

**PRIVATE ACTS
OF
RUTHERFORD COUNTY, TENNESSEE**

REVISED EDITION

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

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PREFACE

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

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

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

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

HOW TO USE THE PRIVATE ACTS OF RUTHERFORD 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), 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 2000 Second Extraordinary Session of the 101st Tennessee General Assembly.

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CHAPTER I - ADMINISTRATION

ADMINISTRATION

AUDIT SYSTEM

PRIVATE ACTS OF 1943

CHAPTER 278

SECTION 1. That, in all counties of this State with a population of not more than 33,620 nor less than 33,590 according to the Federal Census of 1940 or any subsequent Federal Census, the books, accounts, funds and records of all county officials, employees, offices, departments, commissions, boards and other county agencies shall be audited as follows, to-wit:

An initial audit of the books, accounts, funds and records of the office of the County Judge or Chairman of the County Court, as the case may be, the office of the County Court Clerk, and the Superintendent of Roads, the Superintendent of the Workhouse, the Board of Workhouse Commissioners, and/or other officer, employee, department, commission, board or other agency, as the case may be, having custody, control, management, administration, supervision and/or direction of the county road system and/or county workhouse in such counties, shall be and is hereby mandatorily required to be made for a period of not less than six years prior to and ending June 30, 1943; and an initial audit of the books, accounts, funds and records of any one or more or all other county officials, employees, offices, departments, commissions, boards and other county agencies in such counties is hereby permitted and authorized to be made.

Annually thereafter, but beginning with the fiscal year beginning July 1, 1943 and ending June 30, 1944, the books, accounts, funds and records of the office of the County Judge or Chairman of the County Court, as the case may be, the office of the County Court Clerk, and the Superintendent of the Workhouse, the Board of Workhouse Commissioners and/or other officer, employee, department, commission, board or other agency, as the case may be, having custody, control, management, administration, supervision and/or direction of the county road system and/or county workhouse in such counties shall be and are hereby mandatorily required to be audited at and following the end of each fiscal year; and, annually thereafter but beginning with the fiscal year beginning July 1, 1943 and ending June 30, 1944, the books, accounts, funds, and records of any one or more or all other county officials, employees, offices, departments, commissions, boards and other county agencies in such counties, shall be and are hereby permitted and authorized to be audited at and following the end of each fiscal year.

The auditing commission in such counties hereinafter provided for shall be and is hereby authorized and empowered to determine the nature, extent and scope of the initial and annual audits hereinbefore permitted and authorized, but not mandatorily required, to be made.

SECTION 2. That, for each of such counties, there be and is hereby created a County Auditing Commission, composed of five (5) members, three of whom shall be members of the Quarterly County Court and two of whom shall be citizens and taxpayers at least twenty-one years of age who are not members of the Quarterly County Court. Each such County Auditing Commission shall elect the chairman and secretary thereof from its membership, and the compensation of the members thereof shall be Three Dollars (\$3.00) per day for every day said commission is in session; provided that, however, no member shall receive more than Seventy- Five Dollars (\$75.00) in such compensation in any one year. Said compensation shall be paid by warrant of the County Judge or Chairman of the Quarterly County Court, as the case may be. Three members shall constitute a quorum for all purposes. The minutes of the meetings or sessions of said commission shall be recorded in a well bound book, and be safely kept by the secretary thereof, in which shall be recorded all action of the commission.

It shall be the duty of said commission, and said commission is hereby required, to employ and/or contract for the services of a certified public accountant or accountants to make the initial and subsequent annual audits that are mandatorily required to be made under the terms of Section 1 hereof, and to cause such audits to be made, and to supervise, manage, direct and conduct the same; and said commission is hereby authorized and empowered to employ and/or contract for the services of such accountant or accountants to make such additional initial and subsequent annual audits as are permitted and authorized, but not mandatorily required, to be made under the provisions of Section 1 hereof, and to cause such audits to be made, and to supervise, manage, direct and conduct the same.

The County Auditing Commission of such counties shall be authorized to expend for and in connection with the initial audits or either of them provided for in Section 1 hereof, not more than the sum of Five Thousand Dollars (\$5,000.00), and the Quarterly County Courts of such counties shall be and are hereby authorized and empowered to appropriate additional sums for the purpose of defraying the costs and expenses of or incident to the making of said initial audits or either of them, and shall be and are hereby authorized and empowered to appropriate such sum or sums as may be necessary for the purpose of defraying the costs and expenses of or incident to the making of the subsequent annual audits provided for in Section 1 hereof.

Said sum of \$5,000.00 to defray the costs and expenses of said initial audit or audits is hereby appropriated from and out of the general county funds of such counties, and shall be available for said purpose in all events, regardless of any budgetary or other provision therefor or restriction thereon and regardless of whether or not approved by the Quarterly County Courts of such counties; and, in the event said sum of \$5,000.00 shall be insufficient to defray the costs and expenses of said initial audit or audits, it shall be the duty of such County Auditing Commission to certify to the Quarterly County Court that additional funds are needed therefor. Necessary amounts of said sum of \$5,000.00 shall be expended upon order of the chairman of said commission, drawn on the County Judge or Chairman of the County Court, as the case may be, and it shall be the duty of such County Judge or Chairman of the County Court to issue warrants drawn on the County Trustee for payment of such expenditures. The unexpended portion of said sum of \$5,000.00 shall be returned to the general county fund.

The County Auditing Commission of every such county shall, on or before June 30, 1944, and on or before June 30th in each succeeding year, file with the County Judge or Chairman of the County Court thereof, as the case may be, for submission to and filing with the Quarterly County Court thereof at the next regular meeting or session thereof, a report of the activities of such commission for the preceding year.

The County Auditing Commission of every such county shall be a continuing body, and no audit nor audits provided for in this Act in the process of being made shall be discontinued, interrupted, or be otherwise interfered with or prevented, nor shall the validity, effect or enforceability of any contract entered into by said commission as provided for in this Act be in anywise affected, either by or on account of the expiration of the period or term for which any member thereof has been elected to serve or the election of the successors to the members of said commission or by or an account of the removal, ouster or resignation of said members or any of them.

SECTION 3. That it shall be the duty of said auditing commission so designated and appointed, as soon as practicable after the passage of this Act, to assume the duties of said commission under this Act, and, as soon as practicable after the passage of this Act, said commission so designated and appointed shall promptly proceed to employ and/or contract for the services of a certified public accountant or accountants to make the initial audit mandatorily required and the initial audit permitted and authorized, to be made under the provisions of Section 1 hereof, and forth-with to proceed to cause said audit or audits to be made and to supervise, manage, direct and conduct said audit or audits, until the successors to the members of said commission are elected as hereinafter in this Section provided for.

At the first regular meeting of the Quarterly County Court after the passage of this Act, the County Judge or Chairman shall designate the names of six members of the Quarterly County Court, from which number the Quarterly County Court shall elect three members of the County Auditing Commission; and at such time the County Judge or Chairman shall also designate the names of four citizens and taxpayers of said county, from which number the Quarterly County Court shall elect two members of said County Auditing Commission, the five members so elected to compose the County Auditing Commission herein provided for, who shall hold their respective offices until the regular July term or meeting of the Quarterly County Court in 1944, and/or until their successors shall have been duly elected or appointed and qualified as provided for elsewhere in this Act. The successors in office of said County Auditing Commission shall be elected or appointed as herein provided annually, at the regular July term or meeting of the Quarterly County Court, who shall likewise hold their respective offices until their successors shall have been duly elected or appointed and qualified as herein provided in this Act.

In the event the County Judge or Chairman should fail to designate members of the Quarterly County Court and citizens and taxpayers at each meeting of the Quarterly County Court at which time the members of the County Auditing Commission is required to be elected or appointed as provided in this Act, then and in such event the Quarterly County Court shall elect such members without them first having been designated by the County Judge or Chairman, three to be elected from the Court and two from citizens and taxpayers who are not members of the Court as herein provided. On the other hand, should the Quarterly County Court fail for any reason to elect all or any number of said commission at the times herein designated, the County Judge or Chairman shall appoint such commission for the time hereinbefore provided for their election. Such appointments, however, shall be made from members of the Court and from citizens and taxpayers as hereinbefore provided in case of election by the Quarterly County Court.

Vacancies on said commission, whether occurring by reason of death, disability, resignation, ouster, removal or other cause whatsoever, shall be filled by the Quarterly County Court at its next regular meeting after such vacancy occurs, from persons designated by the County Judge or Chairman, two designations or nominations to be made for each such vacancy, or appointed by the County Judge or Chairman in the event the Court fails to elect as hereinbefore provided, and such newly elected or appointed member or members shall hold their respective offices until the next regular July term of the Quarterly County Court, or until their successors are duly elected or appointed and qualified as herein provided.

In the event a vacancy occurs between the regular quarterly sessions of the Quarterly County Court, the County Judge or Chairman shall appoint a successor, who shall hold office until the next ensuing regular Quarterly County Court, at which time a successor shall be elected or appointed as hereinbefore provided.

SECTION 4. That it shall be the duty of every such official, employee, office, department, commission, board or other county agency of any such county to make available to the County Auditing Commission of said county, and to the certified public accountant or accountants employed and/or contracted with by it, all the books, accounts, funds, records, warrants, files and other sources of information of every kind whatsoever in the possession, custody or control of any such official, employee, office, department, commission, board or other county agency in anywise relating to or helpful in the making of the audits mandatorily required, or permitted and authorized, to be made as provided for under this Act. Any person or persons refusing or failing to make any such books, accounts, funds, records, warrants, files and other information available for such purpose shall be guilty of a misdemeanor and upon conviction shall be punishable by fine of not less than \$10.00 nor more than \$50.00 and shall be subject to removal from office under Sections 1877 et seq. of the Code of Tennessee.

SECTION 5. That the County Auditing Commission of every such county shall have authority to subpoena witnesses and to examine them under oath, and to certify or cite any witness refusing to

testify, pursuant to any such subpoena, to the Circuit or Criminal Court or Courts of such County for contempt.

SECTION 6. That in the event the constitutionality of this Act is challenged or any suit is filed involving the validity or construction of this Act, the County Auditing Commission of every such County is hereby authorized and empowered to employ an attorney or attorneys to represent said auditing commission in such litigation. The Judge or Chancellor of the Court in which such suit is tried shall fix the reasonable compensation of said attorney or attorneys, and said compensation so fixed shall be paid from the general county funds of such county.

The County Auditing Commission of every such county shall be and is hereby authorized and empowered to employ and/or contract for the services of an attorney or attorneys, and to stipulate as to and/or fix the compensation to be paid such attorney or attorneys, to represent said commission in any litigation that may arise out of or preliminary to or in connection with the making of any of the audits mandatorily required or permitted and authorized to be made under this Act, and/or to consult with or advise said commission as to any and all legal questions that may arise either in regard to the powers, duties and/or authority of said commission or in connection with the making of any such audit; but any compensation payable under this paragraph of this Section to any such attorney or attorneys shall be chargeable against and be payable only out of sum or sums appropriated and made available for the making of such audit.

SECTION 7. That the term "certified public accountant" as used in this Act shall mean a person who has successfully passed an examination and, upon basis thereof, has been duly licensed as a Certified Public Accountant by the State Board of Accountancy.

SECTION 8. That the provisions of this Act are hereby declared to be severable; and, if any of its sections, provisions, exceptions, sentences, clauses, phrases or parts be held unconstitutional or void, the remainder of this Act shall continue in full force and effect, it being the legislative intent now hereby declared, that this Act would have been passed even if such unconstitutional or void matter had not been included therein.

SECTION 9. That all laws or parts of laws, in conflict with this Act, be and the same are hereby to the extent of such conflict repealed.

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

Passed: February 2, 1943.

COMPILER'S NOTE: See T.C.A. 5-8-501 through 5-8-506, a general state law on standard accounting systems and T.C.A. 5-8-601 through 5-8-604, on Revenue Commissioners, which could have superseded this act.

ADMINISTRATION

AUDIT SYSTEM

The following private acts were once applicable to Rutherford County but they now have no effect, having been repealed, superseded, or having failed to win local approval.

1. Private Acts of 1919, Chapter 587, Page 1720, created the office of County Auditor in Rutherford County who would be appointed by the Governor for a four year term at an annual salary of \$750, payable in equal monthly installments. Many of the Auditor's duties were catalogued in the Act. The Auditor was given the authority to appoint an Assistant but the assistant's pay would have to come from the auditor's compensation.
2. Private Acts of 1939, Chapter 517, Page 1664, established an audit in Rutherford County at the end of each fiscal year involving all the county officials and offices. The audit would be made by a Certified Public Accountant employed for that purpose by the County Court from competitive bids which cost would be paid from the general funds of the county.

ADMINISTRATION

BUDGET SYSTEM

PRIVATE ACTS OF 1979

CHAPTER 49

SECTION 1. Chapter 82 of the Private Acts of 1975 creating a system of accounting and budgetary procedures is hereby repealed.

SECTION 2. This Act shall be known as the "1979 Accounting and Budgeting Procedures Law".

SECTION 3. GENERAL ORGANIZATION AND PROCEDURES

(a) FISCAL YEAR. There is hereby created a fiscal year for the county and for each office, department, institution, activity, and agency thereof, which fiscal year shall begin on the first day of July of each year and shall end on the 30th day of June next following. Said fiscal year shall constitute the budget year, and the year for accounting and reporting of each and every fund, office, department, institution, activity, and agency of Rutherford County; but the aforesaid provision shall be in addition to, and not in lieu of, any accounting and reporting now required of any official by general law.

(b) GENERAL FISCAL PROCEDURES. The system of fiscal procedure, control, accounting, and budgeting herein provided shall conform to generally accepted principles of governmental accounting and shall be in substantial agreement with the recommendations of the National Council of Governmental Accounting and as prescribed by the State Comptroller of the Treasury, State Commissioner of Education and other state and federal agencies.

(c) BUDGET AND FINANCE COMMITTEE. A County Budget and Finance Committee is hereby created. The committee shall consist of not less than five (5) nor more than seven (7) members who shall be elected by the County Legislative Body at its regular September session of each year or at any subsequent session. Such committee shall elect its own chairman and shall meet from time to time as it may deem necessary for the discharge of its duties. The Director of Finance shall be the ex officio secretary of the Budget Committee. The Budget and Finance Committee shall perform all duties respecting county budgets and appropriations now performed, or required to be performed, by the Budget and Finance Committee and shall perform such other duties as herein provided.

(d) GENERAL RESPONSIBILITIES OF MEMBERS OF THE BUDGET AND FINANCE COMMITTEE. The Budget and Finance Committee is hereby authorized to establish and approve policies, procedures, and regulations in addition to the specific provisions of this law, for implementing a sound and proficient financial system for administering the funds of the County.

(e) CENTRALIZED ACCOUNTING AND BUDGETING OFFICE. Upon the adoption of this law, there shall be one (1) department established for the accounting and budgeting of all funds of the County General Operation, Highway Department and Board of Education and other such funds handled by the County Trustee. This office shall be known as the Finance Office. All employees performing the functions of payroll, accounting and budgeting in these departments shall be under the supervision of the Director of Finance and such salaries, benefits, and expenses relating to said personnel shall be budgeted under the Finance Office.

(f) **DIRECTOR OF FINANCE.** The Budget and Finance Committee shall have the authority to appoint or dismiss upon thirty (30) days' notice, subject to the approval of the County Legislative Body, a Director of Finance. He shall be responsible to the Budget and Finance Committee in all matters relative to his position. The person hired for this position shall be qualified by training and experience in the field of accounting to perform his duties in a proficient manner and in accordance with generally recognized governmental accounting principles. The person holding this position at the date of the adoption of this act shall continue his employment under the provisions of this act. The compensation of the Director of Finance shall be included in the annual budget recommendations by the Budget and Finance Committee subject to the approval of the County Legislative Body's budget appropriation.

(g) **GENERAL RESPONSIBILITIES OF THE DIRECTOR OF FINANCE.** The Director of Finance shall install and maintain an accounting and financial management system in accordance to state laws and regulations, to restrictions of this private act and other acts of Rutherford County, and to such policies and regulations of the Budget and Finance Committee and the local governing body. He shall assist other county officials in achieving a proficient financial management system for the County.

(h) **BONDING OF DIRECTOR OF FINANCE AND PERSONNEL OF THE OFFICE.** A blanket bond of a minimum of twenty-five thousand dollars (\$25,000.00) for dishonest acts and faithful performances shall be executed in accordance with the law for the Director of Finance and personnel of the office. Said bond may be for more than twenty-five thousand dollars (\$25,000.00) subject to the approval of the Budget and Finance Committee and the appropriations of the County Legislative Body and shall be recorded in the office of the Register of Deeds in the same manner as are the bonds of all county officials.

(i) **DEPUTY DIRECTOR OF FINANCE.** A person employed by the Finance Office shall be recommended by the Director of Finance and approved by the Budget and Finance Committee to serve as Deputy Director of Finance. The person employed for this position shall perform such duties and responsibilities as assigned by the Director of Finance.

In the event the Director of Finance is absent or intends to be absent for more than twenty-one (21) days, or is incapacitated or otherwise unable to perform the duties of his office, the Deputy Director of Finance shall become Interim Director of Finance until the absence or disability is removed. In the event the Director of Finance objects to the Deputy Director of Finance acting as Interim Director of Finance, he shall so inform the Budget and Finance Committee and said committee shall resolve the issue.

While serving as Interim Director of Finance, the Deputy Director shall perform the duties of the Director of Finance necessary to the continued operation of the office, including the co-signing of warrants and payroll checks.

As amended by: Private Acts of 1982, Chapter 332.

SECTION 4. BUDGETARY PROCEDURES. It shall be the duty of each official, office, department, institution, agent or employee of the county government to furnish in writing such information, in such form and at such time as may be requested by the Budget and Finance Committee and to implement such budgetary procedures as contained in this Act.

(a) **BUDGET ESTIMATES.** The County Highway Commissioners shall, on or before the first day of May of each year, file with the Director of Finance an itemized statement of the funds estimated to be required for the county road program for the ensuing fiscal year and for the construction, operation, repair and maintenance of the county road system and for the general administration of the Highway Department and Workhouse, together with an estimate of the highway and road funds expected to be received during such fiscal year along with supporting documentation.

The County Board of Education shall, after preparing its annual budget as now provided by law, file such budget together with supporting documentation including projected revenues on or before the 15th day of May with the Director of Finance for inclusion in the complete budget document to be presented to the Budget Committee.

The County Executive and Director of Finance shall, on or before the 15th day of April of each year, file with the Office of Finance an itemized statement of the amounts which they estimate are necessary to be expended from the county general fund, the debt service funds and from all other funds (excluding highway funds, school funds, and funds derived from the sale of bonds) together with an estimate of revenue to be received during the next fiscal year along with supporting documentation.

Each of the other operating departments, institutions, offices and agencies shall file with the Director of Finance on or before April 15th of each year a detailed estimate of its requirements for expenditures from the county's funds for the ensuing fiscal year, together with an estimate of any county revenues to be received by such agency, office or department along with supporting documentation.

The Director of Finance shall, on or before June 1st of each year file a consolidated budget document with the Budget and Finance Committee showing an itemized statement of the amounts estimated by the various departments and officials to be required for the efficient operation of the county government from the county general fund, the debt service funds, highway funds, school funds and all other funds, together with an estimate of the revenues estimated to be received by each of the funds during the next fiscal year and estimate of the unencumbered cash balance of each of said funds at the beginning of said fiscal year.

(b) **ADOPTION OF BUDGET BY COMMITTEE -- CONTENTS.** On or before June 15th the Budget and Finance Committee shall review and propose the annual budget. Said budget shall contain an itemized and classified plan of all proposed expenditures and estimated receipts for the ensuing fiscal year, and shall conform to the uniform classification of accounts established by the Director of Finance, first approved by the Comptroller of the Treasury. It is expressly provided that the classification of expenditures and receipts of any and all county school funds for any purpose, administered by the County Board of Education and the County Superintendent of Schools shall conform to the classification of accounts as prescribed by the State Commissioner of Education.

Opposite each item of estimated revenue the finance department shall show in opposite parallel columns the amount actually collected for the last completed fiscal year, a revised estimated amount for the current fiscal year, and the estimate for the ensuing fiscal year. All departments working in conjunction with the Finance Department will estimate expenditures for the current and ensuing fiscal year, and supply these figures to the finance department.

Likewise opposite each item of proposed expenditure, the budget document shall show the amount actually expended for such item during the last completed year, the probable amount which will be spent during the current fiscal year and the proposed appropriations or expenditure estimate for the ensuing fiscal year.

In preparing the budget, the Budget and Finance Committee may revise as it deems necessary the total amount of each major category the estimated Budget requests made by the various departments, officials, offices, institutions and agencies of the County. The line items in various account categories of the County Board of Education's Budget shall be left to the County Board of Education. All departments shall be entitled to a hearing before the Budget and Finance Committee with reference to the contemplated changes in the total amount of the estimated budget.

The Budget and Finance Committee shall certainly and fully provide in the budget for all requirements for debt service, interest and bond maturities and for any cash deficit in any fund at the beginning of the fiscal year, and shall propose a tentative tax rate for the current calendar year.

(c) PUBLICATION OF PROPOSED BUDGET AND TAX RATE PUBLIC HEARING. On or before June 15th of each year the Budget and Finance Committee shall cause a synopsis of the proposed budget, and a statement of the tax rate required to finance the proposed budget, to be published in a newspaper having general circulation in such county. Said publication shall also contain a notice of a public hearing to be conducted by said Budget and Finance Committee at which any citizen of the county shall have the right to appear and state his views on the budget. Such public hearing shall be held by the Budget and Finance Committee not later than ten (10) days prior to the beginning of the fiscal year.

Following such public hearing, the Budget and Finance Committee shall make the final revision of the budget document and notify each department of any revisions in their budget document. The Board of Education shall on or before seven (7) days prior to the July term of the Legislative Body adjust the line item required by changes made by the Budget and Finance Committee and report back to the Budget Committee.

(d) PRESENTATION OF BUDGET TO COUNTY GOVERNING BODY- ALTERATION OR REVISION-ADOPTION-TEMPORARY ALLOTMENTS. The Budget and Finance Committee shall present the budget to the County Legislative Body at the regular July session each year or at a special session called for this purpose prior to the regular July session. The proposed budget shall be accompanied by a budget message explaining the financial program and outlining the services, work and activities to be financed by the proposed budget and a brief discussion of the means proposed for financing the expenditure program set forth in the budget. With the proposed budget, the Budget and Finance Committee shall deliver to the County Court a budget appropriation resolution and a tax levy resolution.

The County Legislative Body may alter or revise the proposed budget except as to provision for debt service requirements and for other expenditures required by law, but the County Legislative Body shall finally adopt a budget in July. Provided, however, prior to the adoption of the budget any county official, board or commission shall be entitled to a hearing before the County Legislative Body with reference to any changes in budget requests or estimates. Pending such final adoption the Director of Finance is hereby authorized to make temporary allotments for expenditures for essential county service, in amounts not in excess of the comparable allotment for an average quarter of the preceding year.

The budget, the appropriation resolution, and the tax levy resolution, as adopted, shall be spread upon the minutes of the County Court.

(e) EXPENDITURES -- LIMITATIONS AND RESTRICTIONS -- DISBURSEMENT WARRANTS -- IMPOUNDMENT OF APPROPRIATIONS. The appropriations made in the appropriation resolution, or any amendment thereto, shall constitute the limit to expenditures for the various purposes and from the several funds of such county for the fiscal year covered by said resolution, and no expenditure shall be made or obligation created in excess of such limitation. Provided further, that any resolution presented to the County Legislative Body in any fiscal year, after the original appropriation resolution has been adopted and the tax rate for the year fixed by said court, which provides for an appropriation in addition to those made in the original budget appropriation, shall specifically provide by tax levy or otherwise sufficient revenue or other funds to meet expenditures to be made in consequence of such additional appropriation.

Provided, further, that if at any time during the fiscal year it shall become apparent that the revenues of any of the county's funds together with its unencumbered cash balance at the

beginning of such year, will not be sufficient to equal the amount of the original appropriations, it shall be the duty of the Director of Finance to impound the appropriations from such fund in such amount as shall appear necessary, subject to the written approval of the Budget and Finance Committee and such other requirements as provided by law.

The appropriations made by the County Legislative Body, as provided above, shall constitute authorization for expenditures unless otherwise limited by the County Legislative Body. Expenditures may be made and obligations created against any appropriation to an aggregate total of the amount appropriated for such item except that each department or agency shall file with the Finance Director a copy of each purchase order at the time of origination with a notation indicating to which specific account it is to be charged. In addition, the expenditures and encumbrances against the amounts appropriated shall be made only in consequence of an order issued by the proper authority and subsequent approval of the invoice by the Director of Finance; except that payrolls and bills for telephones, water, gas, electric and other utility services, and such other exceptions as approved by the Budget and Finance Committee, shall first be checked and approved for payment by the various departments or otherwise as provided by law and county obligations imposed by law shall be approved by the proper authority before being submitted to the Director of Finance for payment. No expenditures made or obligations created in any manner shall be valid or binding against the county except as provided by law.

(f) **BUDGET AMENDMENTS.** If the need shall arise, the Budget and Finance Committee, with the consent of any official, head of any department or division which may be affected may make transfers and adjustments within the smallest budgetary itemization of any subdivision. Any other transfers and adjustments shall be submitted to the Budget Committee for its recommendation to the County Legislative Body. Budget amendments should be timely and enacted before the expenditure of such funds.

(g) **MONTHLY REPORT OF DIRECTOR.** The Director of Finance shall make a report at the end of each month showing the condition of the budget. Said report shall show for each item of appropriation, and/or allotment thereof, the total expenditures for the month and the year to date, the amount of outstanding encumbrances and the amount of the unencumbered balance. Said report shall also show for each fund an itemized statement of the revenues and receipts estimated for the year, the amount of the collections of each item for the month and the year to date and the unrealized portion of the estimate. Each department head, elected official and board member shall be furnished copies of monthly reports for their respective departments as soon as the same is available. The most recent of such reports shall be presented by the Director of Finance at each regular session of the County Legislative Body. At such time he shall advise the County Legislative Body of the condition of the budget, and of any adjustment or reduction of appropriations which should be made, and shall recommend any other action which, in his opinion, the County Legislative Body should take in order that the budget shall be kept in balance.

(h) **CHANGE IN REQUIRED DATES.** Any date referred to in Section 4 may be extended for any reasonable reason or altered to meet federal and state requirements in order to eliminate duplication subject to the approval of the Budget and Finance Committee and five (5) working days' written notice.

SECTION 5. FISCAL PROCEDURE SYSTEM. There shall be set up and maintained in the Office of the Director of Finance a system of fiscal procedure, control and centralized accounting, hereinafter set out and described, which shall be under the administrative control and direction of the Director of Finance; but such system shall be conducted in full accordance with the general law of this state respecting the duties and responsibilities of the County Executive as fiscal agent of the county and respecting the statute duties and responsibilities of the County Board of Education as well as the responsibilities and duties of the County Highway Department.

(a) DUTIES AND POWERS OF DIRECTION -- RECORDS, ACCOUNTS AND REPORTS -- DISBURSEMENT WARRANTS -- PAYROLL SYSTEM. It shall be the duty of the Director of Finance to post and otherwise keep the records of the central accounting system; to verify all bills, invoices, payrolls and claims against the county before payment; and to check the settlements and reports of the various officials and department heads of the county government.

The Director shall, also, after careful pre-audit of invoices, bills, and claims against the county or any of its funds, prepare disbursement warrants on all county funds. It will be the responsibility of the Director of Finance to inform any requesting department of expenditure requests that appear to be inconsistent with original appropriations. It will, also, be the responsibility of the Director of Finance to inform the Budget and Finance Committee of any such invoices that cannot be resolved by the Director and the requesting department.

The Director shall administer all funds in accordance with the laws affecting this county and as prescribed for such agencies as described in Section 3 (b).

The Director shall establish a payroll system for the entire county, and maintain a complete set of records, and set-up a check and balance system for pre-audit and post audit of all payrolls. The Director is hereby authorized to maintain a special county payroll account at a local bank in which disbursement warrants for the total net payroll may be deposited and against which payroll checks for the net earnings may be issued to each county employee.

(b) RECEIPTS OF FUNDS -- RECEIVABLE WARRANTS. Excepting taxes such as the County Trustee is authorized to collect, the payment of all monies to the County Trustee by any collectors authorized by statute, or by anyone on account due the county, shall be made only by issuance of a receivable warrant signed by the County Executive instructing the Trustee to receive the amount named, for which the Trustee shall issue his receipt, duplicate of which shall be delivered to the Director of Finance to be used by him in posting the accounting records.

All monies received for each department or fund as established by law shall be deposited in such fund and distributed and used according to law.

(c) PAYMENT OF OBLIGATIONS -- DISBURSEMENT WARRANTS. Before any obligation against the County shall be paid or any disbursement warrant or voucher issued, a detailed invoice, receivable copy of the purchase order, or such document indicating receipt of merchandise or service should be approved by the head of an office, department or agency for which the obligation was made and be filed with the Director of Finance. Said Director shall establish a system for making a careful pre-audit of such invoice, purchase order, or other documents, including a comparison with any encumbrance document previously posted or filed authorizing such obligation, and shall approve for payment only such items as appear to be correct, properly authorized, and not exceeding the otherwise unencumbered balance of the allotments or appropriations against which they are chargeable. Disbursement warrants shall be promptly prepared for all such approved obligations by the Director of Finance Office, signed in accordance with Section 5 (d), and mailed or delivered to the payees thereof.

A duplicate copy of all disbursement warrants, with all original invoices and other supporting documents attached thereto, shall be kept on file in the office of the Director of Finance.

(d) SIGNING OF DISBURSEMENT WARRANTS AND PAYROLL CHECKS. All disbursement warrants drawn on the County Trustee for the obligations of the County Executive, the County Highway Department, and County Department of Education, shall be signed in accordance with the law. After the disbursement warrants are prepared in the Director of Finance Office, the disbursement warrant shall be provided to each department for

signing. Upon the signing of said warrant, the department head signing the disbursement warrant may keep one (1) copy for filing in such department. The original and all other copies of such warrant shall be returned to the Director of Finance Office for filing and mailing from such office.

In lieu of each department signing disbursement warrants, the departments may authorize the Director of Finance to use a signature plate in accordance with the law and approval by the State Comptroller of the Treasury, provided a copy of such disbursement warrant is provided the department authorizing the use. If such signature plate is used, it shall be locked in a safe place when not in use and supervised by the person responsible for its safekeeping when in use. A record shall be maintained indicating when the signature plate is used, numbers of the warrants signed, and the person using such plate.

SECTION 6. Any official named in this Act, or any other official, agent, or employee of the county, who shall fail or refuse to perform the duties required of him under this Act, or who shall otherwise fail or refuse to conform to the provisions of this Act, shall be deemed guilty of a misdemeanor and subject to removal from office.

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

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

Passed: March 19, 1979.

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.

The following acts once created a budgeting system for Rutherford County, but they have been specifically repealed or superseded by current law. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1933, Chapter 386, Page 931, conferred the authority to manage, supervise, and control the county fiscal affairs upon the County Court of Rutherford County. The fiscal year would begin on July 1 of each year and end on August 31 of the following year for which a budget must be adopted. The Chairman or Judge of the Court would appoint one member and the Court would elect two more of its members to the "Committee on Finance, Ways, and Means" who would begin hearings approximately thirty days preceding the July term of each year for all departments and divisions, except the Schools. The Committee would prepare a tentative budget for the Court and recommend a tax levy. This Act was repealed by Private Acts of 1975, Chapter 82, Page 306. **Compiler's Note:** As published, the census figures listed in the Act would appear to make this Act apply only to Roane County.

2. Private Acts of 1935, Chapter 821, Page 2137, was almost an exact duplicate of Private Acts of 1935, Chapter 386, except that all three members of the "Committee on Finance, Ways, and Means" would be elected from the membership of the Quarterly Court by the Quarterly Court. This Act was repealed by Private Acts of 1975, Chapter 82, Page 306.
3. Private Acts of 1943, Chapter 460, Page 1606, made it the duty of the Board of Workhouse Commissioners to file a budget request, in the forms specified by the Act, with the Fiscal Agent of the County by the first Monday in May for the road department; the Board of Education must do likewise for the school system; the County Judge must file for the expenses of the general county fund including those areas of responsibility assigned to him; all other county agencies, departments, etc., must submit requests for their divisions; the County Trustee must file one for his department. The Quarterly Court would appoint a three member Budget Commission, one from outside Murfreesboro, one from inside Murfreesboro, and only one could be a member of the Court, all to be paid \$5 per day for each day spent on the budget process. The Secretary, appointed by the Commission to keep records, would also be paid \$5 per day. The County Judge would be the ex-officio Director of the Budget. The details of budget preparation and a time schedule for submission of departmental budget requests were specified in the Act. The Judge could employ an assistant to help with budget and could draw a minimum of \$100 a month for this purpose, the maximum to be set by the Court. The Commission would file a tentative budget containing their recommendations for adoption by the whole court and for a tax levy which would produce that amount of money. Penalties were provided for the misuse of authority and funds and for failure to comply. Budget appropriations would constitute the limit of expenditures except in emergencies when certain conditions must also be met. This Act was repealed by Private Acts of 1975, Chapter 82, Page 306.
4. Private Acts of 1949, Chapter 504, Page 1389, amended Private Acts of 1943, Chapter 460, to provide that all three members of the Budget Commission must be members of the County Court and elected by the Court at its April meeting. The residency restrictions were removed. This Act was repealed by Private Acts of 1975, Chapter 82, Page 306.
5. Private Acts of 1957, Chapter 239, Page 697, properly ratified by the Court, amended Private Acts of 1943, Chapter 460, thus relieving the County Judge of the task of countersigning school warrants, it being the intention of the General Assembly to make school warrants, properly issued, valid without the County Judge's signature. This Act was repealed by Private Acts of 1975, Chapter 82, Page 306.
6. Private Acts of 1969, Chapter 65, Page 272, amended Private Acts of 1943, Chapter 460, increasing the membership of the Budget Commission from three to five. This Act was repealed by Private Acts of 1975, Chapter 82, Page 306.
7. Private Acts of 1972, Chapter 410, Page 1613, would have enacted the "County Budgeting Law of 1972" had it been approved by the Quarterly County Court. A five member Budget Committee was to have been established consisting of the County Judge and four members of the County Court selected by the County Court. The Budget Committee was empowered to appoint, with the approval of the County Court, a Director of Accounts and Budgets.
8. Private Acts of 1974, Chapter 184, Page 57, was to have enacted the "County Budgeting Law of 1974", but it never became effective as it never received local approval. A seven member County Budget and Finance Committee was established to include the County Judge and six members of the County Court. Provision was made for the Committee to appoint a Director of Accounts and Budgets.
9. Private Acts of 1974, Chapter 355, Page 734, amended Private Acts of 1974, Chapter 184, as to the compensation of the Director of Accounts and Budgets. This Act was not approved locally and never became effective.

10. Private Acts of 1975, Chapter 82, known as the County Budgeting Law of 1975, set forth the procedures for budgeting, which included the Highway Commission and the Board of Education. A seven member County Budget and Finance Committee was created who would appoint a Director of Accounts and Budgets. This act was repealed by Private Acts of 1979, Chapter 49, Page 76.

ADMINISTRATION

COUNTY ATTORNEY

PRIVATE ACTS OF 1957

CHAPTER 67

SECTION 1. That there is hereby created and established the office of County Attorney for Rutherford County, Tennessee.

SECTION 2. That such County Attorney shall be at least twenty-one years of age, a resident and citizen of Rutherford County, and licensed to practice law in all of the Courts of this State and in the Federal District Courts.

SECTION 3. That the regular term of the office of County Attorney shall be for two years from and after his or her appointment or election by the Quarterly County Court of said County, and the filling of any vacancy in such office shall be by said Quarterly County Court for a period of two years thereafter.

SECTION 4. That the County Attorney shall receive from said County as compensation the sum of Thirty-six Hundred (\$3,600.00) Dollars per annum, payable monthly out of the general fund, upon warrant as other expenses are paid.

Provided, however, that from and after the effective date of the Amendatory Act, at the expiration of the incumbent term of office of such County Attorney or upon any succeeding election or filling of any vacancy in such office by such Quarterly County Court, the Court may fix the salary of such County Attorney for the ensuing term thereof at a sum more or less than the amount first prescribed as, in the Court's discretion, such official may be entitled.

As amended by: Private Acts of 1965, Chapter 23.

SECTION 5. That it shall be the function and duty of the County Attorney to render all legal services to said County and/or any of its officials, departments, offices, branches and boards, and to prosecute and defend all suits instituted by or against said County or any of its departments, branches or boards affecting the public revenues of said County or the conduct of the business of the County.

SECTION 6. That no official, agent, department, branch or board of said County shall employ other attorneys to be paid out of the public revenues of said County without the approval of the Quarterly County Court of said County in advance of such employment.

SECTION 7. That the County Attorney shall take and subscribe to an oath to well and faithfully perform the duties of such office, to the best of his ability and to support the Constitutions of the United States and the State of Tennessee.

SECTION 8. That this Act shall have no effect unless the same shall be submitted to the Quarterly County Court of Rutherford County, Tennessee, and approved by a two-thirds vote of said Quarterly County Court. Its approval or non-approval shall be proclaimed by the Presiding Officer of the Quarterly County Court and shall be certified by him to the Secretary of State of Tennessee.

SECTION 9. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 19, 1957.

ADMINISTRATION

COUNTY ATTORNEY

The office of county attorney is not a constitutional office nor is it an established office under general law. The office of county attorney may be set up by private act. The county executive 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.

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

1. Private Acts of 1955, Chapter 123, Page 346, created the office of County Attorney for Rutherford County.

ADMINISTRATION

COUNTY CLERK

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

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

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

1. Private Acts of 1919, Chapter 274, Page 687, permitted females, married or single, over the age of twenty-one years, and residents of the counties appointing them, to serve as a Deputy in the office of the County Court Clerk, granting all the rights and imposing all the obligations of other Deputy Clerks upon them, and specifying that acceptance of the position would constitute a waiver of any defense as a married woman, and work as an estoppel to deny any legal liability peculiar to coverture. This Act was repealed by Private Act of 1979, Chapter 138, Page 527.
2. Private Acts of 1933, Chapter 876, Page 1972, established the annual salaries for several positions in Rutherford County. The salary of the County Court Clerk was fixed at \$3,000 but would be paid only when the fees collected in the office equaled that amount. Any surplus would be paid into the county treasury and be properly accounted for. The expenses of the office would continue to be paid in the manner provided by law. This Act was repealed by Private Acts of 1979, Chapter 138, Page 527.

ADMINISTRATION

COUNTY EXECUTIVE

PRIVATE ACTS OF 1974

CHAPTER 187

SECTION 1. Chapter 353 of the Private Acts of 1931, creating the office of County Judge of Rutherford County, Tennessee, as amended by Chapter 280 of the Private Acts of 1933 and Chapter 24 of the Private Acts of 1965, is amended by deleting from Section 3 thereof the words "exercise such jurisdiction as judge of the monthly court and to", and by deleting therefrom Sections 5, 6, 7, 10, 12 and 13 in their entirety.

SECTION 2. Each and every judicial function, power and responsibility now or heretofore vested in the said office of County Judge is hereby divested from that office and vested in the office of Court of General Sessions of Rutherford County, but each and every executive, administrative and other nonjudicial duty, function, authority and responsibility vested in the office of County Judge of said county, including service as presiding officer of the Quarterly County Court of said county, shall continue to be vested in the said office of County Judge, and the incumbent officeholder shall continue to bear the title of County Judge, it being legislative intent that the office of County Judge of said county be and constitute exclusively an executive and administrative office and officer, and not a judicial office and officer.

SECTION 3. After the first day of September 1974, the term of office of the County Judge of Rutherford County shall be four (4) years, and an incumbent shall hold the said office until his successor is duly elected and qualified.

SECTION 4. This Act shall have no effect unless it is approved by a majority of the voters voting in an election to be held for the purpose of approving or rejecting it.

Before June 1, 1974, the County Election Commissioners of the county to which this Act applies shall call an election for the county to be held not less than thirty (30) nor more than forty-five (45) days from the date of such call. The ballots used in the election shall have printed on them - For a Four (4) Year Term for Rutherford County Judge or Against a Four (4) Year Term for Rutherford County Judge and voters shall vote for or against it. The votes cast in the election shall be canvassed by the County Election Commissioners on the first Monday occurring five (5) or more days next after the date of the election. The results of the election shall be proclaimed by the Election Commissioners and certified to the Secretary of State. The qualifications of voters shall be the same as those required for participation in General Elections. All laws applicable to General Elections shall apply to the election. The cost of the election shall be paid by the county to which this Act applies.

SECTION 5. 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 take effect upon being approved as provided in Section 4.

Passed: February 7, 1974.

ADMINISTRATION

COUNTY EXECUTIVE

PRIVATE ACT OF 1977

CHAPTER 64

SECTION 1. The county judge of Rutherford County is authorized to administer any oath provided for under the Tennessee Constitution or any other provision of law.

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 Rutherford 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 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 2.

Passed: April 21, 1977.

ADMINISTRATION

COUNTY EXECUTIVE

PRIVATE ACTS OF 1931

CHAPTER 353

SECTION 1. That the office of County Judge of Rutherford County, Tennessee, be, and the same is, hereby created, to become effective on the date hereinafter stated.

SECTION 2. That the County Judge shall thirty years old at the time of his appointment or election, and shall have been a resident of Rutherford County for a period of five years next preceding his appointment or election, as hereinafter provided.

As amended by: Private Acts of 1933, Chapter 529,
Private Acts of 1935, Chapter 28,
Private Acts of 1941, Chapter 325.

SECTION 3. That the office of County Judge created by this Act shall become effective on the first Monday in January, 1932, on which date the person appointed to hold said office, as hereinafter provided, shall assume the duties thereof, with all the rights and privileges in connection therewith, and with power to discharge such duties as the fiscal agent of the county as is conferred and imposed by this Act.

As amended by: Private Acts of 1974, Chapter 187.

SECTION 4. That it shall be the duty of the Governor, and authority is hereby conferred on him, to appoint and commission a person of proper age and qualifications to hold said office from the first Monday in January, 1932, to September, 1932, and until his successor is elected and qualified. At the regular biennial election in August, 1932, a special election shall be held by the election commissioners of said county, under the same rules and regulations prescribed by law for electing county and judicial officers, for the purpose of electing a County Judge, who shall hold said office from September 1, 1932, to September 1, 1934, or until his successor is elected and qualified. At the regular election for judicial officers in August, 1934, an election shall be held to select a County Judge for a full term of four years; and from and after September 1, 1934, the term of said office shall be four years, and the incumbent shall hold said office until his successor is duly elected and qualified. Every person assuming the duties of said office shall first be commissioned by the Governor, in the same manner as Judges of the Circuit, Criminal and Chancery Courts are commissioned.

SECTION 5. **COMPILER'S NOTE:** This Section was repealed by Private Acts of 1974, Chapter 187, Page 90.

SECTION 6. **COMPILER'S NOTE:** This Section was repealed by Private Acts of 1974, Chapter 187, Page 90.

SECTION 7. **COMPILER'S NOTE:** This Section was repealed by Private Acts of 1974, Chapter 187, Page 90.

SECTION 8. That said County Judge shall be the accounting officer and agent of said county and shall have power, and it shall be his duty:

1. To have care and custody of all county property except that which is entrusted to the care of the Board of Road Commissioners and other road officials of the county, under a special Act creating a system of public roads in said county. Any repairs necessary to be made on any county buildings before the convening of the Quarterly Court the County Judge shall have the authority to order such repairs to be made, the expense of which shall be binding obligations on the county.

