

PRIVATE ACTS
OF
CHESTER COUNTY, TENNESSEE

REVISED EDITION

COUNTY TECHNICAL ASSISTANCE SERVICE
THE UNIVERSITY OF TENNESSEE
INSTITUTE FOR PUBLIC SERVICE
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Revised and Edited By
Steve Lobertini, Legal Consultant
and Theodore Karpynec, Administrative Assistant
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Updated By
Elaine Turner, Paralegal
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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 Chester County will provide a useful reference for county administration in Chester County.

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

HOW TO USE THE PRIVATE ACTS OF CHESTER COUNTY

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

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

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

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

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 When going through this volume you will note that there are some acts noted herein which are no longer current laws due to subsequent passage of acts which have superseded them in usage. The compiler has described these acts which have been superseded in historical notes at the end of the chapter wherein the current act on the subject is reprinted.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

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

This compilation is updated through the 2009 First Regular Session of the 106th Tennessee General Assembly.

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CHAPTER I - ADMINISTRATION

ADMINISTRATION
BUDGET SYSTEM
ACCOUNTING AND BUDGET DIRECTOR

PRIVATE ACTS OF 2009

CHAPTER 11

SECTION 1. There is created the position of Accounting and Budget Director for Chester County.

SECTION 2. The budget committee of the county legislative body of Chester County, subject to the approval of the full county legislative body, shall appoint an accounting and budget director. The budget committee of the county legislative body of Chester County, subject to the approval of the full county legislative body, may dismiss an accounting and budget director. Prior to taking action to remove or dismiss the accounting and budget director, thirty (30) days written notice of intent to dismiss or remove the director shall be sent to the entire membership of the county legislative body.

SECTION 3. The accounting and budget director shall be qualified by training and experience in the field of accounting to perform the duties of the position in a proficient manner and in accordance with generally recognized governmental accounting principles. These duties include but are not necessarily limited to implementing the financial policies of the county legislative body and budget committee, installing and maintaining a purchasing, payroll, budgeting, accounting and cash financial management system for the county. In addition, the director shall assist other county officials and employees in achieving an efficient financial management system for the county.

SECTION 4. The budget committee shall establish the compensation of the accounting and budget director. The budget committee shall include such compensation in its annual budget recommendation to the full county legislative body.

SECTION 5. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Chester 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 6. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 5.

Passed: April 23, 2009.

ADMINISTRATION

BUDGET SYSTEM

BUDGET COMMITTEE

PRIVATE ACTS OF 1983

CHAPTER 75

COMPILER'S NOTE: Sections 1 through 8 were repealed by Private Acts of 2002, Chapter 124..

SECTION 9. Chapter 124 of the Private Acts of 1941, is repealed.

SECTION 10. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the board of county commissioners of Chester County before September 1, 1983. Its approval or nonapproval shall be proclaimed by the presiding officer of the Chester County Commission and certified by him to the Secretary of State.

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

Passed: March 30, 1983.

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 Chester 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 1939, Chapter 358, created a budget system for Chester County. This act required all county agencies having the authority to expend county funds to file budget requests for the coming fiscal year. The County Judge or Chairman was to appoint a three-member budget commission each year. This act was repealed by Private Acts of 1941, Chapter 124.
2. Private Acts of 1941, Chapter 124, repealed Private Acts of 1939, Chapter 358, and created a new budget system for Chester County. This 1941 Act was similar to the prior law. This act was repealed by Private Acts of 1983, Chapter 75 (reproduced hereinabove).

3. Private Acts of 1982, Chapter 356, would have repealed Private Acts of 1941, Chapter 124, and set up a five-member budget committee for Chester County, with a director of accounts and budgets. This act was not approved by the Chester County legislative body and never became operative.

ADMINISTRATION

COUNTY ATTORNEY

PRIVATE ACTS OF 1967-68

CHAPTER 353

SECTION 1. At the end of the term of the county attorney holding such office upon the effective date of this act or in the event of a vacancy in the office of county attorney, whichever occurs first, the office of county attorney in Chester County is abolished. Thereafter, the county attorney shall be an employee of Chester County who shall be appointed by the county executive. Each such appointment shall be subject to confirmation by the county legislative body. The county attorney shall receive a salary, to be set annually by resolution of the county legislative body acting prior to the adoption of the county's annual budget.

SECTION 2. The county attorney must be a licensed attorney in the State of Tennessee and must be admitted to practice before the Supreme Court of Tennessee.

SECTION 3. It shall be the duty of the county attorney to transact all legal business of the county; to advise the county executive, county legislative body and other county officers of Chester County respecting their official duties and legal matters affecting their offices; and to prepare appropriate resolutions, when requested, for adoption by the county legislative body.

SECTION 4. The county attorney shall represent Chester County in litigation unless prevented from doing so because of a conflict of interest or other valid reason; however, the county attorney's annual salary shall not constitute compensation for representing the county in such litigation. In addition to the annual salary, the county attorney shall be entitled to compensation for litigation and other special services not noted above as part of the regular duties of the county attorney at an hourly rate established by resolution of the county legislative body together with reasonable expenses. If the county attorney cannot represent Chester County because of a conflict of interest or other valid reason, or if due to the complexity or volume of county litigation, one (1) or more additional attorneys are required, then the county executive is empowered to retain such additional attorney or attorneys as needed, subject to any funds necessary for this purpose being appropriated by the county legislative body. The county attorney may serve as delinquent tax attorney only if appointed to such position in accordance with the general law.

SECTION 5. The county attorney may engage in the private practice of law so long as his or her duties as county attorney are not impaired by such practice.

As amended by: Private Acts of 2002, Chapter 123.

SECTION 6. This Act shall have no effect unless the same shall have been approved by two thirds (2/3) vote of the Quarterly County Court of Chester County on or before the next regular meeting of such Quarterly County Court occurring more than thirty (30) days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court to be certified by him to the Secretary of State.

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

Passed: March 11, 1968.

ADMINISTRATION

COUNTY ATTORNEY

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

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

ADMINISTRATION

COUNTY CLERK

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

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

ADMINISTRATION

COUNTY 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 Chester County and are included herein for historical purposes.

1. Private Acts of 1891, Chapter 91, amended Section 394 of Milliken and Vertrees' Compilation of Laws to allow an additional Justice of the Peace for the sixth civil district of Chester County, in the town of Henderson.
2. Private Acts of 1921, Chapter 172, set the compensation of Justices of the Peace in Chester County at \$3 per day, plus the mileage allowed by law for their attendance at meetings of the Quarterly County Court.
3. Private Acts of 1921, Chapter 196, was a duplicate of Private Acts of 1921, Chapter 172, summarized above.

ADMINISTRATION

COUNTY MAYOR

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

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

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

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

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

1. Private Acts of 1939, Chapter 437, required the county board of election commissioners to hold an election to determine the will of the voters in Chester County with regard to the creation of the offices of County Judge and County Purchasing Agent and the popular election of a road supervisor, superintendent of education, tax assessor, and county board of education.
2. Private Acts of 1951, Chapter 57, created the office of County Judge for Chester County, to be popularly elected to an eight-year term. The act states that the Judge was to be paid \$100,000 per year. An attempt was made to correct this error in Chapter 232 of the same session, summarized below. The Judge was to assume all the duties formerly held by the Chairman of the Quarterly County Court and especially all ex-officio duties once held by the Chairman. The County Judge would also be the financial officer of the County.
3. Private Acts of 1951, Chapter 232, amended Private Acts of 1951, Chapter 57, to strike "\$100.00 per annum" (which did not appear in Chapter 57) and insert instead "\$1200.00 per annum." This was an obvious attempt to correct the generous compensation of \$100,000 per year granted to the County Judge under Chapter 57.
4. Private Acts of 1957, Chapter 373, repealed Private Acts of 1951, Chapter 57, thereby abolishing the position of County Judge in Chester County.
5. Private Acts of 1975, Chapter 120, created the office of County Judge in Chester County. The County Judge was to be popularly elected to an eight-year term and would receive the

same compensation as judges and chancellors. The County Judge would serve as chief administrative officer and fiscal agent, and was vested with judicial powers including juvenile and probate jurisdiction. This act failed to receive local approval and never became law.

