or wheel tax, or the amount to be paid into the hands of the clerk therefor, as is now made in the issuance of the registration tax payable to the State of Tennessee and collected by the clerk, under the provisions of the general laws of this State.

SECTION 7. For his services in collecting the aforesaid tax, and in issuing the receipt therefor and delivering the decal or emblem to the owner, he shall be entitled to a fee of twenty-five cents (25¢). The

clerk will 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 him for the aforesaid privilege tax or wheel tax.

The proceeds of the tax, when collected and paid into the hands of the Trustee, shall be deposited in the general funds of the county and shall be used for the county's school building or expansion program.

SECTION 8. In the event any motor-driven vehicle for which the privilege tax or wheel tax has been paid and the emblem or decal issued and placed thereon, becomes unusable, or is destroyed or damaged to the extent that this motor-driven vehicle can no longer be operated as such, and the owner ceased to operate same on the public roads, streets, or highways of said county, or in the event the owner transfers the title to the motor-driven vehicle, and completely removes therefrom and destroys the emblem or decal issued and placed thereon or affixed thereto, and the owner makes proper application for the issuance of a duplicate decal or emblem to be used by him on the same or on another motor-driven vehicle for the unexpired term for which the original decal or emblem was issued, and the Clerk is satisfied that this owner is entitled to the issuance of such a duplicate decal or emblem, and the owner pays into the hands of the clerk the sum of twenty-five cents (25¢), the clerk will then issue to such owner a duplicate receipt, cancelling the original receipt delivered to him by the owner, and will deliver to the owner a duplicate decal or emblem, which shall be affixed to the windshield of the motor-driven vehicle for which it is issued, as herein-above provided, and this shall entitle the owner to drive the vehicle on the streets, roads, and highways of such county until the next following April 15th. 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 clerk, showing such circumstances and facts to be true, then the clerk, upon receipt from the owner of twenty-five cents (25¢), may issue and deliver to the owner, a duplicate decal or emblem.

SECTION 9. The tax levied under this Chapter shall become effective with the beginning of the motor vehicle registration period establishing by general law for the 1976 registration year and shall remain effective for each year thereafter for subsequent registration years.

SECTION 10. It shall be and is hereby declared a misdemeanor and punishable as such for any motor-driven vehicle, taxable hereunder, to be driven or impelled over or upon the streets, roads, highways of the county to which this Act is applicable without payment of this privilege tax levied hereunder and without full and complete compliance with all provisions hereof.

As amended by: Private Acts of 1979, Chapter 131.

Any person violating the provisions of this Act, or of any part thereof, shall, upon conviction, be fined not less than Fifteen Dollars (\$15.00), nor more than Fifty Dollars (\$50.00).

SECTION 11. It is the intent of the General Assembly of the State of Tennessee, that this Act be construed as a measure providing for additional revenue for the county affected.

SECTION 12. This Act shall have no effect unless it is approved by a majority of the number of qualified voters of the county voting in an election on the question of whether or not the Act should be approved. The election may be held in connection with and at the same time as any other countywide referendum, but in no event later than December 1, 1975. The ballots used in the election shall have printed on them the title or substance of this Act and voters shall vote for or against its approval. The votes cast in the election shall be canvassed and results proclaimed by the Cannon County Commissioners of Elections and certified by them to the Secretary of State as provided by law in the case of general elections. The qualification of voters voting on the question shall be the same as those required for participation in general elections. All laws applicable to General Elections shall apply to the determination of the approval or rejection of this Act. The costs of the election shall be paid by Cannon County.

SECTION 13. For the purpose of approving or rejecting the provisions of this Act, as provided in Section 12, it shall take effect on becoming a law, the public welfare requiring it, but for all other purposes, it shall become effective only upon being approved as provided in Section 12, and the tax levied herein shall apply to the motor vehicle registration year commencing April 1, 1976, and thereafter.

Passed: April 17, 1975.