(a) He is given full power to purchase all office equipment, furniture, supplies of every character, to be used in his office, and shall be the sole judge as to what equipment, furniture, and supplies are needed in said office. Title to such property shall vest in and be the property of the county.

2. To control all books, papers, and documents pertaining to his office and of the office of any other county official.

3. To audit all claims against the county, and when approved by him he shall issue a warrant therefor on the County Trustee.

4. To audit and settle the accounts of the County Trustee and those of any other collector of revenues, taxes, or income payable to the county, and those of any other person entitled to receive and/or expend any money of the county, and to require said officers or persons to render and settle their accounts as often as required by law or the authority under which they act.

5. To record in a suitable book every warrant issued by him, giving the number, date, amount, and the name of the drawee of each warrant drawn on the county treasury. The warrants shall be issued in duplicate, or in any other manner that may be deemed proper, and the original warrants shall, after having been paid by the Trustee, be filed in the office of the County Judge and kept in said office for a period of two years, and thereafter may be placed elsewhere in the courthouse.

6. To keep in a suitable book an account of the receipts and expenditures of the county in such manner as will show the assets of the county and the debts payable to and by it, balancing said accounts semi- annually; and to exercise general supervision over the financial affairs of the county. At the July Term of the Quarterly Court each year a report shall be made to said court by the County Judge on the general condition of the financial affairs of the county, showing amounts expended for the preceding year, the condition of the sinking funds and other indebtedness of the county.

7. To draw all warrants on the county treasury for all claims that are proper charges against the county, and no money can be drawn from the treasury except upon his warrant.

8. **COMPILER'S NOTE:** This subsection was deleted by Private Acts of 1945, Chapter 554, Page 1706.

9. To give instructions to the County Tax Assessor and his deputies as to the manner of assessing property for taxation, and to aid and assist them in the discharge of their duties by instruction, so that assessments may be legal.

10. To aid and assist all delinquent tax collectors in the performance of their duties, by giving advice and counsel, but not otherwise; and the said County Judge is also empowered to discharge any delinquent tax collector who fails to perform his duties in a diligent manner under the law.

11. To purchase all office supplies for all county officials, which purchases shall be reported to the Quarterly Court convening in regular session more than thirty days thereafter, which supplies shall be proper charges against the county. He shall be the judge as to what supplies are needed in order to enable any official of the county to properly discharge the duties devolving on him as an official of the county; provided, that nothing herein shall be deemed applicable to the purchase of

supplies by the County Board of Education for school purposes, or taking away from said Board any of the rights and powers it now has under the law.

12. To correct errors made in the assessment of property for taxation and to release from double assessments when such have been made; and all such corrections shall be in the form of an order and spread on the minutes of the monthly court; provided, that nothing above shall be deemed as in any way interfering with the duties of the County Tax Assessor or his deputies or of the County Board of Equalization, under the general law, or as giving the County Judge any powers to revise or modify any action of such assessor or his deputies or those of the County Board of Equalization, except to correct errors and release from double assessments.

In addition to his compensation as County Judge, the County Judge shall receive, as compensation for acting as accounting officer and agent of the County, the sum of \$1,800.00 per year, payable in equal monthly installments out of the general funds of the county.

As amended by: Private Acts of 1951, Chapter 485,
Private Acts of 1953, Chapter 511.

SECTION 8-A That power and jurisdiction is hereby granted to and conferred upon said County Judge to grant fiats for all extraordinary process on proper application therefor in the Circuit and Chancery Courts of this State the same as Circuit Judges and Chancellors are by general law empowered to grant, which action of the County Judge in granting such fiats or refusing the same shall have the same force and effect as if passed upon by a Circuit Judge or Chancellor; and all general laws regulating the issuance of extraordinary process by Circuit Judges and Chancellors shall also apply to said County Judge.

As amended by: Private Acts of 1931 (2nd Ex. Sess.), Chapter 61.

SECTION 9. That every other duty now devolving on the Chairman of the County Court of Rutherford County, Tennessee, whether as the fiscal agent of the County or otherwise, shall be, and the same are, from and after the first Monday in January, 1932, performed by the County Judge of said county, to the office of which such duties are hereby transferred.

SECTION 10. **COMPILER'S NOTE:** This Section was repealed by Private Acts of 1974, Chapter 187, Page 90.

SECTION 11. That the salary of the County Judge shall be and is fixed at the sum of Twenty-five Hundred (\$2,500.00) Dollars a year, payable monthly by warrant drawn on the general county fund of the county, for which the said county is liable. Said warrants may be drawn by the County Judge and countersigned by the County Court Clerk or his deputy.

SECTION 12. **COMPILER'S NOTE:** This Section was repealed by Private Acts of 1974, Chapter 187, Page 90.

SECTION 13. **COMPILER'S NOTE:** This Section was repealed by Private Acts of 1974, Chapter 187, Page 90.

SECTION 14. That the Quarterly Court composed of the Justices of the Peace of the county shall meet as heretofore, on the first Monday of January, April, July, and October of each year, and the County Judge shall preside over the same. The Quarterly Court shall have such jurisdiction as it now has by law, except such as is expressly conferred by this Act on the County Judge. In the event of the absence of the County Judge when the Quarterly Court is in session, whether at a regular, adjourned, or called session thereof, and no one has been appointed by the Governor to temporarily fill said office, or otherwise, the Court shall be called to order by the Clerk, and a member thereof

selected by said Court to preside during the session. The proceedings of the Court presided over by one of its members as above shall be shown by the minutes and signed by such presiding officer.

SECTION 15. That before entering upon his duties the County Judge shall make a bond, to be approved by the Quarterly Court at its next session, in the sum of Three Thousand Dollars (\$3,000.00), payable to the State of Tennessee for the use and benefit of the county, for the faithful performance of the duties of the office; and he shall, before entering upon his duties as such official, also take an oath to support the Constitution of the United States and of the State of Tennessee, and to faithfully discharge the duties of the office, to be best of his skill and ability. The oath or a copy thereof shall be spread on the minutes of the Court.

SECTION 16. That in order that the citizens and taxpayers of the county may know the general condition of the fiscal affairs of the county, the County Judge shall cause to be printed in one newspaper in said county and in one issue thereof his July report to the Quarterly County Court in such form as he deems advisable, but such report may for the purpose of publishing be in a condensed form, the cost of which shall be paid by the County Judge out of the general county fund.

SECTION 17. That if for any reason any Section or part of this Act shall be declared invalid, the invalidity of such Section or part of the Act shall not otherwise affect its validity, and the same shall be enforced without regard to the Sections or any part of the Act declared to be invalid.

SECTION 18. That all laws or parts of laws in conflict with this Act be, and the same are hereby repealed.

Passed: June 8, 1931.

ADMINISTRATION

COUNTY EXECUTIVE

All counties in Tennessee, except those with a metropolitan form of government, must have an elected county executive who serves under that title or another appropriate name designated by private act. T.C.A. § 5-6-101. The county executive serves a four year term.

The county executive 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 executive serves as a nonvoting, ex officio member of the county legislative body, and the county executive or a representative of the county executive 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 executive as its chairman. However, the county executive may refuse to serve as chairman. T.C.A. § 5-5-103. If the county executive is not elected chairman, then the county executive may veto legislative resolutions of the county legislative body. T.C.A. § 5-6-107.

Except as otherwise provided by law, the county executive 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 executive may not be applicable.

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

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

1. Acts of 1855-56, Chapter 253, Page 511, created the office of County Judge in every Tennessee County, abolishing the Quorum Courts and the post of Chairman of the County Court, both of which would be hereafter filled by the County Judge. The County Judge would be elected by the people for a four year term and would be sworn and commissioned as any other Judge. The Court would hold regular sessions on the first Monday in every month but on those Mondays when the Quarterly Court met, the business of that Court would be disposed of first. The powers and duties of the Judge were specified in Sections Six and Eight both as the Judge and as the accounting officer and general agent of the County. The County Court Clerk would continue to operate in that capacity. The County Judge was not precluded from the practice of law in all other Courts except the one over which he presided. This Act was repealed by Acts of 1857-58, Chapter 5, Page 3.
2. Private Acts of 1909, Chapter 577, Page 2023, created the office of County Judge in Rutherford County who must be learned in the law and who was to be elected by the people for an eight year term. The Governor would appoint the first Judge who would serve until the next election in August, 1910, when his successor would be elected. All the duties and responsibilities of the Chairman of the County Court and the Chairman Pro Tem of the County Court were transferred to the Judge. Sections Six and Eight contained the specific grants of jurisdiction and duties to the Judge. The Judge was permitted to practice law in all courts but his own and would conduct the meetings of the Quarterly Court on the first Monday in January, April, July, and October. The County Judge's salary was fixed at \$700 annually payable quarterly. This Act was repealed by Private Acts of 1911, Chapter 219, Page 569.

3. Private Acts of 1931, Chapter 57, Page 140, was the enabling act for a referendum to be held in Rutherford County on the question of creating the office of County Judge. The results would be certified to the Representatives in the General Assembly.
4. Private Acts of 1933, Chapter 280, Page 669, amended Private Acts of 1931, Chapter 353, so as to alter the method of administering insolvent estates in Rutherford County and by enlarging the jurisdiction of the Court in regard to these estates and those of minors and persons under disability. The power over insolvent estates was transferred from the Chancery Court to the County Court, procedures to be followed being detailed in the Act. The authority for the County Judge to interchange with Chancellors and Circuit judges was granted by inserting a new Section 6-D to that effect. This Act was repealed by Private Acts of 1965, Chapter 24, Page 88.
5. Private Acts of 1947, Chapter 366, Page 1473, stated in the preamble that the administration of the Social Security Law had greatly increased the duties of the County Judge, and a great number of the Justices of the County has requested the General Assembly to increase the salary accordingly, therefore this Act grants additional compensation of \$1,100 per year to the Judge, payable monthly. This Act was repealed by Private Acts of 1963, Chapter 226, Page 707.
6. Private Acts of 1967-68, Chapter 448, Page 1673, would have replaced the office of County Judge with the office of County Administrator. The individual would have and exercise the powers and duties of the County Judge, except certain judicial functions. All judicial duties of the County Judge were transferred to the Judge of the Court of General Sessions. This Act never received local approval and did not become effective.
7. Private Acts of 1972, Chapter 383, Page 1525, would have transferred all judicial functions exercised by the County Judge to the Chancery Court of Rutherford County. The office of County Judge would be redesignated as the "County Administrator of Rutherford County." This Act never received local approval and did not become effective.
8. Private Acts of 1973, Chapter 1, Page 1, would have made the office of County Judge exclusively an executive and administrative office, removing all of its judicial functions but retaining the title "County Judge." The County Judge would be elected for a four year term. This Act never received local approval and did not become effective.
9. Private Acts of 1973, Chapter 2, Page 12, was similar to Private Acts of 1973, Chapter 1, except the compensation of the County Judge was set at \$17,500 per year. This Act never received local approval and did not become effective.

ADMINISTRATION
COUNTY LEGISLATIVE BODY

PRIVATE ACTS OF 1959

CHAPTER 53

SECTION 1. That from and after the effective date of this Act, the Justices of the Peace of Rutherford County, Tennessee, shall have and receive as their per diem for attendance upon the Quarterly County Court of their County and for any extra or special session of said Quarterly County Court, the sum of Twenty-Five Dollars (\$25.00) per day, plus Five cents (5¢) per mile travel each way in going to and from such meetings of the Quarterly County Court.

As amended by: Private Acts of 1969, Chapter 171.

SECTION 2. That this Act shall have no effect unless the same shall be submitted to the Quarterly County Court of Rutherford County, Tennessee, and approved by a two-thirds vote of said Quarterly County Court. Its approval or non-approval shall be proclaimed by the Presiding Officer of the body, and shall be certified by him to the Secretary of State.

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

Passed: February 9, 1959.

COMPILER'S NOTE: The per diem payments of the County Legislative Body are now set by T.C.A 5-5-107 but no mention is made of mileage allowances.

ADMINISTRATION

COUNTY LEGISLATIVE BODY

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

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

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

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

1. Acts of 1803, Chapter 39, Page 85, regulated the terms of the Courts of Pleas and Quarter Sessions as they existed in the district of Mero. In the newly formed County of Rutherford, the Court would meet on the first Monday in January, April, July, and October.
2. Acts of 1803, Chapter 70, Page 119, established the court terms for the Courts of Pleas and Quarter Sessions in Rutherford County to the first Monday in March, June, September, and December. The Courts would meet in the house of Thomas Rucker until a court house was built.
3. Acts of 1809, Chapter 93, Page 121, fixed the opening dates of the terms of the Courts of Pleas and Quarter Sessions in every County. In Rutherford County the Court would officially convene on the first Monday in January, April, July, and October.
4. Acts of 1813, Chapter 134, Page 180, changed the meeting dates of the Quarterly Courts in the Counties of Williamson, Bedford, Lincoln, Hickman, Maury, Giles, Claiborne, Sumner, and Rutherford where the Court would meet on the second Monday in January, April, July, and October.
5. Acts of 1815, Chapter 137, Page 174, stated that the volume of business in the Courts of Pleas and Quarter Sessions of Rutherford, Maury, and Grainger Counties is such that it cannot be finished in the time allotted to the Courts, therefore the Justices of these Courts could hereafter continue the term from day to day up until two weeks, or to such time as the business of the Court may be completed if less than the two weeks.
6. Acts of 1817, Chapter 128, Page 136, was the enabling law for the Counties of Davidson, Smith, Franklin, Rutherford, Maury, Lincoln, Giles, Overton, Bedford, Wilson, Hickman, Sumner, Stewart, Humphreys, Williamson, Jackson, White, Montgomery, Warren, Robertson, and Dickson, at the first meeting of the year of their respective Quarterly Courts, to levy a tax for the purpose of providing additional compensation to the jurors attending the county and circuit courts. The additional compensation could not exceed fifty cents per day.

7. Acts of 1817, Chapter 138, Section 3, Page 145, set the terms of the Quarterly Court of Rutherford County to start on the second Monday in March, June, September, and December, of each year, to continue for two weeks unless the business of the Court was completed earlier.
8. Acts of 1819, Chapter 136, Page 166, provided that the Court of Pleas and Quarter Sessions would meet in Rutherford County on the third Monday in March, June, September, and December, for a term of two weeks unless the docket of the Court was cleared sooner than that.
9. Acts of 1820, Chapter 26, Page 33, stated that the Rutherford County Court of Pleas and Quarter Sessions would open and hold their March and September Sessions at the Court House in Murfreesboro on the second Monday in each of those months, to continue from day to day for three weeks, unless the Court's business was finished earlier than three weeks. The June and December sessions would meet on the third Mondays.
10. Acts of 1821, Chapter 127, Section 9, Page 126, provided that the Rutherford County Quarterly Court from and after April 1, next, would sit regularly on the third Monday in January, April, July, and October, for a term of two weeks unless the dockets were completed prior to that time.
11. Acts of 1822 (Ex. Sess.), Chapter 58, Page 55, vested the presiding Judge of the Fourth Judicial Circuit and the Justices of the Court of Pleas and Quarter Sessions of Rutherford County with the right to adjourn their Courts to any other house in Murfreesboro which they might consider proper, any law to the contrary notwithstanding.
12. Acts of 1823, Chapter 197, Page 176, allowed the Justices of the Court of Pleas and Quarter Sessions of Rutherford County, a majority being present and deeming it expedient, on the first day of the first term of each year to select three of their number to hold the Court for the remainder of the year, their names being recorded by the County Court Clerk. Those selected would attend each term of Court and hold the same each day except when county business was to be considered, and proceed with the trial of civil and criminal cases. The Justices chosen would be paid \$1.50 per day except when the Quarterly County Court meets. The Clerk would add \$1.00 to the costs in each case before the Court to finance this program of Quorum Courts.
13. Acts of 1827, Chapter 89, Page 92, scheduled after April 1, next, the Court of Pleas and Quarter Sessions of Rutherford County to meet on the third Monday in February, May, August, and November.
14. Acts of 1835-36, Chapter 6, Page 45, enacted pursuant to the 1835 State Constitution, established the Court in every county to be held by the Justices of the Peace. The Court would meet on the first Monday of every month and would continue in session until the public business was completed. The Justices would elect a Chairman for a one year term who would preside over the Court. The Court was empowered to levy a tax in accordance with Section 29, Article 2 of the State Constitution.
15. Acts of 1869-70, Chapter 118, Section 3, Page 636, allowed the town of Smyrna in Rutherford County an additional Justice of the Peace over and above the two who were allowed to the Civil District by the general law.
16. Acts of 1879, Chapter 216, Page 260, recited in the preamble that at the December term of the Criminal Court in Rutherford County in 1878, W. J. Carney, a Justice of the Peace for the said County, was found guilty of being in an intoxicated state which is a misdemeanor in office, and he was consequently disqualified from holding office under the laws of this state, and, further, all of the good citizens of his neighborhood were now requesting that this disability be

removed, this Act accomplishes that fact and restores Carney to all the rights, privileges and immunities of full citizenship.

17. Private Acts of 1901, Chapter 319, Page 743, established a Court known as the Common Law, Chancery, and County Court of Rutherford County, on which was conferred jurisdiction to try all cases arising at law of a criminal, commercial, or civil nature, formerly possessed by the Circuit, Chancery, and County Courts. The Judge would be elected by people and have all the powers of the Circuit and County Judges and the Chancellors of the State with whom he might interchange. Terms were set for all the different jurisdictions of the Court, the County Court division meeting on the first Monday of every month. The Circuit Court Clerk, the Clerk and Master, and the County Court Clerk would continue to serve the Court in their respective areas of authority. The Judge would be ex-officio Chairman of the Quarterly and County Courts. The Judge's salary was set at \$1,800 a year, and the District Attorney also provided for in this law, would be paid \$600 annually. The Governor was required to appoint the first Judge and District Attorney to serve until their successors were elected and qualified.
18. Private Acts of 1931, Chapter 352, Page 889, abolished the offices of Chairman and Chairman pro tempore of the County Court in Rutherford County from and after the first Monday in January, 1932.
19. Private Acts of 1933, Chapter 279, Page 668, authorized the Rutherford County Quarterly Court to set the compensation of the standing committees of the Court which were called upon to render special services. The amount would be fixed by Resolution of the Court and would remain thusly until changed by the same method. This Act did not apply to the County Judge, the Trustee, or the County Court Clerk.
20. Private Acts of 1939, Chapter 135, Page 387, stated that the Quarterly Court of Rutherford County would hereafter convene in regular session on the second Monday of January, April, July, and October.
21. Private Acts of 1951, Chapter 296, Page 781, declared that the Justices of the Peace shall receive \$5 per day compensation for their services in attending the regular and called meetings of the Quarterly County Court. The per diem payment, specified above, would be in addition to any mileage allowed them under current law. **NOTE:** Rutherford County did not fall into the population bracket listed in the Act nor did any other county. The House Sponsor of this Act was the Representative for Rutherford County.
22. Private Acts of 1955, Chapter 297, Page 1004, increased the per diem payments for the Justices of the Peace in Rutherford County from \$5 to \$10 and set mileage payments at five cents per mile for each mile traveled in going from their homes to the Court house and return. This Act was not acted on by local authorities and therefore never assumed active status under the provisions of the Home Rule Amendment of the State Constitution.
23. Private Acts of 1957, Chapter 66, Page 230, set the compensation at \$10 per day and five cents per mile for the Justices of the Peace of Rutherford County but this Act was never approved by the Quarterly Court and never became effective.
24. Private Acts of 1972, Chapter 383, Page 1525, transferred all the judicial functions of the County Judge and all the judicial jurisdiction, duties, and functions heretofore vested in the Quarterly Court to the Chancery Court of Rutherford County and its Clerk and Master. Many of the judicial functions involved were specified in the law, and the title "County Judge" was redesignated as "County Administrator". This Act was not acted on by the Rutherford County Quarterly Court and consequently never took effect under the provisions of the Home Rule Amendment to the State Constitution.

ADMINISTRATION

COUNTY REGISTER

The office of county register is a constitutional office, established by article VII, section 1 of the Constitution of Tennessee, and is regulated by the general statutes found in Tennessee Code Annotated, title 8, chapter 13; title 10, chapter 7 (public records); title 47, chapter 9 (U.C.C. Secured Transactions); and title 66 (real property and registration of instruments). The salary of the county register is determined by 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 Rutherford County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1820 (Ex. Sess.), Chapter 126, Page 111, authorized and required the Register of the Land Office for West Tennessee on or before January 1, next, to move all the records, books, and public documents, belonging to his office, to the seat of government (Murfreesboro at that time), where he would keep the office and do and perform all the duties and responsibilities of the Register. The Act requiring the Register to keep his office at Nashville was repealed. The office could be kept by the Register, or a Deputy, but the Register was answerable for the acts of the Deputy.
2. Private Acts of 1919, Chapter 274, Page 687, allowed females, married or single, over the age of 21 and a resident of the county of appointment, to serve as a Deputy in the office of the Register of Rutherford County, imposing upon them all the obligations and duties of any other Deputy Register, and denying them the right to plead coverture to any action by their acceptance of the job and estopping them to deny liability for their actions on the ground of their being women. This Act was repealed by Private Acts of 1979, Chapter 138, Page 527.
3. Private Acts of 1933, Chapter 876, Page 1972, set the annual salaries for several officials in Rutherford County. The salary of the Register would be \$2,500 per year if the fees of the office reached that amount. If the fees exceeded that amount, the surplus would be paid into the county treasury. Expenses of the office would continue to be paid as the law now provided.
4. Private Acts of 1959, Chapter 44, Page 148, directed that in Rutherford County all deeds, mortgages, deeds of trust, subdivision plots, tract maps, and all other instruments vesting or divesting title to or in real property be first presented to the Tax Assessor's office from which the Tax Assessor must extract some specified information and stamp the instrument to that effect, for all of which a fee of fifty cents could be charged, before the Register of the County was permitted to record the same. Unless the above were fully complied with the transfer of property would not become effective, as to the creditors of the bargainor or grantor. This Act was repealed by Private Acts of 1975, Chapter 40, Page 161.
5. Private Acts of 1973, Chapter 127, Page 436, was the legislative authority for Rutherford County to adopt an official property identification map which would assign a number, or some other symbol of identification to every piece of property in the County. After the adoption of the Map, the Register could not record any deed unless it contained the identification numbers

and a statement of whether it was improved property, or not, and the Post Office address of the property and its owner, or owners. The numbers were not designated as a part of the official description of the property and could be noted in the margins or some other appropriate spot. This Act was repealed by Private Acts of 1975, Chapter 41, Page 162.

ADMINISTRATION

COUNTY TRUSTEE

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

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

1. Acts of 1815, Chapter 48, Page 58, required that after January 1, next the Treasurers, or Trustees, of the Counties of Greene and Rutherford, keep their respective offices at the towns of Greeneville and Murfreesborough, any law to the contrary notwithstanding.
2. Acts of 1823, Chapter 232, Page 203, authorized and directed the Treasurer of West Tennessee to pay over to the Trustee of Rutherford County the sum of \$61.10 the same being so much of the revenue of Rutherford County which was raised and collected by the Sheriff of the County in 1821, and paid by mistake into the State Treasury when the money should have been paid to the County.
3. Private Acts of 1917, Chapter 597, Page 1822, provided that the County Trustee of Rutherford County would give one bond to the State of Tennessee for the State's use and benefit, and another bond for the use and benefit of the County in the sum of one-fourth of the total taxes collected for State and County purposes during the year immediately preceding the year of the bond, as the taxes were reported in the State Comptroller's Office.
4. Private Acts of 1919, Chapter 274, Page 687, granted to all females, married or single, over the age of 21, and residents of the county appointing them, the right to serve as a Deputy in the County Trustee's office, assuming all the obligations and duties in the same manner as anyone else, and by their acceptance of the position were estopped to plead any defense of coverture or to deny any legal liability because they were women. This Act was repealed by Private Acts of 1979, Chapter 138, Page 527.
5. Private Acts of 1933, Chapter 876, Page 1972, fixed the salaries of several county officials in Rutherford County among which the sum of \$3,000 was prescribed to be paid to the Trustee each year, but only when the fees collected in the Trustee's office amounted to that much, and the surplus, if any, would be paid into the county treasury, and accounted for. All expenses of the office would continue to be paid by the county as the law permitted.
6. Private Acts of 1935, Chapter 820, Page 2135, authorized the Quarterly County Court to empower the Trustee to stamp a prescribed endorsement on the county warrants issued by the Board of Education when the available funds were not enough to pay the same, which endorsement specified that 6% interest would be paid on the amount of the warrant from the date of endorsement until the date of payment.
7. Private Acts of 1947, Chapter 4, Page 22, amended Private Acts of 1935, Chapter 820, so as to change the payment of interest on school warrants from an arbitrary 6% to an amount which would be less than and which could not exceed 6% in any circumstances.

ADMINISTRATION

MILL CREEK WATERSHED AUTHORITY

T.C.A. 64-3-101 et seq., created the Mill Creek Watershed Flood Control Authority for those sections of Davidson, Williamson, and Rutherford Counties in the watershed of Mill Creek. The Authority is authorized to formulate and execute a comprehensive plan for controlling the flooding of the Mill Creek Watershed which could include cooperation with appropriate local, state, and federal agencies. T.C.A. 64-3-104. Contributions by local governments to the Authority are authorized. T.C.A. 64-3-105.

ADMINISTRATION

PARKING COMMISSION

PRIVATE ACTS OF 1959

CHAPTER 173

SECTION 1. That the Quarterly County Court of Rutherford County, is hereby authorized to create and establish a Parking Commission in said County to be composed of three (3) members, who shall be elected for a term of two (2) years, and until their successors are elected and qualified.

The Parking Commission herein created shall have the authority to make and issue all such rules and regulations which they deem necessary and advisable in connection with the regulation of the parking of motor vehicles on the inner circle, being property owned by Rutherford County, and the same being adjacent to the Court House yard in Murfreesboro.

The Parking Commission shall also have the authority to make and issue rules and regulations in connection with the parking of motor vehicles on any other property owned by Rutherford County, or which may be acquired by Rutherford County, the same to be situated either in the City of Murfreesboro or outside the City of Murfreesboro and all such areas shall be classified as off street parking areas, and within the provisions of this Act for the purpose of regulating motor vehicles parked thereon.

SECTION 2. That the Quarterly County Court is hereby expressly authorized to pass and adopt any such resolution necessary and deemed advisable in order to carry out any of the provisions of this Act with reference to the parking of motor vehicles on the inner circle adjacent to the Court House yard as well as including the parking of such motor vehicles on any of the off street parking areas which may now be owned by Rutherford County or which may be acquired by Rutherford County under the provisions of this Act.

SECTION 3. That the Parking Commission, with the approval of the Quarterly County Court, is hereby authorized to acquire land, either by gift, purchase, or condemnation, in the name of the County for the purpose of establishing off street parking areas, pursuant to the provisions of this Act. Said land may be located in the City of Murfreesboro, or the same may be acquired outside the corporate limits of said City, in the discretion of the Parking Commission.

The Quarterly County Court is expressly authorized to issue bonds in such amounts to be fixed by the Court in order to defray the cost of acquisition of any of such property and the Court is likewise authorized by proper resolution to appropriate sufficient funds for the purpose of carrying out the provisions of this Act.

SECTION 4. That the Parking Commission is further authorized to contract for, purchase, erect, install, maintain, and operate parking meters on any or all of the property or off street parking areas as authorized under this Act.

The Parking Commission is likewise authorized to fix the rates to be charged for the parking of motor vehicles in or on such property or areas, and said Parking Commission is likewise authorized to fix and regulate the hours of parking on such property and on such areas as in their discretion they may deem advisable and proper.

That all parking fees, funds, revenue and fines received and collected under the provisions of this Act shall be paid into the general fund of Rutherford County.

SECTION 5. That the Parking Commission is hereby authorized to enter into a contract or contracts with the City of Murfreesboro, individuals or firms in connection with the operation of any of the off street parking areas, as authorized under this Act.

SECTION 6. That the Parking Commission, with the approval of the Quarterly County Court, is hereby authorized to employ sufficient personnel in order to carry out the provisions of this Act. The compensation of such personnel shall be fixed by the Quarterly County Court and paid out of the funds and revenue received under the provisions of this Act.

SECTION 7. That the Sheriff of Rutherford County and his Deputies are hereby expressly authorized and directed to carry out and enforce the provisions of this Act, including the arrest and prosecution of any and all persons violating any of the parking rules, regulations or ordinances which may be passed or adopted in connection with the regulation of the parking of motor vehicles under the provisions of this Act. The Sheriff and his Deputies shall have the same authority and duty with respect to parking meters as authorized hereunder.

In addition, the Sheriff of Rutherford County is likewise authorized to employ sufficient Deputies to assist in the enforcement of the provisions of this Act and all such rules, regulations and ordinances which may be passed or adopted in connection with the parking of motor vehicles on any of the areas herein designated or outlined, and also for the violation of any rule or regulation or ordinance in connection with parking meters.

SECTION 8. That the Sheriff of Rutherford County and his Deputies are hereby expressly authorized to issue citations or arrest warrants against any person for the violation of any parking rule or regulation, including parking meters, under the provisions of this Act.

Any such citation or warrant issued shall be returnable and tried before the Court of General Sessions of Rutherford County, and said Court shall be authorized to levy a fine of not less than five dollars (\$5.00), nor more than fifty dollars (\$50.00) against any person found guilty of violating any of such parking rules or regulations, including rules and regulations in respect to the parking meters.

The provisions of this Section shall include any violation in connection with the parking of motor vehicles on any of the property owned by the County or any property which may be acquired by the County under the provisions of this Act, as well as violations of parking of motor vehicles with respect to parking meters.

All fines levied and collected under the provisions of this Act shall be paid into the general fund of the County.

SECTION 9. That the provisions of Chapter 777 of the Private Acts of 1949 are hereby repealed in their entirety.

SECTION 10. That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of the Quarterly County Court of Rutherford County, Tennessee. Its approval or non-approval shall be proclaimed by the presiding officer of said body and shall be certified by him to the Secretary of State, at Nashville, the public welfare requiring it.

Passed: March 12, 1959.

ADMINISTRATION

PARKING COMMISSION

1. Private Acts of 1949, Chapter 777, Page 2344, authorized the Quarterly Court of Rutherford County to elect a Parking Committee of three of their members to serve for a two year period, to regulate and control parking on county property connected with or adjacent to the Court House and Square, to erect and manage parking meters, if and when installed, and to remove any parking meters which may be situated on the above mentioned area, or to contract with those who have installed the existing meters, whichever seems to be the most expedient. This Act was repealed by Private Acts of 1959, Chapter 173, Page 562. This Act was discussed in Rutherford County v. City of Murfreesboro, 309 S.W. 2d 778 (1958).

ADMINISTRATION

PLANNING COMMISSION

PRIVATE ACTS OF 1979

CHAPTER 129

SECTION 1. The Rutherford County Planning Commission is authorized to assess a fee not to exceed twenty-five dollars (\$25.00) for each plat submitted to it for approval and an additional fee not to exceed twenty-five dollars (\$25.00) on each lot submitted to it for Commission approval. All funds received from such fees shall be used exclusively for the purpose of offsetting the operating expenses of such Planning Commission.

As amended by: Private Acts of 1982, Chapter 333.

SECTION 2. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Rutherford County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Rutherford County legislative body and certified by him 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 upon being approved as provided in Section 2.

Passed: May 7, 1979.

ADMINISTRATION

PURCHASING

PRIVATE ACTS OF 1943

CHAPTER 421

SECTION 1. Authority is hereby vested in the County Commission of Rutherford County to establish a County Purchasing Committee to be composed of five (5) members consisting of the County Executive and four (4) County Commissioners. The four (4) County Commissioners shall be recommended to the County Commission annually by the Steering Committee and voted upon by the County Commission. It shall be the duty of the County Purchasing Committee to purchase any and all supplies and equipment and to enter into contracts for labor or services which are chargeable under the law to the county.

The County Executive shall be the Purchasing Agent for Rutherford County and ex officio chairman of the County Purchasing Committee, and shall be charged with the full responsibility of executing any and all of the provisions of this Act under the direction of the County Purchasing Committee, which shall have the sole power and authority to contract for and purchase all materials, supplies, and equipment of every kind whatsoever, including insurance, for the use of every official, agent, servant, department, or agency of, supported by or under the control of, the county government, and no other official, employee or agent of the County or of any of its departments or agencies shall have the right to contract for or purchase any of such material or supplies. The County Purchasing Committee likewise shall have the sole power and authority to arrange for the purchase or rental of any and all real estate, machinery, or other equipment where said purchases or rents are to be paid out of any funds belonging to or under the control of Rutherford County or any department, institution or agency thereof, and no other official, employee or agent of the county shall have any authority to make such purchase or rental.

Purchases or contracts for the purchase of supplies, equipment or material for the use of any official, employee, department or agency of the county government, the estimated value of which exceeds five thousand dollars (\$5,000) shall be executed by the County Executive as purchasing agent only after such agent has advertised for sealed bids in one or more newspapers published in Rutherford County and such other newspaper or newspapers as the agent may deem proper. The sealed bids shall be received by the County Purchasing Committee at a time fixed in the advertisement, which shall not be less than ten days after the publication of the advertisement, and which sealed bids shall be opened publicly at the place, hour and date advertised. Such advertisements shall describe requirements by general classifications, and state that detailed descriptions of the supplies, materials or equipment desired may be obtained from the Purchasing Agent upon application. Proposals shall be considered from manufacturers, producers or dealers, etc., or their duly authorized selling agents, and bids received after the hour for opening bids shall not be considered. Tabulation of bids shall be effected as promptly as possible, after which such tabulation shall be opened for inspection. Contracts shall be awarded by the County Purchasing Committee only to established and responsible manufacturers or producers or dealers, etc., or their authorized agents, and awards shall be made to the lowest and best bids or bidders. The County Purchasing Committee may reserve the right to reject any and all bids in whole or in part, and to waive technical defects in bids received. When two or more bids are submitted at the same price on the same character, kind and quality of supplies, materials or equipment to be purchased, the County Purchasing Committee may in its discretion award the contract or contracts to either of such bidders, or may apportion the requirements between or among such bidders, or may elect to reject all such bids and advertise for new or additional bids. In addition to advertising for sealed bids, it shall be the duty of the County Purchasing Committee to stimulate bidding by all other feasible means.

Where the estimated fair market value of any materials, supplies or equipment does not exceed the sum of five thousand dollars (\$5,000), the County Executive in his capacity as purchasing agent is hereby granted the authority to make such purchases and execute contracts for the purchase of said materials, supplies or equipment, without the necessity of newspaper advertisement or taking bids for the purchase of such materials, supplies or equipment. Such emergencies shall not include conditions arising from the neglect or indifference in anticipating normal needs. The purchasing Agent shall prepare an emergency purchasing order for each emergency purchase, which order shall contain at a minimum a description of the nature of the circumstances which precluded the observation of normal purchasing procedures, and the procedures followed to obtain a competitive price for the product or service. Each emergency purchase shall be based on competitive bids, which bids shall be documented and attached to the emergency purchase order. The procedure for evaluating competitive bids shall be the same as provided for advertised sealed bids, except that the Purchasing Agent may receive and evaluate competitive bids, and award contracts for such emergency purchases in lieu of prior approval by the County Purchasing Committee. A report of such emergency purchases shall be presented, in writing, by the Purchasing Agent at each meeting of the County Purchasing Committee. Such report shall be kept on file and shall be open to public inspection.

Subject to all other requirements herein set out the purchase of supplies, materials, equipment, etc., for the county and its agencies may be for long or short term contracts, contracts or orders to be filled or executed at certain seasons of the year, or by blanket contracts or riders of continuous duration to be executed at stated intervals.

The Purchasing Agent shall keep a complete record of all purchases, with copies of descriptive advertising, original bids when submitted in writing, and the names of all bidders together with the amounts of their bids, which records shall be at all times open to inspection by any taxpayers of the county or any other interested party.

Neither the County Purchasing Committee nor any assistant or employee working under its direction shall be financially interested, or have any personal beneficial interest, either directly or indirectly, in the purchase of any supplies, materials, or equipment for the County, nor in any firm, corporation, partnership, association or individual furnishing any such supplies, materials, or equipment; nor shall the County Purchasing Committee or any assistant or employee accept or receive directly or indirectly from any person, firm corporation, partnership or association to whom any contract may be awarded, by rebate, gift or otherwise, any money or other thing of value whatsoever, or any promise, obligation or contract for future reward or compensation.

The County Purchasing Committee may by regulation or otherwise require security to accompany bids and fix the amount thereof; govern the procedure for the delivery and storage of supplies, materials and equipment; govern the method and procedure whereby the departments, agencies and officials of the county shall inform the Committee of their need for the purchase of supplies, materials, equipment, etc., prescribe forms for estimates, requisitions, orders, contracts, stores or storage control; establish definite or regular periods for submitting estimates or requisitions; dispose of or trade in obsolete, excess and unsuitable supplies, equipment, and salvage or transfer them to other using agencies, of the county; provide for hearings on complaints with regard to the quality, grade or brand of goods; and waive such rules in special or emergency cases.

The provisions of this Act shall not apply to the purchase of materials, supplies or equipment of the Rutherford County Highway Commission, as authorized under Chapter 55 of the Private Acts of 1951, and neither shall the provisions of this Act apply to the Rutherford County School Commission, as authorized under Chapter 426 of the Private Acts of 1943, and likewise shall not apply to the Poorhouse Commission, as authorized under the general statutes of Tennessee.

As amended by: Private Acts of 1959, Chapter 45,
Private Acts of 1989, Chapter 102,
Private Acts of 1990, Chapter 148,
Private Acts of 1996, Chapter 136,
Private Acts of 1999, Chapter 22.

SECTION 2. That the County Judge shall furnish a bond in the sum of Ten Thousand (\$10,000.00) Dollars, which bond shall be conditioned upon the faithful and proper performance of his duties as Purchasing Agent charged with the full responsibility for the execution of any and all purchases made under the provisions of this Act. The premium on said bond shall be paid from the General Fund of the county.

SECTION 3. That the Purchasing Agent shall have the right to require the presentation, or other forms of regulation, of articles, parts, equipment, property and supplies before other articles, parts, equipment, property and supplies before other articles, parts, equipment, property and supplies are purchased by him; the Purchasing Agent shall have the authority to regulate the distribution of articles, parts, equipment, property and supplies, requiring reports if he deems them necessary.

SECTION 4. That no obligation incurred in the name of the county by any official or representative of the county, or any other person, shall be a binding obligation upon the county unless it is executed in conformity with the provisions of this Act as herein set out, and the County Judge or Purchasing Agent shall be charged with the responsibility of determining whether or not any such obligations shall have been incurred in conformity with the provisions of this Act, and shall have the authority to refuse payment of any claim that does not conform with the provisions of this Act.

SECTION 5. That any official named in this Act or any other official, agent or employee of the county who shall fail or refuse to perform the duties required of him by this Act, or who shall otherwise fail or refuse to conform to the provisions of this Act, shall be guilty of a misdemeanor and shall be subject to a fine of not more than Fifty Dollars and removal from office.

SECTION 6. That it is the intention of the Legislature that the provisions of this Act shall be severable and if any portion of this Act shall be declared unconstitutional, the remaining portions shall not be affected.

SECTION 7. That all Acts or parts of Acts in conflict with the provisions of this Act shall be and they are hereby repealed; and that this Act shall become effective from and after its passage, the public welfare requiring it.

Passed: February 9, 1943.

ADMINISTRATION

PURCHASING

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

The County Uniform Highway Law, at T.C.A. § 54-7-113, provides a purchasing law for the county highway department when purchasing for the department is not governed by private act or when the county has not adopted either the County Purchasing Law of 1957 or the County Financial Management System of 1981. Nevertheless, even where private acts generally govern the purchases of the county highway department, purchases of less than \$5,000 do not have to be publicly advertised and competitively bid. The purchasing provisions of the County Uniform Highway Law do not apply to Shelby, Davidson, Knox, and Hamilton counties.

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

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

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

The County Financial Management System of 1981 is found in T.C.A. §§ 5-21-101 through 5-21-129. This law provides for the consolidation and establishment of a financial management system for all county funds operated through the county trustee, including purchasing. The system is similar in scope to the 1957 acts; however, under this act the county operates under one act rather than three. This system must be approved by a two-thirds (2/3) vote of the county legislative body or a majority of the voters in order to be effective in any county. T.C.A. § 5-21-126.

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

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

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

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

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

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

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

1. Private Acts of 1933, Chapter 281, Page 674, vested the authority in the Quarterly Court of Rutherford County to set up a purchasing agency composed of not more than three County Officials whose duty it was to purchase supplies and equipment and to enter into contracts for labor or services which are chargeable to counties under the law. The Court was enabled by Resolution, properly adopted, to designate the county officials, one of whom would be the County Judge, or Chairman, who would serve as the agency and to prescribe in the same manner such rules and regulations as might be necessary. All conflicts were repealed except that this Act would in no way affect Private Acts of 1931, Chapter 353, which regulated the County Judge's office.
2. Private Acts of 1972, Chapter 410, Page 1613, enacted a system of accounting, budgeting, and set up purchasing procedures for Rutherford County which would have repealed several earlier acts on these same subjects but this act was not acted on by the Quarterly Court being thus nullified. A seven member County Purchasing Committee was created who would appoint a County Purchasing Agent.

3. Private Acts of 1974, Chapter 184, Page 57, created a County Purchasing Committee of seven members, one of whom would be the County Judge. The Committee would appoint a County Purchasing Agent whose duties were specified in the Act. This Act was not approved by the Quarterly Court thereby failing to become operative.
4. Private Acts of 1974, Chapter 355, Page 734, amended Private Acts of 1974, Chapter 184, re-writing the paragraph on the salary of the Director of Budgets and Accounts so that the salary would be set by the Quarterly Court upon the recommendation of the Budget and Finance Committee, but the salary could not exceed the salary of the County Trustee. This Act was also rejected by the Quarterly Court as was the Act it purported to amend.
5. Private Acts of 1975, Chapter 39, Page 149, provided for a Purchasing Agent to be appointed by the Purchasing Committee, who must be bonded, and qualified in the field of purchasing. The salary would be set annually by the Quarterly Court who must furnish the Purchasing Agent an office which the agent must keep open during regular hours. Several specific powers and duties are mentioned in the Act. A purchasing committee of seven members was devised, one of whom would be the County Judge, one would come from the School Board, one from the Highway Commission, and four from the Quarterly Court. The Committee, with the agent, would promulgate the rules and regulations in accordance with the general restrictions laid down in the Act as they were specified in regard to the information of contracts and procedures to be followed in the solicitation and award of bids. Nothing could be bought unless the funds were available to pay for it except under the conditions formulated in the act. All personal interest in contracts, rebates, and gifts was prohibited and forbidden under penalty. This Act was rejected by the Quarterly Court of Rutherford County.
6. Public Acts of 1977, Chapter 87, Page 392, increased the minimum dollar amount from \$500 to \$1,500 for which advertised sealed bids were required. The official records from the Secretary of State's office show that no action was ever taken by the County Commissioners on this act.