6. Private Acts of 1976, Chapter 239, attempted to repeal Private Acts of 1975, Chapter 120, and reestablish the office of County Judge for Chester County. The act was almost identical to the 1975 act with the exception of the compensation provisions. This act failed to receive local approval and never became effective law.

ADMINISTRATION

COUNTY REGISTER

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

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

ADMINISTRATION

COUNTY TRUSTEE

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

The following act once applied to the office of county trustee of Chester County is included herein for historical purposes.

1. Private Acts of 1949, Chapter 229, relative to registration of conveyances of real property in Chester County. Counties having a population of not less than 11,100 nor more than 11,200, by the Federal Census of 1940, or any subsequent Federal Census, no conveyance of realty shall be recorded by the register of said counties until the same shall have been presented to the County Trustee of said counties. Upon presentation of such conveyance to him, the County Trustee shall note upon his tax books the names of the grantor and grantee, the acreage conveyed and the civil district in which the property is located and such other data as may be of aid in enabling the Tax Assessor of said counties to properly and adequately assess the subject of such conveyance. This act was repealed by Private Acts of 2002, Chapter 128.

ADMINISTRATION
OBION AND FORKED DEER RIVER
FLOOD CONTROL AND DRAINAGE IMPROVEMENTS

PUBLIC ACTS OF 1959

CHAPTER 129

WHEREAS, Public Law 526, 79th Congress, Second Session, and Public Law 858, 80th Congress, Second Session, authorized the construction of flood control and drainage improvements of the Obion and Forked Deer Rivers and their tributaries in Obion, Weakley, Gibson, Dyer, Crockett, Lauderdale, Haywood, and Madison Counties, substantially in accordance with the reports of the Chief of Engineers, United States Army, House Document No. 757, 79th Congress, Second Session, and House Document No. 627, 80th Congress, Second Session; and

WHEREAS, The construction of such flood control and drainage improvements at federal expense cannot be undertaken by the Corps of Engineers, United States Army, until a responsible sponsoring agency furnished the United States of America written assurances that it will perform the local cooperation required by law:

SECTION 1. That, in consideration of the construction at federal expense by the Corps of Engineers, United States Army, of flood control and drainage improvements of the Obion and Forked Deer Rivers and their tributaries, in the Counties of Obion, Weakley, Gibson, Dyer, Crockett, Lauderdale, Haywood, and Madison, substantially in accordance with the reports of the Chief of Engineers, United States Army, House Document No. 757, 79th Congress, Second Session, and House Document No. 627, 80th Congress, Second Session, as authorized by Public Law 526, 79th Congress, Second Session, and Public Law 858, 80th Congress, Second Session, the State of Tennessee, through its Obion-Forked Deer Basin Authority, be authorized and empowered to defray the cost of the alteration of existing highway bridges in Dyer and Lauderdale Counties required by such improvements, to acquire and furnish without cost to the United States of America all lands, easements, and rights of way required for construction of such improvements, and to maintain all such works after completion; and to execute and furnish to the United States of America written assurances that it will perform the aforesaid acts of local cooperation; and that the State of Tennessee, acting by and through the Governor and the Obion-Forked Deer River Basin Authority, be authorized and empowered to execute and furnish to the United States of America written assurances that it will hold and save the United States of America free from any damages that may result from any special construction, without cost to the Tennessee Game and Fish Commission, by way of continuous spoil banks, culverts, locks and/or other structures under contracts let by the Corps of Engineers, United States Army, along the improved channels of the Obion and Forked Deer Rivers and/or the tributaries thereof over, across or along the boundary of any tract of land owned by or leased to the Tennessee Game and Fish Commission designed to permit the control and/or regulation of the water level on said land in its use as a public hunting area and/or a game refuge or sanctuary.

As amended by: Public Acts of 1963, Chapter 149
 Public Acts of 1974, Chapter 415.

SECTION 2. That the State of Tennessee, through its Obion-Forked Deer Basin Authority, acting through and in conjunction with the Counties in which such improvements are to be constructed, shall be authorized and empowered to acquire and furnish the lands, easements and rights of way required for such work. To this end, the power of eminent domain is hereby conferred upon the state and the counties in which such improvements shall be constructed for the purpose of

acquiring such lands, easements and rights of way as may be deemed necessary for the purposes of this Chapter. The general statutes relating to the acquisition of lands for works of internal improvement shall be applicable both as to the bringing of condemnation actions and the remedies of property owners. The counties in which such improvements are to be made shall be charged with the responsibility of acquiring the necessary lands, easements and rights of way either by gift, purchase or condemnation. The cost of any such lands, easements and rights of way through purchase or condemnation shall be paid by the State of Tennessee. All other expense incident to the cost of acquisition of such lands, easements and rights of way, including title or abstract work, appraisal fees, attorney fees and court costs, shall be borne by the county in which the required lands, easements and rights of way are located. In the event any County fails or refuses to acquire such necessary lands, easements and rights of way, the State, through the Obion-Forked Deer Basin Authority, shall acquire the same, either by purchase, gift or condemnation, and such County shall be liable for and shall reimburse the State for all expenses incurred in the acquisition of such lands, easements and right of way, except the cost or purchase price of the lands, easements and rights of way themselves.

The state shall be primarily liable for the purchase price of such lands as may be needed for such improvements but suits by property owners for any taking without compensation shall be brought against the county, and the state's Obion-Forked Deer River Basin Authority shall reimburse the county for any final judgment rendered against it. In addition, it shall be the duty of the counties to defend such suits, but the commissioner may defend such suits if the counties fail or refuse to defend them, and the counties shall reimburse the Obion-Forked Deer Basin Authority for all expenses, including attorney's fees, in defending such suits.

As amended by: Public Acts of 1974, Chapter 415.

COMPILER'S NOTE: The 1974 amendment deleted references to the state department of highways, but the reference to the "commissioner" contained in the second paragraph of Section 2 remains, probably in error.

SECTION 3. That drainage and levee districts which presently own any property interests or rights of way required for such improvements are hereby authorized, empowered and directed to transfer and convey such property interests or rights of way to the State of Tennessee for the purposes of this Chapter upon the request of the Obion-Forked Deer Basin Authority.

As amended by: Public Acts of 1974, Chapter 415.

SECTION 4. That the State of Tennessee through its Obion-Forked Deer Basin Authority be and it is hereby authorized, empowered and directed to maintain all such works upon completion, in which maintenance the Obion-Forked Deer Basin Authority shall use prison labor wherever possible. The Commissioner of the Department of Corrections shall make available prison labor for such purposes and shall furnish such guards and transportation as may be necessary in connection with such maintenance work.

As amended by: Public Acts of 1974, Chapter 415.

SECTION 5. That the Obion-Forked Deer Basin Authority and the counties affected be and they are hereby authorized to expend their funds for the acquisition of the necessary rights of way for such channel improvement and to properly maintain the completed improvements.

As amended by: Public Acts of 1974, Chapter 415.

SECTION 6. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 11, 1959.

ADMINISTRATION

OBION AND FORKED DEER RIVER

FLOOD CONTROL AND DRAINAGE IMPROVEMENTS

Most of the laws governing the Obion-Forked Deer River basin are codified at T.C.A. § 64-1-401 through -412. The Obion-Forked Deer Basin Authority was established by T.C.A. § 64-1-401 to develop the water and related land resources of the Obion-Forked Deer Basin. Public Acts of 1959, Chapter 129 (reproduced herein above), is a special uncodified act in which the State of Tennessee assumed certain continuing obligations respecting flood control and drainage improvements in the Obion-Forked Deer Basin, in consideration of the construction of improvements at federal expense.