COMPILER'S NOTE: The Private Acts of 1975, Chapter 62, was never confirmed by Cannon County officials to the Secretary of State's Office that it had been acted upon by local government. The act requires in section 12 that it be "approved by a majority of the qualified voters of the county voting in an election on the question of whether or not the act should be approved." This vote was not reported to the Secretary of State's office as having occurred. Thus, the Private Acts of 1975, Chapter 62, would seem to be inoperative though it was amended both in 1979 (Chapter 131) and 1992 (Chapter 152) and both of these amendments were properly approved and certified to the Secretary of State's Office. 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 Cannon County which are no longer effective.**

1. Acts of 1837-38, Chapter 61, Page 87, Section 6, stated that the county courts of Cannon, White, Jackson, or Warren Counties, shall levy and collect a tax for the year 1838 in any part of DeKalb County, if the citizens of DeKalb County should elect to establish that county by their votes.
2. Acts of 1870-71, Chapter 50, Page 58, provided that counties and cities may levy taxes for county and city purposes in the following manner, (1) that all taxable property be taxed according to its value and upon the principles established in regard to State taxation, and (2) the credit of no county, or city, shall be loaned to any person, firm, or corporation, unless it is first agreed by a majority of the Quarterly County Court to submit the question to a referendum vote of the people in which the proposition must be approved by a three-fourths majority. Several counties exempted themselves from the three-fourths vote approval for the next ten years but Cannon County was not found among their number.
3. Private Acts of 1983, Chapter 117, Page 241, would have authorized Cannon County to impose a litigation tax of \$5.22 per case in all courts in the county except city courts and juvenile courts. The act was not acted upon by the October 1, 1983 deadline for approval provided in Section 4 of the act.

## PARALLEL REFERENCE TABLE 1835 Acts 4 60

1835-36 Acts 28 70	1865 Acts 34 88	1901 Acts 136 102
1835-36 Acts 33 8,39,60	1866-67 Acts 4 61	1901 Acts 372 28
1835-36 Acts 39 43	1866-67 Acts 33 61	1901 Acts 430 32
1835-36 Acts 47 64	1867-68 Acts 12 53	1903 Acts 97 62
1836 Acts 26 108	1867-68 Acts 60 53	1903 Acts 213 54
1837 Acts 67 46	1869-70 Acts 60 61	1903 Acts 255 68
1837-38 Acts 61 114,122	1870 Private 19 28	1903 Acts 293 83
1837-38 Acts 96 83	1870 Acts 31 65	1903 Acts 325 65
1837-38 Acts 116 64	1870 Acts 32 61	1903 Acts 387 54
1837-38 Acts 157 20	1870 Acts 46 65	1903 Acts 522 65
1839-40 Acts 21 64	1870 Acts 47 61	1903 Acts 582 54
1839-40 Acts 66 60	1870 Acts 118 53	1903 Acts 598 55
1839-40 Acts 79 88	1870-71 Acts 18 53,54	1905 Acts 35 55
1841-42 Acts 85 52	1870-71 Acts 50 122	1905 Acts 120 62
1841-42 Acts 87 20	1870-71 Acts 117 53	1905 Acts 190 83
1841-42 Acts 90 52	1871 Private 9 28	1905 Acts 222 55
1842 Acts 1 88	1871 Acts 146 89	1905 Acts 478 102
1842 Acts 7 88	1872 Acts 7 89	1907 Acts 43 84
1843-44 Acts 57 52	1873 Acts 27 89	1907 Acts 79 84
1843-44 Acts 161 64	1873 Acts 62 65	1907 Acts 176 84
1843-44 Acts 173 47	1875 Acts 15 20	1907 Acts 236 84
1845 Acts 28 64	1875 Acts 28 61,65	1907 Acts 404 90
1845-46 Acts 82 60	1875 Acts 134 21	1907 Acts 489 28
1846 Acts 211 52	1877 Acts 9 21	1907 Acts 495 84
1847-48 Acts 35 20	1879 Acts 57 54	1909 Acts 5 90
1847-48 Acts 107 60	1881 Acts 5 89	1909 Private 396 37
1849-50 Acts 62 52	1881 Acts (Ex. Sess.) 6 89	1909 Acts 454 55
1851-52 Acts 20 52	1882 Acts 27 89	1909 Acts 455 55
1851-52 Acts 196 88	1883 Acts 203 54	1911 Private 411 116
1851-52 Acts 197 88	1883 Acts 237 89	1911 Private 507 62
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1851-52 Acts 329 61	61,62,65	1913 Private 255 55
1853-54 Acts 108 52	1887 Acts 228 54	1915 Private 188 68
1853-54 Acts 118 53	1889 Acts 55 54	1915 Private 444 55,56
1853-54 Acts 123 61	1889 Acts 57 54	1915 Private 529 84
1853-54 Acts 152 52,53	1889 Acts 196 89	1915 Private 556 55
1855-56 Acts 27 53	1891 Acts 11 62	1915 Private 660 55
1855-56 Acts 118 83	1891 Acts 254 54	1915 Private 662 55
1855-56 Acts 164 61	1891 Acts (Ex. Sess.) 10 89	1915 Public 117 74
1855-56 Acts 237 83	1893 Acts 58 54	1917 Private 42 28
1856 Acts 253 20	1895 Acts 108 65	1917 Private 229 114
1857-58 Acts 5 20	1895 Acts 127 28	1917 Private 730 102,103
1857-58 Acts 47 53	1897 Acts 124 21	1917 Private 788 59
1857-58 Acts 88 61	1899 Acts 305 54	1919 Private 162 29
1857-58 Acts 98 64	1899 Acts 316 54	1919 Private 165 68
1859-60 Acts 100 53	1899 Private 345 28	1919 Private 183 103
1859-60 Acts 114 102	1899 Acts 427 62,65	1919 Private 480 59
1859-60 Acts 137 102	1901 Acts 109 89	1919 Private 567 103
1859-60 Acts 196 53	1901 Acts 122 89	1919 Private 572 32