ADMINISTRATION

REPEALING STATUTE

PRIVATE ACTS OF 1979

CHAPTER 138

SECTION 1. Chapter 186 of the Acts of 1823, Chapter 574 of the Acts of 1909, Chapter 274 of the Private Acts of 1919, Chapter 484 of the Private Acts of 1923, Chapter 683 of the Private Acts of 1923, Chapter 287 of the Private Acts of 1931, Chapter 838 of the Private Acts of 1933, Chapter 876 of the Private Acts of 1933, Chapter 134 of the Private Acts of 1937, Chapter 841 of the Private Acts of 1937, Chapter 359 of the Private Acts of 1939, Chapter 494 of the Private Acts of 1939, Chapter 323 of the Private Acts of 1945, Chapter 615 of the Private Acts of 1949, Chapter 758 of the Private Acts of 1949, and Chapter 69 of the Private Acts of 1957 are repealed.

SECTION 2. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Rutherford County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Rutherford County legislative body and certified by him 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 upon being approved as provided in Section 2.

Passed: May 9, 1979.

ADMINISTRATION

GENERAL REFERENCE

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

The following private or local acts constitute part of the administrative and political history of Rutherford 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 1803, Chapter 43, Page 89, stated that Robert Weakley and Thomas Bedford had laid off a town in the forks of the Stones' River in Rutherford County and had sold a number of lots located therein, which would be called by the name of Jefferson. This Act further appointed Thomas Bedford, James Sharp, Mark Mitchell, Joseph Herndon, and Alexander McCulloch, as Commissioners, to regulate the said town.
2. Acts of 1804 (Ex. Sess.), Chapter 23, Page 36, commissioned John Hill, Frederick Barfield, Mark Mitchell, Alexander McKnight and Fred LeGrande, with full authority to select a site for the County Seat for Rutherford County, having regard for water and the center point of the County, and to contract for the erection of the Court House, prison, and stocks. The Commissioners could pass good and valid title to any of the lots sold.
3. Acts of 1811, Chapter 33, Page 38, recited that it appeared to the General Assembly that the town of Jefferson is not near the center of Rutherford County and the courts ought to be held in some other place. This Act appointed Charles Ready, Hugh Robinson, Hans Hamilton, James Armstrong, Owen Edwards, Jesse Brasher, and John Thompson, Sr., to fix on a place near the center of the County and purchase 60 acres of land, reserving two acres for the Public Square, which town would be called Cannonsburgh. The Commissioner were empowered to sell lots, and to build, or cause to be built, a Court House, prison, and stocks in said town. All offices and courts would be moved to the new town. See Rutherford County v. City of Murfreesboro, 309 S.W.2d 778 (1958).
4. Acts of 1811, Chapter 35, Page 42, stated that the Surveyor's office of the Second Surveyor's District had been kept at Jefferson which was inconvenient for the greater part of the District, therefore, after January 1, next, the principal surveyor would maintain his office at Shelbyville to which all the records and documents must be moved. The move, however, had to be publicly advertised in Rutherford County and in Nashville before taking place.
5. Acts of 1811, Chapter 104, Page 120, repealed so much of Acts of 1811, Chapter 33, directing Commissioners to select a County Seat for Rutherford County which would name the county seat Cannonsburg, and from hereafter the name of the town would be called Murfreesborough. See Rutherford County v. Murfreesboro, 43 Tenn App. 489, 309 S.W.2d 788 (1958).
6. Acts of 1813, Chapter 13, Page 19, commissioned Joel Childress, Joel Dyer, John M. Telford, Abraham Thompson, Alexander Carmichael, Burwell Ganaway, and Blackman Coleman, with full power and authority to regulate the town of Murfreesborough.
7. Acts of 1813, Chapter 84, Page 109, directed the County Court of Rutherford County to pay the balance of money arising out of the sale of lots in Murfreesborough, after settling up with

the Commissioners appointed to establish the town, to the present Commissioners for the use and benefit of the said town.

8. Acts of 1815, Chapter 27, Section 7, Page 27, declared it lawful to inspect tobacco, flour, hogs, lard, butter, hemp, kiln dried corn meal, and other articles in the town of Jefferson in Rutherford County. Any person desiring to do so could erect a warehouse in which to do the inspecting, after petitioning the County Court for an order.
9. Acts of 1815, Chapter 72, Page 72, repealed four sections of the Acts of 1813, Chapter 13, regulating the town of Murfreesborough and substituted a different set of rules and laws in their place. See Rutherford County v. Murfreesboro, 43 Tenn. App. 489, 309 S.W.2d 778 (1958).
10. Acts of 1817, Chapter 10, Page 12, stated that it appeared to the General Assembly that the Commissioners heretofore appointed by a previous Act to regulate the town of Murfreesborough had completed their duties and the Rutherford County Court had made an allowance to them for their services, but the present Commissioner had commenced an action against them to obtain the said allowances, this law repealed all Acts which would prohibit the payment of these allowances to the first Commissioners, and required the present Commissioners to dismiss their suit and pay the costs incurred.
11. Acts of 1817, Chapter 30, Page 33, incorporated the City of Murfreesboro.
12. Acts of 1819, Chapter 121, Page 147, appointed Benjamin Deckard as a Notary Public in Rutherford County.
13. Acts of 1820, Chapter 59, Page 60, stated a representation had been made to the General Assembly that the public convenience would be promoted by the establishment of a town on the lands of Gideon Thompson, in Rutherford County. This Act permitted a town to be laid off into proper streets, alleys, and lots on the land mentioned above, which would be called by the name of Milton.
14. Acts of 1823, Chapter 262, Page 227, emancipated Mary Alley, wife of William Alley, of Rutherford County, who would have all the rights and privileges of a feme sole, to sue and be sued, to contract and to hold property in her own name.
15. Acts of 1825, Chapter 187, Page 214, made it lawful for the heirs and representatives of John Sharp, deceased, to execute a deed of conveyance to Abraham W. Cannon, and his wife, Mary, for 150 acres of land in Rutherford County, which deed must be duly registered.
16. Acts of 1826, Chapter 194, Page 170, was the authority for William B. Clayton to peddle merchandise in Rutherford County if he applied to the County Court Clerk and made oath that he would not sell at retail any goods except his own, whereupon the Clerk would issue him a license.
17. Acts of 1833, Chapter 160, Section 2, Page 85, permitted Hartwell Miles, of Williamson County, to hawk and peddle goods, wares, and merchandise in both Williamson and Rutherford Counties without having to obtain a license.
18. Acts of 1833, Chapter 164, Page 87, permitted Eli A. Seay, of Williamson County, to hawk and peddle in Rutherford and Williamson Counties, without having to obtain a license.
19. Acts of 1869-70, Chapter 23, Section 19, Page 214, incorporated Smyrna in Rutherford County under the Mayor-Aldermen form of Charter, naming as officers, the Mayor, five aldermen, a Town Constable, and a Town Treasurer. The Mayor would act as Recorder. All would be elected to one year terms.

20. Acts of 1887, Chapter 107, Page 196, authorized and empowered the Funding Board of Tennessee, composed of the Governor, the Comptroller, and the Treasurer, to fund for the benefit of Henry Gregory, of Rutherford County, the mutilated \$500 Bill of Tennessee money belonging to Mr. Gregory, which was numbered 243.
21. Acts of 1897, Chapter 124, Page 282, was a statewide salary Act which fixed the annual salary of county officials according to the population of the county in which they served. All fees and other income of the offices were declared to be the property of the County for which they would be held accountable. The office holders were required to file a sworn, itemized statement on the first Monday in each month showing the total amount of fees and income collected in the office for that month. This Act was declared unconstitutional in Weaver v. Davidson County, 104 Tenn. 315, 59 SW 1105, (1900).
22. Private Acts of 1927, Chapter 106, Page 230, was the legal power and authority for the Quarterly Court of Rutherford County to make appropriations of money and bind the credit of the County for sites and buildings to encourage the development of enterprises and industry for the manufacture of the County's agricultural products. A Resolution could be considered and adopted by the Quarterly Court which would relate all the essential details.
23. Private Acts of 1927, Chapter 577, Page 1809, allowed the Quarterly Court of Rutherford County to appropriate and spend up to \$5,000 each year to advertise through the press, or otherwise, with a view to inducing persons and capital to locate in the County. Section 2 specified that all proper records be kept so that a strict accounting of the appropriation could be had at any time.
24. Private Acts of 1927, Chapter 580, Page 1815, amended Private Acts of 1927, Chapter 106, by adding a provision that the appropriations authorized therein would be paid out of the fines and forfeitures paid into the County Treasury for the use of the Counties by the Circuit Court Clerks and Magistrates, which must be kept in a separate account by the Trustee.
25. Private Acts of 1929, Chapter 767, Page 2263, amended part of the County Road Law, Private Acts of 1927, Chapter 313, Page 896, by permitting the use of the prisoners at the Workhouse and the county road equipment to aid and assist enterprises coming into Rutherford County get established.
26. Private Acts of 1929, Chapter 920, Page 2662, was the authority to use all the funds on hand in the Rutherford County Treasury, which were collected for special purposes, for which special tax levies might have been made, which now had been assumed by the State. The Quarterly Court could transfer these funds into other lawful funds to be used for other purposes.
27. Private Acts of 1931, Chapter 788, Page 2082, restored W. H. Garrett, a citizen of Rutherford County, to full citizenship, which included the right to hold office under the laws and Constitution of the State.
28. Private Acts of 1933, Chapter 32, Page 86, vested Rutherford County with all the rights, powers, and privileges which an individual citizen would have in a like position under the Constitution and law in connection with liens on real estate. The Quarterly Court could by proper Resolution designate two county officials, or the County Judge, or Chairman, or the County Court Clerk in order that all the above might be accomplished.
29. Private Acts of 1933, Chapter 60, Page 162, removed all the disabilities of minority from Edmund B. Allen, Jr., of Rutherford County.
30. Private Acts of 1933, Chapter 272, Page 650, removed the minority of Ralph Kelton, of Rutherford County, who is now in his 21st year and soon to be a graduate of the Lebanon

School of Law, and desiring to take the next Bar Examination in the State of Tennessee, and begin law practice as soon as possible.

31. Private Acts of 1933, Chapter 274, Page 653, emancipated Lucy Connell from all the disabilities of her minority, conferring upon her all the rights and privileges of adulthood.
32. Private Acts of 1933, Chapter 278, Page 666, authorized the Quarterly Court of Rutherford County to borrow money to pay current expenses of any and all departments of the said County under the limitations in the Act.
33. Private Acts of 1933, Chapter 802, Page 1837, moved Willie Clyde Gilbert, of Rutherford County, from his minority into all the rights, privileges, and obligations of being an adult. No special circumstances were cited.
34. Private Acts of 1933, Chapter 838, Page 1889, was the authority for the Quarterly Court of Rutherford County to protect their public buildings by accumulating a reserve account out of which might be paid the cost of reconstruction of any public building destroyed by fire, or otherwise. This reserve account could be created by a tax levy and preserved by investment in safe securities which could be readily realized if the need arose. Schools might be included within the purview of this Act. Any matter connected herewith which needed to be made public could be published in a newspaper.
35. Private Acts of 1937, Chapter 27, Page 92, removed the disabilities of minority from Sam B. Sherrill, Jr., of Rutherford County.
36. Private Acts of 1939, Chapter 359, Page 1018, created a five member Board of Fair Commissioners consisting of the County Judge and four members elected by the Quarterly Court. The County Court was authorized to levy a property tax of one cent per \$100 assessed valuation for the Fair Fund for the purpose of maintaining and operating a divisional fair. This Act was repealed by Private Acts of 1979, Chapter 138, Page 527.
37. Private Acts of 1971, Chapter 186, Page 740, which was not acted on by the Rutherford County Quarterly Court and was thus nullified, was the authority for the Quarterly Court to acquire from the United States Government, the State Government, or any other governmental agency or authority, any real or personal property which has been declared surplus, including a portion of Sewart Air Force Base and the Wherry and Capehart housing areas. The purchase could be financed by any method available. The Act further authorized the Court to dispose of, improve, or encumber, any property acquired, and to enter into any contracts in connection with it.

CHAPTER II - ANIMALS AND FISH

ANIMALS - FISH

LICENSING AND VACCINATION OF DOGS AND CATS

PRIVATE ACTS OF 1983

CHAPTER 55

SECTION 1. In Rutherford County it shall be unlawful for any person to own, keep or harbor on the premises where such person resides, any dog or cat over three (3) months of age which has not been duly vaccinated against rabies, provided, however, that for a period of thirty (30) days after this act becomes effective, any person, owning, keeping or harboring a dog or cat upon the premises where such person resides may be permitted to keep such dog or cat exclusively upon such person's own premises and within such person's own enclosure until the dog or cat has been vaccinated against rabies. A certificate of such vaccination shall be issued by a licensed veterinarian duly authorized to administer such vaccination or by one under the supervision of a licensed veterinarian or by any person who shall be authorized under future or present Tennessee law, and such certificate shall be kept by the person who owns, keeps or harbors the such dog or cat at all times subject to the inspection of the proper county officers.

SECTION 2. It shall be the duty of the veterinarian to use a rabies vaccine, and to perform such vaccination in such a manner as meets the standards of the United States Department of Agriculture, and to make such certificate of vaccination in triplicate, giving one (1) copy to the person who owns, keeps or harbors the dog or cat; one (1) to be given to the humane rabies animal control representative, and one (1) to be kept in the files of the veterinarian. All vaccinations shall be administered by or under the supervision of a veterinarian licensed by the State Board of Veterinary Medical Examiners to practice veterinary medicine in the State of Tennessee or by any person who shall be authorized under future or present Tennessee law.

SECTION 3. (a) All persons owning, keeping or harboring on the premises where such persons reside, any dog or cat over three (3) months of age, shall pay on or before May 1st of each year and every year to the county trustee, or authorized agent, a fee of two dollars (\$2.00) for each and every dog or cat so owned, kept or harbored; provided further that any incorporated city or town in any county or counties covered by this act, may maintain a system of regulation as provided for in this act and charge a fee to any person, owning, keeping or harboring dogs or cats in connection therewith, and compliance with such municipal regulations and payment of fees exacted for such compliance shall exempt such persons so paying from the fee required by this act to be paid to the county trustee, or authorized agent, but not otherwise from compliance with the provisions of this act.

(b) Persons operating kennels where dogs or cats are bred for sale shall not be required to pay the license fees as set forth elsewhere herein, but in lieu thereof shall pay a license as kennel keepers in an amount determined from time to time from the governing body of Rutherford County.

At the time the license fee is paid there shall be presented to the county trustee, or authorized agent, a certificate of vaccination showing that the dogs or cats kept in the kennel for which license is applied for have been vaccinated as herein provided. At no time shall the number of dogs or cats in the kennel exceed the number covered by the license.

All sums shall be collected by the county trustee annually on or before May 1st or at such times as the kennel shall be open for operation as provided herein.

As amended by: Private Acts of 1999, Chapter 23.

(c) All fees for licenses as provided for in this section shall be known as the "Humane Rabies Animal Control Fund" and shall be disbursed by the county trustee in a manner prescribed by the

county commission only for the payment of salaries of humane rabies animal control officers appointed by the Board of Humane Rabies Animal Control, for the establishment and operation of a dog and cat pound, or for other expense incidental to the enforcement of this act and under rules authorized by the county commission. Any funds remaining at the end of any fiscal year shall be carried over to the next fiscal year and its expenditures authorized by the county commission only for the purpose of humane rabies animal control.

SECTION 4. It shall be the duty of the county trustee or his designated agent to collect fees provided for in this act. The trustee shall, in a well-bound book to be furnished by the county, record the name of each person paying a license fee on each dog or cat, the date and amount of such payment, the description and sex of each dog or cat on which the license fee is paid, the tag number issued for such dog or cat and the date when such dog or cat was vaccinated. Unless the certificate of vaccination is exhibited at the time the request for the license is made, the county trustee shall issue no license. If the certificate is so presented, on receipt of the payment of the license fee the county trustee, or his authorized agent, shall issue to the person paying such fee a receipt to be furnished by the county showing the name of the owner of the dogs or cats or kennel on which such registration fee is paid, the date and amount of such payment, the license tag number issued for each dog or cat, and shall deliver to the owner a metal license tag bearing the serial number and the year for which the license fee is paid. Such tags are to be supplied by the Board of Humane/Rabies Animal Control, to be made available in its budget by the county commission, out of the revenue of the Humane/Rabies Animal Control Fund. It shall be the duty of the owner to attach such license tag to a collar which shall be worn at all times by each dog or cat licensed, and in the event of the loss of such license tag the humane rabies animal control representative shall issue a duplicate tag which shall be paid for by the owner, and such duplicate tag shall be forthwith attached to the dog's or cat's collar and at all times worn thereon, provided that the collar may be removed in the case of hunting dogs while in chase or returning from chase. Nothing contained herein shall authorize the use of an unlicensed and unregistered and unvaccinated dog in either the hunt or chase.

SECTION 5. (a) It is hereby declared to be an unlawful act for any person to:

(1) Own, keep or harbor any dog or cat when such person has not paid the license fee or registration on such dog or cat as required by this act;

(2) Own, keep or harbor any dog or cat which has not been vaccinated as provided by this act;

(3) Permit any dog or cat to run at large at any time except as provided in Section 4 of this act when the collar of a dog may be removed during or returning from chase;

(4) Dropping of a dog or cat.

(b) Every person guilty of (a)(1) and (2) shall upon conviction be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00).

(c) Every person guilty of (a)(3) or (a)(4) shall upon conviction be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) for each dog or cat running at large or dropped, each dog or cat being deemed a separate offense, and such dog or cat running at large shall be subject to the procedures specified elsewhere in this act.

SECTION 6. Any owner of a female dog must keep such dog confined from the beginning of the first symptom of being in heat for twenty-four (24) days. If such dog is found at large the owner shall be subject to a fine of not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00).

SECTION 7. (a) Any dog or cat found running at large on a public road or right-of-way, or off of property owned by the registered owner of the dog or cat or the custodian of the dog or cat, in violation of the provisions of this act, then such dog or cat may be seized by the proper county officials

or authorities, by any peace officer of the county or state, or by any owner of, agent for, or occupant of any premises upon which the errant dog or cat might be found, and imprisoned in the county pound.

(b) In the event the owner, or custodian, of the dog or cat desires to redeem such dog or cat, then the owner, or custodian, shall pay all the costs of keeping the such dog or cat impounded, and the cost of the registration and vaccination, if necessary before becoming entitled to the possession of such impounded dog or cat.

(c) Pound fees will be set from time to time by the Board of Humane/Rabies Animal Control, but their payment shall in no wise relieve the owner, or custodian, of the payment of any other fine, or penalty provided for in this act.

(d) If no one appears to redeem the dog or cat within five (5) days of its being picked up and impounded when the owner is known, the county may destroy the dog or cat.

(e) The owner, or custodian, of any dog or cat who permits the dog or cat to run at large will not be relieved from liability for the above fines and penalties by refusing to redeem the dog or cat, or by disclaiming the ownership, or custody, thereof.

(f) Dogs or cats which are being walked without leash in their immediate neighborhoods under the close supervision and control of their owners, or custodians, will not be considered as running at large. Hunting dogs, while in chase or returning from chase, or other hunting activity, during open season for which the dog is trained or bred, or being trained during the closed season, shall not be considered as running at large. Also, a dog shall not be considered "at large" when such dog is guarding or driving farm stock.

(g) If a dog or cat impounded for any reason is not wearing a tag or a name collar and is not claimed by the owner within three (3) days from its impoundment, then the dog or cat may be claimed and redeemed by any responsible person without any liability to the owners, or the dog or cat may be destroyed by the county.

As amended by: Private Acts of 1999, Chapter 23.

SECTION 8. Any person who does not desire to pay the license fee herein provided upon any dog or cat owned, kept or harbored on premises owned by him shall bring such dog or cat to the county pound to be destroyed, if such dog or cat is more than three (3) months old, within thirty (30) days after such dog or cat becomes three (3) months of age.

SECTION 9. All vicious or biting dogs shall be kept securely tied by a strong collar and chain, fenced or housed securely. On the front entrance to the premises containing such a dog, a sign shall be exhibited bearing the words "Bad Dog", which sign shall have letters sufficiently large to be easily read and plainly visible at a sufficient distance to protect anyone from the attack of such dog. Any owner failing to so protect the public from a bad or vicious dog shall be responsible for any damage done to person or property by such animal, and any person allowing a dog to run at large in violation of the provisions of this act shall also be responsible for any damage to person or property inflicted by such animal, without regard to whether or not such animal has exhibited previous vicious tendencies, and will be subject to all the provisions of Section 7 of this act.

SECTION 10. This act shall not be held to prohibit transportation of dogs through the county, provided such dogs are securely confined or kept upon a leash during their transportation through the county.

SECTION 11. If any dog or cat has bitten any person or is suspected of being infected of rabies, the Humane/Rabies Animal Control Board may cause such dog or cat to be confined or isolated at a veterinary hospital or the humane/rabies control facility for such time as the health department deems it necessary to protect the safety of the people and/or property. The health department shall be notified by a representative of the Humane Rabies Control Board of such incident.

SECTION 12. It shall be unlawful for any person to hide, conceal or aid or assist in hiding or concealing any dog or cat owned, kept or harbored in violations of any of the provisions of this act, and shall upon conviction be fined not less than five dollars (\$5.00), nor more than fifty dollars (\$50.00).

SECTION 13. The county commission shall have full power and authority to authorize the use of any portion of the funds derived from the administration of this act, and to authorize the appointment of any inspector or inspectors, and to provide, on contract or otherwise, a pound or place of enclosure for the dogs or cats, big enough to enforce the provisions of this act, together with proper lethal chambers, or to contract with any licensed veterinarian for the care of the impounded dog or cat.

SECTION 14. All peace officers shall have the right to take up and put in the county pound, any and all dogs or cats violating any provision of this act.

SECTION 15. The grand jury shall have inquisitorial power to investigate violations of this act.

SECTION 16. It shall be the duty of the Humane Rabies Animal Control Board to enforce the provisions of this act, to adopt reasonable rules, regulations and procedures to enforce and carry out the purposes of this act, and it shall have the authority to employ or appoint all necessary personnel as may be authorized by the board of county commissioners.

The Humane Rabies Animal Control Board shall, prior to enactment or enforcement, present any currently existing or future proposed rules, regulations or procedures to the public safety committee of the county commission or its successor committee, with the public safety committee's recommendation to be made to the full county commission, which commission shall have the authority to approve or disapprove said rules, regulations and procedures prior to the implementation by the Humane Rabies Animal Control Board.

As amended by: Private Acts of 1999, Chapter 23.

SECTION 17. The humane rabies animal control officer is granted authority to issue citations or serve warrants for violations of this act, and such officer is hereby authorized to carry firearms to protect himself if necessary from a rabid or vicious dog or cat or one which he is unable to catch. He is also authorized to enter private premises in connection with alleged violations of this act.

SECTION 18. The humane rabies animal control officer, before he enters upon the duties authorized by this act, shall post with the county clerk of the county an indemnity bond in an amount set by the county commission, payable to Rutherford County.

SECTION 19. Chapter 161 of the Private Acts of 1961, as amended by Chapter 116 of the Private Acts of 1971, Chapter 42 of the Private Acts of 1975, Chapter 146 of the Private Acts of 1979, and all other acts amendatory thereto are repealed in their entirety.

SECTION 20. Any foundation, agency or other humane organization of whatever type or form receiving money or other forms of funding from Rutherford County shall submit any and all documentation required by Rutherford County prior to the approval or any funding. Such documentation shall be determined by the Rutherford County budget committee or its successor.

As amended by: Private Acts of 1999, Chapter 23.

SECTION 21. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 22. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Rutherford County before September 6, 1983. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Rutherford County and certified by him to the Secretary of State.

SECTION 23. 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 21.

Passed: April 6, 1983.

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

1. Acts of 1870, Chapter 19, Page 35, prohibited the seining, netting, either with a set or dipnet, basketing or trapping, in any stream, pond, or reservoir in Rutherford, Davidson, Robertson, Montgomery, Cheatham, Williamson, Maury, Stewart, Cannon, Marion, Warren, and Dickson Counties, and no seine or net of any sort could be stretched across the mouth of Stone's River. Penalties ran from \$5 to \$20 for the first offense, from \$20 to \$50 for the second, one-half to be paid to the informer, and one-half to go to the State. Justices of the Peace had the jurisdiction to enforce this law.
2. Acts of 1870, Chapter 108, Page 168, declared it to be unlawful for any person to trespass upon the lands of another person, in the counties of Rutherford and Fayette, for the purpose of hunting, netting, or trapping any game without first obtaining the consent of the owner. It was also unlawful to shoot, wound, or destroy any quail, or partridge, in the same two Counties from April 1 each year until September 1 of each year. The schedule of fines for those guilty of disobedience ranged from \$5 to \$25. One-half the fine would go to the informant and one-half to the Common School Fund.
3. Acts of 1871, Chapter 1, Page 1, amended Acts of 1870, Chapter 108, so as to bring Shelby County and Tipton County under its provisions and changed the closed season on quail, or partridge, to begin April 1 and end October 1 of each year.
4. Acts of 1875, Chapter 114, Page 204, made it illegal in Tennessee to catch fish in the waters covering the lands of another person with seines, nets, or traps. The person damaged could proceed by injunction in Chancery Court or by attaching the equipment. No person was allowed to place a net, trap or seine, near the mouth of a stream, or hinder the free passage of fish up and down the stream in any way. No fishing with sein or traps could take place in March, April, and May. This was a general State law but all counties in East Tennessee were exempted plus several more listed by name but Rutherford County was not among them.
5. Acts of 1879, Chapter 198, Page 241, made it a misdemeanor for any person to take any fish in any of the waters of Dickson, Houston, Cheatham, Davidson, Rutherford, Williamson, Shelby, Fayette, Tipton, and Carroll Counties, except by baited hook and line, or trot line. All violators were subject to fines from \$25 to \$100. The Act was not to be applied to people owning fish ponds, or the land on both sides of a stream, or to the Cumberland, Tennessee, and Big Hatchie Rivers.
6. Acts of 1889, Chapter 171, Page 322, rendered it unlawful to hunt and trap deer for profit in Tennessee, except for personal consumption from August 1 to January 1, and one could hunt and trap deer for profit on their own lands between those dates. It was likewise illegal to hunt and kill quail, or partridge, for profit, except on one's own land between November 1 and the following March 1, but quail could not be netted at any time. A schedule of fines was

provided for the various offenses. Constables and Justices of the Peace were made game wardens in the enforcement of this law.

7. Acts of 1897, Chapter 157, Page 344, declared it against the law in the counties of Sumner, Tipton, Anderson, Rutherford, and Williamson, to catch, kill, injure, or pursue any quail, partridge, prairie chicken, grouse, or pheasant, for a period of two years after the passage of this Act, all offenders being made subject to a schedule of fines running from \$2 to \$25. Anyone destroying, or having in their possession, any eggs of the above named fowls were also liable to be fined. Whoever sold, or attempted to sell, or to ship the same out of the counties, could be penalized from \$5 to \$25, or imprisoned up to thirty days.
8. Acts of 1897, Chapter 299, Page 636, made it a misdemeanor in the Counties of Haywood, Rutherford, and Hardeman to catch, kill, or wound, any fish in any lake, stream, or pond, by seine, trap, net, gun, grabbing with hands, gig, poison, dynamite, or by any other contrivance, or device, except rod and line, or to build any dam, or obstruction, across any stream for those purposes at the risk of being fined from \$50 to \$100 for violating any of the acts forbidden above. All money recovered hereunder would be paid into the common school fund. Rutherford County was removed from this Act by Acts of 1899, Chapter 42, Page 59.
9. Acts of 1899, Chapter 3, Page 7, declared it a misdemeanor for any person to hunt, capture, kill, shoot, wound, or destroy any quail, or partridge, in the counties of Marshall, Rutherford, and Montgomery from February 15 until November 15, each year. Section 2 made it unlawful also to do those acts on the land of another person without written permission. Fines from \$10 to \$5,000, and imprisonment for no more than 60 days could be imposed.
10. Acts of 1899, Chapter 42, Page 59, made it lawful to catch fish in Rutherford County in every way, and at all times, except by the use of poisons or explosives. Devices were prohibited which would prevent the easy passage of fish up and down a stream.
11. Private Acts of 1915, Chapter 442, Page 1499, prohibited any person who had the ownership, custody or control of any horses, mules, cattle, sheep, goats, swine or other animals, from allowing them to run at large in Rutherford County. The owner of the involved livestock would be responsible for all damages done to the property of another by the trespassing animals, which damages would constitute a lien on the stock involved. The injured party could also take up, and care for, the stock and add the cost of it to the lien above mentioned, after giving prompt notice to the owner, if, and when, known.
12. Private Acts of 1915, Chapter 495, Page 1608, made it illegal in Rutherford County to shoot, kill or injure by any method or means whatsoever, any quail, partridges or doves, except during the times specified in this Act. Doves could be lawfully killed from August 1 until November 1; quails and partridges would not be killed at all for the next four years. Squirrels could be killed from June 1 until November 1, and migratory birds at any time or season, along with rabbits. It was unlawful to gig, spear, shoot or kill with dynamite, or other explosive, or to catch with the hands by grappling, or with a seine, or wing net, any fish, except by hook and line, in any running stream. Any large or small mouth bass, less than seven inches in length, would be immediately returned to the water. Game Wardens could destroy any device used to contravene the purposes of this law, and violators could also be fined. All fines would be a part of the public school funds of the County.
13. Private Acts of 1917, Chapter 702, Page 2163, amended Private Acts of 1915, Chapter 495, by setting new open seasons for the animals and birds concerned in Rutherford County. Open season on doves would run from August 15 to January 1; on squirrels, from June 1 until January 1; on quail and partridges from November 15 until January 1. Rabbits could be shot and killed at any time and the open season on migratory birds would be the same as that established by Federal regulations. Section 2 was amended to permit the taking of non-game fish with grab hooks except from May 1 until June 15, each year, during which time it would be unlawful to take fish in any manner in Rutherford County.

14. Private Acts of 1919, Chapter 162, Page 382, was enabling legislation for the Counties of Clay, Cannon, and Rutherford to hold a referendum to ascertain the will of a majority of the qualified voters concerning a "No Fence" law in those counties. The election would conform to the regulations expressed in the Act and to the regular election laws of the State.
15. Private Acts of 1925, Chapter 366, Page 1349, was a Stock Law for Rutherford County which forbade the owner or possessor of any live stock, horses, mules, cattle, hogs, sheep, and goats to allow these animals to run at large in the County but shall keep and confine the same on the owner's premises. Any person damaged by trespassing animals had a remedy for damages and the cost of the care and feeding of the same which would be a lien on the animals after notice to the owner. The violator could further be fined by the Court in amounts from \$5 to \$25, plus costs.
16. Private Acts of 1927, Chapter 255, Page 707, was a fence law for Rutherford County prohibiting any owner, or person in control of horses, mules, jennets, jacks, cattle, sheep, swine, or goats, to wilfully or knowingly permit the same to run at large. Any person damaged could have a lien for such damages enforceable by execution or attachment, and was vested with the right to take up and hold the animals. Violators also could be fined and each day would constitute a separate offense.
17. Private Acts of 1929, Chapter 36, Page 64, authorized the holding of a referendum in Rutherford County to ascertain the mind of a majority of the voters on the question of a dog law for the County. Details of the ballot form and of the regulations under which the election would be conducted were stipulated in the Act.
18. Private Acts of 1929, Chapter 762, Page 2257, set up a \$10 annual fee for a permit to be issued by the Game Warden of the State to a person, firm, or corporation, in Rutherford County, to take, catch, trap, and keep alive in captivity, foxes, opossums, raccoons, minks, muskrats, and skunks, wild fowls or birds at any season for propagation, scientific or educational purposes. The permit further obligated the holder to allow the Game Warden, or Deputies, to inspect the premises where these animals, or birds, were being kept. To dispose of the animals, or birds, during the closed season for any other purpose than those set out above was unlawful. Fines from \$5 to \$50 could also be imposed.
19. Private Acts of 1935, Chapter 307, Page 690, made it legal in Rutherford County for any resident to hunt, chase, trap, kill, catch, or take, any wild animal, wild bird, wild fowl, or fish in the open season on the same, without having to obtain a hunting or fishing license. To do so on the land of another without permission was unlawful. In fishing, the exemption applied only to taking fish with a trot line, hook and line, set hook, casting line and grab hooks. All non-residents, and others, must procure a license from the County Court Clerk at a cost of \$5 which would go to the Game and Fish Commission of the State. Fines for violators could go from \$5 to \$50 imposed by Justices of the Peace.
20. Private Acts of 1935 (Ex. Sess.), Chapter 150, Page 797, provided that in Rutherford County any resident of a Civil District could hunt and trap in the District of his residence without paying a license fee of any kind but did not permit illegal hunting or trapping. Any person could chase foxes, and fish in the manner and to the extent authorized under the general law, but this did not include the use of seines (except for minnows), dynamite, fish berries, or poisons. Fines ranged from \$50 to \$200 for violators. To do so on the lands of another without permission was not permitted at all. One could buy and sell furs without the payment of any tax, if that action did not amount to more than 20% of the total volume of business done by that person. The law was to be enforced by the Sheriff, and Deputies, who would be paid 50% of all fines collected.
21. Private Acts of 1953, Chapter 500, Page 1690, declared a closed season on the killing and trapping of Red Foxes in Rutherford County from January 16 through October 31 of each year and the open season from November 1, through January 15. Anyone doing so during the closed

season could be fined a minimum of \$25 for each offense, but foxes could be killed with immunity while committing depredations on livestock, or crops, at any time. This Act was repealed by Public Acts of 1976, Chapter 672, Page 664.

22. Private Acts of 1961, Chapter 161, Page 544, was an act to regulate the owning, keeping and harboring of dogs, and to provide for their vaccination against rabies. The County Trustee would issue the license after collecting the licensing fee. The Act and all amendments were repealed by Private Acts of 1983, Chapter 55, Page 115.
23. Private Acts of 1963, Chapter 122, Page 391, amended Private Acts of 1961, Chapter 161, by adding a provision that only one license fee or registration would be collected or paid on any dog during the time the dog was owned by the same person. Section 13 was amended by adding a paragraph which permitted the County Court to fix the salary of the Rabies Control Officer and his aides, all of which would be paid out of the Rabies Control Fund. If these funds were not sufficient to pay, the County was required to make up the deficiency out of the general funds. The 1963 volume stated that this Act was duly ratified by the Quarterly Court of Rutherford County but the 1965 Volume's "Errata" said this was in error and this Act was not ratified, therefore failing to become a law.
24. Private Acts of 1965, Chapter 116, Page 426, inserted a new Section into Private Acts of 1961, Chapter 161, to provide that the Act would be enforced under the jurisdiction of a committee of four members appointed by the Quarterly Court, two of whom must also be licensed to practice medicine in Tennessee. They would be appointed by the Quarterly Court and the County Health Doctor. This Act was rejected by the Quarterly Court and was thus rendered null and void.
25. Private Acts of 1971, Chapter 116, Page 547, amended Private Acts of 1961, Chapter 161, by deleting the "1961" from Section 3, and by removing Section 11 and inserting the one seen in the Act which added a Veterinary Hospital, or the Rabies Control Pound as the places for confining a dog suspected of having bit a person. This Act was repealed by Private Acts of 1983, Chapter 55, Page 115.
26. Private Acts of 1975, Chapter 42, Page 164, amended Private Acts of 1961, Chapter 161, by revising the provisions concerning seizing and impoundment of dogs. This Act was repealed by Private Acts of 1983, Chapter 55, Page 115.
27. Private Acts of 1979, Chapter 146, Page 550, amended Private Acts of 1961, Chapter 161, by raising the price of a license for dogs from \$1 to \$2. This Act was repealed by Private Acts of 1983, Chapter 55, Page 115.

CHAPTER III - BOND ISSUES

BOND ISSUES

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

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

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

DEBTS

1. Private Acts of 1921, Chapter 543, Page 1711, was the legislative authority for the Quarterly Court of Rutherford County to issue and sell up to \$165,000 in bonds, at an interest rate not to exceed 6%, and to mature within 20 years of their issuance, to pay the warrants heretofore issued to pay for certain turnpikes and other debts, any residue to be used for the repair and building of roads. All the details necessary for legitimate bond legislation were present including the mandatory tax levy for the sinking fund until the bonds and interest were paid in full.
2. Private Acts of 1921, Chapter 660, Page 2094, allowed the Quarterly Court of Rutherford County to issue up to \$165,000, under the same terms and conditions as Private Acts of 1921, Chapter 543.
3. Private Acts of 1929 (Ex. Sess.), Chapter 71, Page 173, permitted the Quarterly Court to issue and sell up to \$200,000 in bonds, at an interest rate no greater than 6%, and to mature no longer than 20 years after issue, to pay off and liquidate floating debts of every nature and description as might be evidenced by an outstanding warrant. All the details of the form of the bonds and the manner of issue were required to be incorporated into a Resolution of the Court which would be put into the official Minutes, once adopted. The Trustee would handle the funds and keep the necessary records. A general tax levy for the sinking fund was required until the bonds were all paid in full.
4. Private Acts of 1933, Chapter 278, Page 666, authorized the Quarterly County Court to borrow money to pay current expenses of any and all departments of the county under the restrictions specified in the Act.
5. Private Acts of 1939, Chapter 370, Page 1041, was the authority for the Rutherford County Quarterly Court to issue up to \$135,000 in 5%, 20 year, bonds, to pay, or to fund, the floating debts of the County, both general and special, and to erect or repair any school building. The Court could accomplish the above without any referendum being held and at any regular, or called, meeting. The Resolution could appoint a Committee of the County Judge, the County Court Clerk, and the County Trustee to supervise the project. The County Trustee must keep all records and was accountable for the money. All actions taken by the Court consistent with this Act were ratified and confirmed.
6. Private Acts of 1941, Chapter 320, Page 1085, stated that all the prior proceedings of the Rutherford County Quarterly Court taken in connection with the issuance and sale of \$52,000

in bonds, dated January 1, 1941, with interest at 1½%, payable from 1942 through 1951, were hereby validated, ratified, confirmed, legalized in the same way notwithstanding the lack of any statutory authority at the time the actions were taken. The bonds were made the legal and binding obligations of the county. The proceedings of the Court with respect to \$52,000 in 2½% notes due on or before February 15, 1941 were also ratified.

JAIL

1. Acts of 1887, Chapter 124, Page 221, was the legislative permission for the Quarterly Court of Rutherford County, a majority being present, to issue bonds up to \$20,000, at 6%, or less, interest, the proceeds of which would be applied to the erection of a Jail. No maturity period was mentioned but all the details of the issue and repayment of the bonds were listed in this law. The Quarterly Court must levy a special tax each year to amortize the bonds until all were paid.
2. Private Acts of 1951, Chapter 191, Page 528, validated and confirmed the proceedings of the Quarterly Court in relation to the issuance of \$23,000 in jail improvement, and right of way bonds, dated January 1, 1951, issued at 2½% interest, and maturing in full on January 1, 1954. All essential details were present.

ROADS

1. Private Acts of 1921, Chapter 543, Page 1711, was authority for the Quarterly Court of Rutherford County to use the remainder of a \$165,000 bond issue, mentioned under "Debts", for the building and repair of the roads in the County.
2. Private Acts of 1921, Chapter 660, Page 2094, had the same language as Private Acts of 1921, Chapter 543.
3. Private Acts of 1935 (Ex. Sess.), Chapter 91, Page 608, allowed the Quarterly Court to issue bonds in connection with the construction of roads and highways in the said county by the State or Federal Governments. All essential details of the issue were to be incorporated in a Resolution of the Court, subject to those particular restrictions expressed in the Act which included the requirement that a written proposal be received from the governmental agency interested prior to any bond issue. The bonds were to be general obligations bonds on which the interest rate would not exceed 6%.
4. Private Acts of 1937, Chapter 256, Page 807, amended Private Acts of 1935 (Ex. Sess.), Chapter 91, to extend until January 1, 1940 the time in which Rutherford County could accept propositions from the State and Federal Government.
5. Private Acts of 1947, Chapter 811, Page 3284, permitted the Quarterly Court to issue bonds up to \$100,000 at an interest rate to be determined by the Court and for a maturity period no longer than 30 years, which would be tax exempt from other governments. The proceeds of the issue were to be used to purchase and pay for any and all rights of way which might be acquired by the county in the building programs for county roads.
6. Private Acts of 1953, Chapter 548, Page 1857, was the enabling legislation for Rutherford County through its Quarterly Court to issue up to \$175,000 in bonds, at an interest rate of 3%, or less, and to mature in 30 years, or sooner, after issue, which money would be used to purchase road machinery and equipment, to buy real estate for a centralized crushing plant and to erect the buildings to house the same. They would be general obligation bonds for which a tax levy was required.

SCHOOLS

1. Private Acts of 1939, Chapter 370, Page 1041, was the authority to issue up to \$135,000 in 5%, 20 year bonds, to pay outstanding debts and to erect or repair any school buildings. See also under Debts in this Section.

WATER

1. Private Acts of 1957, Chapter 177, Page 513, empowered the County Court to construct, acquire, extend, repair, and improve water mains and lines with all the necessary fixtures and appurtenances to furnish water facilities and fire protection to the County, or to cooperate with other water systems to accomplish the same. The County of Rutherford is further authorized to borrow money and issue bonds in the furtherance of this objective but the said bond issues would be limited to interest rates of 5%, or less, and to maturity schedules not in excess of thirty years from date of issue, and the total amount of bonds outstanding at any one time shall not be more than \$75,000. Before any bonds are issued the County Court must adopt a Resolution fixing all the essential details. The bonds were to be general obligation bonds, tax exempt from other governments, for which a tax levy must be made every year until amortized. The authority herein contained is in addition to any other existing authority and not to be considered as a substitute.

CHAPTER IV - BOUNDARIES

BOUNDARIES

CREATION OF THE COUNTY

PRIVATE ACTS OF 1803

CHAPTER 70

SECTION 1. That the counties of Davidson and Williamson be divided by a line as follows: beginning on the Williamson line, on the extreme height of the ridge dividing the waters of Mill creek from those of Stone's river; thence with that ridge a southwardly direction to the eastern boundary line of said Williamson county; thence with said line south to the south boundary of this State; thence with the boundary of the State, east to the corner of Wilson County; thence with the Wilson county line north to the corner of said county; thence with the line of said county north sixty one and a half degrees west to the southwest corner of said Wilson county; thence a direct course to the mouth of Sugg's creek; thence a direct line to the beginning. And the county so laid off on the east and southeast on the waters of Stone's river, agreeably to the above described lines, be known and distinguished by the name of Rutherford.

SECTION 2. For the due administration of justice, that the court of said county of Rutherford shall be held by the justices of said county on the first Mondays in March, June, September and December; and the justices of said county are hereby authorized and empowered to hold the first court for the same, at the house of Thomas Rucker; and all subsequent courts for said county on the days above mentioned, for holding courts therein, at any place to which the said justices shall from court to court adjourn, until a court house shall be built for said county of Rutherford; and then all causes, matters and things depending in said court, and all manner of process returnable to the same, shall be adjourned to such court house; and all courts held in and for said county, shall be held by commission to said justices in the same manner and under the same rules and restrictions, and shall have and exercise the same power and jurisdiction as are or shall be prescribed for the courts of the several counties in this state.

SECTION 3. That the said county of Rutherford be and is hereby declared a part of the district of Mero, in the same manner and for all purposes, civil and military, as it did previous to a division: provided, that nothing herein contained shall be so construed as to prevent the sheriff or collector of the taxes of Davidson or Williamson counties from collecting the same within the limits of the said county of Rutherford, which are at this time due, in the same manner as if this act had not been passed.

Passed: October 15, 1803.