The following acts, which were not codified, once affected flood control and drainage improvements in the Obion and Forked Deer River basin, and are included herein for historical purposes.

1. Public Acts of 1972, Chapter 807, added a new section to Public Acts of 1959, Chapter 129, providing the department of agriculture with concurrent authority and responsibility for maintenance of completed channel improvements for the Obion and Forked Deer Rivers. This act was repealed twice, first by Public Acts of 1973, Chapter 38, and again when the 1973 act was repealed by Public Acts of 1974, Chapter 415.
2. Public Acts of 1973, Chapter 38, amended Public Acts of 1959, Chapter 129, and Public Acts of 1963, Chapter 149, to transfer the authority and responsibility for the flood control and drainage improvements for the Obion and Forked Deer Rivers from the department of highways and public works to the department of agriculture. This act was repealed by Public Acts of 1974, Chapter 415.

ADMINISTRATION

PURCHASING

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

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

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

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

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

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

Under the County Financial Management System of 1981, a finance department is created to administer the finances of the county and all funds handled by the county trustee, in conformity with generally accepted principles of governmental accounting and rules and regulations established by the state comptroller of the treasury and state commissioner of education. T.C.A. § 5-21-103. Unlike the 1957 laws, school funds are managed under this system just like all other county funds.

The commissioner of education may remove the school department from the system if records are not maintained properly and timely. T.C.A. § 5-21-124.

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

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

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

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

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

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

1. Private Acts of 1939, Chapter 437, authorized the County Board of Election Commissioners to call an election for the purpose of determining the will of the qualified voters of Chester County relative to the creation of the office of Purchasing Agent in said County.
2. Private Acts of 1949, Chapter 277, and any other acts amendatory thereto relative to the purchasing commission of Chester County was repealed by Private Acts of 1997, Chapter 57.

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.

CHAPTER II - ANIMALS AND FISH

ANIMALS - FISH

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

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

The following is a listing of acts that at one time affected, but no longer appear to have any effect on, hunting, fishing or animal control in Chester 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 1903, Chapter 84, prohibited the running at large of livestock in Chester County. Damages caused by livestock gave rise to a lien upon the stock, and the livestock could be taken up and confined. On unfenced lands, a herdsman was required. Railroad companies were not relieved of liability for killing or damaging livestock. This Act was repealed by Private Acts of 1905, Chapter 179.
2. Acts of 1903, Chapter 281, amended Private Acts of 1903, Chapter 84, to change the effective date of the act from April 15, 1903 to January 1, 1904.
3. Acts of 1905, Chapter 179, repealed Private Acts of 1903, Chapter 84, and Private Acts of 1903, Chapter 281.
4. Acts of 1907, Chapter 59, prohibited the running at large of all kinds of livestock in Chester County. The act permitted a lien on the stock in favor of the person damaged by the trespass, and authorized the sheriff to impound the animals and sell them under the circumstances outlined in the act.
5. Private Acts of 1917, Chapter 511, amended Public Acts of 1915, Chapter 152, a statewide game and fish law, to exempt Chester County from its provisions.
7. Private Acts of 1921, Chapter 405, amended Public Acts of 1919, Chapter 61, to exempt Chester County and many other counties from the provisions of a statewide dog registration law.
8. Private Acts of 1923, Chapter 63, made it illegal for any person to hunt, kill or take quail or partridges in Chester County from February 15th to November 20th each year. Offenders would be fined not less than \$5 nor more than \$25. This Act was repealed by Private Acts of 1925, Chapter 694.
9. Private Acts of 1929, Chapter 153, made it unlawful to take, catch or kill, or attempt to do so, any fur or hair bearing animal by means of a snare, steel trap, dead fall or any other device in Chester County. Violators would be subject to a fine of not less than \$15 nor more than \$50. Landowners, tenants and farmers were permitted to catch and kill these animals if they became a menace to their crops or poultry.
10. Private Acts of 1935, Chapter 160, made it unlawful to take, catch or kill, or attempt to do so, any fur-bearing animal by means of a snare, bait trap, steel trap, dead fall or other device in Chester County. The act did not forbid catching fur bearing animals with dogs during

open season, or chasing foxes with dogs at any time. Landowners, tenants and farmers were permitted to catch and kill these animals if they were a menace to their crops or poultry.

11. Public Acts of 1972, Chapter 594, closed the Chester County coon-dog training seasons, for 1972 until August 15, 1972. The act further stated that the coon-dog training season for 1973 would be closed from the last day of the regular coon hunting season until August 15, 1973. Furthermore, the 1974 coon-dog training season extended to one year, closing again in 1975 until August 15, and said season would continue to rotate in this manner, (opening one year and closing the next). This act was repealed by Chapter 9 of the Public Acts of 1985.

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

COURTHOUSE

1. Private Acts of 1891, Chapter 89, authorized the County Court of Chester County to issue \$10,000 in bonds to build a courthouse.

DEBTS

1. Private Acts of 1931, Chapter 46, authorized the cancellation of \$27,000 of previously issued but unsold highway bonds, and the issuance of \$38,500 funding bonds bearing interest at 5% per annum, and maturing serially through 1950, to pay certain debts enumerated in the act. The act levied a property tax to pay the principal and interest on the bonds.
2. Private Acts of 1935, Chapter 601, authorized the Quarterly County Court of Chester County to issue and sell interest-bearing coupon bonds in an amount not to exceed \$25,000 bearing interest at 6% and maturing within 30 years. The proceeds of these bonds were to be used to pay outstanding county indebtedness. A tax was to be levied sufficient to pay the interest and principal on said bonds when due.

DRAINAGE

1. Private Acts of 1941, Chapter 336, validated the issuance of \$6,000 of bonds of Middleton's Creek Drainage District No. 3-B, and authorized the Chester County Court levy a sufficient assessment against each tract of land within the district to pay the principal and interest on the bonds.

SCHOOLS

1. Private Acts of 1947, Chapter 574, authorized the Quarterly County Court, after a successful referendum, to issue and sell coupon bonds not exceeding \$450,000 bearing interest at 6% and maturing within 30 years. The proceeds of the bonds were to be used to purchase sites for, erect, furnish, equip and repair school buildings in Chester County.
2. Private Acts of 1949, Chapter 749, validated the issuance of \$450,000 in school bonds and the levy of unlimited ad valorem taxes to pay the principal and interest on the bonds in Chester County.

ROADS

1. Private Acts of 1931, Chapter 198, validated the expenditure of all funds derived from the sale of highway bonds issued in Chester County under Public Acts of 1913 (1st Ex. Sess.), Chapter 26, and negated all liability which might arise against any road commissioner on account of his being related to a member of the County Court within the third degree.

2. Private Acts of 1937, Chapter 612, validated the issuance of \$27,000 in highway reimbursement refunding bonds bearing interest at 4¼% and maturing on October 1, 1949. The bonds were subject to 100% reimbursement by the State.

WAR MEMORIAL

1. Private Acts of 1935, Chapter 429, validated the issuance and sale of \$30,000 of war memorial bonds to erect a permanent monument, building, library or other evidence of appreciation for the valor of the soldiers, sailors and marines of Chester County. The act authorized a tax levy sufficient to pay the interest and principal on the bonds when due.
2. Private Acts of 1941, Chapter 59, validated a resolution of the Quarterly County Court of Chester County authorizing the issuance of \$1,000 in warrants to complete payment of the county's portion of the War Memorial Building in Henderson. The warrants were to bear interest at 5% and mature within 4 years.