1919 Public 61 29  
1921 Private 170 36,37  
1921 Private 317 84,85  
1921 Private 405 29  
1921 Private 591 92  
1923 Private 158 37  
1923 Private 227 85  
1923 Private 616 10  
1925 Private 241 29  
1925 Private 547 79  
1925 Private 679 103  
1925 Private 712 55  
1925 Private 713 55  
1925 Private 756 55  
1925 Private 789 114  
1925 Private 806 103  
1925 Public 102 29  
1925 Public 115 76,85  
1927 Private 55 68  
1927 Private 362 29  
1927 Private 381 103  
1927 Private 455 116  
1927 Private 604 11  
1929 Private 147 56  
1929 Private 232 9  
1929 Private 244 29  
1929 Private 748 81  
1929 Private 809 98,104  
1929 Private 878 85  
1929 Private 908 29  
1929 Private (Ex. Sess.) 4 76  
1929 Private (Ex. Sess.) 15 36  
1931 Private 71 37  
1931 Private 355 29  
1931 Private 825 26  
1931 Private (Ex. Sess.) 88  
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1931 Public (2nd Ex. Sess.)  
38 62,65  
1933 Private 86 30  
1933 Private 87 30  
1933 Private 96 36  
1933 Private 270 56  
1933 Private 271 56

1933 Private 788 94,98,104  
1935 Private 137 21  
1935 Private 139 21  
1935 Private 212 35  
1935 Private 234 36  
1935 Private 391 35  
1935 Private 424 21  
1935 Private 445 85  
1935 Private 731 68  
1935 Private 772 30  
1935 Private 773 30  
1937 Private 166 36  
1937 Private 312 36  
1937 Private 313 85  
1937 Private 346 21  
1937 Private 571 98,104  
1937 Private 621 104  
1937 Private 732 30  
1939 Private 199 85  
1939 Private 524 56  
1941 Private 435 56  
1943 Private 146 114  
1943 Private 211 96  
1943 Private 266 56  
1943 Private 318 63  
1943 Private 390 56  
1943 Private 410 48  
1945 Private 224 34  
1945 Private 225 37  
1945 Private 226 97  
1945 Private 472 35  
1945 Private 546 30  
1947 Private 851 96,104  
1949 Private 116 34  
1949 Private 262 9  
1949 Private 263 114  
1949 Private 264 68  
1949 Private 265 116  
1949 Private 266 63  
1949 Private 813 56  
1951 Private 211 34  
1951 Private 227 24  
1951 Private 263 25  
1951 Private 525 68

1953 Private 37 35  
1953 Private 38 35  
1953 Private 235 24  
1953 Private 255 37  
1953 Private 573 56  
1955 Private 7 35  
1955 Private 127 95,96,104  
1959 Private 320 21  
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1961 Private 33 116  
1961 Private 242 67  
1961 Private 270 71  
1963 Private 103 56  
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1967 Public 379 66  
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1971 Private 182 51  
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1972 Private 548 57  
1973 Private 93 8  
1973 Private 100 96  
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1976 Public 422 57  
1976 Public 487 57  
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1978 Public 934 8,22  
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1992 Private 152 118,121  
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1993 Private 105 109  
1997 Private 49 117  
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