BOUNDARIES

PRIVATE ACTS OF 1807

CHAPTER 37

SECTION 1. That a new county be, and the same is hereby established south and southwest of, and adjoining the said county of Rutherford, by the name of Bedford, in memory of Thomas Bedford deceased; which said county shall begin at the southwest corner of Rutherford, and southeast corner of Williamson county on the Duck river ridge, and run thence with said Williamson county line, to the line of the county of Maury; thence along the same southwardly to the south boundary of the state; thence eastwardly to the east boundary of Rutherford county; thence along the same to the ridge that divides the waters of Duck river from those of Cumberland; thence along the same westwardly, to the southeast corner of Williamson county, leaving Rutherford county its constitutional limits; and all that tract of territory included in the above described lines, shall be included within the said county of Bedford; and all the lands north of the first described line on Duck river ridge where the said line intersects White county line, then north with said line until it strikes the corner of Rutherford and Wilson county line at a place known by the name of Rush spring, then to follow the old line of Rutherford county, as by law established, shall be and remain the county of Rutherford.

Passed: December 3, 1807.

COMPILER'S NOTE: Sections 2, 3, 4, 5, and 6 concerned Bedford County and are not reprinted here.

BOUNDARIES

PRIVATE ACTS OF 1815

CHAPTER 184

SECTION 1. That from and after the passage of this act, the dividing line between the counties of Wilson and Rutherford shall be as follows: Beginning two and a half miles north of the southwest corner of Warren county on the dividing line between the said counties of Wilson and Warren, on the ridge that divides the waters of Stone's River and those of the Cumberland, thence with the top of said ridge so as to include William Ray's present place of residence, Charles Porterfield's old place, and the plantation whereon captain John McKnight formerly lived, thence due west to the now dividing line between the said counties of Wilson and Rutherford.

SECTION 2. That all that part of the county of Wilson lying south of the said line shall be and is hereby annexed to the county of Rutherford, provided that nothing herein contained shall be so construed as to prevent the sheriff of Wilson county, or the collector of the fourth collection district of Tennessee, from collecting any arrearages of taxes which may be due to the county of Wilson or to the United States within the before described bounds.

SECTION 3. That Jesse Brashear is hereby appointed to run and plainly mark the said dividing line and described in the first section of this act, for which he shall be entitled to two dollars per day for each day he may be necessarily engaged therein, which shall be paid by the persons residing within the limits of the territory hereby annexed to the county of Rutherford.

Passed: October 30, 1815.

BOUNDARIES

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 a 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.

COMPILER'S NOTE: The remainder of this act did not directly concern Rutherford County and is not repeated here.

Passed: January 31, 1836.

BOUNDARIES

ACTS OF 1867-68

CHAPTER 13

SECTION 6. That the county lines between the counties of Rutherford and Williamson, be so changed as to run as follows: beginning at the Southeast corner of Williamson county and the North boundary line of Bedford county, running Westwardly with the Bedford and Marshall county line to the Fayetteville and Farmington Turnpike; thence North with the said Turnpike road to the line between Mrs. Crump's and T.F.P. Allison's land East of the pike; thence East with line between Allison's and Bellafant and J. Jordan's, Sr., and Joshua Johnson's heirs, to J. Jordan's North-East corner; thence North to Harpeth river; thence down the same to where the big road that runs from College Grove to Williamson Jordan's old homestead crosses the same; thence East with said road to the Eaglesville, Unionville and Salem Turnpike; thence North with the same to the culvert, near the toll-house; thence East with the big road via John Haley's; and thence Eastwardly to the Rutherford county line; and thence, as at present, with said line between Rutherford and Williamson counties.

SECTION 7. That the line between the counties of Bedford and Rutherford, be changed so as to include the farms of William Williams and C. H. Lamb, in the county of Rutherford; and that this Act take effect from and after its passage.

Passed: December 3, 1867.

COMPILER'S NOTE: Only Sections 6 and 7 of this Act applied to Rutherford County.

BOUNDARIES

PRIVATE ACTS OF 1870-71

CHAPTER 18

SECTION 4. That the line between the county of Wilson and the county of Rutherford be so changed as to include in the county of Rutherford so much of the county of Wilson as will be included by beginning at the Rutherford county line, Kinchen Patterson's, running north with the district line between districts No. 17 and 18 of Wilson county, to Joby Carson's, on Fall Creek; thence up said creek to Tharp and Simmons' mill; thence east with the road including C. Gilliland, Esq.; thence east to said creek again; thence with said creek including E. Preston on the south and leaving Len Phelps on the north; thence east to the Statesville road north of Daniel B. Smith's; thence with said road to the top of the ridge east of Ryal Perruals; thence with the top of said ridge to the Cannon county line.

Passed: December 15, 1870.

COMPILER'S NOTE: Only Section 4 of this act related to Rutherford County.

BOUNDARIES

PRIVATE ACTS OF 1871

CHAPTER 148

SECTION 1. That hereafter the county line between the counties of Rutherford and Williamson shall be changed so as to run as follows:

Beginning at the Harpeth River where the College Grove and the road to Williamson Jordan's homestead crosses; thence running north with the meanderings of said river to the northwest corner of Joseph M. Haley's; thence east with the said Haley's and McCord's line to the southwest corner of the toll gate lot; thence north to the northwest corner of the toll gate lot; thence east with said lot to the Eagleville, Unionville and Shelbyville turnpike; thence north with said turnpike to Spot Covington's north boundary line; thence east to Spot Covington's northeast corner, and thence so as to include the tract of land owned by C. A. Hill, purchased of Jordan's estate; thence south with the line between C. A. Hill's tract and John Floyd's tract to J. K. P. Barrett's north boundary line; thence east with said Barrett's line so as to include W. T. J. Wood and Susan Wood's tract; thence east, between John Haley's and Newton McCord's tracts, to the Franklin and Versailles road; thence south with said road to the Rutherford county line, all the parties effected having petitioned for said change, and it not reducing Williamson county below its constitutional limits.

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

Passed: December 13, 1871.

BOUNDARIES

ACTS OF 1877

CHAPTER 156

SECTION 1. That the east boundary line of Williamson county be so changed as to include in Williamson county the following lands, which are now in Rutherford county, viz: Beginning at the northeast corner of the land of W. T. Wood; thence between the land of Wood and John Haley and J. B. Critchlow, leaving in Williamson county the lands of Wood now in Rutherford; thence between lands of K.P. Barrett and J. B. Critchlow, leaving in Williamson county the lands of Barrett now in Rutherford; thence between the lands of S.L. Covington and J. B. Critchlow, leaving in Williamson the lands of Covington now in Rutherford; thence between the lands of heirs of N. McCord's tollgate lot and land of J. M. Haley, along present line to Big Harpeth river; thence up said river to the line between the lands of M. A. Campbell and J. C. Anderson, leaving Anderson's lands in Williamson county; thence between Anderson, heirs of I. Belenfont, W. D. Patton, and J. P. Allison, of Williamson, and _____ Zaney, W. C. Jordan, Joseph Jones, of Rutherford, to Mrs. M.W. Jordan's northeast corner; thence between Mrs. M.W. Jordan and Chesly Williams and William McMeeken, leaving lands of Mrs. Jordan in Williamson, and lands of C. Williams and William McKeeken in the county of Rutherford.

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

Passed: March 24, 1877.

BOUNDARIES

ACTS OF 1877

CHAPTER 168

SECTION 1. That the line between the counties of Rutherford and Williamson be changed as follows: Beginning where the Rutherford and Williamson county line intersects the road from Windrow's Church to near the forks of the Unionville, Nolensville and Framington pike; thence west with said road to Henry H. Pate's southwest corner; thence north with the west boundary line of Henry H. Pate and Henry C. Allen to the road from Murfreesboro to Thomas Redman's on the Unionville and Nolensville pike; thence west with said road to J. B. Jordan's southwest corner; thence north with said Jordan's west boundary line to the road from Coleman Jordan's to Triune; thence east with said road to the original county line between Rutherford and Williamson.

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

Passed: March 23, 1877.

BOUNDARIES

ACTS OF 1883

CHAPTER 166

SECTION 1. That the line between the counties of Bedford and Rutherford be changed as follows: Beginning in the Byles road west of the village of Middleton, at Carroll Lamb's southeast corner; thence east with said road to Beverly Harris' northeast corner; thence south to A. H. McCan's southwest corner; thence east to A. H. McCan's southeast corner; thence south to C. G. McLean's southwest corner; thence east with the road between C. G. McLean and C. L. Cooper to C. L. Cooper's northeast corner; thence south to J. M. Worth's southwest corner; thence east with the road running to the Murfreesboro and Shelbyville turnpike, just north of T. S. McFerrins, to where the county line now crosses said road, east of B. A. McLean's; thence with the county line as it now is.

Passed: March 23, 1883.

BOUNDARIES

PRIVATE ACTS OF 1925

CHAPTER 360

SECTION 1. That the territory of Rutherford County lying in and comprising a part of the extreme northwest corner, and described by metes and bounds as follows:

Beginning at a point on the westerly bank of Stone's River just south of Neal's Ford, so as to leave said Neal's Ford in Rutherford County, thence north $7\frac{3}{4}$ degrees west 900 feet; thence north $10\frac{1}{4}$ degrees west 700 feet; thence north $15\frac{1}{2}$ degrees east 347 feet; thence north $25\frac{1}{2}$ degrees east 900 feet; thence north 45 degrees east 430 feet; thence north $3\frac{3}{4}$ degrees east 1365 feet to the corner of Mose Halton's land; thence north $25\frac{3}{4}$ degrees east 1300 feet; thence north $6\frac{1}{2}$ degrees east 400 feet; thence north $3\frac{1}{4}$ degrees east 1600 feet; thence north $5\frac{1}{2}$ degrees east 624 feet; thence south $88\frac{3}{4}$ degrees east 464 feet to a road; thence north $2\frac{3}{4}$ degrees east 1175 feet to a point on the north margin of the Couchville Road 4 feet east of property line; thence north $8\frac{1}{2}$ degrees east 3665 feet to a point in the south boundary line of Wilson County; thence with the south boundary line of Wilson County northwestwardly 9900 feet, more or less, to the Davidson and Rutherford County line as thus established by Act of Legislature Chapter 145 of the Acts of 1847; thence with the Davidson and Rutherford County line as thus established south to the Stone's River; thence continuing with said line in a westerly direction along the northerly margin of the Fad Alexander estate to a point; thence south continuing with the lines of the Fad Alexander lands to Stone's River; thence in a southerly direction to the mouth of Hurricane Creek; thence continuing with the meanderings of said Stone's River to the point of beginning.

Shall and the same is hereby attached to and constituted a part of Davidson County.

SECTION 2. That this Act shall take effect from and after the first day of July, 1925, the public welfare requiring it.

Passed: March 30, 1925.

BOUNDARIES

PRIVATE ACTS OF 1927

CHAPTER 444

SECTION 1. That, the territory of Rutherford County lying in and comprising a part of the extreme northwestern corner thereof, and described by metes and bounds as follows:

Beginning at a point in the County line between said Davidson and Rutherford Counties, at a point in the Lavergne and Couchville Road, the southwest and northwest corner respectively of the properties of John Griffin and Roy Waldon; running thence in an easterly direction along the property line of John Griffin and J. W. Walker approximately 4,000 feet to Harricane Creek; thence southerly with the meanderings of Harricane Creek to the Davidson County line between the properties of Castleman and Hunter; thence continuing with the bounds of the present Davidson County line to the point of beginning. Said new territory taken in, contains about 320 acres, and is added to the 2nd Civil District of Davidson County. Shall, and the same is hereby attached to, and constituted a part of Davidson County.

SECTION 2. That this Act take effect from and after the first day of July 1927, the public welfare requiring it.

Passed: April 15, 1927.

BOUNDARIES

PRIVATE ACTS OF 1963

CHAPTER 170

SECTION 1. That the county line between Bedford and Rutherford County be and the same hereby is changed whereby and so as to detach from Bedford County and attach to Rutherford County the following described land:

"A body of lands, title to which is in James Threet and wife by two certain deeds of conveyance, and Glen Lane and wife by one certain deed of conveyance (1) deed from A. E. Travis and wife to James Threet and wife recorded in the Register's Office of Bedford County, Tennessee, December 17, 1957, in Deed Book 74, page 82; and (2) the easterly 200 feet of the tract deeded from Frank L. Farris and wife to James Threet and wife recorded in the Register's Office of Bedford County, Tennessee, March 24, 1962, in Deed Book 85, page 283; and (3) deed from James Threet and wife to Glen Lane and wife recorded in the Register's Office of Bedford County, Tennessee, January 3, 1963, in Deed Book 87, page 290, which body of lands as a whole is bounded on the North by the Rutherford-Bedford County line and the lands of Faulk; on the South partly by the lands of Estle Threet and Rutherford-Bedford County line and the lands of Bryant; on the East by the Rutherford County Line and the lands of Bryant, Zumbro and Faulk; and on the West by the lands of James Threet being approximately 4 acres.

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

Passed: March 18, 1963.

BOUNDARIES

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 the one to the other of said two terminal points; also, a continuous 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 Stone's River."

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

Passed: March 19, 1963.

BOUNDARIES

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

PUBLIC ACTS OF 2000

CHAPTER 679

SECTION 1. The boundary line between Cannon and Rutherford Counties is hereby changed by detaching from the County of Cannon and attaching to the County of Rutherford all of the following 4.5 acres, more or less, owned by Gary Rains more particularly described as follows:

Beginning at a steel pin set in the south margin of the Halls Hill Pike being the northeast corner of the Carl and Marguerite Neal property (D.B. 258, P. 626) and further being the northwest corner of the property herein described; thence leaving the margin of the said road S 84°31'08" E a distance of 64.82 feet to a steel pin set; thence S 86°42'13" E a distance of 204.41 feet to a steel pin found in place being on the Rutherford County and Cannon County line; thence leaving said Neal property with the county line N 03°32'47" E a distance of 187.89 feet to a steel pin set in the south margin of the said road; thence with the margin of the said road S 58°59'59" W a distance of 50.34 feet to a steel pin set in the margin of the said road; then with the margin of the said road S 58°47'10" W a distance of 277.20 feet to the POINT OF BEGINNING containing 0.59 acres more or less, and lying in the 17th Civil District of Rutherford County, Tn., and being a portion of the property in D.B. 407, P. 45 in the R.O.R.C.

This property is subject to all rights of way and easements recorded or unrecorded or by prescription that a title search, deed research or oral witness may reveal.

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

Passed: April 10, 2000.

COMPILER'S NOTE: This is a Special Public Act and is not codified in Tennessee Code Annotated.

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 Rutherford County.

1. Acts of 1803, Chapter 74, Section 3, Page 127, appointed William Minor Quesenberry as a Commissioner to run and mark the lines between the counties of Davidson and Wilson, and Rutherford and Smith, at a compensation of \$2 per day for himself and \$1 per day for the chain carriers.
2. Acts of 1803, Chapter 77, Page 130, amended Acts of 1803, Chapter 70, which created the County of Rutherford, by commissioning William Nash, of Rutherford County, and Samuel Weakley, of Davidson County, to run and designate the true boundary between the two agreeable to the Act amended. The Commissioners would receive \$2 per day each and the chain carriers \$1 per day, making true and accurate maps and plots of the counties and the watercourses. All Justices of Davidson County falling into Rutherford County would continue as Justices of Rutherford County.
3. Acts of 1806, Chapter 50, Section 3, Page 173, required the principal surveyors of the First and Second Surveyor's District to extend the county lines of Rutherford, Williamson, Dickson, and Stewart, and describe them by some line of a section, south to the Indian Territory, or to the southern boundary of the State.
4. Acts of 1809, Chapter 28, Page 43, recited in the preamble that the Act requiring the Surveyors of the First and Second Districts to extend the lines of certain counties south to the Indian Territory, or the southern boundary of the State (Acts of 1806, Chapter 50) did not specify who would pay the Surveyors for their work. This Act states that Rutherford County would pay for the extension of its boundaries on a warrant drawn on the County Treasury.
5. Acts of 1811, Chapter 35, Page 42, moved the Second District Surveyor's office from Jefferson to Shelbyville.
6. Acts of 1835-36, Chapter 39, Page 163, appointed Hugh Robinson, of Cannon County, and Solomon Beesley and Alfred P. Gowen, of Rutherford County, to run and mark the line between the Counties of Cannon and Rutherford, and Warren, in accordance with the directives of the Acts, both counties sharing the cost thereof. This Act amended Acts of 1835-36, Chapter 33, Page 141.
7. Acts of 1837-38, Chapter 61, Page 86, appointed Guilford Jones, of Smith County, to locate and mark the center of DeKalb County, and, in the event Jones cannot do the work, the surveyor of Rutherford County will complete the job for which it would be lawful for the County Court to pay.
8. Acts of 1841-42, Chapter 85, Page 95, changed the lines between Rutherford and Cannon counties 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 said ridge until it intersects the present line, and the territory lying east of the said line, including the residence of Herod Laseter is attached to Cannon County.
9. Acts of 1843-44, Chapter 34, Page 35, required the boundary to be run between Rutherford County and Williamson County beginning at the point where the west boundary line of the 25th Civil District of said county touches the south boundary line of Williamson County; thence north with the west boundary of the said civil district and west of the residences of Abraham

- Glen and James Vaughn till it strikes the dividing line between the two counties. Residents of the area to be stricken off could elect five Commissioners to employ the County Surveyor to run and mark the line. All area east of the line was in Rutherford County and the residents were full-fledged citizens thereof.
10. Acts of 1843-44, Chapter 74, Page 93, changed the line between Bedford County and Rutherford County beginning at the southeast corner of Williamson County and running eastwardly so as to include the lands and residences of Richard Nance, John Dunn, Theophilus Leathers, and Samuel G. Holden in Rutherford County.
 11. Acts of 1847-48, Chapter 152, Section 6, Page 239, directed the County Surveyors of Rutherford County and Coffee County to survey the line between the counties and to mark the same wherever necessary. The County Courts of the respective counties were obligated to pay them for their work.
 12. Acts of 1849-50, Chapter 144, Page 346, rearranged the lines between Rutherford County and Bedford County to make it run from Hendrix's southwest corner with S. H. Little's south boundary line, due east 84 poles to the said Hendrix's and Little's southeast corner, thence due east 248 poles to the Rutherford County line so as to include all the lands of S. H. Little and William Smotherman in Rutherford County.
 13. Acts of 1851-52, Chapter 20, Page 25, changed the lines between Cannon County and Rutherford County so that the campground known as the Mount Pisgah, or Jones Camp Ground, would hereafter be located wholly within Cannon County.
 14. Acts of 1851-52, Chapter 302, Section 2, Page 573, moved the home and property belonging to John L. Percy out of Wilson County and placed them entirely in Rutherford County.
 15. Acts of 1851-52, Chapter 304, Page 588, altered the boundary lines between Rutherford County and Williamson County to run a line beginning where the Nashville and Shelbyville Road now crosses the Bedford County Line, running thence northward to M. C. Jordan's southwest corner; thence with his line to the head of the Big Harpeth River; thence down Big Harpeth River, as it meanders, to the mouth of the East Fork; thence northward, so as to strike the Rutherford County line near the Rehoboth Meeting house, and the citizens of the portion taken off should be added to and become citizens of Rutherford County as the land became part of it.
 16. Acts of 1853-54, Chapter 94, Page 174, changed the lines between Rutherford and Williamson Counties beginning on the Bedford County line and running north between the lands of Stephen Wood and Longshear Lamb; and thence northward so as to include the dwelling houses of Thomas L. White, Mr. Rushing, and Henry Cromer, to the southwest corner of Drewry Bennett's land; thence north to the east fork of Big Harpeth river, and down said east fork to its mouth; and thence with the line as at present established.
 17. Acts of 1853-54, Chapter 108, Page 187, moved the lands of John H. Wood from Rutherford County into Cannon County, and the farms belonging to John D. Alexander, and Lewis Creson out of Cannon County and into Rutherford County.
 18. Acts of 1855-56, Chapter 161, Section 6, Page 244, transferred the residence and lands of Nathaniel C. Carter out of Davidson County and into Rutherford County.
 19. Acts of 1857-58, Chapter 47, Section 7, Page 57, realigned the boundaries between Rutherford County and Coffee County so that the line would run with the old line between the said counties, running on the summit of the main dividing ridge between the waters of Stone and Duck Rivers, including Smith Carney's dwelling house in Rutherford County and the citizens hereby affected by this change are endowed with all the rights and privileges of the other citizens of Rutherford County.

20. Acts of 1859-60, Chapter 135, Section 5, Page 439, detached that portion of the farm belonging to Ben Webb from Bedford County and attached the same henceforth to Rutherford County.
21. Acts of 1859-60, Chapter 211, Section 3, Page 596, changed the lines between Wilson County and Rutherford County where it passed through the lands of Claiborne H. Rhodes so that all the part of his land lying in Wilson County would hereafter be a part of Rutherford County.
22. Acts of 1867-68, Chapter 60, Section 9, Page 75, altered the line between Rutherford County and Wilson County commencing at or near Robert Black's, near the Cannon County line, running west so as to include W. J. Witty, and J. R. Jennings, until it strikes the Cainsville and Statesville Turnpike road at an abrupt turn near H. G. John's residence, running with the said pike till it crosses Fall Creek, thence with said Creek to the Rutherford County line. Section 10, of this same Act, moved the lands of Thomas Burnett, Sarah Johnson, W. A. McCord, and John Hailey, out of Marshall County and into Rutherford County.
23. Acts of 1868-69, Chapter 20, Page 20, transferred the properties of Gideon Rigg out of Rutherford County and into Williamson County.
24. Acts of 1870-71, Chapter 117, Page 135, changed the lines between Rutherford County and Cannon County 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 which was located in Rutherford County, beginning at the line between John H. Wood and J. L. Dunn.
25. Acts of 1871, Chapter 34, Page 32, detached the lands of S. H. Thomas E. H. Hale from Bedford County and attached the same to Rutherford County, giving a general description of the new line.
26. Acts of 1871, Chapter 135, Page 157, realigned the boundaries between Rutherford County and Williamson County so that the lands of T. F. P. Allison, William Patton, Samuel Willhoite, the lands of the heirs of Mrs. Neal, and the lands of Thomas Wilson, lying alongside the lines of the said counties would all be part of Williamson County but Rutherford County must not be reduced below the constitutional limits.
27. Acts of 1879, Chapter 57, Section 3, Page 77, moved the farm belonging to A. M. McKnight out of Cannon County and into Rutherford County.
28. Acts of 1879, Chapter 137, Section 6, Page 174, transferred the lands of J. C. Anderson out of Rutherford County and into Williamson County. Section 7 of the same act moved the property of J. T. Alexander and John M. White, out of Davidson County and into Rutherford County.
29. Acts of 1883, Chapter 124, Page 170, changed the lines between Rutherford County and Marshall County so that the farms of S. B. Holt and J. A. Joice, which were located in the 8th Civil District of Rutherford County, would hereafter be included wholly within Marshall County.
30. Acts of 1887, Chapter 18, Page 88, detached the lands of William Byrn, J. E. Allen, W. S. Rhodes, and R. E. Jarman from the 17th Civil District of Wilson County and attached them to the 16th Civil District of Rutherford County.
31. Acts of 1889, Chapter 56, Page 87, rearranged the boundary lines between Rutherford County and Wilson County to follow the meanderings of the center of Fall Creek on the north boundary of R. D. Puckett's lands to the center of the Cumberland and Stone's River Turnpike, thence with the center of the Turnpike to the intersection of the old line so as to include the lands of R. D. Puckett in Rutherford County.

32. Acts of 1891, Chapter 19, Page 48, transferred the lands of T. J. Little from Williamson County and placed them in Rutherford County.
33. Acts of 1891, Chapter 25, Page 54, changed the lines between Rutherford County and Coffee County to the effect that the lands of Wiley Hamilton, J. N. Chadwick, and N. P. Norton were included wholly within Rutherford County.
34. Acts of 1891, Chapter 254, Page 489, altered the lines between Rutherford County and Cannon County beginning at a rock on the Cannon County line, thence due west running through the center of the "Porterfield Schoolroom" 25 poles to the west door; thence north $6 \frac{4}{5}$ poles to the lane; thence east 25 poles to the corner of the Cannon County line, containing one acre and ten poles, which area would henceforth be a part of Cannon County.
35. Acts of 1891, Chapter 258, Page 493, moved the lands and properties of M. H. Mullins, J. V. Mullins, T. P. Waldron, Dr. S. B. Nelson, trustee for his wife, and Charles H. Gombille out of Davidson County and into Rutherford County.
36. Acts of 1893, Chapter 2, Page 4, changed the boundary between Rutherford County, Williamson County, and Davidson County to include the lands of J. M. Gooch in Rutherford county, which land was bounded on the north by the lands of Mrs. Caruthers, Palmer and Richardson; on the west by the lands of the James Chrisman estate; and on the south by the lands of William Potts.
37. Acts of 1893, Chapter 5, Page 6, rearranged the boundaries between Rutherford County and Williamson County so as to take out of Rutherford County and include within Williamson County the land of T. E. Stammers which was bounded on the east and south by the lands of William McMeekin and on the west and north by the Williamson County line, containing about 20 acres, more or less.
38. Acts of 1893, Chapter 28, Page 36, changed the line between Bedford County and Rutherford County near the village of Beech Grove, Coffee County, so that after it reaches the northwest corner of W. H. Stephenson's tract of land, going in a southeasterly direction, it be turned east about 120 poles along W. H. and J. L. Stephenson's north boundary line, to the Manchester and Murfreesboro Turnpike, at the point where the Coffee County and the Rutherford County lines intersect said pike, so as to include all the lands of W. H. Stephenson and J. L. Stephenson, and a lot on which stands a Baptist Church house within Bedford County.
39. Acts of 1895, Chapter 16, Page 24, detached the lands belonging to Doc Tribble from Rutherford County and attached them, as generally described in the Act, to Coffee County.
40. Acts of 1897, Chapter 175, Page 384, rerouted the boundary lines between Davidson County and Rutherford County so that the line followed the boundary of the farm belonging to K. R. Plummer and placed the entire acreage, some 45 acres, more or less, wholly within Davidson County.
41. Acts of 1899, Chapter 316, Page 752, moved all the lands of Dr. Z. F. Dismukes out of Cannon County and into the limits of Rutherford County.
42. Acts of 1899, Chapter 380, Page 888, shifted all the lands of J. M. Williams, and the farm of B. A. McLain, completely out of Bedford County and placed them in Rutherford County, as the same were described in the Act.
43. Acts of 1901, Chapter 307, Page 690, transferred the farms of W. F. Ogilvie and E. S. Hughes, as they were described in the Act out of Marshall County and into Rutherford County.

44. Acts of 1901, Chapter 349, Page 798, rearranged the boundary lines between Rutherford County and Williamson County so as to include the properties of Joseph Cooke wholly within Rutherford County and the lands of William White wholly within Williamson County.
45. Private Acts of 1909, Chapter 46, Page 130, removed the lands belonging to W. I. Cate from Williamson County and attached them to Rutherford County.
46. Private Acts of 1915, Chapter 246, Page 936, transferred the lands of Charley Edwards out of the First Civil District of Rutherford County and into the 23rd Civil District of Wilson County.
47. Private Acts of 1915, Chapter 527, Page 1697, allowed the lands of Bud Lane to be moved out of Wilson County and into Rutherford County.
48. Private Acts of 1915, Chapter 670, Page 2169, lifted the property belonging to G. W. Oakley and R. M. Baxter out of Williamson County and placed it into Rutherford County.
49. Private Acts of 1915, Chapter 675, Page 2174, permitted J. F. Boyce to remove his property from Bedford County and place it in Rutherford County.
50. Private Acts of 1917, Chapter 754, Page 2348, moved the properties belonging to R. E. Epps, out of the 20th Civil District of Rutherford County into Bedford County.
51. Private Acts of 1923, Chapter 344, Page 1182, detached a portion of the farm of E. C. Shearin, which was located in the 8th Civil District of Rutherford County, from that county and attached the same to the 10th Civil District of Bedford County.
52. Private Acts of 1923, Chapter 543, Page 2054, stated that the line between the First Civil District of Bedford County and the 24th Civil District of Rutherford County, which was also the county line, would be so changed to include the property of J. L. Hoover entirely within the 24th Civil District of Rutherford County. This Act was repealed by Private Acts of 1927, Chapter 219, Page 599.
53. Private Acts of 1925, Chapter 575, Page 2165, changed the boundaries between Rutherford County and Bedford County so that the lands of B. G. Bingham, containing about 170 acres, more or less, and known as the Granville Bingham Farm, would be located entirely within Rutherford County.
54. Private Acts of 1925, Chapter 712, Page 2601, detached the lands of Jim Williams from Cannon County and attached the same to Rutherford County.
55. Private Acts of 1925, Chapter 713, Page 2602, moved the property belonging to J. L. Barker, known as the Flint Spear Farm, from Cannon County into Rutherford County.
56. Private Acts of 1929, Chapter 346, Page 892, transferred part of the property of A. F. Morgan estate lying in the 20th Civil District of Williamson County, about 8 acres, out of that County and into Rutherford County, and the line between the King farm and the Morgan estate would be the county line.
57. Private Acts of 1929, Chapter 650, Page 1828, moved the 131 acres, more or less, belonging to W. I. Pate, out of Rutherford County and into Williamson County.
58. Private Acts of 1933, Chapter 430, Page 1021, excluded from Rutherford County all of the lands known at the J. P. Maxwell Tract, the R. B. Maxwell Tract, and the Tom Covington Tract which were all located in the 12th Civil District of the County, and included the same in the 18th Civil District of Williamson County.

59. Private Acts of 1935, Chapter 127, Page 280, was the enabling legislation for transferring the farm of Davis Brothers, containing some 103 acres, more or less, out of the 9th Civil District of Bedford County and into Rutherford County.
60. Private Acts of 1935, Chapter 422, Page 1002, altered the boundaries between Rutherford County and Wilson County so that the properties of J. G. Allen, H. P. Allen, C. W. Allen, and F. E. Allen, containing 72 acres, 34 acres, and 125 acres, respectively were taken out of the 17th Civil District of Wilson County and placed into the 16th Civil District of Rutherford County.
61. Private Acts of 1935, Chapter 588, Page 1522, shifted the land of Joe Leath which lay immediately across the boundary line in Rutherford County, containing 8 or 10 acres, so that hereafter the land would be included in the 23rd Civil District of Wilson County.
62. Private Acts of 1935, Chapter 649, Page 1741, detached the lands of B. R. Floyd, then lying in the 12th Civil District of Rutherford County, from that County and attached them to Williamson County.
63. Private Acts of 1937, Chapter 456, Page 1493, moved the 20 acres of land owned by J. W. Shelton out of the 2nd Civil District of Coffee County and into Rutherford County.
64. Private Acts of 1937, Chapter 694, Page 2126, rearranged the lines between Rutherford County and Coffee County so that the approximate 14 acres belonging to James A. Bryant would no longer be in the 2nd Civil District of Coffee County but would hereafter be placed in Rutherford County.
65. Private Acts of 1939, Chapter 518, Page 1665, transferred the real property owned by Mr. and Mrs. L. H. Redmon, and that of Joe Pate and Jodie Pate, which was adjacent to the 8th Civil District of Rutherford County into Rutherford County from the 20th Civil District of Williamson County.
66. Private Acts of 1943, Chapter 390, Page 1329, detached the land of F. F. Craig from Cannon County, as the same was more particularly described in the Act and attached the same to the 19th Civil District of Rutherford County.
67. Private Acts of 1943, Chapter 410, Page 1446, moved an 18 acre tract of land, as it was described in the Act, out of the confines of Cannon County and into the 23rd Civil District of Rutherford County.
68. Private Acts of 1945, Chapter 434, Page 1352, changed the boundaries between Rutherford County and Williamson County so that all the lands of W. O. Barnes would be included within Rutherford County, the same being known as the Crenshaw land, plus the Daniel Glymp farm, containing about 138 acres, formerly in the 18th Civil District of Williamson County.
69. Private Acts of 1949, Chapter 813, Page 2571, realigned the boundaries between Rutherford County and Cannon County so that the tract of land belonging to O. E. Tasse, consisting of 37 acres, situated in the 16th Civil District of Rutherford County would thereafter be a part of the First Civil District of Cannon County.
70. Private Acts of 1955, Chapter 54, Page 165, changed the lines between Rutherford County and Wilson County so as to include in the 1st Civil District of Rutherford County the two tracts of land belonging to Orell Woodson, and wife, Alma, as the same was described in the Deeds to them from Stroud Pickard and Mrs. Bettie Cawthon Maddux, both of which together contained about 31 acres formerly situated in the 23rd Civil District of Wilson County.
71. Private Acts of 1959, Chapter 375, Page 1249, moved the portion of the 215 acre tract of land of W. M. Earp, and wife, Juanita, then situated in the 17th Civil District of Wilson County,

from that area into the 15th Civil District of Rutherford County and the lines between the two Counties shall hereafter run accordingly.

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

1. Acts of 1803, Chapter 73, Page 126, listed the number of jurors each County in the Mero Judicial District must furnish to the Superior Courts thereof. The counties were Jackson County which would provide two jurors; Smith, four jurors; Sumner, six jurors; Wilson, three jurors; Rutherford, two jurors; Williamson, four jurors; Davidson, seven jurors; Robertson, four jurors; Montgomery, four jurors; Dickson, two jurors; and Stewart, two jurors.
2. Acts of 1806, Chapter 24, Page 111, apportioned the number of jurors each County in the Mero District must furnish to the Superior Court. Davidson County must send twelve jurors; Sumner County, eight; Wilson County, six; Williamson County, eight; and Rutherford County, five.
3. Acts of 1812, Chapter 38, Page 34, authorized Theophilus A. Cannon, James L. Armstrong, William W. Searcy, John Hoover, and Noble Warnick, or any three of them, to appoint a jury, or juries, for the next term of the County and Circuit Courts of Rutherford County, and to direct the Clerks of the Courts to record the names of those selected.
4. Acts of 1817, Chapter 128, Page 136, authorized the Justices of Rutherford County to levy a tax for the purpose of providing additional compensation to the jurors attending the County and Circuit Courts. The additional compensation could not exceed fifty cents per day.
5. Acts of 1819, Chapter 67, Page 68, declared it to be lawful after January 1, next, for the County Courts of Davidson, Sumner, Williamson, Giles, Rutherford, Bedford, and Maury Counties to appoint 37 jurors for each of the Counties named who would serve in the County and Circuit Courts. Jurors were bound to attend court under penalty and would be paid as other jurors were paid.
6. Acts of 1819, Chapter 134, Page 142, permitted the County Courts of the County of Davidson, Williamson, Giles, Rutherford, and Maury to select 37 jurors for the County Court and the Circuit Court combined, making their compensation the same as other jurors.
7. Acts of 1833, Chapter 244, Page 132, made it the duty and responsibility of the Rutherford County Court at their first session in each and every year to levy a tax sufficient to pay talisman jurors who might be compelled to serve according to recent acts passed by the General Assembly.
8. Private Acts of 1909, Chapter 334, Page 1214, created a Board of Jury Commissioners in Wilson and Rutherford County composed of three discreet people to be appointed by the Judges having criminal jurisdiction, who were not practicing attorneys, had no suit pending, and were residents of the County. No more than two could come from the same political party. The Commissioners must be sworn according to the oath in the Act, must select one of their number as Chairman, and would serve a one year term. The Circuit Court Clerk, after also being sworn, would serve as a Clerk to the Board. The Board would select from the tax rolls a number of names equal to 1/5 of the votes cast in the last Presidential election but in no case less than 250 nor more than 1,000, which names would constitute the Jury List for the

next two years. The names must be listed alphabetically in a book provided by the County and the list certified by all three members of the Board and reported to the Circuit Court. The names must also be placed on cards, or scrolls, put into a box, locked and sealed. From 10 to 15 days before the term of Court opens, the box would be unlocked and a child under ten years of age would draw the number of names from the Box as was ordered by the Judge, or which would be sufficient to provide jurors. These names were to be kept, recorded, and reported to the Court. At least five days before Court opened the list was sent to the Sheriff who would summon them as jurors. The Grand and petit jurors would be selected from this number, none being excused except by the Judge. Provisions were included for special panels and to replenish an exhausted panel. The Commissioners would be paid \$2.00 per day for each day spent in discharge of this duty. This Act was repealed by Private Acts of 1951, Chapter 212, Page 600. See Wade v. State, 191 Tenn. 573, 235 S.W.2d 583, (1951).

9. Private Acts of 1945, Chapter 339, Page 1094, fixed the compensation of every regular juror serving a Rutherford County at \$3 per day for each day's attendance as a juror.
10. Private Acts of 1951, Chapter 212, Page 600, amended Private Acts of 1909, Chapter 334, by striking out the population figures referring to Rutherford County which would remove the County from the provisions of the Act establishing a Board of Jury Commissioners.
11. Private Acts of 1951, Chapter 213, Page 601, created a three member Board of Jury Commissioners for Rutherford County, writing in the same qualifications as the 1909 Act except that a School Board Member or a Justice of the Peace could not serve on the Board. Terms and conditions expressed follow those of the 1909 Act except the limitations placed on the number of names to be drawn were no more than 1,500 nor less than 1,000. Procedures to be followed in this Act in the selection of names were substantially the same as those described in the 1909 Act except that more records and reports were required to be kept. Some additional methods to replenish panels and to summon special jurors were incorporated. The Jury Commissioners would be paid \$4 for each day's service in that regard.
12. Private Acts of 1953, Chapter 236, Page 818, amended Private Acts of 1951, Chapter 213, Section 4, by directing that jurors be selected from the civil districts in proportion to district population. Any source of information could be used in drawing up the jury list. Section 5 was amended to give the Judge more discretion in impaneling the juries by giving him the power to direct the Sheriff to go out into the County and summon a sufficient number to discharge the need, or the Judge may cause the Jury Box to be brought in and additional names withdrawn. Section 15 was amended to give the Commissioners \$10 per day up to two days and seven cents per mile for traveling, when sworn statements were filed to verify the same, as compensation for their services.
13. Private Acts of 1957, Chapter 206, Page 582, stated that any person serving as a juror in Rutherford County would be paid \$6 per day for each day spent in service as such, except the Foreman of the Grand Jury, who would be paid \$10 for each day. This Act would apply to any and all jurors in the County, including the Juries of View, and Juries of Inquisition. This Act was properly ratified by the Quarterly Court.

COURT SYSTEM

CHANCERY COURT

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

Rutherford 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 Rutherford County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1822, Chapter 13, Page 15, provided that a Chancery Court would be held at least once each year by the Justices of the Supreme Court at the same places at which the Supreme Court met. The Chancery courts would meet at Rogersville on the first Monday in November; at Knoxville, on the third Monday of November; at Charlotte, on the fourth Monday in December; at Sparta, on the second Monday in December; at Nashville, on the fourth Monday in January; and at Columbia, on the second Monday in January. Each term would continue for two weeks unless the Dockets of the Courts were cleared up earlier, except at Nashville where the term would last six weeks.
2. Acts of 1824, Chapter 14, Page 20, directed the Justices of the Supreme Court to arrange among themselves to hold the Chancery Courts at least twice each year at Greenville, Rogersville, Kingston, Carthage, McMinnville, Franklin, Columbia, Charlotte, and Jackson. The Court at Franklin would hear and dispose of cases arising in the counties of Williamson, Davidson, and Rutherford on the first Monday in May and November of each year. Clerks would make appropriate transfer of documents to accomplish the above.
3. Acts of 1826, Chapter 77, Section 3, Page 71, was the legislative authority for John Haywood to hold the Chancery Court for the Counties of Williamson, Davidson, and Rutherford. The Court would open in Franklin on the first Monday in December, 1826, and continue in session until the business of the Court was finished.
4. Acts of 1827, Chapter 79, Page 80, divided Tennessee into two Chancery Divisions. The Eastern Division was composed of the Courts which met at Rogersville, Greenville, Kingston, Carthage, and McMinnville, while the Western had in it the Courts meeting in Franklin, Columbia, Charlotte, Jackson and Paris. Two Chancellors were to be appointed and Justices of the Supreme Court were divested of original chancery jurisdiction.
5. Acts of 1835-36, Chapter 4, Page 32, enacted subsequent to the adoption of the 1835 Constitution, provided for three Chancery Divisions in Tennessee. Each Division would have a Chancellor appointed by the Governor for an 8 year term, being paid in the same manner as other Judges. Court would convene twice each year, each Division being further broken down into Districts. Rutherford County constituted the 5th District of the Middle Division whose Court would meet at Murfreesboro on the first Monday in February and August.
6. Acts of 1839-40, Chapter 21, Page 42, fixed the terms for the Chancery Courts at Livingston, Carthage, Lebanon, Shelbyville, Winchester, McMinnville, Pikeville, and Murfreesborough

where the Court would convene on the first Monday in January and July. Rutherford County would be part of the 4th Division of the Chancery Court.

7. Acts of 1839-40, Chapter 33, Page 60, added a new Fourth Division to the Chancery Court system in Tennessee which was composed of the Courts meeting at Livingston, Carthage, McMinnville, Winchester, Lebanon, Murfreesboro, and Shelbyville. This Act amended Acts of 1835-36, Chapter 4, Page 32.
8. Acts of 1847-48, Chapter 171, Page 276, stated that the Chancery Court at Murfreesboro in Rutherford County would hereafter meet on the fourth Monday in April and the third Monday in October.
9. Acts of 1857-58, Chapter 88, Page 96, organized the Chancery Courts in Tennessee into the Eastern, Middle, Western, Fourth, Fifth, and Sixth Divisions. The Fourth Chancery Division was made up of the Counties of Wilson, Macon, Jackson, Putnam, Smith, Coffee, Franklin, Lincoln, Bedford, Sumner, DeKalb, Warren, Van Buren, Grundy, Cannon, and Rutherford whose Chancery Court would begin its terms on the fourth Monday in April and October at Murfreesboro.
10. Acts of 1870, Chapter 32, Page 60, reorganized the equity courts of Tennessee into twelve Chancery Districts assigning the counties of Franklin, Lincoln, Bedford, Rutherford, Cannon, Coffee, Warren, and Grundy to the Fourth Chancery District.
11. Acts of 1870, Chapter 47, Page 81, fixed the schedule of Court terms for every Chancery Court in the State. Rutherford County's Chancery Court would meet on the first Monday in January and June. This Act was repealed by Acts of 1875, Chapter 28, Page 28.
12. Acts of 1870-71, Chapter 22, Page 24, reset the schedule of Chancery Court terms to start in Rutherford County at Murfreesboro on the fourth Monday in April and October.
13. Acts of 1875, Chapter 28, Section 3, Page 28, changed the opening dates for the Chancery Court terms in Rutherford County to the third Monday in April and October, requiring that all outstanding process be made to conform to those dates.
14. Acts of 1885 (Ex. Sess.), Chapter 20, Page 96, was a major revision of the lower Court system of Tennessee which formed eleven Chancery Divisions. The Fourth Chancery Division contained the Counties of Warren, Cannon, Rutherford, Bedford, Franklin, Lincoln, Moore, and Marshall. Rutherford County's Chancery court was slated to begin its terms on the third Monday in April and October each year, as it had been doing. This statute was considered along with many others by the State Supreme Court in Flynn v. State, 203 Tenn. 337, 313 S.W.2d 248 (1958).
15. Acts of 1895, Chapter 108, Page 174, rescheduled the Chancery Court of Rutherford County to convene at Murfreesboro on the third Monday in January and July.
16. Acts of 1899, Chapter 427, Page 991, reorganized the entire lower Judicial system of the State. Chancery Courts were combined into ten Chancery Divisions. The Fifth Chancery Division was composed of the Counties of Rutherford, Bedford, Marshall, Williamson, Lincoln, Lawrence, Maury, Giles, Lewis, and Wayne. The Chancery Court in Rutherford would take up its docket on the third Monday in January and July.
17. Acts of 1901, Chapter 319, Page 743, created the Common Law, Chancery and County Court of the county of Rutherford. This Court would have chancery jurisdiction, criminal jurisdiction, civil jurisdiction, and jurisdiction over the County Court. The chancery division of this court would hold four terms, commencing on the second Monday of January, April, July and October. This Act repealed all laws attaching Rutherford County to the Fourth Chancery Division.