CHAPTER IV - BOUNDARIES

BOUNDARIES

CREATION OF COUNTY

PUBLIC ACTS OF 1879

CHAPTER 42

SECTION 1. That a new county be, and the same is hereby established, out of fractions of Madison, Henderson, McNairy and Hardeman counties, to be known as Chester County.

SECTION 2. That the county of Chester shall be bounded as follows: Beginning at a stake on the south bank of the middle fork of the Forked Deer River, where the Henderson and Madison county line crosses said river, at a beech and two hickory pointers, thence east with the meanderings of said river to a stake, hickory, elm and hornbean pointers on the land of Dr. W. E. Tucker; thence with the arc of a circle with the radius of 11 miles; from the town of Lexington $12^{\circ}93$ miles; thence east 1 mile; thence in a southern direction to the northwest corner of Hardin County; thence with said line to the northeast corner of McNairy county; thence south with the McNairy and Hardin county line $1^{\circ}52$ miles; thence west $1^{\circ}39$ miles; thence south to the corner of the old survey of Wisdom County, made under the Act, this to repeal, on the lands of Thomas Wilkerson; thence west 8 miles; thence with the arc of a circle, with the radius of 11 miles, from the town of Purdy 14 miles; thence west $2^{\circ}53$ miles; thence with the arc of a circle with the radius of 11 miles from the town of Bolivar, $8^{\circ}75$ miles; thence north to the Madison county line; thence east with the Madison and Hardeman county line to a stake 10 poles east of the house of Rev. Robert Rainey; thence north $61\frac{1}{2}$ degrees east 9 miles; thence north $26\frac{1}{2}^{\circ}$ east to the Henderson and Madison county line; thence north with said line to the beginning. $278^{\circ}77$ square miles.

SECTION 3. That for the purpose of organizing the said county of Chester, that J. F. Hamlet, Robert Long, B. H. Brown, J. H. Fry, B. I. Young, A. B. Patterson, J. W. Perkins, J. H. Mitchel, J. M. Simmons, John Barham, John M. Sherell, W. L. Steagall, William Rust, J. M. Reams, M. D. Pare and Able Stewart, shall be, and are hereby appointed Commissioners on the part of the several fractions in which they reside, who shall, before entering on the discharge of their duty, take an oath before some Justice of the Peace, to faithfully and impartially discharge all the duties incumbent upon them in this Act, and in all cases of vacancy that may occur among said Commissioners previous to the organization of the County Court of said county of Chester, the remaining Commissioners shall fill by appointment said vacancies--and vacancies occurring after the organization of such court, shall be filled by said court of the county of Chester. The said Commissioners shall enter into such bond and security as may be required by the said County Court of Chester--made payable to the Chairman thereof, conditioned for the faithful performance of their duties as required by this Act; a majority of said Commissioners shall constitute a board competent to do all things herein enjoined upon them. They shall keep a record of their proceedings as Commissioners, which shall be returned to the County Court of Chester county, at its first term, and the same shall be recorded by the clerk thereof, on the records of said court, and they shall make such returns after the organization of said court, as shall be directed thereby.

SECTION 4. That it shall be the duty of said Commissioners, first giving thirty days notice in one public place or more, of the time and place to open and hold an election in one or more places in each of the fractions proposed to be stricken off from the counties of Madison, Henderson, McNairy and Hardeman, in order to ascertain whether two-thirds of the voters residing in each of the said fractions are in favor of, or opposed to, the formation of said new county of Chester, and all persons qualified to vote for members of the General Assembly, residing in said fractions, shall be entitled to vote in said elections, and each voter who is in favor of the formation of the new county, shall have on his ticket, "New County," and each voter opposed to the formation of said new county of Chester, shall have on his ticket, "Old County," and after counting the vote cast in said election, if it shall appear that there are two-thirds of the legal voters in each of said fractions in favor of the new county, then in that case, the county of Chester shall be, and is hereby declared a

county, with all the privileges and advantages, and subject to all the liabilities and duties with other counties in this State.

SECTION 5. That in order to carry into effect, and make certain and accurate, the provisions in the fourth section of this Act, said Commissioners are hereby empowered and authorized to canvass and take the census of the qualified voting population in the bounds of the several fractions proposed to be stricken off from the counties of Madison, Henderson, McNairy and Hardeman, and if for any cause the election as herein provided shall not be held in any of said fractions, on the day appointed, said Commissioners shall provide for another election as herein provided in such fractions.

SECTION 6. That for the due administration of justice, the different courts to be held in said county of Chester, shall be at such place or places as may be designated by said Commissioners, until the seat of justice shall be located, and all writs and other processes issued from said courts returnable to the place, shall be legal, and the courts of the county of Chester shall be under the same rules, regulations and restrictions of other counties of this State; shall have, "exercise," and possess the same power and jurisdiction as prescribed by law for holding courts in other counties, and said county shall be attached to the Eleventh Judicial Circuit, and the first Circuit Court shall be at the time designated by the Judge of said Circuit, and shall be attached to the Tenth Chancery Division, and the Chancery Courts shall be held at the time designated by the Judge of said Chancery Division.

SECTION 7. That all officers, civil or military, now holding office in said county, shall continue to hold their offices and exercise all functions and powers thereof until others are elected and qualified according to the provisions of this Act; *Provided*, That nothing in this Act shall deprive the counties from which the fractions have been taken, from exercising and holding jurisdiction over the county of Chester and the citizens thereof, in as full and ample a manner as they now have, until the election of county officers takes place, according to the provisions of this Act.

SECTION 8. That said Commissioners are hereby empowered, and it shall be their duty to appoint five qualified and suitable persons to divide said county into not less than ten nor more than twelve civil districts, designating boundaries and places for holding elections in said districts, and performing all the duties relating thereto, which by the law of the State such commissioners are required to do.

SECTION 9. That the Commissioners appointed by this Act shall appoint such persons as they think proper to open and hold the election for county officers for the said county of Chester, and such persons so appointed shall have power to appoint deputies, clerks and judges, and by himself and deputies to administer all the necessary oaths and perform all other duties that are now made the duty of Sheriffs or other officers holding similar elections, and it shall be the duty of such persons so appointed, together with their deputies, after giving fifteen days notice, to open the polls and hold an election in each civil district in said county, for district and county officers, and the officers so elected shall hold their offices until the next regular election for the different officers so elected takes place in other counties.

SECTION 10. That it shall be the duty of the above named Commissioners, so soon as convenient after the full and complete organization of the said county of Chester, to select and put in nomination two or more suitable locations for the seat of justice of the said county of Chester, having due regard to health and convenience of a majority of the citizens of said county, neither of which places shall be more than three and a half miles from the supposed or probable center of said county of Chester, which places shall be voted for by the legal voters of said county of Chester, and the site nominated receiving the highest number of votes shall be, and is hereby declared to be the seat of justice of said county of Chester.

SECTION 11. That it shall be the further duty of said Commissioners to superintend the erection of such public buildings as the County Courts of said county may direct to be built, and shall let the same out publicly, and shall take bond with good and sufficient security, payable to themselves and their successors in office, conditioned for the faithful performance of his or their

contracts. The proceeds of all donations, lands, town lots, or other gifts that may be made in consideration of the location of the seat of justice for the said county of Chester, or otherwise shall be a fund in their hands to pay the necessary expenses in organizing said county and paying for the erection of public buildings ordered to be built by the County Court, and should any surplus remain in their hands, it shall be their duty to pay over the same to the Trustee of the county, to be accounted for by him as other county money in his hands.

SECTION 12. That said Commissioners of Chester county be, and they are hereby authorized to exercise all powers and privileges conferred on them by this Act, and any and all other powers not in violation of the Constitution of the State that may be necessary and proper for the complete and setting up and organization of said county of Chester.

SECTION 13. That the citizens of Chester county in all elections for Governor, Members of the General Assembly, Representatives in Congress and Electors for President and Vice President, shall vote with the counties from which they have been respectively stricken off, until the next apportionment agreeable to the provisions of the fifth section of the Tenth Article of the Constitution of the State.

SECTION 14. That the fractions composing the said county of Chester shall be liable for their pro rata of the debts contracted and owing by the counties from which they were taken, and shall also receive their proportion of any stock or credits belonging to said old counties.

SECTION 15. That an Act passed March 19, 1875, entitled, "An Act to create a new county off of Madison, Henderson, McNairy, and Hardeman counties, in the State of Tennessee," and all other Acts and parts of Acts in conflict with this Act be, and the same are hereby repealed.

SECTION 16. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 1, 1879.

BOUNDARIES

CHANGE COUNTY LINES

PUBLIC ACTS OF 1893

CHAPTER 81

SECTION 1. That the line between the counties of Henderson and Chester be so changed as to detach from Henderson and attach to the county of Chester the territory in the following boundaries, to wit: Beginning where the Chester County line now strikes the Forked Deer River, being the northeast corner of said county, running east with said stream to its fork with what is known as the Middle Fork of the Forked Deer; thence with said stream south of east to C. Beaver's old mill place; thence south-east with mill stream to the Mifflin and Saltillo road, at Mt. Gilead; thence south to the county line.

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

Passed: April 3, 1893.

BOUNDARIES

CHANGE COUNTY LINES

PUBLIC ACTS OF 1972

CHAPTER 738

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

SECTION 1. That portion of the tract of land of Howard Bailey and wife, Fran Bailey, now situated in Henderson County and hereunder described, is removed from Henderson County into the 2nd Civil District of Chester County, and the county line between Henderson County and Chester County at this place shall hereafter run with the boundaries of that tract so as to exclude those lands from Henderson County and include the same in the 2nd Civil District of Chester County. The tract of land is generally bounded and described as follows:

"Beginning in the road with red oak pointers; thence west 90 poles to the corner, with gum and poplar pointers; thence south 57 poles to the road near a spring, with beech and white oak pointers; thence northeast with the road to the fork of the road; thence east with the right-hand road 16 poles to the beginning corner, bounded on the following lands:

On the north by the lands of S. E. Johnson
On the east by the Brantley's lands
On the south by Mrs. W. E. Riles' lands
On the west by the Thompson land;

containing 20 acres more or less."

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

Passed: April 7, 1972.

BOUNDARIES

CHANGE COUNTY LINES

PUBLIC ACTS OF 1973

CHAPTER 149

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

SECTION 1. Bobby C. Mullins and wife, Nelda M. Mullins; and Gilbert W. Hutcherson and wife, Lily Hutcherson; and Edward R. Felton and wife, Janet E. Felton own the hereinafter described tract of land containing ninety-seven and one half (97 ½) acres located and situate in the 10th Civil District of McNairy County, Tennessee, and that this tract of land hereunder described is removed from McNairy County and placed into Chester County, and the county line between McNairy County and Chester County at this place shall hereinafter run with the boundaries of said tract so as to exclude the said lands from McNairy County and include the same in Chester County. The tract of land is generally bounded and described as follows:

Situate in Civil District No. 10 of McNairy County, Tennessee, described as follows:

BEGINNING at a bridge on the Finger and Sweet Lips Road; running North 6 degrees West 92 poles with a ditch; thence North 17 ½ degrees West 36 poles with ditch; thence North 37 ½ degrees West 34 poles with ditch; thence North 18 degrees West 23 poles with ditch; thence North 18 poles to a maple tree; thence North 30 degrees West with the creek 6 poles to a white oak or stake in the center of creek; thence South 62 ½ degrees West 14 poles with ditch; thence North 60 degrees West 6 poles; thence West 77 poles to a stake, a corner of I. B. Starks; thence South 16 poles to a stake with Starks; thence South 21 degrees East 186 feet to a black oak, white oak and post oak pointers; thence East 78 poles to the BEGINNING, containing ninety-seven and one half (97 ½) acres, more or less.

Being the same property presently occupied by Bobby C. Mullins and wife, Nelda M. Mullins; and Gilbert W. Hutcherson and wife, Lily Hutcherson; and Edward R. Felton and wife, Janet E. Felton, and found of record in Deed Book 62, Pages 22 and 23, Register's Office for McNairy County, Tennessee.

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

Passed: April 30, 1973.

BOUNDARIES

CHANGE COUNTY LINES

PUBLIC ACTS OF 1974

CHAPTER 501

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

SECTION 1. The boundary between McNairy county and Chester county is hereby changed where such boundary line meets the West line of the property of Clarence E. Bullman and wife, Annie Lee G. Bullman as follows: Same South along the West boundary of property to corner, then going East along South property line to corner, then going North along East property line to present Chester-McNairy county line, putting all property of Clarence E. Bullman and wife, Annie Lee G. Bullman in Chester county. The land affected by such change so as to be placed entirely in Chester county is generally bounded and described as follows:

TRACT NO. 1

Parcel One: In the old 16th Civil District of McNairy County, Tennessee. BEGINS at a stake with gum pointers at the south west corner on the Gateley land, runs south 85 degrees east 64 poles to a stake with oak pointers in the Hopewell road, then north 50 degrees east 20 poles to a stake in the road, then north 52/5 poles to a stake with post oak pointer on Gateley's line, then west 94 poles to the beginning corner. Containing 2-3/4 acres more or less. This is the same property which Elvie Gateley bought from U. N. Bullman as shown by deed of record on January 10, 1945 in Register's Office of McNairy County, Tennessee in Book 36, Page 6.

Parcel Two: In the 3rd Civil District of Chester County, Tennessee. BEGINNING at a post oak and 2 black oak pointers; thence west 36 poles to a stake with 2 post oak pointers; thence south 20 poles to a stake with post oak and black oak pointers (Black jack pointers); thence west 72 poles to a stake post and hickory pointers; thence south 10 poles to a stake with black oak and post oak pointers; thence west 125 poles to a black oak and 2 post oak pointers; thence south 64 poles to a black oak and post oak pointers; thence east 55 poles to a stake with black and black jack pointers; thence south 97 poles to a gum with post oak pointers; thence east 94 poles to a stake with black jack pointers; thence south 12 poles to a stake with black jack pointers; thence east 68 poles to a hickory with black jack pointers, the south west corner of Rolla Anderson tract; thence north 108 poles to a stake in the same; thence north 10 degrees East 29 poles to a stake with black jack and post oak pointers in the mouth of the lane; thence east 2 poles to a stake with black jack and chestnut pointers; thence north 30 degrees east to a stake with black jack pointers; thence north 50 degrees west 76 poles to the beginning containing by estimation 240 acres, be the same more or less. This is the same property which Elvie Gateley bought from C. M. Gateley as shown by deed of record in Register's Office, Chester County, Tennessee in Book 38, Page 236.

Parcel Three: In the 3rd Civil District of Chester County, Tennessee. BEGINNING at a point on the Sweetlips-Enville Road, same being the beginning corner of the calls on the D. E. Gateley farm, his most northwest corner, runs thence with the meanders of the present Sweetlips-Enville Road, approximately 71 poles to a point where the road strikes the present north boundary line, which point is approximately 4 poles from a rock and post oak pointer which marks the northeast corner of the present D. E. Gateley farm; thence north and west with the north boundary line of the D. E. Gateley farm approximately 76 poles to the point of beginning. This is the same property which D. E. Gateley and wife, Sue Nelle Gateley bought from W. P. Gateley and wife, Esther Gateley as shown by deed of record in Register's Office, Chester County, Tennessee, in Book 46, Page 432.