18. Acts of 1901, Chapter 427, Page 995, changed the starting date of the Chancery Court terms in Rutherford County to the second Monday in April and October.
19. Private Acts of 1972, Chapter 383, Page 1525, would have transferred all judicial functions exercised by the County Judge to the Chancery Court of Rutherford County. This Act failed to receive local approval and never became operative.
20. Public Acts of 1974, Chapter 718, established the Eighth Judicial District for Rutherford and Cannon Counties, to be served by one circuit judge and one chancellor until the population of the district exceeded 100,000, whereupon an additional judge or chancellor would be elected and for each additional 90,000 population an additional judge or chancellor would be added. This act was superseded by the general law codified in T.C.A. 16-2-506.

COURT SYSTEM

CHANCERY COURT

CLERK AND MASTER

The office of clerk and master of the chancery court is covered by title 18, chapter 5 of Tennessee Code Annotated and mentioned in article VI, section 13 of the Constitution of Tennessee, which provides that the clerk and master will be appointed by the chancellor. The salary of the clerk and master is regulated by 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 Rutherford County. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1919, Chapter 274, Page 687, provided that females, married or single, over the age of 21 and a resident of the County appointing them, would be eligible to serve as a Deputy in the office of the Clerk and Master of Rutherford County with all the rights and obligations of other Deputies. The acceptance of employment was a waiver of any defense of coverture and would work as an estoppel to deny any legal liability. This Act applied to Weakley, Rutherford, Montgomery, Greene, Giles, and Fayette Counties. This Act was repealed by Private Acts of 1979, Chapter 138, Page 527.
2. Private Acts of 1933, Chapter 876, Page 1972, fixed the salaries of several county officials in Rutherford County. The salary of the Clerk and Master of the Chancery Court was set at \$2,500 annually but that amount would be paid only when the fees collected in the office equalled that sum. All fees collected over that amount would be paid into Treasury of the county for which the Clerk and Master would be accountable. All expenses of the office would continue to be paid as the law provided.
3. Private Acts of 1939, Chapter 529, Page 1686, was the authority for the Clerk and Master of Rutherford County to appoint a Deputy for a period of one year at a time who, when sworn and bonded, would be empowered to perform any act in the same manner as the Clerk and Master. The salary of the Deputy Clerk and Master was set at \$900 a year.
4. Private Acts of 1943, Chapter 413, Page 1450, was the legislative authority for the Quarterly Court of Rutherford County to appropriate an annual sum, not to exceed \$1,200, with which to pay for the services of an Assistant, or Deputy, Clerk and Master, in the office of the Clerk and Master.

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.

Rutherford 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 Rutherford County but now have no effect, having been repealed, superseded, or having failed to win local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1803, Chapter 70, Page 119, which created Rutherford County, further provided that the courts would meet at the house of Thomas Rucker until the Quarterly Court adjourned them to another location more suitable and convenient pending the completion of the court house.
2. Acts of 1806, Chapter 19, Page 97, divided the Mero District into three separate Districts which were the Robertson District including the counties of Robertson, Dickson, Montgomery, and Stewart; the Winchester District which contained the counties of Jackson, Smith, and Wilson; and the remaining counties of Davidson, Sumner, Williamson, and Rutherford constituted the Mero District.
3. Acts of 1809, Chapter 49, Page 65, divided Tennessee into five Judicial Circuits. The Fourth Judicial Circuit comprised the counties of Davidson, Wilson, Rutherford, Williamson, Maury, Giles, Lincoln, and Bedford. The Circuit court terms would commence in Rutherford County on the second Monday in April and October.
4. Acts of 1812, Chapter 68, Section 2, Page 65, reset the Circuit Court terms in the counties of Wilson, Bedford, Lincoln, Giles, Maury, Williamson, Davidson, and Rutherford whose court would meet on the second Monday in March and September.
5. Acts of 1817, Chapter 138, Page 145, rescheduled the terms of the Circuit Courts in the Third, Fourth, Fifth, and Sixth Circuits. In Rutherford County the Circuit Court terms would begin on the third Monday in February and August.
6. Acts of 1821, Chapter 52, Section 6, Page 59, stated that Joshua Haskell, the Judge elect for the 8th Judicial Circuit could take and subscribe the oath of office prescribed for the Circuit Judges of the State before any Justice of the Peace in Rutherford County.
7. Acts of 1825, Chapter 333, Page 348, provided among other things that the Circuit Court for the County of Rutherford would be held at the Court House in Murfreesboro on the fourth Monday in February and August and would continue in session until the second Monday in March and September, if necessary to do so.

8. Acts of 1826, Chapter 197, Page 172, stated that the Circuit Court in Rutherford County would begin its sessions on the third Monday in February and the fourth Monday in August next and could continue in session until the business of the Court has been completed. All outstanding process would be made to conform to the terms of this Act.
9. Acts of 1827, Chapter 89, Page 92, declared that from and after April 1, next, the Circuit Court of Rutherford County would be held on the first Monday in April and October in each year and would continue in session for three weeks unless the business of the Court was finished before that time.
10. Acts of 1829, Chapter 52, Section 4, Page 86, formed a new Eleventh Judicial Circuit composed of the Counties of Warren, Franklin, Bedford, Rutherford, and Wilson.
11. Acts of 1835-36, Chapter 5, Page 38, enacted subsequent to the adoption of the 1835 State Constitution, fashioned the Circuit Courts of the State into eleven new Judicial Circuits whose terms of Court in the future would be three each year instead of two. The Fifth Judicial Circuit contained the Counties of Wilson, Rutherford, Bedford, Coffee, and Franklin. The Circuit Court in Rutherford County would start its terms on the second Monday of April, next, and afterwards on the third Monday in February, June, and October.
12. Acts of 1837-38, Chapter 116, Section 3, Page 181, reset the terms of the Circuit courts in the Fifth Judicial Circuit which listed the counties of Cannon, Wilson, and Rutherford where the Court would start on the first Monday in March, July, and November.
13. Acts of 1839-40, Chapter 21, Section 2, Page 42, scheduled new terms of the Circuit Courts in the Fifth Judicial Circuit, which mentioned the Counties of Bedford, Wilson, Cannon, and Rutherford where the Circuit Court would commence its terms on the second Monday in March, July, and November.
14. Acts of 1847-48, Chapter 171, Section 8, Page 276, established a Criminal Court in the cities of Clarksville, Murfreesboro, and Lebanon for the Counties of Montgomery, Rutherford, and Wilson, which courts would be held by the Judge of the Criminal Court for Davidson County. All criminal causes then pending in the Circuit Courts of these counties would be transferred by the Clerk of the Criminal Court. Court terms would be fixed by order of the Judge.
15. Acts of 1857-58, Chapter 98, Page 110, created sixteen Judicial Circuits in a complete revision of the lower court system in the State. The counties of Wilson, Cannon, Bedford, and Rutherford constituted the Seventh Judicial Circuit. Court terms in Rutherford County would begin on the second Monday in March, July, and November. The Criminal Districts of Davidson, Rutherford, and Montgomery would hold three terms each year as fixed by the Judge.
16. Acts of 1870, Chapter 31, Page 59, divided Tennessee into fifteen Judicial Circuits, enacted after the 1870 Constitution and the 1870 Census. The Counties of Rutherford, Cannon, Wilson, and Bedford, and the Criminal Court of Wilson County were all assigned to the Seventh Judicial Circuit. The Special Criminal Court for Davidson and Rutherford Counties would remain as established.
17. Acts of 1870, Chapter 46, Page 75, scheduled the opening dates for the terms of the Circuit Courts in every county of the State. Rutherford County would convene its Circuit Court on the third Monday in March, July, and November. The Criminal Court for Rutherford would be held on the first Mondays of March, August and November.
18. Acts of 1870-71, Chapter 22, Page 24, rescheduled the terms of the Rutherford County Circuit Court to start on the second Monday in March, July, and November of each year at

- Murfreesboro. This Act repealed the conflicting portions of Acts of 1870, Chapter 46, Page 75.
19. Acts of 1870-71, Chapter 109, Page 128, repealed Section 4251 of the Code of Tennessee insofar as that Section conferred criminal jurisdiction on the Circuit Court of Rutherford County and authorized the Circuit Court to empanel Grand Juries at its regular terms to find bills of indictment and presentment and then transfer them to the Criminal Court.
 20. Acts of 1885 (Ex. Sess.), Chapter 20, Page 96, divided the State into fourteen regular, and three special, Judicial Circuits. The Counties of Wilson, Rutherford, Cannon, Bedford, and Marshall were designated as the Eighth Judicial Circuit. The Circuit Court would convene in Rutherford County on the fourth Monday in February, June, and October. A Special Criminal Circuit was formed to comprise Davidson and Rutherford Counties.
 21. Acts of 1887, Chapter 213, Page 344, reset the terms of the Circuit Court in Rutherford County to begin on the Tuesday after the fourth Monday in February, June, and October.
 22. Acts of 1891, Chapter 155, Page 329, amended that portion of the Acts of 1885 (Ex. Sess.), Chapter 20, referring to the special criminal court circuit for Davidson County and Rutherford County by removing Rutherford County from the Circuit and returning criminal jurisdiction to the Circuit Court of Rutherford County.
 23. Acts of 1895, Chapter 108, Page 174, changed the opening dates for the terms of the Circuit Courts in Cannon and Rutherford Counties. The terms of the Rutherford County Circuit Court would begin on the third Monday in February, June, and October.
 24. Acts of 1899, Chapter 427, Page 991, reorganized the Circuit Courts of the State into fourteen Judicial Circuits. The 8th Judicial Circuit included the Counties of Wilson, Rutherford, Bedford, Marshall, Cannon, and Williamson. Circuit Court terms in Rutherford County would commence on the third Monday in February, June, and October.
 25. Public Acts of 1974, Chapter 718, established the Eighth Judicial District for Rutherford and Cannon Counties, to be served by one circuit judge and one chancellor until the population of the district exceeded 100,000, whereupon an additional judge or chancellor would be elected and for each additional 90,000 population an additional judge or chancellor would be added. This act was superseded by the general law codified in T.C.A. 16-2-506.

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 set by T.C.A. § 8-24-102.

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

1. Acts of 1903, Chapter 255, Page 596, was a salary Act, which involved Circuit Court Clerks only, setting the annual salary of the Clerks in Counties according to the population of the County in which they served. The Circuit Court Clerk of Rutherford County would have been paid \$1,000 annually under the terms of this law. The Clerk was required to file a sworn, itemized statement with the County Judge, or Chairman, each year showing the amount of fees collected in the office. If the fees were less than the salary, the County must pay the difference but the Clerk could retain any excess.
2. Private Acts of 1919, Chapter 274, Page 687, permitted females, married or single, over the age of 21 and a resident of the counties appointing them, to serve as a Deputy in the office of the Circuit Court Clerk with all the rights and obligations as other Deputy Clerks. Acceptance of employment hereunder would be a waiver of any defense of coverture and work as an estoppel to deny and legal liability. This Act was repealed by Private Acts of 1979, Chapter 138, Page 527.
3. Private Acts of 1933, Chapter 876, Page 1972, established the annual salaries of most of the officials of Rutherford County, fixing that of the Circuit Court Clerk at \$2,000. This salary, however, would only be paid when the fees collected in the office reached that amount. All fees over and above would be paid into the County treasury for which the Circuit Court Clerk was accountable. The expenses of the office would continue to be cared for as provided under existing law.
4. Private Acts of 1943, Chapter 412, Page 1449, was the enabling law which allowed the Quarterly Court of Rutherford County to appropriate a sum not to exceed \$1,200 annually which would be used as compensation for an assistant, or Deputy, Circuit Court Clerk.

COURT SYSTEM

COURT OFFICERS

ACTS OF 1867-68

CHAPTER 67

SECTION 1. That in all counties of the State of Tennessee having a population of not less than thirty-three thousand and fifty, nor more than thirty-three and sixty-five, according to the Federal Census of 1920, or any subsequent Federal Census, officers serving the Circuit and Criminal Courts shall receive a per diem of twenty-five dollars (\$25) per day compensation for their services to be paid by the county; provided further, that in all counties of the state having a population of not less than 51,000 nor more than 53,500 according to the 1960 Federal Census or any subsequent Federal Census, said officers shall be appointed by the presiding judge to serve at his pleasure and shall have the authority to administer oaths and shall be possessed of sufficient police power to maintain order in the court room and, to this end, shall be granted the legal authority to be armed.

As amended by: Private Acts of 1925, Chapter 556,
Private Acts of 1967-68, Chapter 187,
Private Acts of 1969, Chapter 63,
Private Acts of 1979, Chapter 137.

Passed: March 15, 1868.

COMPILER'S NOTE: The remainder of this Act has no effect on Rutherford County and is not reprinted here.

COURT SYSTEM

COURT OFFICERS

The following list is a description of the original act granting a per diem pay to court officers and the subsequent amendments to the act.

1. Acts of 1867-68, Chapter 67, Page 85, amended Acts of 1866-67, Chapter 3, which set the per diem of Justices of the Peace attending Quarterly Courts, and of jurors waiting on and serving Courts, at \$2 per day, by making the same terms and conditions applicable to officers serving Courts, who would be paid a like per diem.
2. Private Acts of 1925, Chapter 556, Page 2120, amended Acts of 1867-68, Chapter 67, to provide that in Rutherford County the officers serving the Circuit Court and the Criminal Court would receive \$3 per day as compensation therefor.
3. Private Acts of 1967-68, Chapter 187, Page 743, amended Private Acts of 1925, Chapter 556, by fixing the compensation of the officers serving the Circuit and Criminal Courts to be the same as that paid to the Foremen of Grand Juries by general law, the amount to come out of the county treasury.
4. Private Acts of 1969, Chapter 63, Page 267, amended Acts of 1867-68, Chapter 67, by adding a provision for the presiding Judge to appoint Court officers.
5. Private Acts of 1977, Chapter 76, pertains to officers of the General Sessions, Juvenile, and Probate Courts. Since the Act amended the Act creating the General Sessions Court of Rutherford County (Private Acts of 1947, Chapter 389), please see the topic General Sessions Court for its contents.
6. Private Acts of 1979, Chapter 137, amended Acts of 1867-68, Chapter 67, by setting the per diem to be paid Court officers in Rutherford County at \$25.

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 Rutherford County, by general law found in § 16-2-506 of Tennessee Code Annotated, is part of the 16th 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.

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

1. Acts of 1847-48, Chapter 171, Section 8, Page 276, set up and organized a Criminal Court at Clarksville, Murfreesboro, and Lebanon for the counties of Montgomery, Rutherford, and Wilson, which Courts would be held by the Criminal Court Judge of Davidson County, under the same rules and regulations as any other Criminal Court. All criminal cases pending in the Circuit Courts of these counties must be transferred to the Court established herein. Court terms would be determined by order of the Court.
2. Acts of 1853-54, Chapter 52, Section 2, Page 123, provided that the Counties of Sumner, Davidson, Rutherford, and Montgomery would elect a Judge jointly who would hold the Circuit Court of Sumner County and the Criminal Courts of Davidson, Rutherford, and Montgomery.
3. Acts of 1857-58, Chapter 98, Page 110, provided that the Criminal Districts of Davidson, Rutherford, and Montgomery shall hold three terms of said court, in each year, at Nashville, Clarksville, and Murfreesboro. The terms to be fixed by standing order of the court.
4. Acts of 1870, Chapter 31, Page 59, reorganized the circuit court system in Tennessee but left unchanged the Special Criminal Court for Davidson and Rutherford Counties.
5. Acts of 1870, Chapter 46, Page 75, provided that the Criminal Court for Rutherford County would be held on the first Mondays of March, August, and November.
6. Acts of 1870-71, Chapter 55, Page 76, amended Acts of 1870, Chapter 46, by changing the March term of Court to April for the Criminal Court of Rutherford County.
7. Acts of 1870-71, Chapter 109, Page 128, repealed Section 4251 of the Code of Tennessee insofar as that Section conferred criminal jurisdiction on the Circuit Court of Rutherford County, but did authorize the Circuit Court to empanel Grand Juries at its regular terms of Court to find bills of indictment and presentment which would be transferred to the Criminal Court for trial.
8. Acts of 1871, Chapter 26, Page 25, amended Acts of 1870, Chapter 46, relating to the Criminal Court of Rutherford County by changing the starting dates for the terms of the Criminal Court to the first Monday in April, August, and December.
9. Acts of 1885 (Ex. Sess.), Chapter 20, Page 96, in its complete revision of the lower court system of the State established the special criminal court Division including the counties of

Davidson and Rutherford. Court terms would commence in Rutherford on the first Monday in April, August, and December.

10. Acts of 1891, Chapter 155, Page 329, amended Acts of 1885 (Ex. Sess.), Chapter 20, which established a special criminal court Division for Davidson and Rutherford Counties by removing Rutherford County from that special Division and providing that thereafter crimes would be tried in Rutherford County in the Circuit Court to which all criminal jurisdiction was hereby restored. This Act was to become effective on June 1, 1891, to which all bonds and process must be made to conform.

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, Rutherford 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 acts once affecting Rutherford County are no longer in effect but are listed here for historical purposes.

1. Acts of 1817, Chapter 65, Section 3, Page 73, divided Tennessee into ten Solicitorial Districts. The Sixth Solicitorial District was composed of the counties of Smith, Wilson, and Rutherford. The General Assembly would appoint an Attorney General for each District.
2. Acts of 1835-36, Chapter 28, Page 127, made each Solicitorial District in the State of Tennessee coincide with each Circuit having criminal jurisdiction. The General Assembly would elect an Attorney General for each District. In addition to prosecuting or defending on behalf of the State, he would provide legal opinions to county officers without charge.
3. Private Acts of 1901, Chapter 319, Section 18, Page 743, created the position of District Attorney for Rutherford County who would be elected by the qualified voters to an eight year term. The salary was set at \$600 per year which would come from the fines and forfeitures in criminal prosecutions. The District Attorney would also serve as County Attorney for which services the County Court would provide additional compensation in an amount not less than \$100 per year.
4. Public Acts of 1953, Chapter 19, created the office of Assistant District Attorney General for the Eighth Judicial Circuit. This Act was superseded by the general law codified at T.C.A. 16-2-506.
5. Public Acts of 1974, Chapter 552, created the office of Criminal Investigator for the Eighth Judicial Circuit. This Act was superseded by the general law codified at T.C.A. 16-2-506.
6. Public Acts of 1976, Chapter 508, created an additional office of Assistant District Attorney General for the Eighth Judicial Circuit. This Act was superseded by the general law codified at T.C.A. 16-2-506.

COURT SYSTEM

GENERAL SESSIONS COURT

PRIVATE ACTS OF 1947

CHAPTER 384

SECTION 1. That there is hereby created and established a Court in and for Rutherford County, Tennessee, which shall be designated Court of General Sessions of Rutherford County, Tennessee.

Said County shall provide a courtroom in the Town of Murfreesboro, Tennessee, dockets, furnishings and necessary supplies for the equipment and maintenance of said Court, and pay for same out of the general funds of said County.

The Judge of the Court of General Sessions of Rutherford County, Tennessee, shall hold said Court in the court room so provided; and in his discretion the Judge of said Court may hold or try a case or cases in any part or locality of Rutherford County that he deems to be more convenient and accessible to the litigants and witnesses.

SECTION 2. That the Court of General Sessions of Rutherford County, Tennessee, shall be and is hereby vested with all of the jurisdiction and shall exercise all of the authority conferred by the General Assembly of Tennessee upon Justices of the Peace in civil and criminal cases, suits and actions; and the Justices of the Peace of said County are hereby divested of all such jurisdiction and authority, but any Justice of the Peace of said County, except those in the district where the Court sits, may issue criminal, civil and search warrants against and accept appearance bonds from any person charged with an offense committed in the district for which such Justice of the Peace was elected. But all process issued by Justices of the Peace shall be returnable to the Court of General Sessions of Rutherford County, Tennessee.

The authority of said Justices of the Peace of Rutherford County, Tennessee, in their capacity as members of the Quarterly County Court, or in the performance of the rites of matrimony, is in no wise affected by this Act. The Judge of said Court of General Sessions shall have authority to interchange with the County Judge of Rutherford County and with the Chancellor and Circuit Judge holding Court in said county.

As amended by: Private Acts of 1953, Chapter 115.

SECTION 2. (A). That the Court of General Sessions of Rutherford County, Tennessee shall be and is hereby concurrently vested with, and shall exercise, concurrently, all of the jurisdiction and authority conferred by the General Law of the State of Tennessee including but not limited to that conferred by Tennessee Code Annotated, Title 16, Chapter 7, upon the County Court, or the County Judge, or the chairman of the County Court, as a judicial office and as a judicial officer.

SECTION 2 (B). That any appeal from any action or judgement of said court shall be made in the form and manner, to the Court, within the time, and under such circumstances, as is prescribed by the General Law of the State of Tennessee for appeals upon the same subject matter taken from courts having the same or equivalent jurisdiction as was exercised by the General Sessions Court from which an appeal is sought.

SECTION 2 (C). That, contrary provisions of this Act notwithstanding, the Clerk for all things and matters granted by the jurisdictional provisions of Section 2 (A) and 2 (B) above shall be the County Court Clerk of Rutherford County. For all other jurisdiction exercised by this court, the Clerk

of the Court shall be the Circuit Court Clerk of Rutherford County as set forth in Section 16, et seq. of this Act.

As amended by: Private Acts of 1973, Chapter 118.

SECTION 3. That before the commencement of any civil actions in said Court, the plaintiff shall be required to secure the costs by executing a cost bond with solvent security in a penalty of not less than \$25.00, or by making a cash deposit of not less than \$5.00, nor more than \$25.00, as may be deemed proper by the Judge or Clerk of said Court, or if a resident of the State of Tennessee, may in lieu thereof take and file the oath prescribed for poor persons, and on motion of the defendant, or on its own motion, the Court may have the amount of any such bond or cash deposit increased; and in the case of the issuance of extraordinary process such bond or oath shall be executed and filed as is required under the general laws for extraordinary process in Justice of the Peace Courts.

SECTION 4. No person having business in or before the Court, or any part thereof, shall be required or compelled to engage or employ the services of an attorney.

As amended by: Private Acts of 1973, Chapter 118.

SECTION 5. That the rules of pleading and practice, form of writ and process and stay of appeals from judgements in civil cases of said Court shall be the same as of Justices of the Peace.

SECTION 6. That in all matters the costs and fees of said Court of General Sessions shall be the same as those provided by law for Justices of the Peace.

The fees and other compensation of the Sheriff, his Deputies, Constables, Game Wardens and State Highway Patrolmen for the execution of writs and process of said Court, and the attendance and mileage of witnesses shall be the same in said Court as those provided by law for the Courts of Justices of the Peace.

The fees and compensation due for services rendered by said Court of General Sessions shall be paid to the Clerk of said Court and by him accounted for as hereinafter provided. Said costs, fees, and mileage of witnesses, the fees, commissions and emoluments of the Sheriff, his Deputies, Constables, State Highway Patrolmen, Game Wardens and other officers, for service to said Court, and the fines and forfeitures adjudged by it shall be handled, accounted for and disbursed as required by law.

SECTION 7. That the Court herein provided is hereby vested with full jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before said Court upon warrant wherein the person charged with such misdemeanor offense enters a plea of guilty or requests trial upon the merits and expressly waives in writing an indictment, presentment, grand jury investigation and jury trial. In such cases, the trial shall proceed before the Court without the intervention of a jury, and the Court shall enter such judgement and, as an incident thereto, may inflict such punishment, within the limits provided by law for the particular offense, as he may deem proper under the peculiar circumstances of such case, but nothing herein shall be construed as undertaking to grant such Judge the power to impose a fine in excess of \$50.00 upon any citizen of this State; and provided further, that the Court herein created shall have no jurisdiction of the trial of misdemeanors for which the minimum punishment is a fine of more than \$50.00, or where a fine of any amount and imprisonment is prescribed.

Any person aggrieved by the judgement of the Court of General Sessions having criminal jurisdiction rendered under the provisions of this section may appeal such judgement to the next term of the Circuit Court of Rutherford County upon executing an appearance bond and likewise executing bond for the amount of fine and costs, or in lieu thereof, taking the oath prescribed by law for paupers. Such appeal, when properly taken to the Circuit Court of Rutherford County, shall be tried by the

Judge of the Circuit Court without a jury and without indictment and presentment, and upon the original warrant issued against such person.

The Judge of the Court of General Sessions herein created is expressly authorized to issue any and all process in connection with criminal cases disposed of by him and under the provisions of this section necessary to effectuate the carrying out of the judgement rendered by him in such case.

SECTION 8. That separate dockets shall be kept by the Clerk, under the direction of the Court, for civil and criminal cases.

Upon the civil docket shall be entered the style of each case, the date of issuance of the warrant or process, and the return of the process, in brief form, action of the Court on the case, both interlocutory and final orders, judgments, executions, garnishments, lists of the fees of the Court, the Sheriff, his Deputies, Constables, Game Wardens, and State Highway Patrolmen for their services, fees of witnesses for attendance, et cetera, and credits for payment upon the judgement and upon the costs. All cases shall be indexed and the dockets shall be substantially in the form of those of Justices of the Peace.

The criminal docket shall be kept in like manner, and shall also contain the information provided for in Section 10 of this Act.

The Judge of the Court of General Sessions shall have the power to and may adopt such rules as may be necessary to expedite the trial and disposal of cases.

SECTION 9. That no warrant or information charging a person with an offense against the laws of the State shall be delivered from said Court to any peace officer for the arrest of such person until after an entry in the Criminal Docket has been made by the Clerk or Judge showing the names of the person or persons accused, the prosecutor, the officer to whom to be delivered and his signature upon said docket showing receipt of such process. All of such warrants, information, dockets, and other records of said Court of General Sessions shall be available to the District Attorney-General for any legal purpose.

SECTION 10. That all appeal bonds in civil cases, all bail bonds, recognizance bonds, and appearance bonds of person charged with criminal offenses for their appearance for arraignment or trial in said Court of General Sessions shall be taken by the Clerk of the Circuit Court. This provision shall in no wise abridge the authority of the Sheriff to take bonds as now provided by law.

When Court is not in session, the Sheriff shall have the right to take bond for the appearance of a person charged with crime, but such bonds may be taken only at the County Jail and a record made thereof. Should the offense be a petty one and the person accused be a resident of the County, the Sheriff may release such person on his own recognizance. Also the Clerk of the Court, when the Judge thereof is not available, may take bond for the appearance of persons charged with crime, if such offense is bailable.

SECTION 11. That the compensation of the Judge of the Court of General Sessions of Rutherford County, Tennessee, shall be \$3,600.00 per annum, payable in equal monthly installments. Said salary shall be paid out of the general funds of the said County.

SECTION 12. That in order to carry out the purpose and intent of this Act, and to establish the machinery for the operation of this Court of General Sessions, the Honorable A. T. Todd, Jr., a member of the Bar Association of Murfreesboro, Tennessee, and a citizen of Rutherford County, Tennessee, is hereby appointed the first General Sessions Judge of said County, and he shall take office on April 1, 1947, and shall hold said office until the first election of a General Sessions Judge, as hereinafter provided.

The person named in this bill shall serve until September 1, 1948. At the regular August election, 1948, a Judge shall be elected for said Court by the qualified voters of said County to take office September 1, 1948, who shall serve until September 1, 1950. At the August election, 1950, there shall be elected by the voters of said County a Judge who shall hold office for a term of four years from September 1, 1950, and subsequent terms shall be for four years.

The Legislature declares that if the Court hereby created shall be held to be an inferior court within the contemplation of Article VI, Section 4, of the Constitution, and the Judge thereof entitled to a term of eight years, it would have enacted this statute with the term of the Judge fixed at eight years.

The present presiding Judge of the Court of General Sessions is hereby designated as the Senior Judge, and as Judge of Part I, of said Court of General Sessions. The Senior Judge and Judge of Part I shall be vested with the authority to assign for trial and disposition all matters, suits and cases which are now pending, and all matters, suits and cases which may hereafter be filed in said court, including juvenile matters. At the end of 6 (six) months from the effective date of this act, the judge of Part II shall become the Senior Judge with all of the above authority and responsibility. Thereafter, the judges shall rotate, every 6 (six) months, the position of Senior Judge.

There is hereby created and established a Part II of the Court of General Sessions of Rutherford County, and the person to be appointed to fill such position shall be designated as Judge of Part II of said Court. The Judge of Part II shall be vested with the same authority and jurisdiction to try, hear and dispose of such matters, suits and cases as the Judge of Part I. The Governor of the State of Tennessee shall appoint a qualified person who shall serve as Judge of Part II, and the person so appointed shall serve until the next regular election to be held in August, 1974, at which time the qualified voters of said County shall, in the manner provided by law, elect a Judge of Part II of said Court for a full term. The said appointee shall continue to serve until the said electee qualifies for and assumes the office on September 1, 1974, and the full term of office of the Judge of Part II shall be the same as provided by law for the Judge of Part I.

The compensation of the Judge of Part II shall be the same as that of the Judge of Part I, and shall be paid in the same manner as now authorized for the Judge of Part I.

At all times, in a manner as decided upon by the Senior Judge, a judge of the General Sessions Court shall be available to the citizens of Rutherford County.

As amended by: Private Acts of 1973, Chapter 118.

SECTION 13. That if the Judge of said court fails to attend, cannot preside in a pending case or for any reason hold Court, a majority of the attorneys present in such Court may elect some qualified person, and when elected he shall take the same oath and have the same authority as the regular Judge of said Court, to hold the Court and perform all the duties of such Judge for the occasion. In the event of a temporary disability on the part of said Judge, he is hereby authorized to appoint some qualified person, who shall hold Court in his stead for a period not exceeding two days at any stated time, with the provision that not more than two appointments each month shall be made by said Judge.

SECTION 14. That in case of vacancy for any cause, the Governor of the State of Tennessee shall have the power to appoint some qualified person to fill such vacancy until the first day of September following the next biennial August election occurring more than thirty days after the vacancy occurs or until his successor is elected and qualified.

SECTION 15. That the Clerk of the Circuit Court of said County shall act as Clerk of said Court of General Sessions, and when acting as Clerk of said Court, shall be designated "Clerk of the Court of General Sessions of Rutherford County, Tennessee." The fees, commissions and emoluments of said Court of General Sessions shall accrue to said County, the Clerk of said Court shall receive

as his compensation the sum of \$1300.00 per annum, payable in equal monthly installments out of the general funds of said County, and shall pay to said County monthly all fees, the Clerk of said Court shall receive as his compensation the sum of \$1,300.00 per annum, payable in equal monthly installments out of the general funds of said County, and shall pay to said County monthly all fees, commissions, and emoluments of said Court of General Sessions and the same shall become a part of the general funds of Rutherford County, Tennessee.

The Clerk of said Court and his deputies shall have concurrent authority with the Judge thereof to issue warrants and other processes and writs, other than those which the law requires shall be issued only by a judicial officer.

As amended by: Private Acts of 1947, Chapter 737.

SECTION 16. That the Sheriff of said County, or any Deputy Sheriff or Constable thereof, shall serve legal processes, writs and papers issued from said Court with the same authority as provided by law in regard to Justice of the Peace Courts.

The judges of the General Sessions, Juvenile and Probate Courts of Rutherford County, Tennessee, are authorized and empowered to appoint, with the advice and consent by majority vote of the County Court, qualified persons at least eighteen (18) years of age to serve as court officers and/or bailiffs for said courts, and whose primary duties shall be to attend and wait upon those courts whenever they are in session, to maintain order and decorum in the courtrooms and chambers, to execute and serve warrants and other legal processes when directed by the courts, to take charge of prisoners in the courts when directed by the courts, and to perform such other duties as the courts may prescribe. The said officer, or officers, shall serve at the pleasure of the judges of said courts, and vacancies in the office shall be filled in the same manner and subject to the same terms as provided for the original appointment.

When such primary duties reasonably allow, the said officer, or officers, shall be available, upon request, or the direction of the County Judge to perform or to assist in performing similar duties for other courts, committees, sub-committees and boards as may go into session from time to time in the county courthouse, and, when all other duties reasonably allow, the said officer shall patrol the county courthouse, its offices, and its grounds, for the purpose of preserving the peace and protecting the citizenry and property of the county and said officer shall investigate at the request of the Sheriff, County Judge, or other judges, and enforce county wheel tax laws and other tax laws providing revenue for the county.

Before entering upon the duties of the office, the said officer, or officers, and any successor in the office, shall subscribe the same oath and give the same bond as that required by law of constables who are conservators of the peace. When performing any of the duties of his office, the said officer, or officers and any successor in the office, shall be vested with the same power and authority, both statutory and common law, as constables who are conservators of the peace, including authority to effect arrests and to go armed when in performance of the duties of the office.

At the expense of the county, and when performing any of the duties of the office, the said officer, or officers, and any successor shall be in uniform and shall display a badge of the office, and shall be entitled to compensation from the county treasury in such amount and upon such terms as the Quarterly County Court of the county shall determine from time to time.

As amended by: Private Acts of 1977, Chapter 76.

SECTION 17. That this Act shall in no wise impair the right, title or interest of any Justice of the Peace of said County to any unpaid fees or funds in which he had a right or interest, in any proceedings, judgement or suit, whether said cause is disposed of or pending when this Act becomes effective.

SECTION 18. That all of the official dockets, records and papers in cases that are undisposed of or pending in the offices of Justices of Peace of said County at the time this Act becomes effective shall be delivered to said Court of General Sessions. The official dockets, records and papers in possession of Justices of the Peace of said County in cases that have been completed shall be turned over to said County, as provided by law.

SECTION 19. That said Court shall have the authority to hear and determine all undisposed of cases in the Courts of the Justices of the Peace of said County as if such cases had originated in said Court of General Sessions.

SECTION 20. That none of the provisions contained in this Act shall be construed to prohibit the Judge of the Court of General Sessions of Rutherford County, Tennessee, from practicing law in the Chancery Courts, Circuit Courts, County Courts, and Appellate Courts of the State of Tennessee, except in cases having their origin in said Court of General Sessions of Rutherford County, Tennessee.

SECTION 21. That the General Assembly of the State of Tennessee expressly declares that each section, subsection, paragraph, and provision of this Act is several, and that should any portion of this Act be held unconstitutional or invalid, the same shall not affect the remainder of this Act, but such unconstitutional or invalid portion shall be elided, and the General Assembly of the State of Tennessee declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

SECTION 22. That this Act shall take effect on April 1, 1947, after its passage, the public welfare requiring it.

Passed: February 26, 1947.

COMPILER'S NOTE: The question of the constitutionality of portions of this Act, as amended, was raised in the case of O'Brien v. Rutherford County, 199 Tenn. 642, 288 S.W.2d 708 (1956), along with issues of equitable estoppel. Section 15 was declared unconstitutional as being in violation of Article 11, Section 8 of the Tennessee Constitution, and could properly be elided from the Act at the instance of one who was not estopped to question it.

COURT SYSTEM

GENERAL SESSIONS COURT

PRIVATE ACTS OF 1951

CHAPTER 516

SECTION 1. That the Judge of the Court of General Sessions of Rutherford County, Tennessee, is hereby authorized and empowered to grant injunctions, attachments, writs of ne exeat and other extraordinary process.

SECTION 2. That any additional compensation of \$1,800.00 per annum, payable monthly, be paid the Judge of the Court of General Sessions of Rutherford County, Tennessee, from the general county revenues.

As amended by: Private Acts of 1953, Chapter 510.

SECTION 3. That the General Assembly of the State of Tennessee expressly declares that each section, subsection, paragraph, and provision of this Act is severable and that should any portion of this Act be held unconstitutional or invalid, the same shall not affect the remainder of this Act, but such unconstitutional or invalid portion shall be elided, and the General Assembly of the State of Tennessee declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

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

Passed: March 12, 1951.

COURT SYSTEM

GENERAL SESSIONS COURT

PRIVATE ACTS OF 1961

CHAPTER 1

SECTION 1. That Chapter 384 of the Private Acts of 1947 be and is hereby amended so that in addition to the jurisdiction, powers and duties vested by law in the General Sessions Court of Rutherford County, Tennessee, that the said General Sessions Court is hereby constituted the Juvenile Court of Rutherford County, Tennessee, and all of the jurisdiction, power and authority vested by law in the Juvenile Courts is hereby vested in the General Sessions court of Rutherford County. All of the Jurisdiction heretofore exercised by the County Judge of Rutherford County, Tennessee, is hereby divested from such Court and vested in the said General Sessions Court.

SECTION 2. That Chapter 384 of the Private Acts of 1947 be and is hereby further amended so that the General Sessions Judge, for his services as Juvenile Judge, shall be paid One Thousand Six Hundred Dollars (\$1,600.00) per annum for his services and the same shall be paid in equal monthly installments from the County General Fund.

SECTION 3. That Chapter 384 of the Private Acts of 1947 be and is hereby further amended so that the Circuit Court Clerk shall act as the Clerk of the Juvenile Court and shall perform all the powers and functions in regard to such Court as are now vested by law in the County Court Clerk.

SECTION 4. That the provisions of this Act are hereby declared to be severable. If any of its sections, provisions or enactments, or parts thereof, be held unconstitutional or void, the remainder of this Act shall continue in full force and effect, it being the Legislative intent that this Act would have been adopted even if such unconstitutional or void matter had not been included herein.

SECTION 5. That this Act take effect from and after its passage, the public welfare requiring it, but said Act shall not become effective until the same has been approved by a two-thirds roll call vote of the members of the Quarterly County Court of Rutherford County, Tennessee.

Passed: January 5, 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.

The following acts once affected the general sessions court of Rutherford County, but are no longer in effect and are included herein for reference purposes.

1. Private Acts of 1947, Chapter 737, Page 2983, amended Private Acts of 1947, Chapter 384, Section 15, by increasing the amount to be paid to the Clerk of the General Sessions Court from \$1,000 to \$1,300 per annum. This entire Section was later ruled unconstitutional in O'Brien v. Rutherford County, 199 Tenn. 642, 288 S.W.2d 708 (1956).
2. Private Acts of 1957, Chapter 217, Page 622, amended Section 11, Private Acts of 1947, Chapter 384, by increasing the annual salary of the Judge of the court from \$3,600 to \$6,500, and by adding a new paragraph at the end which stated that this increased amount would be and include the entire compensation to be paid to the Judge for all of his services. This Act was rejected by the Rutherford County Quarterly Court and consequently did not become an effective law.
3. Private Acts of 1963, Chapter 114, Page 369, amended Section 2, Private Acts of 1947, Chapter 384, by adding a sentence to give concurrent jurisdiction to the General Sessions Court with the Circuit Court in divorces, habeas corpus proceedings, and workmen's compensation cases. Section 12 was amended with an added provision that the present Judge is the presiding Judge, and the Judge of Part I of the Court, who would assign cases, etc. The Act created a Part II of the General Sessions Court which would have a judge of equal jurisdiction and power, to be appointed by the Governor to serve until September 1, 1964. This Act was rejected by the Quarterly Court thus failing to become operative.
4. Private Acts of 1973, Chapter 1, Page 1, would have created a Court of General Sessions, Juvenile Court and Probate Court of Rutherford County. Division I of three divisions would constitute the Court of General Sessions. This Act failed to receive local approval and never became effective.
5. Private Acts of 1973, Chapter 2, Page 12, was in many respects identical to Private Acts of 1973, Chapter 1. This Act failed to receive local approval and consequently never became effective.

COURT SYSTEM

JUVENILE COURT

PRIVATE ACTS OF 1961

CHAPTER 1

SECTION 1. That Chapter 384 of the Private Acts of 1947 be and is hereby amended so that in addition to the jurisdiction, powers and duties vested by law in the General Sessions Court of Rutherford County, Tennessee, that the said General Sessions Court is hereby constituted the Juvenile Court of Rutherford County, Tennessee, and all of the jurisdiction, power and authority vested by law in the Juvenile Courts is hereby vested in the General Sessions court of Rutherford County. All of the jurisdiction heretofore exercised by the County Judge of Rutherford County, Tennessee, is hereby divested from such Court and vested in the said General Sessions Court.

SECTION 2. That Chapter 384 of the Private Acts of 1947 be and is hereby further amended so that the General Sessions Judge, for his services as Juvenile Judge, shall be paid One Thousand Six Hundred Dollars (\$1,600.00) per annum for his services and the same shall be paid in equal monthly installments from the County General Fund.

SECTION 3. That Chapter 384 of the Private Acts of 1947 be and is hereby further amended so that the Circuit Court Clerk shall act as the Clerk of the Juvenile Court and shall perform all the powers and functions in regard to such Court as are now vested by law in the County Court Clerk.

SECTION 4. That the provisions of this Act are hereby declared to be severable. If any of its sections, provisions or enactments, or parts thereof, be held unconstitutional or void, the remainder of this Act shall continue in full force and effect, it being the Legislative intent that this Act would have been adopted even if such unconstitutional or void matter had not been included herein.

SECTION 5. That this Act take effect from and after its passage, the public welfare requiring it, but said Act shall not become effective until the same has been approved by a two-thirds roll call vote of the members of the Quarterly County Court of Rutherford County, Tennessee.

Passed: January 5, 1961.

COURT SYSTEM

JUVENILE COURT

PRIVATE ACTS OF 2000

CHAPTER 72

SECTION 1. As used in this Act, unless the context otherwise requires:

(a) "Court" means the Juvenile County of Rutherford County.

(b) "Judge" means the Judge of the Juvenile Court of Rutherford County.

(c) "Clerk" means the Circuit Court Clerk or Deputy Clerk of Rutherford County.

SECTION 2. There is created, in Rutherford County, a Juvenile Court to be known and styled as the Juvenile Court of Rutherford County. Such court shall be a court of record and shall be presided over by a Judge who shall have the qualifications and salary provided by this Act.

SECTION 3. A Judge for such court shall, upon the approval of this Act, be appointed who shall be licensed to practice law in this State and who possesses all other qualifications of judges of inferior courts, as provided by law. The Judge shall be elected in the August general election to serve from September 1, 2000, to August 31, 2006. Thereafter, the term of office shall be eight (8) years, and such Judge shall be licensed to practice law in the state of Tennessee and shall possess all the qualifications of the inferior courts. The elected Judge shall take and subscribe to the same oath of office as that subscribed for the Judges of the Circuit and General Session Courts. In the event the office of the Judge shall become vacant by reason of death, resignation, retirement, or any other reason before the expiration of said term of office, such vacancy shall be filled by a majority of the Rutherford County Commission members until the next county general election. The Rutherford County Eection (sic) Commission shall set the qualifying deadlines for the August 3, 2000, General Elections.

SECTION 4. The Rutherford County Circuit Court Clerk shall serve as Clerk of the Rutherford County Juvenile Court and any of such clerk's deputies shall also be deputies for the Juvenile County created by this Act.