TRACT NO. 2

Beginning at a stake, runs north 70 poles to a stake on Homer Young line, then North 77½ degrees West 88 poles to a stake in-- --in old Purdy and Lexington road, then south 15 degrees West 23 poles to ditch, then south 76½ degrees East 33 poles to a stake in ditch, then South 42 poles to a stake, then East 29 poles to a stake, then South 50 poles to a stake, then East 4 poles to a stake, then South 61 poles to a ditch, then East 77 poles to a stake, then North 100 poles to a stake, then west 49 poles to the beginning, containing 83 acres, more or less.

The other consideration is to reimburse our son Clarence Bullman in the payment to the Federal Land Bank of which they hold deed of trust, he-Clarence Bullman is to take care of same and allow us to live on the farm our lifetime. If we should have other property such as personal property at our death he is the heir to such belongings.

COMPILER'S NOTE: The second paragraph describing Tract No. 2 is reprinted as it appeared in the original act.

TRACT NO. 3

In the old 16th Civil District of McNairy County, Tennessee. BEGINS at the South West corner of the Lish Gateley land runs West 77 poles to a stake, then south 26 poles to a stake with post oak pointer. Then East 128 poles to a stake in the Hopewell Road, then North 35 degrees East 17 poles in the road, then North 85 degrees West 64 poles to the beginning corner containing 20 acres more or less.

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

Passed: March 6, 1974.

BOUNDARIES

CHANGE COUNTY LINES

PUBLIC ACTS OF 1975

CHAPTER 141

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

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

Five tracts or parcels of land now lying in close proximity to the Chester and McNairy County line, and more particularly described as follows:

The Pugh Property, to wit:

Beginning on an iron pin, the original southeast corner of Mrs. Pearl Anderson's tract and the original southeast corner of the 17-34/100 acre tract of which this is a part; runs thence west with the north line of E. E. Brooks 94-6/100 poles to a stake in the center of the Milledgeville-Center Point gravel road; runs thence north with the center thereof 318 feet to the southern margin of an intersecting gravel road that runs in a northeastern direction through the bottom land of the northernmost part of said 17-34/100 acre tract, runs thence in an eastern direction to the original eastern line of said 17-34/100 acre tract, at a point 14.51 poles south of the original northeast corner of said 17-34/100 acre tract in the western line of Freeman and at the southeast corner of a parcel thereof, runs thence south with the western line of the said Freeman 14.51 poles to the place beginning, this being a part and a parcel and the southernmost part of a tract of real estate conveyed on August 17, 1927, by C. A. Anderson and wife, Pearl Anderson, by deed recorded in Deed Book 34, page 107, Register's Office of Chester County, Tennessee.

SECOND TRACT: Beginning at a stake in the center of the Milledgeville Center Point Gravel road at the original northwest corner of the tract of land of which this is a part; red oak and white oak pointers; runs thence east with the southern line of Mrs. Pearl Anderson 92-4/100ths poles to a stake; runs thence south with the western line of Freeman 14.51 poles to a stake; runs thence west to a stake in the center of said Milledgeville-Center Point gravel road passing just south and with the south margin of an intersecting gravel road that runs in a northeastern direction through the bottom land of this tract; runs thence north with the center of said Milledgeville-Center Point Gravel Road 211 feet to the place of beginning, including and excluding about ½ acre, conveyed to Willie D. Davis, this being the northernmost part and a parcel of a tract of real estate conveyed on August 17, 1927, by C. A. Anderson and wife, Pearl Anderson, by deed recorded in Deed Book 34, page 107, Register's Office of Chester County, Tennessee.

The Bethune property, to wit:

FIRST TRACT: Beginning at a point in the center of the Milledgeville-Center Point gravel road at the northwest corner of Willie Davis; runs thence with the center of a small ditch north 87 degrees and 40 minutes east 1521 feet to a stake on the south side of a short gravel road in an old wire fence, the northeast corner of Howard Pugh and in the west boundary line of C. R. Freeman, gum pointers; runs thence with the west boundary line of Freeman and with an old fence north 3 degrees and 40 minutes west crossing said short

gravel road at 64 feet, in all 418 feet to a stake in a small branch, 2 gums and 1 ash pointers, the northwest corner of C. R. Freeman; runs thence with the north boundary line of Freeman and an old fence and ditch north 76 degrees and 40 minutes east 750 feet to the mouth of a new ditch; thence north 89 degrees east 664 feet to a stake at an old snag, sweet gum pointers, the southwest corner of V. C. Pugh in the north boundary line of C. R. Freeman; runs thence with the west boundary line of Pugh north 0 degrees and 25 minutes east 1300 feet to a stake in the center of Middleton's canal; thence with the center of said canal north 43 degrees and 20 minutes west 245 feet to a stake in the center of said canal the southeast corner of Albert Blackstock, gum and poplar pointers; thence with an old creek run and its meanders south 55 degrees and 10 minutes west 146 feet; south 44 degrees and 20 minutes west 134 feet; south 43 degrees and 20 minutes west 350 feet; south 85 degrees west 380 feet; north 29 degrees east 87 feet; north 58 degrees and 10 minutes east 157 feet; north 44 degrees and 50 minutes east 117 feet; north 1 degree and 12 minutes west 82 feet; north 84 degrees and 48 minutes west 160 feet; north 4 degrees and 55 minutes west 31 feet; north 23 degrees and 52 minutes east 78 feet; north 33 degrees west 82 feet; north 80 degrees and 10 minutes west 323 feet to a stake in the center of an old creek run near the mouth of a small ditch; thence with said ditch south 89 degrees and 40 minutes west 210 feet to a stake in an old hedge row; thence with said hedge row south 86 degrees west 255 feet; thence with a turn row north 81 degrees and 15 minutes west 1188 feet to a stake in a large ditch with willow pointers near the corners of Albert Blackstock and Gordon Mitchell; thence with the center of a large ditch and with its meanderings north 55 degrees east 63 feet; south 61 degrees and 30 minutes west 800 feet to a stake in the center of a ditch and the center of a bridge over the old Milledgeville-Center Point Road, an inside corner of Mrs. Emma Harwell; thence with the center of the Old Milledgeville-Center Point gravel road south 26 degrees and 30 minutes east 1285 feet; south 16 degrees and 20 minutes east 140 feet; south 9 degrees and 34 minutes east 600 feet; south 3 degrees and 24 minutes east 184 feet to the place of beginning, containing 137 ½ acres, be the same more or less.

The Davis property, to wit:

Beginning in the center of the Milledgeville and Center Point road and on the south side of a road running from the above road to the Cagle place east of said road, thence east 3.6 chains with the south side of the Cagle Road to a stake, thence north .65 chains to a stake, thence west 3.6 chains to a stake in the center of said Milledgeville and Center Point road, thence south 1.65 chains with said Milledgeville and Center Point road to the beginning, and containing .59 acre more or less.

and the Brooks property, to wit:

Beginning at a stake it being a corner of the Isaac Crowder old place. Stake and post oak pointers thence runs east 184 ½ poles to a rock, it being A. T. Johnson corner, thence north with said A. T. Johnson and V. T. Cagle line 75 poles to the C. A. Anderson land, thence west with said Anderson line 108 poles to a stake, thence south 33 poles to a post oak, thence west 34 poles to a stake thence north 30 poles to a stake and hickory pointers, thence west 48 poles to a stake, thence south 72 poles to the beginning, containing by estimation, 73 acres or the same more or less.

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

Passed: May 5, 1975.