SECTION 5. The Judge and Clerk of such Juvenile Court shall have all of the jurisdiction, powers, duties, and authority of other Juvenile Court Judges and Clerks as provided in Tennessee Code Annotated, Title 37 or any other general law.

SECTION 6. The salary of the Juvenile Judge shall be commensurate with the register of deeds of Rutherford County. The Judge shall receive cost-of-living adjustments in accordance with the provisions in Tennessee Code Annotated, §8-23-103.

SECTION 7. The Juvenile Court Judge shall not be allowed to participate in the practice of law in all other courts within the court system and shall be prohibited from performing any services in any of such courts. The Judge shall be a full-time position.

SECTION 8. The Judge is authorized to make and promulgate rules and regulations for the administration and efficient operation of the court and to fix the times and places at which all persons within the jurisdiction of the court shall have their causes set for disposition.

SECTION 9. The Judge shall, pursuant to the laws and regulations of Rutherford County, appoint such personnel as may be necessary to efficiently carry on the business of the court. All such appointments shall be limited by the total appropriations made for such personnel during each fiscal year by the county legislative bodies.

SECTION 10. The county legislative body shall provide the court with facilities adequate and sufficient to allow the court to perform its duties as a Juvenile Court.

SECTION 11. All unfinished and pending matters in the court or courts exercising Juvenile Court jurisdiction, prior to the date this Act takes effect, shall be transferred to the court created by this Act at the close of business on the day preceding the day this Act becomes effective. On such date, all official books, records, and other documents pertaining to any matter within the jurisdiction of the Juvenile Court shall be delivered to such court.

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

SECTION 13. This Act shall have no effect, unless it is approved by a two-thirds (2/3) vote of the County Legislative Body of Rutherford County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Rutherford County Legislative Body and certified by him to the Secretary of State.

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

Passed: February 7, 2000.

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.

The following act once affecting juvenile courts in Rutherford County is included herein for reference purposes. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1925, Chapter 591, Page 2239, amended Public Acts of 1911, Chapter 58, Section 18, by designating the City Recorder of the County Seat in Rutherford County, or the Judges of the Municipal Court of that City as the Judge of the Juvenile Court also. This Act was repealed by Private Acts of 1929, Chapter 102, Page 202.

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.

CHAPTER VI - EDUCATION/SCHOOLS

EDUCATION - SCHOOLS

BOARD OF EDUCATION

PRIVATE ACTS OF 1967-68

CHAPTER 454

SECTION 1. That the government, supervision, and control of public schools of Rutherford County shall be vested in the seven-member Board of Education created by Chapter No. 252, Public Acts of 1967, to be elected by the qualified voters of Rutherford County as hereinafter provided.

SECTION 2. That pursuant to the terms and provisions of Chapter No. 252, Public Acts of 1967, seven School Board Districts of substantially equal population are hereby established, and the numbers and boundaries of said Districts shall be defined according to the descriptions as follows, to-wit:

School District 1 shall be composed of Magisterial Districts 5, 11, and 12.

School District 2 shall be composed of Magisterial Districts 1, 2, and 3.

School District 3 shall be composed of Magisterial Districts 4, 6, and 7.

School District 4 shall be composed of Magisterial Districts 8, 9, and 10.

School District 5 shall be composed of Magisterial Districts 13, 15, and 16.

School District 6 shall be composed of Magisterial Districts 17, 18, and 21.

School District 7 shall be composed of Magisterial Districts 14, 19, and 20.

Magisterial Districts referred to herein shall be those established by the Rutherford County Quarterly Court in a redistricting plan adopted by such court in 1972.

The Quarterly County Court is authorized to make any subsequent redistrictings of the school districts from time to time as necessary to provide for the election of school board members from district that are substantially equal in population, but in so doing shall in no way abridge terms of office of school board members, such districts shall be so defined that they contain one or more whole magisterial districts and their boundaries shall conform to those of magisterial districts.

As amended by: Private Acts of 1972, Chapter 371, Page 1434.

SECTION 3. That School Board members shall be citizens of recognized integrity, intelligence, and ability to administer the duties of the office. Each such member shall have resided not less than one (1) year next preceding his election in one or another of the civil districts comprising the School Board District from which he is elected and shall be a registered voter in such district. No member of the Quarterly County Court nor any other county official, elected or appointed, shall be eligible for election or appointment as School Board member. No School Board member shall serve as a teacher or in any other position under the Board carrying with it any salary or compensation. Should a Board member move his place of residence outside the district which he represents, the office of such board member shall become vacant.

SECTION 4. That at the August 1972 General Election for county officers, one School Board Member shall be elected by the qualified voters of School District 2 and one by the qualified voters of School District 6.

At the August 1974 General Election, one member shall be elected by the qualified voters of School District 3 and one member by the qualified voters of School District 5.

At the August 1976 General Election, one member shall be elected by the qualified voters of School District 1, one member by the qualified voters of School District 4, and one member by the qualified voters of School District 7.

Members so elected shall serve for terms of six (6) years and until their successors are elected and qualified.

The term of a duly elected and certified School Board member shall begin when he takes the oath of office. The oath of office may be administered to the Board member at any time after the midnight of August 31, following his election.

As amended by: Private Acts of 1972, Chapter 371, Page 1434.

SECTION 5. That, before entering upon the duties of the office, every member of the County Board of Education shall qualify as such member by taking and subscribing and filing with the County Court Clerk, the following oath:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States and of the State of Tennessee, and the laws governing the operation of the Rutherford County School System, and that I will faithfully, zealously, and impartially discharge the duties of a member of the Rutherford County School Board without fear or favor, and for the public welfare."

SECTION 6. That vacancies on the County Board of Education shall be declared by the Board to exist on account of death, resignation, acceptance of a position in conflict with Board qualifications as set forth in Section 3 hereof, or removal of residence. All vacancies shall be filled for the unexpired term at the next regular general election held more than forty (40) days subsequent to the occurrence of said vacancy, provided, however, that the Quarterly County Court, at its next regular or special meeting after such vacancy occurs, shall fill the same on an interim basis with the election by majority vote of a qualified person. Said interim member shall hold office until the vacancy is permanently filled at the next general election.

SECTION 7. That at the first meeting of the Board of Education in September of each year, the members of the Board shall elect from among themselves a Chairman and such other officers as they may deem proper. A regular meeting of the School Board shall be held once each month at a time and place selected and publicly announced by the Board. The Board shall adopt written rules of procedure which shall include provisions for the call of special meetings by the Chairman or by a majority of members of the Board, provisions for due notice of the time, place, and agenda of such regular or special meetings, and all other procedural rules that the Board may deem necessary and suitable.

SECTION 8. That all meetings of the School Board shall be open to any resident who may desire to attend, provided that nothing herein contained shall be construed as denying the Board the right to hold executive sessions, but no official act shall be taken in such executive sessions.

SECTION 9. Members of the Rutherford County Board of Education shall receive as compensation for one day's attendance at the first meeting in any month the same sum as is received by members of the County Court for a regular meeting, and shall receive as compensation for each day of attendance at subsequent meetings in the same month such sum as is received by members of County

Court Committees for committee meetings, plus a travel allowance of five (.05¢) a mile for each mile traveled in attending meetings of the Board.

As amended by: Private Acts of 1972, Chapter 264, Page 993
Private Acts of 1975, Chapter 72, Page 240.

SECTION 10. That the County School Board shall have the responsibility for the government, supervision, and control of the public schools of the County, provided, however that no Board member shall have authority to act independently on any school matter. The Board shall generally exercise all powers, duties, and privileges as set forth in the public laws of Tennessee relative to County Boards of Education and specifically discharge those duties enumerated in Section 49-214 and Section 49-215, Tennessee Code Annotated, which are not in conflict with the provisions of this Act.

It shall be the duty of the County Board of Education to elect, from nominations or recommendations made by the Superintendent of Schools, but not otherwise, all principals, teachers, and other employees of the County School System: and to fix the salaries of principals, teachers, and other employees of the County School System, within the funds available or provided by the Quarterly County Court.

It shall be the duty of the Board to plan for the extension and development of the County School System; to determine the need for new buildings; to plan, locate, erect, and furnish the same, after the Quarterly County Court shall have provided funds for same.

The Board shall adopt written policies and regulations for the proper functioning of the Board and the School System. It shall have drawn up and made available for general distribution a statement of such policies and regulations.

The Board shall assign to the County Superintendent of Schools such duties as are set forth in Section 49-224, Tennessee Code Annotated, and any other such duties as can reasonable be expected of the superintendent.

SECTION 11. That the County Board of Education shall direct the superintendent of schools to prepare a budget showing the proposed expenditures for the schools under its jurisdiction for the ensuing fiscal year, and after the Board approves of said budget, it shall submit the same to the budget committee of the Quarterly County Court pursuant to Section 49-214, Tennessee Code Annotated. At the same time, the Board shall cause to be prepared and shall submit to the budget committee an estimate of the amount of funds to be received from the State and Federal governments for school purposes, and of the amount estimated as required to be raised by taxation in order to meet and pay the estimated expenditures for the ensuing year. Nothing herein contained, however, may be construed as denying the Board the right to amend its budget from time to time during the year as changing circumstances warrant, provided that such amendments do not increase the total amount of projected expenditures beyond the total amount of anticipated revenues for that year.

SECTION 12. That all assets of, and all legal debts, contracts, and financial obligations incurred by the County School Commission established and operating under the provisions of Chapter 426, Private Acts of Tennessee, 1943, and all subsequent amendments thereto, shall be transferred to and assumed by the County Board of Education established by Chapter No. 252, Public Acts of 1967, upon the day that a majority of said Board members are administered their oath of office.

SECTION 13. That should any city or Special School District operating a School System within the County deem it advisable to place the operation of said System under the general supervision of the County Board of Education, the consolidation of the two school Systems and proper dispensation of their assets and liabilities shall be accomplished pursuant to the provisions of Section 49-401 through 49-429, Tennessee Code Annotated.

SECTION 14. That this Act shall have no effect unless approved by a two-thirds (2/3) vote of the Rutherford County Quarterly Court at a regular or special meeting held on or before April 14, 1968. Its approval or nonapproval shall be proclaimed by the presiding officer of the Rutherford County Quarterly Court and shall be certified by him to the Secretary of State.

SECTION 15. That this Act shall be effective from and after its passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 14 herein.

Passed: April 3, 1968.

EDUCATION - SCHOOLS

BOARD OF EDUCATION

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

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

The following acts once affected the board of education in Rutherford County but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1907, Chapter 236, Page 845, placed all the schools in the State under the management and control of a County Board of Education and a District Board of Advisors, abolishing the posts of District Directors for schools. The County Court was required to divide the County into five Districts composed of whole civil districts from each of which one member of the Board of Education would be elected. The duties of the Chairman, selected by his fellow members, the Secretary, and the Board members were enumerated and specified in the Act. The people of each District would elect three members of an Advisory Board whose responsibilities were also listed.
2. Private Acts of 1909, Chapter 302, Page 1101, amended the general law, Acts of 1873, Chapter 25, so as to create a County Board of Education in several counties, Rutherford County being one of them, composed of one member from each Civil District, the County Judge, or Chairman, and the Superintendent of Schools who would be ex-officio chairman. All members of the Board would be elected by popular vote beginning in August, 1910, any resident of the Civil District who had a primary school education would be eligible to serve on the Board. Vacancies were to be filled by the County Superintendent. The Act listed the duties of the Chairman, the Secretary, and the members of the Board. Each member was directed to take a scholastic census and report it to the Superintendent. This Act was repealed by Private Acts of 1917, Chapter 360, Page 1100, as to Rutherford County.
3. Private Acts of 1919, Chapter 733, Page 2260, established a seven member Board of Education in Rutherford County whose members would be selected by the County Court, who must be residents of the county for at least one year and have at least a public school education. The County Court must separate the County into five Districts from each of which one member would come, and two would represent the County at large. The Board would be compensated \$3 per day for each day served. The School Superintendent would fill the vacancies. The Board, whose duties were specifically set out, would have supervision over all county schools, not the city schools, must keep a regular roster of employees and children and must file a report on the school system which shows its condition and state of finances supported by ample documentation.
4. Private Acts of 1937, Chapter 751, Page 2295, authorized the County Board of Education to maintain any Junior High School established under the general act of the Legislature, known as Junior High School Type One, Form Two. The Board could reorganize any Junior High

School into the Type One, Form Three School by meeting the conditions mentioned in the law. Proper credit must be given to those students completing the work in the old type of school upon becoming enrolled in the new type.

5. Private Acts of 1943, Chapter 426, Page 1488, placed all facets of the supervision and management of the entire public school system into a County School Commission to be elected by popular vote. Eleven school zones were established composed of whole Civil Districts from each of which a resident of one year or more, would be elected. The current County Board of Education was continued in office until September 1, 1944, when their successors, elected in the August election of 1944, would assume office for a term of four years. Vacancies would be filled by the County Court until the next general election. Members were limited to three consecutive terms in office. The Commission would meet at the Court House, be sworn, and would meet regularly on the first Monday in June, September, December, and March and at special meetings called by the Chairman. Each School Zone Commissioner must file in writing seven days, or more, before the first Monday in April a list of teachers for the schools in the District at which time teachers would be appointed. Some regulations on the solicitation of bids and award of contracts were set up. Prohibitions against personal interest of school commissioners in the business of the system were ordained for which fines could also be imposed on one violating the same. Members were to be paid \$2.50 a day and the Chairman \$3 per day up to fifteen days a year. The Commission was to be furnished an office in the Court House, or they could rent one at a rental figure not over \$10 per month, which office would also house the Superintendent and the records of the system. The office of the County Board of Education was specifically abolished. This Act was repealed by Private Acts of 1967-68, Chapter 224, Page 841 and by Chapter 455, Page 1757.
6. Private Acts of 1949, Chapter 608, Page 1799, amended Private Acts of 1943, Chapter 426, by adding at the end of Section 9, a provision that no teacher could be dismissed from a two-teacher school or a three-teacher school without an open hearing before the Commission, and if the teacher is dismissed, the action must be approved by the State Board of Education. The first paragraph of Section 14 was rewritten to fix the pay of members of the Commission at \$3.50 per day and that of the Chairman at \$5 per day up to 15 days per year which attendance must be certified by the County Superintendent of Public Instruction.
7. Private Acts of 1949, Chapter 883, Page 2866, amended Private Acts of 1943, Chapter 426, Section 9, by adding at the end of the Section a proviso that the Section would not apply to dismissals of teachers for disciplinary causes, but would pertain to dismissals of teachers for failure to meet the required teacher-pupil ratio.
8. Private Acts of 1951, Chapter 192, Page 529, amended Private Acts of 1943, Chapter 426, by rewriting the first paragraph of Section 14 so as to increase the per diem of the School Commissioners to \$7.50 per day, and of the Chairman to \$10 for each day's attendance at meetings up to 15 days per annum, plus a mileage allowance of five cents per mile going and coming from meetings to home, but his allowance was limited to \$30 per year. Travel pay must be supported by affidavit. All of these payments were to come out of the general funds of the County, and the County Superintendent must verify, all expenditure requests before payment. This Act was repealed by Private Acts of 1967-68, Chapter 224, Page 841 and Chapter 455, Page 1757.
9. Private Acts of 1951, Chapter 515, Page 1582, amended Private Acts of 1943, Chapter 426, Section 9, by adding three new paragraphs to the Section which gave the School Commission authority to sell and transfer title to any real property held for school purposes when the same was authorized by the County Court, no matter in whose name the property might be. The second paragraph divested the title to school properties out of any former Board, or out of any individual in whom the same might rest and vested the same in the County School Commission. The third paragraph ratified, confirmed, and validated all prior transfers of real property regardless of how or in whose name the deeds, or instruments of conveyance might

have been drawn. This Act was repealed by Private Acts of 1967-68, Chapter 224, Page 841 and Chapter 455, Page 1757.

10. Private Acts of 1955, Chapter 124, Page 349, amended Private Acts of 1943, Chapter 426, Section 6, by deleting the last two sentences in this Section which stated that no School Zone Commissioner could succeed himself in office after three terms and that no person would be eligible for the office of Commissioner who held any other public office, or who served on any other Commission, or Committee.
11. Private Acts of 1963, Chapter 121, Page 389, amended Private Acts of 1943, Chapter 426, Section 11, by raising the limit on purchases which could be made without bidding from \$100 to \$500.
12. Private Acts of 1967-68, Chapter 224, Page 841, expressly repealed Private Acts of 1943, Chapter 426, and all the acts amendatory thereof, effective on September 1, 1968. This Act was properly ratified by the Rutherford County Quarterly Court.
13. Private Acts of 1967-68, Chapter 250, Page 1012, formed a seven member Board of Education as required by Public Acts of 1967, Chapter 252, and divided Rutherford County into seven School Board Districts, describing each District in turn. Some qualifications were set up for the members of the Board and some procedures promulgated which were enacted for the operation of the Board, and its supervision of the school system. This Act was rejected by the Quarterly Court of Rutherford County and never became an effective law.
14. Private Acts of 1967-68, Chapter 447, Page 1664, which was never acted on by local authorities, consequently not becoming an effective law, provided for the government, supervision, and control of the public schools in Rutherford County. This Act continued the eleven member County School Commission in office until the expiration of their terms and scheduled the election of their successors over a period of time so as to give them staggered terms of office. After September 1, 1972, the Rutherford County School Commission would consist of seven members elected for six year terms without regard to geographical districts. Rules and regulations were prescribed for the conduct of the Commission and for the operations of the school system.
15. Private Acts of 1967-68, Chapter 455, Page 1757, repealed specifically Private Acts of 1943, Chapter 426, and all its amendments.

EDUCATION - SCHOOLS

SCHOOL BUILDINGS

PUBLIC ACTS OF 1975

CHAPTER 224

SECTION 1. Additions to school buildings built before 1955 which embrace grades 1-8 or any combination of those grades shall be approved by the Commissioner of Education if the plans and specifications for any such proposed addition meet the minimum standards established by the State Board of Education for the construction, remodeling or renovation of school buildings, notwithstanding the fact that regular classrooms in such school buildings built before 1955 do not contain the number of net square feet prescribed by such minimum standards.

The provisions of this Act shall apply only in those counties having a population of not less than 59,400 nor more than 59,500 and not less than 12,500 nor more than 12,550, according to the 1970 federal census or any subsequent federal census.

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

Passed: May 12, 1975.

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

EDUCATION - SCHOOLS

SCHOOL DISTRICTS

According to our information there are no active school districts in Rutherford County, the only separate school system being the Murfreesboro City Schools.

1. Acts of 1855-56, Chapter 237, Section 4, Page 484, created a Common School District in Rutherford and Cannon Counties comprised of the families enumerated in the Act. The District was entitled to its prorata share of the common school fund.
2. Private Acts of 1901, Chapter 296, Page 680, formed a special independent School District #51 out of the area detached from the 11th Civil District and made a part of the 12th Civil District in Rutherford County. District #51 was entitled to receive its pro-rated share of public school funds and would be controlled and managed by commissioners who lived in the area and were to be appointed by the County Superintendent of Public Schools to serve until their successors could be elected by popular vote.
3. Private Acts of 1905, Chapter 100, Page 215, created a new School District out of portions of the 15th, 16th, and 22nd Civil Districts which area was described in the Act. The school directors in the above Civil Districts were directed by the Act to pay over to the special School District created herein its pro rata share of school funds. The County Superintendent was directed to number this new District and to appoint three school directors for it who would continue in office until their successors were elected by popular vote.
4. Private Acts of 1905, Chapter 151, Page 323, fashioned a new independent school district out of portions of the 17th, 19th, and 22nd Civil Districts of Rutherford County, as described in this Act, and numbered it School District #53. The District would be entitled to its distributive share of school funds from all public sources. The Act named J. R. Stroop, C. O. Wright, and G. H. Jones as the School Commissioners of the new District who would serve until their successors were elected by popular vote.
5. Private Acts of 1905, Chapter 180, Page 381, formed a new School District from parts of the 5th and 15th Civil District as the same was described in the Act. The special school district, known as School District No. 54, must be paid its pro rated share of public school funds. The County Superintendent would name the School Directors who would serve until their successors were elected at the next general election in August.
6. Private Acts of 1905, Chapter 277, Page 583, originated Special School District #29 in Rutherford County, describing its area by a description of the property, and directing the Superintendent to appoint three directors of the District to serve until their successors could be elected by popular vote.
7. Private Acts of 1905, Chapter 487, Page 1054, established a special School District in the 10th and 12th Civil Districts of Rutherford County as the same was generally described in the Act. The Superintendent of Schools would appoint the three directors and the Clerk would take a scholastic census and advise the Trustee who would pro rate the school funds. All the school properties located in the district would become a part of it with nothing being changed in that regard.
8. Private Acts of 1907, Chapter 43, Page 144, delineated a new and joint special school district out of portions of Cannon County and Rutherford County as the same was described therein, to be known as the Readyville School District. Dr. W. E. Yanree, Bill McBroom, and Josh Burton, were named as the first Directors of the new School District, all of whom must serve without compensation. The Clerk of the District was required to furnish the School

Superintendent with the number of students residing in the area, and the Superintendent would pass the information to the respective Trustees to enable the Trustee to pro rate funds. The school building being located on the Porterfield and Milton Road, near the New Hope Church. This Act was repealed by Private Acts of 1915, Chapter 529, Page 1699.

9. Private Acts of 1907, Chapter 79, Page 226, formed a special school district out of portions of Cannon County and Rutherford County to be known as the Porterfield School District, including the properties of the several families named in the Act. The Act named Dr. J. F. Dismukes, Steve Jordan, and C. L. Duggin, as the school directors at no compensation. Any person qualified by or in either county was declared eligible to teach in the District. The District was entitled to its pro-rata share of the school funds.
10. Private Acts of 1907, Chapter 139, Page 417, established a special school district in the 9th Civil District of Rutherford County embracing the territory described in the Act. L. A. Coleman, W. J. Lewis, and W. T. Lewis, would serve as directors without pay until their successors could be elected. The District would be known as Special School District No. 32 and would be entitled to its pro-rata share of school funds.
11. Private Acts of 1907, Chapter 495, Page 1666, appeared to be almost identical with Private Acts of 1907, Chapter 43, which created the Readyville School District except some minor changes were made in the description of the area involved, and named Dr. W. E. Youree, Bill McBroom, and Josh Barton, as Directors, obviously correcting the misspelling of Dr. Youree's name in the earlier Act.
12. Private Acts of 1911, Chapter 336, Page 908, created a special school district out of parts of the 23rd Civil District of Wilson County, and part of the First Civil District of Rutherford County, which would be called the "Spring Creek School District." The Act contained a general description of the land area embraced by the District and named B. S. Flowers, M. F. Lannom, and G. B. Lannom, as the first Directors of the area. The Trustees of the two counties were obligated to pro rate the school funds with the special district herein established.

EDUCATION - SCHOOLS

SUPERINTENDENT OR DIRECTOR OF SCHOOLS

PRIVATE ACTS OF 1917

CHAPTER 96

SECTION 1. That in all counties of this State having a population of not less than 15,850 nor more than 16,000, and counties not less than 18,800 and not more than 18,850, and counties of not less than 33,199 and not more than 33,210, according to the Federal Census of 1910 or any subsequent Federal Census, the County Superintendents of Public Instruction shall be elected by the qualified voters of said counties for a term of four years, and until their successors are elected and qualified; said Superintendents of Public Instruction to be elected at the regular August election, and their term shall begin on the first day of January following, the first election under this Act to be held on the first Thursday in August, 1918.

SECTION 2. That this Act shall in no way affect the duties, qualification, or compensation of the County Superintendent of Public Instruction, but the same shall remain as now fixed by law, except that the certificate of qualification shall be filed with the County Judge or Chairman of the County Court not later than July, preceding the election.

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

Passed: February 3, 1917.

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

EDUCATION - SCHOOLS

SUPERINTENDENT OR DIRECTOR OF SCHOOLS

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

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

1. Acts of 1895, Chapter 155, Page 317, applicable to all counties over 30,000 in population, prohibited the county superintendent of public instruction from teaching in any public school, either as principal or as an assistant, during their official terms, nor could the superintendent take any contract to build or repair a public school, nor become the owner of a school warrant other than for his services as superintendent.
2. Private Acts of 1927, Chapter 697, Page 2277, provided that the Supervisors of county elementary schools would, in addition to all their other duties imposed by general law, perform also the duties of attendance officer. **COMPILER'S NOTE:** See T.C.A. 49-6-3006, for the current law on this subject.

EDUCATION - SCHOOLS

GENERAL REFERENCE

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

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

1. Acts of 1806, Chapter 8, Page 74, appointed Trustees for all the county academies and incorporated them as institutions of learning. Joseph Dixon, John R. Bedford, John Thompson, Sr., William P. Anderson, and Robert Smith were incorporated as the Bradley Academy in Rutherford County. (See Trustees of Carrick Academy v. Clark, 112 Tenn. 483, 80 SW 65 (1904).
2. Acts of 1807, Chapter 56, Page 92, appointed additional Trustees for the various county academies across the State amending Acts of 1806, Chapter 8. Thomas Rucker and Joseph Herndon were named as additional Trustees for Bradley Academy.
3. Acts of 1809, Chapter 120, Section 2, Page 146, nominated additional Trustees for Bradley Academy in Rutherford County, naming Charles Cavanaugh, Robert Bedford, Joseph Burris, and Mark Mitchell as such, who would be subject to the same rules and regulations as the others.
4. Acts of 1815, Chapter 22, Page 24, appointed Frederick Barfield, Benjamin McCulloch, William E. Butler, James Manny, William Lytle, and William Dickinson as Trustees for Bradley Academy in Rutherford County, granting to them the same power and authority as the original Trustees possessed.
5. Acts of 1815, Chapter 196, Page 250, appropriated the old Court House in Jefferson and the public square to the use of a seminary for learning. The school, called the Jefferson Seminary, would have John Coffee, Peter LeGrand, Shelton Crossthwait, George Simpson, and Walter Kibble as its Trustees, who could exercise the normal powers and authority of similar school Trustees.
6. Acts of 1827, Chapter 188, Page 161, named Robert Jetton, Samuel P. Black, David Wendel, Joseph Spence, James C. Moore, Silas Locke, Logan Henderson, William Ledbetter, Samuel Anderson, Russell Dance, Frances D. W. Burton, Samuel H. Laughlin, and Jonathan Curtis, as Commissioners to lay out a lottery scheme, or more than one, to raise up to \$5,000 to erect buildings or purchase a library and philosophical apparatus for Bradley Academy in Rutherford County. The Commissioners must make suitable bond and stay within the restrictions narrated in the Act.
7. Acts of 1833, Chapter 82, Page 45, incorporated William Ledbetter, Jonathan Currin, Henry D. Jamison, Charles Niles, Charles Ready, Varner D. Cowan, and William F. Lytle, as the Trustees of the Murfreesborough Female Academy conferring upon them all the authority and attributes incidental to corporate institutions of education. They were permitted to make such regulations and by-laws as necessary to operate the school in an orderly fashion which did not contravene the State Constitution.

8. Acts of 1835-36, Chapter 101, Page 233, was the Charter of incorporation for James C. Mitchell, Swepson Sims, Benjamin Johnson, James M. King, Overton W. Crockett, Thompson Jarratt, Lewis Garner, William M. Smith, and Granville S. Crockett, to be the Trustees of Midsylvania Female Academy in Rutherford County.
9. Acts of 1837-38, Chapter 74, Page 101, incorporated John S. Ruswurm, James M. King, Elias King, Benjamin Johnson, Benjamin C. Ransom, John Ransom, and William Ledbetter, as the Salem Male Academy in Rutherford County conferring upon them the same powers and duties in all respects as those expressly given to the Trustees of the Harpeth Male Academy in Williamson County.
10. Acts of 1839-40, Chapter 122, Page 212, made it the duty of the Commissioners of the Nashville, Murfreesboro, and Shelbyville Turnpike Company to pay immediately into the common school fund of the State all the interest which has accrued from the school fund of the Counties of Davidson, Rutherford, and Bedford. The Superintendent of Public Instruction had the responsibility to apportion the money among the above counties over and above the share given to them under the general law.
11. Acts of 1839-40, Chapter 143, Page 235, stated that the County Trustees of the Counties of Davidson, Rutherford, and Bedford would demand from the Nashville, Murfreesboro, and Shelbyville Turnpike Company any monies to which these counties might be entitled and then apportion the same as required by law to the several school districts and fractions, as they exist.
12. Acts of 1847-48, Chapter 189, Page 314, Section 10, appointed the Trustees of Union University as the Trustees of Bradley Academy in Rutherford County and the Trustees of Union University may use the academy lot and buildings so long as the University remains located in Murfreesboro.
13. Acts of 1851-52, Chapter 83, Page 105, incorporated Legrand H. Carney, Simeon B. Christy, William Spence, D. D. Wendel, William F. Lytle, Joseph Watkins, B. W. Avent, John Leiper, and Thomas W. Randle, as the Trustees of Soule Female College in Murfreesboro with an authorized capital stock of \$100,000. Vacancies on the Trustee's Board would be filled by the remaining Trustees. The Trustees were granted all the power and authority necessary to operate and manage the school.
14. Acts of 1866-67, Chapter 74, Page 232, formed R. W. Faine, R. Carlton, Ivey Burns, C. R. Farris, B. B. Taylor, William Jordan, and F. Jackson, into a corporation as the Trustees of the Concord Male and Female High School in Rutherford County. The Trustees were empowered to organize themselves and make such rules and regulations as might be essential to the ordered operation of the school.
15. Private Acts of 1917, Chapter 340, Page 1054, granted the District Directors of the school districts in Rutherford County the power to establish primary and secondary public schools in the district in which may be taught the first ten grades of the public school system.
16. Private Acts of 1920 (Ex. Sess.), Chapter 111, Page 402, gave the authority to the State Board of Education, the Rutherford County Board of Education, and the City Board of Education for Murfreesboro to enter into contracts and agreements each with the other for the maintenance and support of the public schools in Murfreesboro for a period of five years, or longer, if necessary.
17. Private Acts of 1935, Chapter 813, Page 2121, divested out of E. F. Lytle and C. B. Bell, or any other person, all the right, title, and interest to all property heretofore conveyed to them as the Sinking Fund Commissioners for the City of Murfreesboro, or as the Sinking Fund

Commissioners of Middle Tennessee State Normal School, and vested the same in the City of Murfreesboro.

18. Private Acts of 1945, Chapter 270, Page 888, constituted the legislative authority for the city of Murfreesboro and Rutherford County to cooperate with each other and to contribute to the establishment and construction of a high school which the City would locate within the city limits of Murfreesboro. Specific grants of power were made to both governments which were calculated to enable them to accomplish their objective.
19. Private Acts of 1945, Chapter 323, Page 1004, authorized the construction of a high school in Murfreesboro through the cooperative efforts of the City of Murfreesboro and Rutherford County. The school would be operated by the County. This Act was repealed by Private Acts of 1979, Chapter 138, Page 527.

CHAPTER VII - ELECTIONS

ELECTIONS

DISTRICTS - REAPPORTIONMENT

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

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

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

The acts listed below have affected the civil districts in Rutherford County, but are no longer operative regarding elections.

1. Acts of 1835-36, Chapter 1, Page 19, required that the General Assembly of Tennessee appoint by joint Resolution five suitable Commissioners in each County to lay off their respective counties into Civil Districts of convenient size having a regard to both geographical size and population. Each county with 3,000 qualified voters must have 25 Civil Districts, with 2500 to 3000, 20 Civil Districts, 2000-2500 voters, 17 Civil Districts, and so on down to the minimum. In Rutherford County the Resolution Number III appointed Hugh Robinson, Henry Trott, Senior, Green B. Lannum, James Read, and Solomon Beesley.
2. Private Acts of 1967-68, Chapter 113, Page 447, divided Rutherford County into 21 Civil Districts according to the "one-man - one-vote" principle of apportionment with a description of each District. This Act was not accepted by the Quarterly County Court, therefore, it never became an active law.
3. Private Acts of 1967-68, Chapter 453, Page 1700, delineated Rutherford County into 21 Civil Districts, each being described with a detailed description.

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 Rutherford County in the 16th state senatorial district (along with Bedford, Marshall, and Cannon counties), while T.C.A. § 3-1-103 places it in the 48th and 49th representative districts. Rutherford County is part of the 6th U.S. congressional district, under the provisions of T.C.A. § 2-16-103.

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

1. Acts of 1803, Chapter 24, Page 66, formed five Presidential Electoral Districts in Tennessee. The Fifth District was made up of the Counties of Davidson, Williamson, Robertson, Montgomery, Stewart, Rutherford, and Dickson. The election would take place on the first Thursday and Friday in November, 1804, the votes to be compared at Nashville.
2. Acts of 1803, Chapter 79, Page 133, provided for the State to elect three Representatives to the U.S. Congress, one from the Washington District, one from the Hamilton District, and one from the Mero District as they were then laid out.
3. Acts of 1805, Chapter 64, Page 65, declared that until the next enumeration of the people the General Assembly of the State of Tennessee would be composed of 13 Senators and 26 Representatives. Williamson County and Rutherford County constituted one Senatorial District whose votes would be counted at Franklin. Rutherford County would elect one Representative alone.
4. Acts of 1807, Chapter 74, Page 124, directed the Sheriffs of the various counties to hold elections on the second Thursday and Friday in November, 1808, to elect five Electors for the President and Vice-President of the United States. The Fifth District included the counties of Davidson, Robertson, Montgomery, Sumner, Dickson, Williamson, Maury, Rutherford, Bedford, and Hickman.
5. Acts of 1807, Chapter 96, Page 154, stated that the Sheriff, or his Deputy, would hereafter hold an election at the house of William Kilton, on the days appointed by law to do so, and all persons living within the bounds of the second battalion of the county militia, and all persons living on the east side of road leading from Cummings Mill would vote at this new precinct place. The election there would be conducted under the same rules and regulations as all others.
6. Acts of 1809, Chapter 1, Page 3, authorized the election of three Congressmen to represent the State in Washington, one from each of the Districts of Washington and Hamilton, and one from the Districts of Winchester, Mero and Robertson.
7. Acts of 1812, Chapter 5, Page 6, established 8 Presidential Electoral Districts in Tennessee of which the 6th District consisted of the Counties of Davidson, Bedford, and Rutherford,

which would elect one Elector, the votes being counted and canvassed at Jefferson in Rutherford County.

8. Acts of 1812, Chapter 27, Page 23, divided Tennessee into six U.S. Congressional Districts each one of which would elect a Congressman. The Counties of Williamson, Bedford, Lincoln, Davidson, and Rutherford were assigned to the 5th U.S. Congressional District.
9. Acts of 1812, Chapter 57, Page 56, apportioned the State for representation in the General Assembly into 20 Senatorial Districts and 40 Representative Districts. One Senatorial District comprised the counties of Bedford and Rutherford whose votes would be counted and compared at Charles McLeon's house and mill in Rutherford County. The counties of Davidson, Rutherford, and Bedford would each elect two Representatives.
10. Acts of 1813, Chapter 69, Page 95, repealed the legal authority to hold an election at Black Foxes Camp in Rutherford County and moved that precinct to Murfreesboro. The poll would afterwards be counted and compared at this precinct. The Sheriff was further directed to hold elections hereafter at Readyville, and at the house of James Johnson, in Rutherford County, all to be subject to the regular election laws in force in the State.
11. Acts of 1819, Chapter 69, Page 135, in the apportionment of the State for the General Assembly gave Rutherford County one of the 20 Senatorial Districts alone, and also allowed the County to elect one of the 40 Representatives.
12. Acts of 1820, Chapter 127, Section 1, Page 112, set up a separate election precinct at the home of Gideon Thompson in the town of Milton, in Rutherford County, to be used in all the regular elections hereafter held.
13. Acts of 1822, Chapter 1, Page 1, established nine U. S. Congressional Districts in the State of Tennessee assigning the Counties of Davidson, Williamson, and Rutherford to the 7th U. S. Congressional District.
14. Acts of 1823, Chapter 47, Page 54, created eleven Presidential Electoral Districts in Tennessee. The Seventh District was made up of the Counties of Davidson, Rutherford, and Williamson.
15. Acts of 1823, Chapter 127, Section 3, Page 129, made it the duty of the Rutherford County Sheriff, or his Deputy, to hold a separate precinct election at the house of William Todd at all the legally authorized elections in the future in Rutherford County.
16. Acts of 1824, Chapter 1, Page 5, formed eleven Presidential Electoral Districts in Tennessee. The 7th District, whose votes would be compared at Franklin in Williamson County, was composed of the Counties of Davidson, Williamson, and Rutherford. Each of the Electors would convene in Murfreesboro on the first Wednesday in December next to cast their votes for the President and Vice-President of the United States.
17. Acts of 1825, Chapter 134, Page 173, declared it the responsibility of the Sheriff of Rutherford County, or his Deputy, on those days appointed by law to hold an election, to open and hold one at Anthony's Mill in Rutherford County under the same laws as the other elections were held.
18. Acts of 1826, Chapter 3, Page 4, established the Representation in the State's General Assembly. One Senatorial District comprised the counties of Rutherford and Williamson, and Rutherford County was allowed to elect two Representatives at the next election but only one in the election following.
19. Acts of 1827, Chapter 17, Page 13, assigned the Counties of Rutherford, Davidson, and Williamson to the 7th Presidential Electoral District of the eleven formed in the whole State.

The votes of the 7th District were to be compared at the house of Bailey Hardeman in Williamson County.

20. Acts of 1827, Chapter 197, Section 3, Page 169, provided that a separate precinct election be held at the house of James Askins in Rutherford County under all the regular election laws in effect.
21. Acts of 1831, Chapter 57, Page 46, established new election precincts in several counties in Tennessee. In Rutherford County the new precincts were located at Cave Spring and Middleton.
22. Acts of 1832, Chapter 4, Page 14, formed 13 U. S. Congressional Districts in the State of which the 8th U. S. Congressional District contained the counties of Rutherford and Williamson.
23. Acts of 1832, Chapter 9, Page 18, separated the State into 15 Presidential Electoral Districts of which Rutherford County and Williamson County composed the 9th District.
24. Acts of 1833, Chapter 71, Page 85, reapportioned Tennessee into the 20 Senatorial and 40 Representative Districts of the State Legislature. Rutherford County and Williamson County would elect one Senator jointly counting the votes cast at Hardeman's Cross Roads in Williamson County. The same counties were placed into a Representative District which would elect three Representatives. In the 1835 election, Rutherford would elect two representatives; in 1837, one; in 1839, two; and in 1841, one.
25. Acts of 1833, Chapter 76, Page 94, provided for the call of a convention of 60 members who would be elected on the first Thursday and Friday in March next and who would meet in Nashville on the third Monday in May next to revise, amend, alter the present, or form a new Constitution. Rutherford County would elect two delegates to the convention alone.
26. Acts of 1835-36, Chapter 39, Page 137, set up fifteen Presidential Electoral Districts across the State. Rutherford County and Williamson County constituted the Ninth Electoral District.
27. Acts of 1842 (Ex. Sess.), Chapter 1, Page 16, reapportioned the representation of the State for the General Assembly into 25 Senatorial and 50 Representative Districts. Rutherford County and Williamson County would jointly elect one Senator and Rutherford County would be allowed two Representatives alone.
28. Acts of 1842 (Ex. Sess.), Chapter 7, Page 30, formed Eleven U. S. Congressional Districts in Tennessee placing the counties of Wilson, Rutherford, Cannon, and Williamson in the 7th Congressional District.
29. Acts of 1851-52, Chapter 196, Page 293, reduced the number of U. S. Congressional Districts in Tennessee to ten. The 5th District contained the counties of Sumner, Wilson, Rutherford, Cannon, and Williamson.
30. Acts of 1851-52, Chapter 197, Page 295, rearranged the representation in the General Assembly of Tennessee. Rutherford County under the new division would elect one Representative alone and share another one with Bedford County, counting the polls at Fosterville. Williamson County joined Rutherford County in making up one Senatorial District, the votes to be compared at Triune in Williamson County.
31. Acts of 1865, Chapter 34, Page 52, divided Tennessee into eight U. S. Congressional Districts in this post Civil War act. The Fourth Congressional District was composed of the Counties of Rutherford, Cannon, Coffee, Franklin, Lincoln, Bedford, Marshall, and Giles.

32. Acts of 1871, Chapter 146, Page 171, reallocated the representation in the General Assembly of the State. Rutherford County and Bedford County would jointly elect a State Senator as the 10th Senatorial District, while Rutherford County would elect one Representative alone plus a floater with Bedford County.
33. Acts of 1873, Chapter 27, Page 52, revised the number of U. S. Congressional District in Tennessee up to ten, reassigning the counties accordingly. The Fifth Congressional District contained the counties of Franklin, Lincoln, Marshall, Moore, Bedford, Coffee, and Rutherford.
34. Acts of 1881 (Ex. Sess.), Chapter 5, Page 9, permanently established the number of Senators in the General Assembly at 33 and the Representatives at 99.
35. Acts of 1881 (Ex. Sess.), Chapter 6, Page 10, apportioned the State to conform to the Acts of 1881 (Ex. Sess.), Chapter 5, and with the 1880 Federal Census. Rutherford County and Coffee County together constituted the 14th Senatorial District out of the 33, while Rutherford County would elect two Representatives alone, and share a third with the counties of Bedford and Marshall as its share of the 99.
36. Acts of 1882 (Ex. Sess.), Chapter 27, Page 34, established ten U. S. Congressional Districts in Tennessee. The counties of Cannon, Coffee, Franklin, Lincoln, Moore, Marshall, Bedford, and Rutherford were designated as the Fifth U. S. Congressional District.
37. Acts of 1891, Chapter 131, Page 293, named the counties of Coffee, Lincoln, Moore, Rutherford, Marshall, Bedford, Cannon, and DeKalb as the 5th U. S. Congressional District of the ten allotted to the State.
38. Acts of 1891 (Ex. Sess.), Chapter 10, Page 25, reapportioned the representation in the General Assembly according to the 1890 Federal Census, Rutherford County would elect one Representative alone and share another one with Cannon County, as the Tenth District. The 12th State Senatorial District included the counties of Rutherford, Cannon, and DeKalb.
39. Acts of 1901, Chapter 109, Page 151, set up ten U. S. Congressional Districts in Tennessee after the 1900 Census. The 5th U. S. Congressional District comprised the counties of DeKalb, Cannon, Rutherford, Marshall, Bedford, Coffee, Moore, and Lincoln.
40. Acts of 1901, Chapter 122, Page 182, apportioned the State for the General Assembly. The 12th Senatorial District had in it the Counties of Rutherford, Cannon, and DeKalb. Rutherford County would elect one Representative alone.
41. Private Acts of 1923, Chapter 484, Page 1910, provided that Acts of 1859-60, Chapter 75, Page 57, be amended so that the polls be opened at 9:00 a.m. and closed at 6:00 p.m. in the cities and towns in the County of Rutherford instead of 9:00 a.m. and 4:00 p.m. This Act was repealed by Private Acts of 1979, Chapter 138, Page 527.
42. Private Acts of 1949, Chapter 784, Page 2361, stated that after the effective date of this Act no party primary elections for county offices would be held in Rutherford County except within the period between 100 days prior to the date of the general election in which the nominees would be elected and 60 days prior to that election. The cost of the primary election would be paid by appropriation of the county court provided that at least 10% of the qualified county voters have voted in that party's primary.

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.