BOUNDARIES

CHANGE COUNTY LINES

PUBLIC ACTS OF 1977

CHAPTER 308

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

SECTION 1. The boundary line between McNairy County and Chester County is changed so as to place certain lands of Billy N. Latham and his wife, Shelia Ann Latham, now located in the 17th Civil District of McNairy County in the 12th Civil District of Chester County. The boundary line shall be changed to include entirely within Chester County the following tract:

BEGINNING on a stake on north side of old roadway Hickory-post oak pointers, this point being the southwest corner of Essary tract and in north boundary line of Roger Whitten tract; runs thence with Whitten and Holmes north boundary line north 89 degrees 15 minutes west 2028.00 feet to point in center of Friendship blacktop road; thence point being the northwest corner of Holmes tract; runs thence with center blacktop road as follows: North 17 degrees 20 minutes west 195.00 feet; north 29 degrees 34 minutes west 275.00 feet; north 44 degrees 34 minutes west 100.00 feet to a point in center blacktop road, this point being in the center of the intersection of gravel road with blacktop road; runs thence with center of gravel road as follows: North 81 degrees 17 minutes east 100.00 feet; north 54 degrees 15 minutes east 200.00 feet; north 60 degrees 00 minutes east 68.40 feet; north 73 degrees 52 minutes east 100.00 feet; north 86 degrees 58 minutes east 340.00 feet to point in center of gravel road; runs then east 1535.00 feet to stake, white oak, sweet gum [sic], black gum pointers in west boundary line of Essary tract, this point being the southeast corner of Amo Smith tract; runs thence with west boundary line of Essary tract south 736.00 feet to point of beginning, containing 34.00 acres more or less, excluding 25 feet in width for road right-of-way.

Being a portion of the same property conveyed to Charles E. Whitten and wife, Shirley W. Whitten, by deed from Pauline S. Jordan and Jo Virginia Harvey, dated the 2nd day of August, 1972, and of record in Deed Book 58, Page 209 in the Register's Office of Chester County, Tennessee.

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

Passed: May 11, 1977.

BOUNDARIES

CHANGE COUNTY LINES

PUBLIC ACTS OF 1977

CHAPTER 309

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

SECTION 1. The boundary between McNairy County and Chester County is changed by detaching from the 17th Civil District of McNairy County and attaching to the 12th Civil District of Chester County certain lands belonging to Roy R. Whitten and his wife, Carol Dee Whitten, so that these lands will be located entirely within Chester County. The lands to be included within Chester County consist of five (5) tracts described as follows:

TRACT 1: Located partly in the Second (Old 17th) Civil District of McNairy County, Tennessee, and partly in the twelfth Civil District of Chester County, Tennessee. BEGINNING at a rock an interior corner of the Brown tract of land; runs thence east 184 poles with Brown, Ferguson and McKenzie to a stake, small hickory pointer, a southwest corner of Gaddy; thence north with the west boundary line of Gaddy, crossing a County gravel road at 89 poles, in all 143 poles to a stake and black oak pointer in the south boundary line of Davidson; thence west with Davidson and Smith, crossing the said County gravel road at 45.5 poles, in all, 184 poles to a stake, the northeast corner of Holmes; thence south 143 poles with Holmes and Brown to the point of beginning, containing 164 acres, more or less.

TRACT 2: Located in the Second (Old 17th) Civil District, McNairy County, Tennessee. BEGINNING at a stake at the northeast corner of this tract; runs thence west 143 poles to a stake; thence south 54 poles to a stake with 3 black jack pointers; thence east 46 poles to a post oak and 2 Spanish oak pointers; thence south 30 poles to a stake and 3 post oak pointers; thence east 97 poles to a stake and 3 black jack pointers; thence north 84 poles to point of beginning, containing 61 acres, more or less, known as the J. F. Bray tract.

TRACT 3: Located in the Second (Old 17th) Civil District, McNairy County, Tennessee. BEGINNING at a point 88 poles west and 4 poles south of the mile tree that stands at the west corner of Range 4; runs thence west 113 poles to a stake; thence south 140 poles to a stake with oak pointers; thence east 113 poles to a black jack; thence north 140 poles to the point of beginning, containing 99 acres, more or less, known as the Spencer tract.

TRACT 4: Located in the Second (Old 17th) Civil District, McNairy County, Tennessee. BEING a triangular strip of land containing by estimation 2 acres, be the same more or less, being the northwest corner of a tract of land conveyed to J. A. McKenzie by J. E. Holdges and wife, Vina Holdges, by a deed of record in Deed Book 33, page 454, Register's Office of McNairy County, Tennessee, to which reference is made. The two acres, more or less, herein and herewith conveyed is set apart from the main body of land conveyed by the above mentioned deed by a dirt road. Said triangular tract of land is bounded on the north by the Second Tract of land above described known as the Bray tract; on the west by the Third tract of land above described known as the Spencer tract; and the same is bounded on its other side by said dirt road.

TRACT 5: Located in the Second (Old 17th) Civil District, McNairy County, Tennessee, BEGINNING at a stake, the north corner of the Spencer tract (the Third tract above described); runs thence west 114 poles to a hickory and post oak pointers; thence south 140 poles to a stake, black jack and chestnut pointers; thence east 114 poles to a stake, the southwest corner of the above

mentioned Spencer tract; thence north 140 poles to the place of beginning, containing 100 acres, more or less.

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

Passed: May 11, 1977.

BOUNDARIES

CHANGE COUNTY LINES

PUBLIC ACTS OF 1977

CHAPTER 310

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

SECTION 1. The boundary between McNairy County and Chester County is changed by detaching from the 17th Civil District of McNairy County and attaching to the 12th Civil District of Chester County certain lands belonging to Amo Smith and his wife, Elsie Smith, so that these lands will be located entirely within Chester County. The lands to be included within Chester County consist of a tract of land described as follows:

BEGINNING at a stake at the I. W. Weaver tract of land and runs thence south 126 poles to a stake, two black oak pointers; thence east 162 poles to a stake with spanish oak pointers; thence north 126 poles to a stake, with black oak and hickory pointers, I. W. Weaver's corner; thence west 167 poles to the point of beginning, containing 131 ½ acres, be the same more or less, and being the same property conveyed to Pridy Smith and wife, and Amo Smith and wife, by Willis Gibson and wife, by Warranty Deed of record in the Register's Office of Chester County, Tennessee, in Deed Book No. 44, Page 234, to which reference is here made.

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

Passed: May 11, 1977.

BOUNDARIES

CHANGE COUNTY LINES

PUBLIC ACTS OF 1977

CHAPTER 311

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

SECTION 1. The boundary between McNairy County and Chester County is changed by detaching from the 10th Civil District of McNairy County and attaching to the 3rd Civil District of Chester County certain lands belonging to R. A. Talley, Jr., Dossie Talley, and Eugene Morris so that these lands will be located entirely within Chester County. The lands to be included within Chester County consist of three (3) tracts described as follows:

FIRST TRACT: BEGINNING at a stake, the northwest corner of the A. G. Bishop land in the east boundary line of Davis; run thence east with said Bishop north line 96 poles to a stake; thence north 5° east 84 poles to a stake in the west boundary line of Bishop, the southeast corner of Howell; thence west with Howell and Plunk 102 poles to a stake; thence south with Plunk and Davis 84 poles to the beginning, containing 51 acres, more or less.

SECOND TRACT: BEGINNING about 28 rods north of the northeast corner of tract number 1 and the northwest corner of the Bishop land; run thence south 87° east with Bishop's north line 193 poles to a stake in the west boundary line of Kelley, large black oak pointer; thence north 16 rods to a stake, the southeast corner of Shelton; thence north 87° west with Shelton's south line 63 ½ rods to a stake in the east margin of the Talley Store Road, large post oak pointer; thence north 85° west with Shelton, 40 rods to a stake and red oak pointer, this particular point is the southeast corner of Robertson place, as agreed by Robertson and Shelton; then north 78° west with Robertson 26 ½ rods, red oak and maple pointers, thence north 44° west 33 rods to a stake, black gum pointer; thence north 30° east 21 rods to a stake in the south margin of Talley Store Road; thence in a western direction with said road as follows: thence north 75° west 8 rods; thence north 61° west 40 rods to a stake in the west margin at the intersection of the Sanford-Talley Store Road; thence south 10° west with the west margin of said Sanford Road 56 rods to a stake; thence south 25 rods to the beginning, containing 37 acres more or less. Surveyed by Lester Cox, County Surveyor of McNairy County, Tennessee on December 8, 1952.