CHAPTER IX - HIGHWAYS AND ROADS

HIGHWAYS - ROADS

BORROW PITS

PRIVATE ACTS OF 1994

CHAPTER 186

SECTION 1. All borrow pits in Rutherford County may be used for construction purposes as permitted by law; provided no such material from a permitted borrow pit shall be used directly or indirectly for supplying material for a rock crushing or processing plant, asphalt producing plant, or ready-mixed concrete plant. The provisions of this act shall not prohibit the use of a Grisley for sizing solid rock borrow as defined in the Tennessee Department of Transportation, bureau of highways, Standard Specifications for Road and Bridge Construction, March, 1981, as amended.

SECTION 2. Any person violating the provisions of this act is subject to a civil penalty not to exceed fifty dollars (\$50.00).

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

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

Passed: April 14, 1994.

HIGHWAYS - ROADS

CRUSHED ROCK

PRIVATE ACTS OF 1953

CHAPTER 576

SECTION 1. That each county of this State having a population of not less than 40,600 nor more than 40,700, according to the Federal Census of 1950 or any subsequent Federal Census, is hereby authorized to negotiate contracts with other counties and with municipalities and with the Federal and State Governments for the sale of crushed rock.

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

Passed: April 2, 1953.

COMPILER'S NOTE: See T.C.A. 54-7-202 for the penalty for allowing private use of crushed rock.

HIGHWAYS - ROADS

ROAD LAW

PRIVATE ACTS OF 1951

CHAPTER 55

SECTION 1. That there is hereby created a County Highway Commission for Rutherford County, Tennessee. Said Commission shall be vested with complete authority over the construction and maintenance of all county roads, highways and bridges in the County and the expenditure of all highway funds.

As amended by: Private Acts of 1985, Chapter 4.

SECTION 2. Rutherford County is divided into seven Road Districts as follows:

Road District 1 shall be composed of Magisterial Districts, 14, 15, and 19.

Road District 2 shall be composed of Magisterial Districts 2, 3, and 4.

Road District 3 shall be composed of Magisterial Districts 5, 6, and 7.

Road District 4 shall be composed of Magisterial Districts 8, 9, and 10.

Road District 5 shall be composed of Magisterial Districts 1, 11, and 12.

Road District 6 shall be composed of Magisterial Districts 17, 18, and 21.

Road District 7 shall be composed of Magisterial Districts 13, 16, and 20.

Magisterial Districts referred to herein shall be those established by the Rutherford County Legislative Body in a redistricting plan adopted by such court in 1972.

The County Legislative Body is authorized to make subsequent redistrictings of the road districts from time to time as necessary to provide for the election of road commission members from districts that are substantially equal in population, but in so doing shall in no way abridge terms of office of road commissioners. Such districts shall be so defined that they contain one or more whole magisterial districts and their boundaries shall conform to those of magisterial districts.

At the August 1972 General Election for county officers, one road commissioner shall be elected by the qualified voters of Road District 1, one member by the qualified voters of Road District 3, one member by the qualified voters of the Road District 6 and one member by the qualified voters of Road District 7.

At the August 1974 General Election for county officers, one road commissioner shall be elected by the qualified voters of Road District 2, one member by the qualified voters of Road District 4, and one member by the qualified voters of Road District 5.

Members so elected shall serve for terms of four (4) years and until their successors are elected and qualified.

The Rutherford County Road Commission shall be composed of the road commissioners elected as provided above and shall elect a chairman from among its members. The County Executive

shall attend meetings of the Road Commission and take part in its deliberations, but shall not have a vote.

As amended by: Private Acts of 1969, Chapter 143,
Private Acts of 1972, Chapter 391,
Private Acts of 1998, Chapter 155.

COMPILER'S NOTE: Private Acts of 1985, Chapter 4, amended this Act to remove the authority of the Highway Commission to act as the Board of Workhouse Commissioners. Section 4 of Chapter 4 of the Private Acts of 1985, placed this authority under a board of workhouse commissioners as established under the general law.

SECTION 3. That there is hereby created the office of County Highway Superintendent for Rutherford County, Tennessee. Said County Highway Superintendent shall have direct supervision of the construction and maintenance of all county roads, highways and bridges in the county under the authority and direction of the County Highway Commission. It shall be the duty of the County Highway Superintendent to perform all duties directed by the county highway commission, to make such purchases and to employ such personnel as may be necessary to carry out the purposes of this Act. No purchase made by the highway superintendent under the authority of this Act shall become effective until approved by the county highway commission, provided that, in cases of emergency, the Superintendent is authorized to purchase supplies and equipment not exceeding two hundred dollars (\$200) without the approval of the county highway commission. The county highway commission may provide, for the official use of the Superintendent, an automobile, together with maintenance and operating expenses, to be paid for out of the highway fund of the county. At the regular August election for county officers to be held in August, 2000, and every four (4) years thereafter, there shall be elected, by the qualified voters of the county, a county highway superintendent. No person shall be qualified to hold the office of County Highway Superintendent unless he or she meets the requirements for the Chief Administrative Officer of a Highway Department under the County Uniform Highway Law, codified in Tennessee Code Annotated, Sections 54-7-101 (sic).

As amended by: Private Acts of 1985, Chapter 4,
Private Acts of 1998, Chapter 155.

SECTION 4. That the County Highway Superintendent shall receive, as his or her compensation, a salary in accordance with Tennessee Code Annotated, Sections 54-7-106 and 8-24-102, for the Chief Administrative Officer over highways, payable in equal monthly installments out of the highway fund of the county. Each district commissioner shall receive as compensation for one (1) day's attendance at the first meeting in any month, the same amount as members of the County Legislative Body receive for a regular meeting, and shall receive as compensation for each day's attendance at subsequent meetings in the same month, the same amount as County Legislative Body committee members receive for committee meetings, plus a travel allowance in accordance with the standard travel policy of the county. No district commissioner shall be reimbursed for his or her traveling expenses until he or she shall have filed, with the chairman of the highway commission, an affidavit setting forth such traveling expenses in detail. Per diem compensation and reimbursed traveling expenses shall be paid to the district commissioners out of the highway fund of the county.

As amended by: Private Acts of 1957, Chapter 68,
Private Acts of 1963, Chapter 115,
Private Acts of 1972, Chapter 263,
Private Acts of 1975, Chapter 73,
Private Acts of 1998, Chapter 155.

COMPILER'S NOTE: Private Acts of 1957, Chapter 68, Section 1, originally amended the Private Acts of 1951, Chapter 55 by changing the salary of the Rutherford County Highway Superintendent from \$3,600.00 to \$4,800.00. However, Private Acts of 1963, Chapter 115 deleted and replaced Section 1 of the 1957 Act without changing any of the language of the 1951 Act. Therefore, the 1957 Act, which at one time directly amended the 1951 Act, now amends the 1951 Act only indirectly.

Private Acts of 1957, Chapter 68, as amended by Private Acts of 1963, Chapter 115, is reprinted in its entirety immediately following the present Act.

SECTION 5. That immediately after the passage of this Act the County Highway Commission herein created shall meet in the office now provided for the County Highway Superintendent in the Courthouse, and shall meet on the Second Saturday of every month thereafter at some hour and place to be fixed by the Commission. At its first meeting in each and every calendar year the Commission shall elect one of its members Vice-Chairman, who shall exercise all the powers and duties of the Chairman in the absence of the Chairman. The Chairman may call special meetings to be held at any time or place by giving actual notice to all district commissioners. The concurring vote of three members of the Commission shall be necessary to authorize the transaction of any business by the Commission.

SECTION 6. That each of the aforesaid District Commissioners shall recommend to the Commission as a whole the road work to be done in his Road District, and the Commission may order the District Commissioner and County Highway Superintendent, or any other road official and employees to carry forward such work in the respective districts. Any failure to do so may be reported to the Chairman by any District Commissioner and a special meeting of the Commission must be called to act upon the complaint whenever a District Commissioner shall represent in writing to the Chairman of the Highway Commission that an emergency requiring action of the full Commission exists in respect to road work conditions in his District.

SECTION 7. That the County Highway Commission is clothed hereby with full and complete authority and power either to buy or requisition (in accordance with provisions of this Act) any and all machinery, tools, graders, crushers, trucks, vehicles, and other implements, and any and all supplies and materials necessary to carry out with safety, economy and dispatch, the purpose of this Act; and to do any and all acts necessary to same.

Provided, that no purchase aggregating more than five thousand dollars (\$5,000) shall be made or contract thereof entered into until due advertisement of same shall be made at least one time in some newspaper published in the County, setting forth the amount, quality and description of such materials, supplies and equipment desired, and the time within which written and sealed bids for same be received. Said bids shall be opened in the presence of a majority of the Commission. Such contracts shall in all cases be awarded to the lowest bidder, the quality and suitability for the purposes being the same, provided the Commission shall have the power to reject any and all bids, in which event such proposed purchase shall be re-advertised as above provided.

As amended by: Private Acts of 1961, Chapter 84,
Private Acts of 1967-68, Chapter 191,
Private Acts of 1998, Chapter 155.

SECTION 8. That good and solvent bond shall be executed by the highway superintendent in accordance with the requirements of Tennessee Code Annotated, Sections 54-4-103 and 54-7-108. Members of the county highway commission shall execute bonds, if necessary, in an amount specified by a resolution of the County Legislative Body. Said bonds shall be executed at the time of taking oath of office and same, being payable to the State of Tennessee for use and benefit of the county where said officials service, and said bonds being for the faithful performance of all duties and obligations of the respective offices, and proper account of and for any and all funds and the expenditure thereof, which may officially come into their hands, or be expended under their supervisions, and for a proper account of any and all properties, and the care of same, officially committed to their custody, and the payment of such bonds shall be out of the general fund and copies of same spread upon the minutes of the County Legislative Body.

As amended by: Private Acts of 1998, Chapter 155.

COMPILER'S NOTE: Sections 9 and 10 were deleted by the Private Acts of 1998, Chapter 155.

SECTION 11. That the expenditure of all money belonging to the general road system of the County shall be under the direction of the County Highway Commission. The manner of drawing money out of the County Treasury credited to any road or workhouse accounts shall be on the order of the County Highway Superintendent directed to the County Judge or Chairman who, if satisfied of the authenticity of the order, shall issue a warrant thereon directed to the County Trustee, provided that all expenditures shall have been authorized in accordance with the provisions of this Act.

SECTION 12. That this Commission shall not spend, arrange to spend, or incur indebtedness in excess of its anticipated revenues, which shall be estimated as far as possible by the revenues of the preceding year; this provision, however, shall not be understood to prevent the purchase of machinery or equipment on terms of instalments where absolutely necessary for the proper maintenance of said road system, the total price of which may be in excess of, or may create a total expenditure in excess of, the revenues estimated for a period of one year, provided the instalment payments thereon, together with other expenditures, do not exceed in total the estimated revenues for one year.

SECTION 13. That this Commission be empowered, as far as they may be within the law, to open and close telephone and telegraph and other right-of-way along the public ways of travel, and to supervise and order the placement and replacement of telephone and telegraph and other poles, to the end that same way not obstruct or endanger travel along the public roads and right-of-way.

COMPILER'S NOTE: Section 14 was deleted by the Private Acts of 1998, Chapter 155.

SECTION 15. That in laying out new roads, changing the location of old roads, and locating bridges and culverts, the County Highway Commission is vested with the power to condemn under the laws of eminent domain all lands necessary; and likewise to acquire rock quarries, chert, dirt or gravel beds, and other material necessary for building or repairing roads, highways or bridges, in the manner provided for the taking of private property by public corporation, or in the manner hereinafter set out, and shall also have the power to condemn private property for roads of ingress and egress to and from rock crushers, rock quarries, dirt, chert, or gravel beds, road camps, and for temporary roads when bridges are being erected or repaired or main roads being repaired or when new roads are being opened or old ones restored; to establish new roads or widen old roads. No project shall be undertaken that requires the acquisition of rights-of-way by purchase or condemnation without the prior approval of the Quarterly County Court. In case of agreement as to amount of damages between the owner of private property sought to be taken and the County Highway Commission, then such agreement to be reported to the Quarterly County Court and the amount of damages to be paid out of the County Road Account and shall be paid only after approval by the Quarterly County Court, and in the event no agreement is reached, the County Highway Commission is authorized and empowered to file condemnation proceedings in the Circuit Court, and such proceedings in such Court shall be proceeded with in the manner provided under the general law for taking private property for use of highways. On filing of such petition by said Commission the property sought to be condemned may be utilized at once without awaiting the determination of the suit; and all damages shall be charged against the County, to be paid out of the general county account.

The County Highway Commission of Rutherford County shall be authorized to own and operate a plant or facility for the manufacture or production of hot mix asphalt. Within the funds available for such purpose, the County Highway Commission shall be authorized to expand, replace, or alter such plant or facility. It shall be authorized to sell, trade, barter, loan or give away the product of any such plant or facility to any municipality within the boundaries of Rutherford County as may be authorized by resolution of the Quarterly County Court.

The Highway Commission of Rutherford County is hereby authorized to own and operate a plant or facility for the manufacture or production of hot mix asphalt. Such hot mix asphalt shall be used for county purposes only.

As amended by: Private Acts of 1969, Chapter 143
Private Acts of 1977, Chapter 53

COMPILER'S NOTE: Section 16 was deleted by the Private Acts of 1998, Chapter 155.

SECTION 17. That the said County Highway Commission shall have supervision and control of all public roads and special highways in said county, and shall have control of, and shall expend and allocate all money and funds available for road purposes realized from road tax levies on property in the said county and all other road funds derived from any source coming under the exclusive control of the said county; but nothing herein is intended to deprive the State, or State Highway Department, or Commissioner of Highways and Public Works, from constructing, maintaining, supervising and controlling State maintained roads in said county and expending the funds available by law, or hereafter made available by law, for State maintained roads in said county, but all funds realized from road tax levies shall go into the hands of, and be expended by, this Commission.

COMPILER'S NOTE: Sections 18 and 19 were deleted by the Private Acts of 1998, Chapter 155.

SECTION 20. That no relative of any District Commissioner or County Judge or of the Highway Superintendent shall be employed under the terms of this Act. The word "relative" as used herein shall mean brothers, sisters, nephews, nieces, uncles and aunts, of either the whole or half blood by consanguinity and by affinity.

COMPILER'S NOTE: Sections 21, 22, and 23 were deleted by the Private Acts of 1998, Chapter 155.

SECTION 24. That if for any reason any section of this Act, or part thereof, shall be held unconstitutional or invalid, such holding shall not affect any other section or part of this Act, each and all sections hereof having been considered as passed separately, in whole and in part, independent of any single section or other section thereof.

SECTION 25. That in event the constitutionality or legality of this Act is assailed, the Commission created by this Act is hereby authorized (sic) and empowered to employ counsel to defend the constitutionality of this Act, and the fees of such counsel shall be paid out of the General Fund of the County.

COMPILER'S NOTE: Section 26 was deleted by the Private Acts of 1998, Chapter 155.

SECTION 27. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: January 26, 1951.

HIGHWAYS - ROADS

PRIVATE ACTS OF 1963

CHAPTER 125

SECTION 1. That the County Highway Superintendent of Rutherford County, in addition to his regular duties now prescribed by law, is hereby directed and authorized to attend meetings of the Rutherford County Planning Commission in connection with matters before the Planning Commission relating to the industrial and residential expansion of said County.

The County Highway Superintendent shall work in conjunction and cooperation with the said County Planning Commission on all matters pertaining to zoning requirements and regulations, as well as the opening and laying out of new streets, roads, utilities and subdivisions of real property.

He shall likewise coordinate the duties and functions of the County Highway Commission as may be applicable to the Interstate Highway System and program, and including the proposed construction of the Percy Priest Dam to be located on Stone's River. The Quarterly County Court of Rutherford County is hereby authorized to fix the amount of compensation of the County Highway Superintendent for the performance of such additional duties imposed hereunder, and said additional compensation shall be paid in equal monthly installments out of the general funds of said County.

SECTION 2. That this Act shall have no effect unless the same be approved by a two-thirds vote of the Quarterly County Court of Rutherford County. The presiding officer of such body shall announce the approval or non-approval and shall certify the same to the Secretary of State at Nashville.

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

Passed: March 8, 1963.

HIGHWAYS - ROADS
AMENDMENTS TO ROAD LAW

PRIVATE ACTS OF 1955

CHAPTER 125

SECTION 1. That Chapter 55 of the Private Acts of 1951, the caption of which is quoted in the caption hereof, be amended in the following particulars:

(A) The County Judge of Rutherford County, Tennessee, shall have no right to vote as a member of the County Highway Commission under this amendment or the original Act here amended on any matters coming before said County Highway Commissioners, but shall only have the right to act and preside as Chairman and perform the other duties authorized by the original Act.

(B) The County Highway Superintendent shall have the duty, right and power to cast the deciding vote on all matters coming before the County Highway Commission when such County Highway Commission is equally divided.

As amended by: Private Acts of 1998, Chapter 155.

SECTION 2. That this Act shall have no effect unless the same shall be submitted to the Quarterly County Court of Rutherford County, Tennessee and approved by a two-thirds vote of said Quarterly County Court.

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

Passed: February 23, 1955.

HIGHWAYS - ROADS

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

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

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

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

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

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

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

1. Acts of 1821, Chapter 6, Page 10, required the Courts of Pleas and Quarter Sessions of the various counties of the State to index and classify the roads in their respective counties. The roads would be classified according to width and use. The classes ranged from stage roads down to one wide enough to permit a horse and rider to pass. The Court would assign a sufficient number of hands to keep the road in repair.
2. Acts of 1824, Chapter 162, Page 148, commissioned William W. Searcy, Robert C. Foster, Sr., Alfred Balch, Andrew Hynes, James McLaughlin, Samuel P. Black, F. N. W. Burton, Moses Ridley, Benjamin McCulloch, and David Wendel, to open books and subscribe stock up to \$75,000 to build a turnpike road from Murfreesboro in Rutherford County to Nashville

in Davidson County to be incorporated as the Murfreesboro Turnpike Company. The Act also named Alfred Balch, Samuel Weakley, John Hardin, F. N. W. Burton, Moses Ridley, Logan Henderson, and Nathan Williams, as Commissioners to mark out the route of the road.

3. Acts of 1829, Chapter 255, Page 228, incorporated Charles I. Love, James H. Foster, William H. McLaughlin, David Wendel, James Morton, Robert Jetton, David W. Dickinson, Zachariah Posey, William Bowman, George Thompson, John McGregor, Martin Clark, Henry Ridley, Moses Norvell, George Shall, Robert Weakley, and Beverly Nelson, as the Nashville and Murfreesboro Turnpike Company which would build a road between the two cities. The Company was allowed to cut timber, secure rock and gravel along the way and to exercise the power of eminent domain. The road must be built to meet the specifications in the Act, and, when completed, could charge the tolls listed therein. Penalties were provided for anyone passing the tollgates without paying. The Act also established the Hoover's Gap Turnpike Company naming Christopher Shaw, Jacob Hoover, Joel Smith, Joseph Carney, Moses Hart, John Hilton, James Arnold, T. L. D. W. Shaw, and William S. Watterson as its incorporators. The road could run from Murfreesboro, by way of Hoover's Gap, to Thomas Power's in Bedford County.
4. Acts of 1829, Chapter 269, Section 8, Page 242, stated that whenever any person, firm or corporation, organized to open a turnpike in the counties of Davidson, Williamson, Rutherford, and Bedford would make known in writing to the Courts of Pleas and Quarter Sessions of the Counties through which the road would pass that they would not proceed to open said road or roads agreed in their Charter, it would be lawful for the Court to grant upon the terms of the original Charter all, or any part of the said road not completed to any person, or persons, but the section shall not exceed five miles.
5. Acts of 1831, Chapter 46, Page 69, named Robert Weakley, Samuel Seay, and Robert C. Foster, all of Davidson County, Henry D. Jamison, Samuel Anderson, and Vernon D. Cowens, all of Rutherford County, and John Sutton, John C. Caldwell, and Samuel Phillips, all of Bedford County, as a Board of Internal Improvement for the aforesaid Counties. It was their duty to open under such conditions as may be prescribed, in Nashville, in Murfreesboro, and in Shelbyville, books for stock subscriptions to the Nashville, Murfreesboro, and Shelbyville Turnpike Company. As soon as \$20,000 in stock had been sold, the State Bank was authorized to pay them the share of their respective counties in the Internal Improvement Fund for Middle Tennessee. Upon other conditions being met, the Company could proceed with the construction of the turnpike.
6. Acts of 1832, Chapter 15, Page 27, made it the duty of the Governor to subscribe to the Nashville, Murfreesboro, and Shelbyville Turnpike road the whole of the interest due upon the amount of the Common School fund to which the counties of Davidson and Rutherford were entitled. The Commissioners of the company must pay at least 6% interest on the money. It was further made lawful to erect tollgates and collect tolls when all the conditions precedent stipulated in the Act had been met. This Act amended Acts of 1831, Chapter 46, Page 69.
7. Acts of 1832, Chapter 34, Page 21, incorporated a company to establish a turnpike road from Murfreesboro to the top of the Stones River ridge in Warren County in the direction of McMinnville, passing by Danville in Warren County. The company would be known as the McMinnville Turnpike Company.
8. Acts of 1835-36, Chapter 19, Page 111, was the legislative authority for Russell Dance, William Ledbetter, and Logan Henderson, of Rutherford County, plus others named from Davidson County, Coffee County, and Franklin County, as Commissioners, to open books and sell up to \$200,000 in stock to build a turnpike road from Murfreesboro to Winchester by way of Manchester in Coffee County. The stock sale and the construction and operation of the road would be as specified in this Act.

9. Acts of 1837-38, Chapter 50, Page 70, appointed William Bates, William C. Smartt, and Joseph Spurlock as Commissioners of the Murfreesboro and McMinnville Turnpike Company instead of William M. Robinson, who has moved, and Leighton Ferrill and James Burkley, who were deceased. The Act also gave the company the power of eminent domain. This Act amended Acts of 1832, Chapter 34, Page 21.
10. Acts of 1837-38, Chapter 57, Page 81, authorized William B. Morris, Alfred Nailor, and Joseph Smith, of Rutherford County, and John Scott, John Norvell, Noble Majors, James L. Armstrong, Robert Clark, and Burwell Featherston, all of Bedford County, to build a macadamized road from Fosterville, in Rutherford County, to Davis' Mills in Bedford County. This road would constitute a lateral branch of the Nashville, Murfreesboro, Shelbyville Turnpike. The company would be called the Fosterville Turnpike Road Company.
11. Acts of 1847-48, Chapter 164, Page 261, incorporated the Franklin College and Stones River Turnpike Company, naming Dr. J. R. Wilson, E. H. East, Robert Buchanan, James M. Murrell, James Charlton, James Matlock, John W. Birdwell, Turner Perry, and George W. McQuiddy as Commissioners to sell the stock, up to an authorized \$60,000. The corporation would build and keep in repair a Nashville and Murfreesboro turnpike at or near the junction of Chicken Road with the turnpike road about four miles from Nashville, passing Franklin College to terminate at or near Stones River.
12. Acts of 1869-70, Chapter 52, Section 22, Page 330, named Joseph M. Bennett, Joseph J. Green, W. K. Green, W. M. Clark, T. G. Shannon, Joseph H. Murray, J. S. Hawlett, George Chrisman, Evans Bennett, Lemuel Newsom, John F. Neal, Henderson Naron, William Caldwell, E. C. Jobe, G. W. McLaughlin, Thomas Black, Sr., Benjamin Beatty, Sr., Brown Baring, Alfred Davis, Thomas Edwards, George W. Smith, W.H. Smith, James E. Manson, Leonard Davis, John Love, and John Shelton, as Commissioners to sell stock up to an authorized capital of \$35,000 to build a turnpike from Nolensville in Williamson County to Wilkerson's Cross Roads in Rutherford County. When \$5,000 has been subscribed and collected, the stockholders would meet at the Kedron Church in Rutherford County. The Act included some specific regulations to be observed. The company would be known as the Nolensville and Wilkerson's Cross Roads Turnpike Company.
13. Acts of 1869-70, Chapter 101, Section 28, Page 602, appointed as commissioners John Lyttle, W. G. Garrett, J. Todd, H. C. Bartley, Joseph King, John King, James King, Jr., and Joseph Holloway, to sell stock to build a turnpike road from Murfreesboro in Rutherford County to Triune in Williamson County. The corporate life was 99 years, the authorized capital stock set at \$100,000, with a \$10,000 minimum subscription to proceed with a meeting. The company would be styled the "Murfreesboro and Triune Turnpike Company.
14. Acts of 1901, Chapter 136, Page 237, was a general road law applicable to every County in the State under 70,000 in population according to the 1900 Federal Census. The County Court would pick one Road Commissioner to serve two years from each Road District in the County, the Road Districts being co-extensive with the Civil Districts of the County. This Commissioner must be sworn and bonded and would be in charge of all the roads, bridges, hands, tools, and materials used in his district. He would be compensated at the rate of \$1 per day but for no more than 10 days each year. The County Court would fix the number of days a road had must work between five and eight and set the value on a day's labor. The Court could also levy a special road tax of two cents per \$100 property valuation for each day the road hands were required to work. The Road Commissioners would appoint and supervise road overseers in their district who would be in immediate charge of a specified section of road, would work the same number of days as other road hands but would be paid up to \$6.00 a year for days worked extra. All males, outside cities, between the ages of 21 and 45 must work on the roads, or pay a stipulated commutation fee. The Commissioners must also hear and dispose of petitions to open, close, or change the roads in their Districts, seeing that all such roads met the basic specifications mentioned in the Act. This Act was involved in Carroll v. Griffith, 117 Tenn. 500, 97 SW 66 (1906).

15. Acts of 1905, Chapter 478, Page 1016, amended Acts of 1901, Chapter 136, in several minor particulars but primarily in the methods of exercising the right of eminent domain in the acquisition of rights of way for roads.
16. Private Acts of 1909, Chapter 574, Page 2019, amended Acts of 1901, Chapter 136, by making all male residents of the County between the ages of 18 and 50 subject to compulsory labor on the roads instead of the former age ranges of 18 and 45 years. This Act was repealed by Private Acts of 1979, Chapter 138, Page 527.
17. Private Acts of 1919, Chapter 698, Page 2139, set up a three member Board of Road Supervisors in Rutherford County who would be appointed by the Chairman of the County Court for initial terms of two years and four years, and for four years afterwards. The County Court was required to appoint at its January, 1920 term, a Road Commissioner from each Civil District who would serve two years exercising general supervision over the roads in the District and who would open, close, and change roads in the District as well as work them. The Commissioners would be paid \$2 for each day worked but must make \$1,000 bond before assuming office. The Commissioner would appoint road overseers to be paid \$1.50 per day after working without compensation the required number of days per year, who would be in immediate charge of the section of road assigned to him. Males between the ages of 18 and 50 were compelled to work between 8 and 12 days, as the Court decided, consisting of ten hours duration. The owners of teams and wagons must furnish them for the same number of days to be worked. A road hand could furnish a substitute to work in his place, or pay \$1.50 a day for each day not worked, while owners of wagons and teams were forced to pay \$2.50 to commute. All roads were required to be relocated and regraded within two years to get away from grades over 10% and from flooding. Road Supervisors were to be paid \$3.00 per day to supervise the whole program, settle disputes, acquire lands for rights of way by eminent domain when necessary and could employ an engineer. Rights of way could range from 24 feet in width up to 50 feet. This Act was repealed by Private Acts of 1925, Chapter 297, Page 1073, and by Private Acts of 1933, Chapter 483, Page 1177.
18. Private Acts of 1921, Chapter 824, Page 2555, classed as turnpike roads all those called pikes in Rutherford County. The County Court could levy a tax of one to two mills to build and repair turnpike roads in the County. The County was divided into three turnpike Zones, and the County Court would appoint a Commissioner from each Zone to serve staggered terms initially and then three year terms afterwards on the Board of Turnpike Commissioners. Commissioners would draw compensation of \$300 per year which would be their total pay. The Commissioners would employ a skilled Superintendent of Turnpikes at an annual salary not to exceed \$2,500, who would be charged with keeping all proper records. The Board of Turnpike Commissioners would control and manage all the turnpike roads being vested with the power of eminent domain. An engineer could be employed to lay out plans and design roads. Pikes must meet certain specifications for which they would be inspected. All funds coming to the county for road purposes would be divided equally among the three Zones.
19. Private Acts of 1921, Chapter 872, Page 2681, amended Private Acts of 1919, Chapter 698, by reducing the range of days for compulsory labor from 8 to 12 down to 5 to 8 and leaves the repair of roads up to the Commissioners as necessary rather than to specify the months for the road hands to work. A tax was levied on truck owners of \$1 per horse-power to be used on roads and Section 5 was changed to require the owners of teams and wagons to take them to their assigned places of work and to call for them at the day's end.
20. Private Acts of 1923, Chapter 437, Page 1692, amends Private Acts of 1919, Chapter 698, by adding that any judgment so rendered against the county shall be paid out of county funds. Section 15 of the Act was repealed in its entirety. This Act was repealed by Private Acts of 1925, Chapter 297, Page 1073.

21. Private Acts of 1925, Chapter 164, Page 563, amended Private Acts of 1919, Chapter 698, Section 4, by raising the minimum age of those subject to road labor from 18 years to 21 years, making the age range for those road hands go from 21 through 50.
22. Private Acts of 1925, Chapter 297, Page 1073, enacted a new road law for Rutherford County. A five member County Board of Road Commissioners to which the Act named J.D. Carter, J. L. Barker, J. O. Phillips, J. H. Dyer, and R. L. Smith, as the first Board who were charged to lay off and classify a system of roads in Rutherford County. Terms on the Board were staggered initially and vacancies were to be filled by the Circuit Court Judge. The Commissioners would be paid \$5 a day for time actually spent on their assignments. Each Road District, coextensive with the Civil Districts, would have a Road Supervisor, appointed by the Superintendent of Roads, who would be paid from \$2 to \$3 a day, whose responsibilities included making a list of all road hands in his District. A road section from two to five miles long would be supervised by an Overseer, named by the District Road Supervisor, who would get \$2 per day for his efforts. The overseer must report on the road hands working and the tools and materials used on his section of road. The Commissioners must elect a Chairman and could employ a Road Superintendent, skilled in the art of road work at a salary from \$3,000 to \$5,000 per year, who would be furnished an office in the Court House, would render monthly reports of the conditions and finances of the road department to the County Court. The Road Superintendent would be in full charge of the work-house and prisoners. Applications for new bridges must be submitted to the Road Superintendent for investigation, and he would report his findings to the County Board of Road Commissioners for a decision. The Road Superintendent would conduct hearings on petitions to open, close, or change roads. The budget for road changes must be established at the January meeting of the Court. The Court could levy a road tax of ten cents, or more, up to 25 cents, per \$100 property valuation and from \$5 to \$25 on every male, all of which would go into the general road fund. All males between 18 and 50 and owners of wagons and teams must meet requirements of the Act by working the number of days established or paying a commutation fee. This Act was repealed by Private Acts of 1927, Chapter 313, Page 896, and by Private Acts of 1933, Chapter 483, Page 1177.
23. Private Acts of 1927, Chapter 313, Page 896, set up a five member County Board of Road Commissioners to be elected by the Quarterly Court at its next July meeting to fill terms which were initially staggered to have one term ending each year. Vacancies on the Board were to be filled at the next meeting of the Quarterly Court occurring afterwards. The Board must choose a Chairman from their number, and could employ a Superintendent of Roads for two year periods at a negotiated salary which must fall between \$1,800 minimum and \$3,500 maximum. The Superintendent would also appoint District Road Supervisors and fix their compensation between \$2 and \$3 per day, who would in turn name Overseers for road sections in the District at \$2 per day. The County Board of Road Commissioners would have general supervision over all the roads and the expenditure of funds from all sources. The Road Districts were co-extensive with the Civil Districts of the County, and the sections of road laid off within the district must be between two and five miles in length. Roads must be classified according to width and indexed. Males between the ages of 21 and 50 were subject to working from 5 to 10 days on the roads as decided by the County Court, or pay from \$5 to \$10 as a commutation fee. Owners of wagons and teams were required to provide them for road service for the same number of days or pay a fee from \$7.50 to \$10, as set by the Quarterly Court. The Superintendent of Roads would appoint the Superintendent of the Workhouse and arrange for prisoners to work on the roads. The Board could exercise the power of eminent domain which could be used under the restrictions imposed in the Act, and could dispose of petitions to open, close, or change roads. Several other duties assigned to the Road Superintendent were enumerated. The special road tax to be levied could range from 10 cents to 25 cents per \$100 of property valuation. This Act was repealed by Private Acts of 1931, Chapter 234, Page 613, and by Private Acts of 1933, Chapter 483, Page 1177.

24. Private Acts of 1929, Chapter 483, Page 1296, amended Private Acts of 1927, Chapter 313, by rewriting Section 10 which related to condemnation procedures, by making it conform to the requirements of the general law when being exercised by the Board of Road Commissioners. Section 11 was rearranged to set up new rules for the disposition of petitions to open, close, or change roads.
25. Private Acts of 1929, Chapter 767, Page 2263, amended Private Acts of 1927, Chapter 313, Section 9, by adding a sentence at the close of the first paragraph that the Superintendent of Roads with the assent of the Board of Road Commissioners would have the power to use prisoners serving sentences in the County Workhouse and the equipment of the County Highway Department to aid and assist enterprises coming into the county to get established.
26. Private Acts of 1931, Chapter 235, Page 614, established a new nine member County Board of Road Commissioners, elected by the County Court, one from each Road District into which the county was divided. The Act named Oscar Phillips, Cloe Bond, Shelton Edwards, T. R. Whittus, Ramsey Snell, J. D. Carter, Lawrence Barker, R. A. Kelton, and Lee Smith, as the first Board, to serve until the first Monday in April, 1931. Their successors would be selected on a staggered term basis and then for three year terms. The remainder of this Act is virtually identical with the terms of Private Acts of 1927, Chapter 313, except that the general road tax was set at 25 cents, and some limitations were placed upon the authority to contract the work out. The Road Commissioners would be paid \$2.50 per day for each day spent in the discharge of their duty. This Act was repealed by Private Acts of 1933, Chapter 524, Page 1260.
27. Private Acts of 1931, Chapter 531, Page 1396, created a nine member County Board of Road Commissioners in Rutherford County, one to be selected from each of the Road Districts into which the county was divided. This Act appointed Oscar Phillips, Cloe Bond, Shelton Edwards, Cleveland Ralston, Ramsey Snell, Will Fox, Charles Sneed, R. A. Kelton, and T. M. (Bud) Vaughn, to serve as the first Board until the first Monday in September, 1932, their successors to serve staggered terms of six year as they were organized in the Act. The Commissioners must be residents of their Districts and elected by the voters. Vacancies on the Board would be filled by the remaining members. The remainder of this Act is practically the same as Private Acts of 1931, Chapter 235. One difference was that the Workhouse would have a Superintendent appointed by the Superintendent of Roads with the approval of the Board of Road Commissioners. This Act was repealed by Private Acts of 1933, Chapter 483, Page 1177.
28. Private Acts of 1933, Chapter 302, Page 722, amended Private Acts of 1931, Chapter 235, in Section 10, so as to relieve all persons under 21 and over the age of 50 from being compelled to furnish a wagon and team for road work, by striking that provisions completely out of the Act.
29. Private Acts of 1933, Chapter 482, Page 1167, stated that in Rutherford County the Board of Workhouse Commissioners who would have the supervision and control of roads together with all the powers necessary and incidental thereto but under such restrictions as might be imposed by the County Court. The Commissioners must be sworn and bonded and must operate under general State law except that the compensation of the Commissioners and the Superintendent of the Workhouse would be paid monthly instead of quarterly and the salary of the Workhouse Superintendent would be fixed by the Quarterly Court instead of by the Commissioners, and supplies must be purchased through the purchasing agency of the county. The Quarterly Court would determine the number of guards to be employed at the Workhouse. The duties of the Commissioners and the Superintendent of Roads were generally specified, including the authority to contract and to exercise, under the limitations expressed, the power of eminent domain. Each Road District would equal the Civil Districts, and have a District Road Commissioner, appointed by the County Court, to serve for two years. Males between the ages of 21 and 45, must work from 5 to 10 days as determined by the Court. The Court could levy a general road tax from five to twenty-five cents per \$100 which would be divided

among the road districts, and the Commissioners would be paid \$2.50 a meeting until the July meeting of the Quarterly Court, when their future compensation would be set. See Powers v. Wiseman, 167 Tenn. 140, 67 S.W.2d 142 (1934).

30. Private Acts of 1943, Chapter 454, Page 1569, established a County Highway Commission which had authority and control over all segments of the road system in Rutherford County, over all the prisoners in the Workhouse, and over all the employees and guards in the Department. The county was divided into nine Road Zones composed of whole civil districts, one Commissioner to come from each Road Zone. The present Commission was continued in office until September 1, 1944, with the County Judge acting as Chairman. Commissioners would be elected by the people of the Road Zone for four year terms and any vacancies after September 1, 1944 would be filled by the Quarterly Court with someone from that Zone. Regular meetings of the Commission would take place on the first Tuesday in each month. The Chairman would be paid \$3 and the members \$2.50 a day but all were limited to \$50 each year. Each Zone Commissioner was in charge of his Zone and would make recommendations on all matters regarding that Zone. The Commission would employ a County Road Superintendent at a maximum \$1,600 per year, plus a car, who would hire all other employees. The Commission would also designate someone to work with any State or Federal Agency in conjunction with the road program. The Commission had the right to purchase equipment and materials, but all contracts over \$250 were required to be subject to the bidding process. The Commission must maintain an office in the Courthouse in which the Road Superintendent and all the records would also be kept. A Secretary and bookkeeper could be hired to assist with the records. Liability could not be incurred beyond the amount of anticipated revenue nor would nepotism be permitted. The Road Superintendent was the Superintendent of the Workhouse who could employ an Assistant Superintendent, or a Chief Guard, at no more than \$90 per month. Males between the ages of 21 and 45, must work on the roads between 5 and 10 days as the County Court directed, or pay \$5 to \$10 as might be assessed. The general road tax levy could range between 5 and 25 cents per \$100 property valuation, plus the funds from the State would be expended by the Commissioners. An auditor at a cost of no more than \$250 would be employed to examine all accounts. The County Judge was made an ex-officio member of the Commission who would be its Chairman but would have no vote. All powers and duties vested in any Board of Workhouse Commissioners were transferred to the County Highway Commission and the Board of Workhouse Commissioners was abolished. This Act was repealed by Private Acts of 1951, Chapter 54, Page 149.
31. Private Acts of 1945, Chapter 455, Page 1391, amended Private Acts of 1943, Chapter 454, in the various sections establishing the compensation of various officials connected with the administration of the Road Law so as to increase their salaries, and to add a new Section 40(a) which allowed the Quarterly Court to authorize the County Highway Commission to allocate and spend from the road funds, and other funds, an amount not to exceed \$2,000 to erect suitable quarters and barracks for the prisoners required to work on the roads. The Quarterly Court was allowed to add another \$3,000 for this purpose. This Act was repealed by Private Acts of 1951, Chapter 54, Page 149.
32. Private Acts of 1976, Chapter 231, Page 78, would have removed the supervision of the county workhouse from the County Highway Superintendent. This Act was not approved by the Quarterly County Court and never became effective law.
33. Private Acts of 1980, Chapter 294, Page 456, would have transferred the authority and control over the prisoners in the county workhouse from the County Highway Commission to the Sheriff of Rutherford County. This Act was not approved by the county legislative body and never became effective law.

34. Private Acts of 1981, Chapter 142, would have amended Private Acts of 1955, Chapter 55, an erroneous reference to the Rutherford County Road Law, by adding a provision authorizing the operation of a hot mix asphalt plant at the end of Section 15, and by repealing Private Acts of 1977, Chapter 53. This Act was not acted upon by the Rutherford County Legislative Body and is of no effect.

CHAPTER X - LAW ENFORCEMENT

LAW ENFORCEMENT

JAILS AND PRISONERS

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

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.

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

1. Acts of 1803, Chapter 1, Page 43, was a new and detailed militia law for the State which would make free men and indentured servants between the ages of 18 and 45 eligible for membership. Rutherford County's unit was designated as the 22nd Regiment which would hold its annual drill and muster at the Court House on the third Thursday of October. The units from Davidson, Williamson, and Rutherford Counties would make up the Fourth Brigade.
2. Acts of 1811, Chapter 93, Page 105, amended the existing militia law of the State in several places. This act placed the counties of Davidson, Williamson, and Rutherford in the 9th Brigade for which a Brigadier General would be elected by the brigade officers. A second Regiment was formed in Rutherford County, called the 45th Regiment, which would hold the required annual muster and drill on the second Thursday in September.
3. Acts of 1815, Chapter 119, Page 127, constituted an entirely new military code for Tennessee. This Act organized each county unit into Brigades and Divisions. Rutherford County's Regiments would consist of the 22nd and 45th, of the 9th Brigade, of the Second Division.
4. Acts of 1819, Chapter 63, Page 106, rewrote the State Militia Statute. Rutherford County now had the 22nd, the 45th, and the 53rd Regiments. The 22nd Regiment would hold its muster on the second Thursday in October, the 45th Regiment on the third Thursday in October, and the 53rd Regiment on the fourth Thursday in October. The Davidson County, Williamson County, and Rutherford County units were still assigned to the Ninth Brigade.
5. Acts of 1825, Chapter 69, Page 78, continued the composition of the militia of Rutherford County as the 22nd, 45th and 53rd regiments which formed the Ninth Brigade. The Ninth Brigade was made a part of the Second Division.
6. Acts of 1826, Chapter 18, Page 22, Section 28, set up drills for the 9th Brigade composed of the militia units in the Counties of Davidson, Williamson, and Rutherford, scheduling the required annual drill and muster for Rutherford County on the second Thursday and the day following after the first Monday in September of each year.

7. Acts of 1826, Chapter 134, Page 117, stated that the volunteer company of the State Militia known as the Murfreesboro Sentinels in the 45th Regiment of that County would have all the rights and privileges of all other personnel in the militia except their members are not required to attend regimental and battalion musters, or courts martial. Anyone subject to military duty in Rutherford County could join the Sentinels and, if a certificate of membership is produced the holder thereof would be exempted from militia duty in the regiment of his place of residence.
8. Acts of 1827, Chapter 164, Page 139, made the volunteer company, called the Guards of the 53rd Regiment in Rutherford County, now commanded by Captain William F. Ready, subject to all the rules and regulations of the State Militia and military code except that their members would not be compelled to attend regimental or battalion musters and courts martial. The Company could have from 40 to 100 privates and anyone in Rutherford County wishing to enlist with them may do so and thereby be exempt from militia duty with their assigned regiment.
9. Acts of 1829, Chapter 266, Page 240, authorized a militia company to be denominated the Rutherford Patriots, composed of 45 to 100 privates, to be formed in that County which would have and enjoy all rights and privileges except that their members would not be compelled to perform duty with any other unit. The officers of the Company would be one Captain, three Lieutenants, and one Ensign. The company was assigned to the 22nd Regiment.
10. Acts of 1829, Chapter 296, Page 270, provided that the volunteer company called the Rutherford Rangers of the Rutherford County militia would not be compelled to attend regimental and battalion courts martial and musters. Any person subject to militia duty could join the Company and not have to attend the musters of the units of their residence so long as they remain members of the Company.
11. Acts of 1835-36, Chapter 21, Page 97, was an entirely new militia law as part of the general reorganization of the local and State governments after the adoption of the 1835 Constitution. The militia units would be composed of white males between the ages of 18 and 45. Rutherford County now had four regiments, the 61st, the 62nd, the 63rd, and the 64th. Annual drills and musters were scheduled according to Regimental numbers. Rutherford County and Williamson County made up the 13th Brigade of the Third Division.
12. Acts of 1837-38, Chapter 157, Page 223, required that there be a county drill in the month of September in every unit of every County across the State. For Rutherford County the drills would occur on the first Friday and Saturday in September of each year. Rutherford County remained in the 13th Brigade with Williamson.
13. Acts of 1839-40, Chapter 56, Page 91, was a complete revision of the State military laws. The militia units would be composed of white males between the ages of 18 and 45. A schedule was established for the battalion musters. Section 9 designated the County Regiments for each county, giving Rutherford's regiments the 61st, 62nd, 63rd, and 64th designations. Rutherford and Williamson Counties constituted the Thirteenth Brigade.
14. Acts of 1843-44, Chapter 88, Page 103, required the Brigadier General of the 13th Brigade to assemble the field officers of the existing regiments in the Brigade in Rutherford County to consider the propriety of forming an additional regiment for the County. If a new regiment could be formed without reducing the other regiments in the county, the officers would proceed to lay off the area for the new Regiment which would best serve the convenience of all concerned. If the above should occur, the regiments would then be renumbered.

15. Acts of 1861, Chapter 1, Page 57, rewrote the State's military laws as the Civil War loomed on the horizon. Rutherford County retained the four Regiments in the County. An overall tightening up in every aspect of the military Code was apparent as the State prepared itself to participate in the war which was imminent. Rutherford and Williamson County units were still the 13th Brigade of the Third Division.

LAW ENFORCEMENT

OFFENSES

MAGAZINE SALES

PRIVATE ACTS OF 1963

CHAPTER 190

SECTION 1. That any person engaging in the business of soliciting orders for magazines or making contracts for the future delivery of magazines conditioned upon payment of a subscription fee therefore in Rutherford County, Tennessee, such person shall first register their presence with the Sheriff of Rutherford County before engaging in such business, such person shall give their name, address and the name of the person, firm or corporation for whom they are soliciting such orders or contracts including the name and address of their employer.

Such persons shall also be required to furnish to the Sheriff of Rutherford County a full and complete description of any motor vehicle which such person may use in soliciting the sale of magazines or contracts for the future delivery of magazines. Such persons shall furnish to the Sheriff the make, model or year, color, and type of motor vehicle, including the license number of said motor vehicle to be used by him.

SECTION 2. That any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction therefor shall be fined not less than ten dollars (\$10.00) nor more than fifty (\$50.00) for each offense.

SECTION 3. 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 Rutherford County. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court of Rutherford County and the same shall be certified by him to the Secretary of State at Nashville.

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

Passed: March 19, 1963.

See T.C.A. 62-16-101 and following for the State law.

LAW ENFORCEMENT

OFFENSES

MAGAZINE SALES

Some of the Tennessee counties have made some particular act or activity illegal within their boundaries by having enacted a private act to remedy or prevent certain actions.

General state law on magazine sales can be found in T.C.A. 62-16-101 et seq.

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 by 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 Rutherford County Sheriff's Office. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1817, Chapter 65, Page 73, established Solicitorial Districts throughout the State. The Sixth District was composed of the counties of Smith, Wilson and Rutherford.
2. Acts of 1823, Chapter 186, Page 170, made it lawful for the Sheriffs of Knox, Davidson, Maury, Smith, Rutherford, Jefferson, Sumner, and Washington Counties to appoint one additional Deputy Sheriff over and above the number now allowed by law. All the Sheriffs could have three Deputies if they should consider it necessary. This Act was repealed by Private Acts of 1979, Chapter 138, Page 527.
3. Acts of 1826, Chapter 140, Section 3, Page 121, granted to Matthew McClanahan, the past Sheriff of Rutherford County, the further time of two years to collect the arrearages of taxes due him, the time to start from and after January 1, next.
4. Acts of 1831, Chapter 267, Page 221, also gave Matthew McClanahan, the late Sheriff of Rutherford County, an additional two years in which to collect the arrearages in taxes, the added time to begin from and after January 1, next.
5. Acts of 1897, Chapter 165, Page 373, stated in the preamble that Frank Johnson committed a murder in Maury County on August 1, 1896, and a reward was offered for his arrest and conviction. The said Johnson was captured by John A. Crowe and John Latta in Rutherford County on August 11, 1896 and was subsequently tried, convicted, and executed for his crime. This Act appropriated \$50 out of the State's treasury to pay the reward to the persons named above.
6. Private Acts of 1923, Chapter 683, Page 2456, provided that the Sheriff of Rutherford County would be paid an annual salary of \$600, and in addition, he would be paid all the lawful fees of the office. The \$600 would be paid quarterly on the warrant of the County Judge, out of the regular county funds. The Quarterly Court must, if necessary, lay and impose an annual tax to produce the above amount. This Act was repealed by Private Acts of 1979, Chapter 138, Page 527.
7. Private Acts of 1933, Chapter 876, Page 1972, established the annual salaries of the county officials in Rutherford County. The salary of the Sheriff was set at \$3,000 to be paid only when the fees collected in the office amount to that sum. If the fees were less, the Sheriff would only be paid the fees collected. If the fees were more, the Sheriff must pay the excess

into the county treasury for which he would be accountable. All expenses of the office would continue to be liquidated as before.

8. Private Acts of 1949, Chapter 758, Page 2301, provided that the Sheriff of Rutherford County would be paid an annual salary of \$900, payable monthly on the warrant of the County Judge, or Chairman, out of the regular county funds, which amount was to be in addition to the fees collected by the office to which the Sheriff was also entitled. The Quarterly Court had the authority to lay and impose a tax upon the taxable property of the County in order to produce the funds to pay the additional salary.
9. Private Acts of 1978, Chapter 166, Page 7, would have repealed Acts of 1823, Chapter 186, Page 170, except this Act could not be ratified by the local authorities in the time stated in the Act.
10. Private Acts of 1978, Chapter 248, Page 191, would have repealed Acts of 1823, Chapter 186, Page 170, but this Act was not approved by the Quarterly County Court and never became effective.
11. Private Acts of 1980, Chapter 294, Page 456, amended Private Acts of 1951, Chapter 55, so that the Sheriff of Rutherford County would have the authority and control over the prisoners in the County Workhouse and the authority to designate where and when the prisoners would work the roads. This Act was rejected by the Rutherford County Legislative Body and never became an effective law under the provisions of the Home Rule Amendment to the State Constitution.

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

1. Acts of 1859-60, Chapter 84, Section 4, Page 312, directed the Comptroller of the Treasury to issue a warrant to Joseph R. Thompson, the late tax collector of Rutherford County, in the amount of \$52.22 which was the sum twice paid by him into the Treasury, if it appeared on the certificate of the County Court Clerk that Thompson was improperly charged with this amount.
2. Private Acts of 1937, Chapter 134, Page 407, was the authority for the Quarterly Court of Rutherford County to fix the compensation of the County Tax Assessor at the January, or April, term before the election of the Assessor and the amount so fixed shall not be changed during the term. In the absence of other determinations, the salary of the Tax Assessor would be five cents for each assessment of privilege taxes made. This Act was repealed by Private Acts of 1979, Chapter 138, Page 527.
3. Private Acts of 1937, Chapter 841, Page 2495, amended Private Acts of 1937, Chapter 134, Section 3, to make the compensation of the Tax Assessor five cents for each privilege assessed against every person, firm, or corporation. This Act was repealed by Private Acts of 1979, Chapter 138, Page 527.
4. Private Acts of 1939, Chapter 494, Page 1581, set the compensation of the Tax Assessor of Rutherford County at \$3,000 per year, payable monthly out of the county treasury on the warrant of the County Judge, or Chairman. This Act was repealed by Private Acts of 1979, Chapter 138, Page 527.
5. Private Acts of 1949, Chapter 615, Page 1811, amended Private Acts of 1939, Chapter 494, so that an additional \$1,800 per year could be paid to the Tax Assessor above the \$3,000 specified in that Act for the Assessor to employ an assistant, which amount would be paid only in odd years, but in equal monthly payments during those years. This Act was repealed by Private Acts of 1979, Chapter 138, Page 527.
6. Private Acts of 1957, Chapter 69, Page 237, amended Private Acts of 1949, Chapter 615, by stating that in addition to the foregoing amount of \$3,000 there might be paid to the Tax Assessor of Rutherford County each year, in the discretion of the Quarterly Court, an amount not to exceed \$1,800 for the purpose of employing one, or more, assistants, or deputies, in the Tax Assessor's office. The added money was required to be appropriated each year. This Act

was rejected by the Quarterly County Court and never became effective under the conditions of the Home Rule Amendment to the State Constitution. This Act was repealed by Private Acts of 1979, Chapter 138, Page 527.

7. Private Acts of 1957, Chapter 70, Page 239, fixed the annual salary of the Rutherford County Tax Assessor at \$4,800, payable in equal monthly installments on a warrant of the County Judge drawn on regular funds. The Tax Assessor may employ an assistant, or assistants, as may be necessary and the sum of \$1,800 a year is hereby fixed as the compensation to be paid the said assistant. This Act was rejected by the Quarterly Court and never became an effective law under the Home Rule Provisions of the State Constitution.
8. Private Acts of 1959, Chapter 43, Page 146, provided that the compensation of the Tax Assessor would be fixed by the Quarterly Court and would be paid in equal monthly installments out of the regular County funds. Section 2 permitted the Tax Assessor to employ an Assistant, or other clerical help, to be paid such compensation each month as might be determined by the Quarterly Court. This Act was properly ratified by the Rutherford County Quarterly Court.

TAXATION

DEVELOPMENT TAX

PRIVATE ACTS OF 1996

CHAPTER 215

WHEREAS, Rutherford County, Tennessee, has been one of the fastest growing counties in the State of Tennessee for the past ten (10) years; and

WHEREAS, growth is expected to continue and accelerate; and

WHEREAS, this growth is anticipated to stimulate commercial, office, industrial and warehouse development in Rutherford County as well as the cities of Murfreesboro, Smyrna, La Vergne (sic) and Eagleville, all lying within Rutherford County; and

WHEREAS, the projected non-residential development and the availability of jobs as a result thereof is anticipated to stimulate a significant demand for new residential dwelling units in Rutherford County; and

WHEREAS, current projections show:

(1) County population will be 238,000 persons in the year 2010, an increase of more than 100% from 1990 to 2010; there will be a demand for approximately 34,000 additional residential dwelling units between 1990 and 2010; and new residential and non-residential development will consume additional acreage in Rutherford County, creating the need for additional facilities;

(2) Projected growth and land use development will cause a demand for county provided capital facilities (schools, roads, jails, etc.) In a cost well in excess of one hundred ten million dollars (\$110 million) over the next four (4) years alone;

(3) The county's present revenue raising authority is limited and relies heavily on intergovernmental transfers, which are not subject to county control, and on property taxes, which impose the costs of new growth on existing residents rather than on new residents and businesses which create the demand for the additional expenditures; and

WHEREAS, Rutherford County is committed to both present and future county residents to maintaining a level of public facilities and services commensurate with those presently provided; and

WHEREAS, the county's present population, employment base, tax base and budget cannot alone support the additional revenues needed to supply facilities to serve new growth without a substantial increase in the property tax rate on existing development; and

WHEREAS, the continued growth experienced by Rutherford county represents both an extraordinary economic opportunity for the State of Tennessee as well as a potential economic burden on existing residents of Rutherford County; and

WHEREAS, due to these unique circumstances, it is necessary and appropriate that Rutherford County be given authorization to extend its taxing power to enable the county to impose a fair and reasonable share of the costs of public facilities necessitated by new development on that development, so as not to create an unfair and inequitable burden on existing county residents; and

WHEREAS, the most logical, fair and effective mechanism to accomplish the intended result is the imposition of a new privilege tax on new development in Rutherford County; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the Rutherford County Development Tax Act.

SECTION 2. As used in this act, unless the context clearly requires otherwise:

(1) "Building permit" means a permit for single or multi-family construction issued in Rutherford County, whether by the county or by any city therein;

(2) "Places of worship" means that portion of a building owned by a religious institution which has tax-exempt status, which is used for worship services and related functions; provided, that a place of worship does not include buildings or portions of buildings which are used for purposes other than for worship and related functions, or which are intended to be leased, rented or used by persons who do not have tax exempt status;

(3) "Plat" includes any plat, plan, plot, replot or replat where the same creates additional lots;

(4) "Public building" means a building owned by the State of Tennessee or any agency thereof, a political subdivision of the State of Tennessee including but not limited to, counties, cities, school districts and special districts, or the federal government or any agency thereof;

(5) "Residential land development" means the development of any property for a dwelling unit or units, including, but not limited to, single or multi-family housing; and

(6) "Unit" means a part or portion of any single or multi-family housing with a room or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease on a daily, weekly, monthly or longer basis, physically separated from any other room(s) or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities including, but not limited to, condominiums and apartments.

SECTION 3. It is the intent and purpose of this act to impose a tax on new residential land development in Rutherford County, with a portion of the tax being payable prior to the recordation of any plat in the register of deeds office, and the balance being payable at the time of the issuance of a building permit, thus ensuring and requiring the persons responsible for new development share in the burdens of growth by paying their fair share for the costs of new and expanded public facilities made necessary by such development.

SECTION 4. Engaging in the act of land development for residential purposes within Rutherford County, except as provided in Section 6, is declared to be a privilege upon which Rutherford County may levy a tax at the rate set forth in Section 7.

SECTION 5. The governing body of Rutherford County, Tennessee, may, by resolution, adopt administrative guidelines, procedures, regulations and forms necessary to properly implement, administer and enforce the provisions of this act.

SECTION 6. This act shall not apply to development of:

(1) Public Buildings;

(2) Places of worship;

- (3) Barns or outbuildings used for agricultural purposes only;
- (4) Replacement structures for previously existing structures destroyed by fire or other casualty;
- (5) A structure owned by a nonprofit corporation which is a qualified 501(c)(3) corporation under the Internal Revenue Code;
- (6) Non-residential development; or
- (7) Hotels or motels.

SECTION 7. (a) For the exercise of the privilege described herein, Rutherford County imposes a tax on each lot of covered single-family development or in the case of multi-family development on each unit proposed for human habitation, in an amount equal to one thousand five hundred dollars (\$1,500) payable as follows:

- (1) Seven hundred fifty dollars (\$750) per lot or unit prior to the time the final plat of the development containing said lot or unit is recorded in the register of deeds office; and
- (2) Seven hundred fifty dollars (\$750) per lot or unit at the time the building permit is issued and obtained;

(b) In the event a single or multi-family structure is placed upon property and a plat is not required by applicable provisions of the general law, then in that event, the one thousand five hundred dollar (\$1,500) tax shall be paid, in its entirety, at the time the building permit is issued and obtained.

As amended by: Private Acts of 2000, Chapter 149.

COMPILER'S NOTE: Private Acts of 2000, Chapter 159, amends Private Acts of 2000, Chapter 149, by adding the following language after the first sentence of Section 2: If this act is approved by a two-thirds (2/3) vote of the Legislative Body of Rutherford County it shall take effect July 1, 2000, the public welfare requiring it. Any increase in privilege taxes imposed by Chapter 149 of the Private Acts of 2000 that is collected before July 1, 2000, shall be refunded to the person or entity from whom such increase in privilege taxes was collected.

SECTION 8. Proceeds from the tax levied herein shall be deposited into the Local Purpose Tax Fund or such other fund as may be designated by majority of the County Commissioners of Rutherford County, Tennessee. The proceeds shall be used to fund capital projects or to retire debt related to capital undertaken by Rutherford County, Tennessee.

As amended by: Private Acts of 1998, Chapter 114.

SECTION 9. If a building permit is issued by a municipality within Rutherford County, the municipality shall, before the issuance of a building permit, require evidence by a valid certificate executed by the appropriate officials of Rutherford County, Tennessee, that the full amount of the tax due the county has been paid. The issuance of a building permit by any municipal official, without the appropriate certificate from the county indicating the tax has been paid, shall render the city liable to the county for the sum or sums that would have been collected by the county had the certificate of tax paid been required by the municipality.

SECTION 10. The authority to impose this privilege tax on new development in Rutherford County is in addition to all other authority to impose taxes, fees, assessments or other revenue raising or land development regulatory measures granted either by the private or public acts of the State of Tennessee, and the imposition of the tax is in addition to any other authorized tax, fee, assessment or charge and shall not be deemed to constitute double taxation.

SECTION 11. Rutherford County shall not be required to share any revenues generated in accordance with the provisions of this act with any municipality lying within the county.

SECTION 12. The provisions of this act shall in no manner repeal, modify or interfere with the authority granted by any other public or private law applicable to Rutherford County. This act shall be deemed to create an additional method for Rutherford County to impose and collect taxes for the purpose of providing public facilities.

SECTION 13. 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 14. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Rutherford County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified to the Secretary of State.

SECTION 15. 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 14.

Passed: April 24, 1996.

TAXATION

LITIGATION TAX

PRIVATE ACTS OF 1979

CHAPTER 130

SECTION 1. For the purpose of retiring the 1978-79 bonded indebtedness of the Rutherford County Judicial Building, there is fixed upon each civil and criminal case filed in any circuit court, criminal court, chancery court and general sessions court of Rutherford County, a privilege tax of seven dollars and fifty cents (\$7.50). Such tax shall be collectible and payable in a civil suit under the same circumstances as other state and county taxes are now collected upon litigation, and in a criminal case from the defendant upon a finding of guilty, except that it shall be paid, secured or worked out in a criminal case. The funds provided by this tax shall be used only to retire the 1978-79 bonded indebtedness of the Rutherford County Judicial Building and when such indebtedness is retired, such tax shall terminate.

SECTION 2. This Act shall have no effect unless it is approved by; a two-thirds (2/3) vote of the county legislative body of Rutherford County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body of Rutherford County and certified by him 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 upon being approved as provided in Section 2.

Passed: May 7, 1979.

TAXATION

MINERAL SEVERANCE TAX

PRIVATE ACTS OF 1983

CHAPTER 111

SECTION 1. A severance tax is hereby levied in Rutherford County on sand, gravel, limestone, phosphate rock, clay, and all other minerals that are severed from the earth for private commercial purposes. However, the tax shall not be levied on any mineral taxed under the provisions of Tennessee Code Annotated, Sections 67-5901 through 67-5905. The measure of the tax shall be set by resolution of the Rutherford County legislative body and shall not exceed twenty-five cents (25¢) per ton on all minerals severed from the ground in Rutherford County that are subject to the tax levied by this act. The owner shall become liable for payment of the severance tax at the time the mineral is severed from the earth and transported from the mine. The tax is levied upon the severance of the mineral regardless of the place of processing or sale of the mineral or the fact that delivery may be made outside the county. The tax shall accrue at the time the sand, gravel, limestone, phosphate rock, clay or other mineral is severed from the earth and in its natural or unprocessed state and transported from the mine. The tax levied shall be a lien upon all subject minerals severed in the county and any other property owned by the miner. Such lien shall be entitled to preference over all judgments, encumbrances or liens whatsoever created.

SECTION 2. Administration and collection of this tax shall be by the County Clerk of Rutherford County who shall have the power to promulgate all rules and regulations necessary and reasonable for the administration of the provisions of this act.

SECTION 3. The tax levied by this act shall be due and payable on the first day of the month succeeding the month in which the sand, gravel, limestone, phosphate rock, clay, or other mineral products are severed from the soil. For the purpose of ascertaining the amount of tax payable, it shall be the duty of all operators in Rutherford County to transmit to the county clerks on or before the fifteenth (15th) day of the month next succeeding the month in which the tax accrues a return upon forms provided by him. The return shall show the month or period covered, the total number of tons of each type of mineral, sand, gravel, limestone, phosphate rock, clay or other mineral product severed from each production unit operated, owned or controlled by the taxpayer during the period covered, the amount of the tax and such information as the county clerk may require. The return shall be accompanied by a remittance covering the amount of tax due as computed by the taxpayer.

SECTION 4. The tax levied by this act shall become delinquent on the sixteenth (16th) day of the month next succeeding the month in which such tax accrues. When any operator shall fail to make any return and pay the full amount of the tax levied on or before such date there shall be imposed, in addition to other penalties provided herein, a specific penalty in the amount of ten percent (10%) of the tax due. Whenever a penalty is imposed there shall also be added to the amount of tax and penalty due interest thereon at the rate of twelve percent (12%) per annum from the date due until paid. A further penalty of fifty percent (50%) of the amount due may be added if the nonpayment of the tax is due to an intent to evade payment. If the tax is delinquent for a period of sixty (60) days, or if the nonpayment of the tax is due to an intent to evade payment, the person liable for such payment may be restrained and enjoined from severing sand, gravel, limestone, phosphate rock, or other mineral products that have been severed and sold and upon which the tax is due. Restraint proceedings shall be instituted in the name of the county by the district attorney general for the county at the request of the Rutherford County Clerk.

All such penalties and interest imposed by this act shall be payable to and collectible by the county clerk in the same manner as if they were a part of the tax imposed and shall be retained by the county clerk's office to help defray the expenses of administration and collection.

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

SECTION 6. All revenues collected from the severance of sand, gravel, limestone, phosphate rock, clay, or other mineral products in Rutherford County less an amount of five percent (5%) of the taxes collected and all of the penalties and interest collected, which shall be used to cover the expenses of administration and collection and which shall be retained by the office of the county clerk, shall be remitted monthly to the county trustee of Rutherford County, not later than the tenth (10th) day of the month following the end of the month. These revenues shall become a part of the general fund of Rutherford County, or such other funds as may be provided by resolution of the county legislative body of Rutherford County, and subject to appropriation by the county legislative body.

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

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 county legislative body of Rutherford County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Rutherford County Legislative Body 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: April 26, 1983.

TAXATION

MOTOR VEHICLE TAX

PRIVATE ACTS OF 1970

CHAPTER 329

SECTION 1. That for the privilege of using the public roads and highways, except State-maintained roads, in Rutherford County, 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, antique automobiles, and except all motor driven vehicles owned by any governmental agency or governmental instrumentality, a special privilege tax for the benefit of the County, which tax shall be in addition to all other taxes, and shall be in the amount of Twenty-Five Dollars (\$25.00) for each such motor driven vehicle provided, however, that for the same privilege there is also levied a privilege tax for motorcycles, motor driven bicycles and scooters which tax shall be Five Dollars (\$5.00) for each such vehicle. The tax applies to and shall be paid on motor driven vehicles owned by a manufacturer or dealer who is required to purchase a special plate or plates issued to such owner as prescribed in Tennessee Code Annotated, Section 55-4-204 -- 55-4-206. Provided, however, that each such manufacturer or dealer shall pay the privilege tax of twenty-five dollars (\$25.00) for the first such special plate and a tax of fifteen dollars (\$15.00) for each subsequent such plate. Such persons shall not be required to display an emblem or decal on such vehicles.

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 motor driven vehicle on, over, or upon the streets, roads, or highways of the County, State-maintained roads excluded.

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 the County, State-maintained roads excluded, 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 the County, who live or reside without the bounds of the County, but who do not come within the provisions of this Act, and within a reasonable construction of the provisions hereof.

Residence in the county shall constitute prima facie evidence of use by such resident of roads and highways of the county, other than State-maintained roads, 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.

As amended by: Private Acts of 1973, Chapter 3,
Private Acts of 1980, Chapter 285,
Private Acts of 1981, Chapter 147.

SECTION 2. That the tax herein levied shall be paid to and collected by the County Court Clerk of the County, who shall collect this tax at the same time he collects the State privilege tax levied upon the operation of a motor-driven vehicle over the public highways of this State. The Clerk shall not issue to a resident of the 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.

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.

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 April 1st of each year to the next succeeding March 31st. When a motor-driven vehicle becomes taxable under the terms and provisions of this Act, at a later date than April 1st, 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 privilege tax payable to the State of Tennessee and collected by the Clerk, under the provisions of the general laws of this State.

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 two dollars and fifty cents (\$2.50), and this fee shall be paid by and collected from the owner or person purchasing the privilege tax. 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. It shall be and is hereby declared a misdemeanor and punishable as such for any person to operate any motor-driven vehicle, taxable hereunder, over or upon the streets, roads, or highways of the County, or any municipality thereof, State-maintained roads excluded, without payment of this privilege tax levied hereunder and without full and complete compliance with all provisions hereof.

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 streets, roads, or highways of the 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 50 cents and a 75 cent Clerk's fee therefor, the Clerk will then issue to such owner a duplicate receipt, canceling 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 hereinabove provided, and this shall entitle the owner to drive the vehicle on the streets, roads, and highways of the County until the next following March 31st. Likewise, in the event a decal or emblem become obliterated, erased, or defaced or is destroyed under the provisions of this Act, and is therefor 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 50 cents and a 75 cent Clerk's fee, may issue and deliver to the owner, a duplicate decal or emblem.

As amended by: Private Acts of 1973, Chapter 3,
Private Acts of 1999, Chapter 40.

SECTION 3. That the tax herein and hereby imposed, when collected by the Clerk shall be paid into the hands of the Trustee of the county and shall be deposited by said trustee in the following manner:

A. Two-fifths (2/5) of the twenty-five dollars (\$25.00) motor vehicle tax shall be deposited in the cost debt service account to be used for the purpose of retiring principal and interest on those high school bonds authorized during calendar year 1970 and upon the repayment of such school bond issue, such portion of this tax shall be deposited into the county debt service account for the payment of any county bonds which have been issued or may hereafter be issued. Provided, however, the provisions of the first sentence of this subsection shall terminate at the end of the month in which the Budget Director certifies to the County Clerk and the County Executive that the repayment of the 1970 High School Bond Issue has been fully funded, at which time the following sentence shall be applicable. Two-fifths (2/5) of the twenty-five dollars (\$25.00) motor vehicle tax collected prior to the end of the month in which the Budget Director certifies to the County Clerk and the County Executive that the 1970 High School Bond Issue has been fully funded, shall be deposited to and become general debt service funds to be utilized to repay any debt service obligation.

B. One-fifth (1/5) of the twenty-five dollars (\$25.00) motor vehicle tax shall be deposited in the cost debt service account to be used for the purpose of retiring principal and interest on those bonds authorized in 1975.

C. Two-fifths (2/5) of the twenty-five dollars (\$25.00) motor vehicle tax shall be deposited in the highway department account to be used for the purpose of paving and resurfacing of roads and construction of bridges.

D. All of the five dollar (\$5.00) tax on motorcycles, motor-driven bicycles and scooters shall be deposited in the cost debt service account to be used for the purpose of retiring principal and interest on those bonds authorized in 1975.

That portion of the motor vehicle tax in the amount of ten dollars (\$10.00) allocated by item A of Section 3 of this Act for the retirement of the 1970 high school bonds issue shall terminate and cease to be effective on June 30, 1982 and the amount of tax levied by this Act shall be reduced accordingly unless in an election on the question of whether or not that portion of the motor vehicle tax shall continue to be levied, a majority of the number of qualified voters of the county voting on the question approve such tax. The county election commission of Rutherford County shall call an election for Rutherford County to be held on the same date as the primary election for county offices in May 1982, for the purpose of approving or rejecting such tax.

The ballots used in the election shall have printed on them the substance of this section and voters shall vote for or against its approval. The votes cast on the question shall be canvassed and the results proclaimed by the county election commissioners and certified by them to the Secretary of State as provided by law in the case of general elections. The qualifications 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 cost of the election shall be paid by Rutherford County.

As amended by: Private Acts of 1980, Chapter 285,
Private Acts of 1981, Chapter 154.

SECTION 4. That 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 Rutherford County.

SECTION 5. That any person violating the provisions of this Act, or of any part thereof, shall upon conviction, be fined no less than Twenty Dollars (\$20.00) nor more than Fifty Dollars (\$50.00).

SECTION 6. That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of the magistrates present and constituting a quorum of the Quarterly County Court

of Rutherford County. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court, and the action of the Court shall be certified by him to the Secretary of State.

SECTION 7. That the tax levied under this Chapter shall be collected for the tax year beginning April 1st, 1971, and for every year thereafter. This Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 18, 1970.

TAXATION

MOTOR VEHICLE TAX

See Section 5-8-102, Tennessee Code Annotated, for local authority to levy a motor vehicle tax. Other State law on the subject is indexed in Volume 14/15, Combined General Index, T.C.A. under the topical heading of "Motor Vehicles".

The private acts listed below are related to the Rutherford County Motor Vehicle Tax but have no current effect.

1. Private Acts of 1969, Chapter 173, Page 730, levied a motor vehicle privilege tax of \$10 for using the public roads in Rutherford County, excepting farm tractors and self-propelled farm machines not usually operated on public highways, motorcycles, motor-driven bicycles, and scooters. Failure to purchase the said license was a misdemeanor for which penalties could be assessed. The licenses would be sold at the same time the State licenses were on sale. The County Court Clerk would issue the purchaser a decal who must display it on the vehicle all to conform to the regulations expressed in the Act. This Act was rejected by the Quarterly Court and never took effect.
2. Private Acts of 1975, Chapter 168, Page 613, amended Private Acts of 1970, Chapter 329, by inserting a provision fixing the motor vehicle tax at \$15 and at \$5 for motorcycles, motor-driven bicycles, and scooters; by providing for a differently designed and colored decal for the latter varieties of vehicles and requiring the decals to be placed on top of the gas tank, and by regulating the expenditure of funds generated thereby. This Act was rejected by the Quarterly Court of Rutherford County and failed to become an effective law.

TAXATION

OCCUPANCY TAX

PRIVATE ACTS OF 1983

CHAPTER 104

SECTION 1. As used in the Act, unless the context requires otherwise:

(a) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit. The term "person" shall not include any governmental unit or charitable organization exempt from sales tax under the Retailer's Sales Tax Act, Tennessee Code Annotated, Section 67-6-101 et seq., provided the hotel/motel charge is paid directly from the treasury of the governmental unit or charitable organization.

(b) "Hotel" means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging, or sleeping purposes, and includes any hotel, inn, tourist court, tourist camp or campground, tourist cabin, motel, or any place in which rooms, lodgings, or accommodations are furnished to transients for a consideration.

(c) "Occupancy" means the use or possession or the right to the use or possession of any room, lodging, or accommodations in a hotel for a period of less than forty-five (45) continuous days.

(d) "Transient" means any person who exercises occupancy or is entitled to occupancy of any rooms, lodgings, accommodations in a hotel room or campground for a period of less than forty-five (45) days.

(e) "Consideration" means the consideration charged whether or not received, for the occupancy in a hotel or campground valued in money whether to be received in money, goods, labor, or otherwise, including all receipts, cash, credits, property and service of any kind or nature without any deduction there-from whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged or received from any person.

(f) "Operator" means the person operating the hotel whether as owner, lessee, or otherwise.

(g) "Tax collection official" means the county clerk.

As amended by: Private Acts of 1984, Chapter 227.

SECTION 2. A privilege tax is hereby levied in Rutherford County upon the privilege of occupancy in any hotel by a transient in an amount not to exceed five percent (5%) of the consideration charged by the operator. The rate of the tax shall be set by resolution of the county legislative body of Rutherford County. The tax imposed is a privilege tax upon the transient occupying such room and is to be collected and distributed as herein provided.

SECTION 3. The tax shall be added by each operator to each invoice prepared by the operator for the occupancy of his hotel. Such invoice is to be given directly or transmitted to the transient, a copy thereof filed by month and retained by the operator as provided in Section 7 hereof.

SECTION 4. (a) The tax hereby levied shall be remitted by all operators who lease, rent, or charge for any rooms or camp ground space to the county clerk not later than the twentieth (20th) day of each month next following such collection from the transient, except that any operator who collects

less than one hundred dollars (\$100.00) per month may report and remit quarterly rather than monthly. Where applicable, quarterly reports are due on the twentieth (20th) day of April, July, October, and January. The operator is required to collect the tax from the transient at the time of the presentation of the invoice for occupancy, whether prior to, during or after occupancy, as may be the custom of the operator. The obligation to the county entitled to such tax shall be that of the operator.

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

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

As amended by: Private Acts of 1984, Chapter 227.

SECTION 5. No operator of a hotel, motel, or campground shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will be added to the rent, or that, if added, any part will be refunded.

SECTION 6. Taxes collected by an operator which are not remitted to the county clerk on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at a rate of twelve percent (12%) per annum, and in addition for a penalty on such taxes of one percent (1%) for each month or fraction thereof that such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Willful refusal of an operator to collect or remit the tax shall subject the operator to a further penalty of fifty percent (50%) of the amount due.

SECTION 7. It is the duty of every operator liable for the collection and payment of any tax imposed by this Act to keep and preserve for a period of three (3) years all records necessary to determine the amount of such tax, which records the tax collection official shall have the right to inspect at all reasonable times.

SECTION 8. In administering and enforcing the provisions of this Act, the tax official shall have as additional power the powers and duties with respect to collection of taxes provided in Tennessee Code Annotated, Title 67, or otherwise provided by law.

Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in Tennessee Code Annotated, Section 67-2313, it being the intent of this Act that the provisions of law which apply to the recovery of taxes illegally assessed and collected shall apply to the tax collected under the authority of this Act; provided, the tax collection official shall possess those powers and duties as provided in Tennessee Code Annotated, Section 67-2301, with respect to adjustment and settlement with taxpayers of all the errors of taxes collected by him under the authority of this Act and to direct the refunding of same. Notice of any tax paid under protest shall be given the tax collection official. Any suit for recovery shall be brought against such tax collection official.

SECTION 9. The county clerk shall faithfully account for, make proper reports of, and pay over to the trustee of the county at monthly intervals, all funds paid to and received by such clerk for the privilege tax.

SECTION 10. The proceeds of the tax imposed by this Act, when collected and paid to the county trustee, shall become part of the county general fund and shall be subject to appropriation by the county legislative body for direct promotion of tourism, tourist related activities and other county purposes, and provided further, that upon resolution of the county legislative body such proceeds may become part of the debt service fund.

SECTION 11. The privilege tax levied by this Act shall be in addition to all other taxes levied or authorized to be levied whether in the form of excise, license, or privilege taxes, and shall be in addition to all other fees and taxes now levied or authorized to be levied.

SECTION 12. If any clause, sentence, paragraph, section or any part of this Act shall be held or declared to be unconstitutional, it shall not affect the remainder of this Act notwithstanding the part held to be invalid, if any, and to that end the provisions of this Act are declared severable.

SECTION 13. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Rutherford County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified by him to the Secretary of State.

SECTION 14. For the purposes of approving this Act as provided in Section 13, it shall take effect on becoming a law, the public welfare requiring it. For all other purposes, it shall take effect on the first day of the second month following approval as provided in Section 13.

Passed: April 18, 1983.

TAXATION

REALTY TRANSFER TAX

PRIVATE ACTS OF 1969

CHAPTER 172

SECTION 1. That there is hereby imposed in and for Rutherford County a special privilege tax upon all transfers of realty situated in Rutherford County in the amount of 3/10th of 1 percent of the consideration for said transfer in each and every case other than transfers to secure the payment of a debt or transfers to confirm a title already in the grantee. The incidence of this tax shall be upon the grantor only.

SECTION 2. That the tax hereby imposed shall be paid to and collected by the County Court Clerk who shall monthly remit the proceeds thereof to the County Trustee to become a part of the general school fund of said County.

SECTION 3. That the County Court Clerk shall certify upon the face of each instrument of conveyance the payment of said tax and that said instrument shall not be received by the Register of Deeds for recordation until said certification appears thereon.

SECTION 4. That for making the certification provided for in Section 3 hereof the County Court Clerk shall be entitled to demand and receive a fee of 75 cents from the grantor, which fee shall become a part of the fees of his office.

SECTION 5. That this Act shall be effective from and after its passage, the public welfare requiring it; provided, however, that it shall be of no effect unless and until it is approved by a two-thirds vote of the Quarterly County Court of Rutherford County. Its approval or non-approval by said Quarterly County Court shall be certified immediately to the Secretary of State.

Passed: May 8, 1969.

COMPILER'S NOTE: This act was declared unconstitutional by the chancery court for Rutherford County, as discussed in Stroop v. Rutherford Co., 567 S.W.2d 753, 755 (Tenn. 1978)

TAXATION

TRAILERS

Trailers, trailer courts and mobile homes are regulated by State law in Title 68, Tennessee Code Annotated.

The private act appearing below is no longer operative law.

1. Private Acts of 1959, Chapter 102, Page 353, levied an annual privilege tax of \$25 on each trailer being used or occupied in Rutherford County. Every trailer, as defined by the Act, must be registered with the Tax Assessor for which the Assessor could charge \$1, before the privilege license could be obtained. The privilege license would be obtained from the County Trustee. The decal issued at payment must be prominently displayed on the trailer which must also be open for inspection during reasonable hours. The certificates were not transferable and the Act would not apply to those staying ten days, or less, in the county. The County Health Department was charged with enforcing all health regulations concerning trailers and penalties were provided for those who violated the terms of this law. This Act was repealed by Private Acts of 1963, Chapter 195, Page 586.

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 Rutherford County which are no longer effective. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1804 (Ex. Sess.), Chapter 23, Page 36, authorized the Court of Rutherford to lay a tax. The tax could not exceed 12½ cents on each 100 acres of land, 25 cents on each slave between the ages of twelve and fifty years, 12½ cents on each white poll between the ages of twenty-one and fifty years, one dollar on each stud horse, and on each town lot not exceeding 25 cents. The tax would be used to purchase and complete a courthouse, prison and stocks.
2. Acts of 1817, Chapter 96, Page 102, was the enabling legislation for the Court of Pleas and Quarter Session of Rutherford County to levy a tax, not to exceed the amount of the State tax for 1818, for the next two years, to raise funds to secure a site and to erect thereon a suitable house for the poor of the County. The Court could appoint three commissioners, if it desired, to secure the site and supervise the construction of the building. The site area was limited to 100 acres. After the building was completed the Court could appoint a Superintendent to care for and manage the facility, or could contract the care and management out to the lowest bidder. The Court was further allowed to appropriate to this project any other general county funds which were not otherwise appropriated or encumbered.
3. Acts of 1822 (Ex. Sess.), Chapter 95, Page 81, permitted the Rutherford County Court of Pleas and Quarter Sessions, twelve or more of the Justices being present, to levy a tax for the next three years to raise up to \$6,000 at the rate of \$2,000 a year, to build a Courthouse for the county in Murfreesboro. This tax would be levied and collected as any other tax would be. The Act named David Wendel, John S. Jetton, Samuel P. Black, Benjamin McCulloch, and John Hoover, as Commissioners to receive the tax money and to supervise the building of the Courthouse. The Court was also authorized to borrow up to \$6,000 for which the Court could levy a tax to pay the interest on said loan.
4. Acts of 1833, Chapter 244, Page 132, made it the duty of the County Court to annually levy a tax sufficient to pay jurors.
5. Acts of 1870-71, Chapter 50, Page 58, permitted the counties and cities of the State to levy and impose the taxes for county and municipal purposes in the following manner and upon these conditions (1) that all taxable property be taxed according to its value upon the principles established for State taxation, and (2) that the credit of no County, or city, could be given, or loaned, to any person, firm, or corporation unless a majority of the Justices, or councilmen, first agree, and then upon an election wherein three-fourths of the voters approve the proposition. Several counties, not including Rutherford County, exempted themselves from

the three-fourths approval requirement for the next ten years, substituting a simple majority approval in its place.

6. Private Acts of 1931, Chapter 287, Page 757, authorized the Quarterly County Court to levy a tax on the taxable property of the County not exceeding five cents on each one hundred dollars for the purpose of aiding, maintaining and paying any indebtedness or deficit of County Fairs. This Act was repealed by Private Acts of 1979, Chapter 138, Page 527.
7. Private Acts of 1981, Chapter 155, Page 379, authorized the Trustee of Rutherford County to commence proceedings in General Sessions Court to collect delinquent property taxes. This procedure would be in addition to other procedures established by general law. This Act was not approved by local authorities and never became operative law.

CHAPTER XII - UTILITY DISTRICTS

UTILITY DISTRICTS

PUBLIC ACTS OF 1971

CHAPTER 426

SECTION 1. Notwithstanding the provisions of Tennessee Code Annotated, Section 6-2614, in any utility district operating a system which furnishes utilities, whether wholly or partially within the boundaries of any county having a population of not less than 59,000 and not more than 60,000, according to the 1970 Federal Census or any subsequent federal census, or the provisions of any other law, the subscribers to the services furnished by any utility district may petition the county judge or chairman of the county court of the county being served by the utility district for the removal and replacement of commissioners for the district. If a utility district lies within more than one (1) county, a certified copy of the petition shall be filed with the county judge or chairman of the county court of the other counties. The petition shall be signed in person by the petitioners with the addresses of their residence and shall be accompanied by a sworn statement of the person or persons circulating the petition, who shall state under oath that he or they witnessed the signature of each petitioner, that each signature is the signature of the person it purports to be, and that to the best of his or their knowledge each petitioner was, at the time of signing, a subscriber to the services of the district. Such petition shall include the nomination of three (3) person for each commissioner of the district for consideration for appointment as commissioners.

Upon receipt of such a petition, signed by fifty percent (50%) of the total subscribers plus one (1) additional subscriber to the services furnished by the utility district, the county judge or chairman of the county court shall request from the original purchasers of the bonds of such district a list of three (3) persons for each commissioner of such district for consideration for appointment as commissioners.

Within sixty (60) days of the filing of the petition, the county judge or chairman shall appoint commissioners from such nominations to replace the incumbent commissioners of the district. The county judge or chairman may call for additional nominations from the petitioners and bond purchases until the appointments are complete. The county judge or chairman shall designate the term of office as each new commissioner is appointed.

In any such district lying in more than one (1) county, the number of commissioners from any one county shall be, as provided in Section 6-2629, unless otherwise provided by law.

Any incumbent commissioner shall be eligible to seek reappointment to the Board of Commissioners if he is nominated on the petitions filed under this act.

SECTION 2. Tennessee Code Annotated, Section 6-2615 is amended by adding the following sentence to the first paragraph.

The secretary of a utility district in counties having a population of not less than 59,000 and nor more than 60,000, according to the 1970 Federal Census or any subsequent federal census, shall maintain a list of subscribers by name and address. Such list shall be available for inspection during normal business hours.

SECTION 3. This Act shall take effect upon becoming a law, the public welfare requiring it.

Passed: May 26, 1971.

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

UTILITY DISTRICT

COLLEGE GROVE WATER DISTRICT

PUBLIC ACTS OF 1965

CHAPTER 319

SECTION 1. That the College Grove Water Utility District of Williamson County, Tennessee, created the decree of the County Court of Williamson County, Tennessee, pursuant to the provisions of Sections 6-2601 to 6-2636, inclusive, of Tennessee Code Annotated, is hereby authorized to sell and convey to The Horton Highway Utility District of Rutherford, Williamson and Marshall Counties, Tennessee, created by decree of the County Court of Marshall County, Tennessee, pursuant to the provisions of said Sections 6-2601 to 6-2636, inclusive, all or any portion of its complete waterworks system, including any related facilities, and to execute and deliver to said The Horton Highway Utility District such deeds, bills of sale and other documents as shall be considered desirable by the parties; provided, that prior to or concurrent with such sale, said College Grove Water Utility District shall retire all of its then outstanding indebtedness.

SECTION 2. That all laws or parts thereof in conflict herewith be to the extent of such conflict hereby repealed.

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

Passed: March 17, 1965.

COMPILER'S NOTE: This is a "Special" Public Act and therefore is not printed in the Tennessee Code Annotated.

UTILITY DISTRICTS

See Title 7, Chapter 82, Tennessee Code Annotated, for the general law of Tennessee relating to Utility Districts.

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