These are the identical two tracts of land coveyed [sic] to Dr. Ralph R. Braund and wife, Nancy Butler Braund by Ike A. Stone and wife, Grace Stone, on December 8, 1952, by Deed of General Warranty recorded in the Register's Office of Chester County, Tennessee, in Deed Book 47, Page 456.

THIRD TRACT: BEGINNING at an iron stake with post oak pointer, the most northern northwest corner of Scott; thence south 47 rods to an iron stake; thence west 56 rods to an iron stake; thence south 14 rods to a stake; thence west 26 rods to a stake; thence south 15° west 49 rods to a ditch; thence north 76° west 8 rods; thence on west 30 rods with ditch to center of Tar Creek Canal; thence down said canal north 38° west 71 rods to the mouth of the Hutcherson ditch; thence south 58° west 12 rods with said ditch to a stake, a southeast corner of Davis; thence north 5° and 30' west 51 rods with Davis to a stake, maple pointer; thence west 5.3 rods to a stake on top of a bluff, Spanish oak pointer; thence north 54 rods to a stake, the southwest corner of the Stone land; thence east 96 rods to a stake, a southeast corner of Stone; thence north 5° east 86 rods with Stone in all 114 rods to the Sanford Road and the east boundary line of Howell, the southwest corner of tract number 2 of the Stone

land; thence south 87° east 193 rods with the south boundary line of Stone to a stake in the west boundary line of Kelley, large black oak pointer; thence south 4° east 110 rods to a stake, thence south 43 rods to a stake, a northeast corner of Scott; thence west with Scott's north line 111.5 rods to the beginning, containing by estimation 313 acres, more or less. A county public road runs east and west through the farm.

This is the identical tract of real estate conveyed to R. R. Braund and wife, Nancy Butler Braund, by Minnie Tedford Bishop and husband, A. G. Bishop, on December 16, 1952, by Deed of General Warranty recorded in the Register's Office of Chester County, Tennessee, in Deed Book 47, Page 458.

There is included in the first and second tracts above described and excluded from this conveyance 1.25 acres conveyed to W. Fred Chafin by R. R. Braund and wife, Evelyn Braund, on or about June 21, 1973, by Deed of General Warranty recorded in the Register's Office of Chester County, Tennessee, in Deed Book 61, Page 375, being more particularly bounded and described as follows, to-wit:

EXCLUSION: BEGINNING on an iron stake in the east boundary line of Dr. Braund's Ike Stone tract number 1 and being 31 feet south of the northeast corner of the Stone tract; run thence with old fence and the east boundary line of Stone tract south 1° and 35' east 455 feet to a stake in the corner of old fence; run thence with a new line and garden fence south 89° and 14' west, 121 feet to a stake in the garden fence; run thence north 1° and 35' west 455 feet to an iron stake; run thence north 89° and 14' east 121 feet to the point of beginning, containing 1.25 acres, be the same, more or less. This description was taken from a survey made by Charles W. Stumph, Sr., R.L.S., No. 128, dated April 9, 1973.

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

Passed: May 11, 1977.

BOUNDARIES

CHANGE COUNTY LINES

PUBLIC ACTS OF 1977

CHAPTER 312

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

SECTION 1. The boundary between McNairy County and Chester County is changed by detaching from the 17th Civil District of McNairy County and attaching to the 12th Civil District of Chester County certain lands belonging to Kenneth Essary, so that these lands will be located entirely within Chester County. The lands to be included within Chester County consist of two (2) tracts described as follows:

Tract No. 1.

Beginning at a stake, black jack, post oak pointers on the northeast corner of the H. H. Davidson land, at a point 22 poles west of the northwest corner of Entry No. 2487 in the name of Wm. S. Wisdom; runs thence south 276 poles to a red oak and white oak pointers, being the southeast corner of Monroe Smith land and the southwest corner of the tract herein described; runs thence east 142 poles to a stake at the southwest corner of the Ral Deaton land; runs thence north 292 poles to the southeast corner of the Sol Colston tract of land; runs thence west 51 poles to a stake; thence south 16 poles to a stake, thence west 91 poles to the point of beginning, containing 250 acres, be the same more or less, but subject to legal highways.

Being the same land conveyed to M. V. Davidson by deed from W. B. Maness et al, dated 3/19/01, of record in Volume 7, page 479; and by deed from John Clayton et al, dated 4/1/10 of record in Volume 7, page 481; in the Register's office of McNairy County, Tennessee. And by deed from W. B. Maness et al, dated 9/29/09, recorded in Vol. 7, Page 477, McNairy County, Tenn.

Tract No. 2.

Lying and being in McNairy County, State of Tennessee, and bounded as follows: in the 17th District beginning at a stake in the Bolivar road at Sol Colston's northeast corner, runs south 15 poles to a stake, then north 85 degrees east 137 poles to a stake black oak pointers; then north 35 poles to a stake on McKenzie line, then west 74 poles to a stake then north 45 degrees west 88 poles to a stake; then north 70 degrees west 40 poles to a stake with black jack and cherry pointers; then south 51 poles to a big pine; then south 18 degrees east 58 poles to a stake in the old Bolivar road; then east 14 poles to the beginning containing by estimation 66.45 acres more or less, but subject to legal highways.

Being the same land conveyed to M.V. Davidson by deed from H. L. Clayton and wife, dated 11/27/28 of record in Volume 21, page 555 in the Register's office of McNairy County, Tennessee. And by deed from E. T. Griswell et al, dated, Nov. , 1914, recorded in Vol. 13, page 233, McNairy County, Tenn.

COMPILER'S NOTE: The blank date in the immediately preceding paragraph appears in the original act.

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

Passed: May 11, 1977

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 Chester County.

1. Public Acts of 1875, Chapter 68, provided for the creation of Wisdom County out of fractions of land taken from Madison, Henderson, McNairy and Hardeman Counties. This act was repealed by Public Acts of 1879, Chapter 42, which created Chester County.
2. Public Acts of 1883, Chapter 41, changed the line between Chester and Hardeman Counties to place the lands of Jesse Scoggins and W. A. Naylor in Hardeman County.
3. Public Acts of 1885, Chapter 109, changed the line between the counties of Hardeman and Chester to place the lands of Jeremiah Hooper, William Howell, R. C. Howell and Jasper Shelton in Hardeman County.
4. Public Acts of 1885, Chapter 131, changed the line between McNairy and Chester Counties to place the lands of S. D. Anderson in Chester County.
5. Public Acts of 1889, Chapter 54, changed the line between Chester and Hardeman Counties to place the lands of Vincent King, S. B. White, J. N. Wilson, Solomon Wilson, Eliza Glidewell and James Glidewell in Hardeman County.
6. Public Acts of 1889, Chapter 59, changed the line between McNairy and Chester Counties to place the lands of C. C. Jones and J. S. Ball in Chester County.
7. Public Acts of 1889, Chapter 142, changed the line between McNairy and Chester Counties to place the farms of J. Short and Ben Smith in Chester County.
8. Public Acts of 1889, Chapter 143, changed the line between Hardin and Chester Counties to place the lands of Neil Shelton in Chester County.
9. Public Acts of 1889, Chapter 252, is almost identical to Private Acts 1889, Chapter 142, changing the line between McNairy and Chester Counties to place the lands of J. Short and Ben Smith in Chester County.
10. Public Acts of 1889, Chapter 255, is almost identical to Private Acts of 1889, Chapter 143, changing the line between Hardin and Chester County to place the lands of Neil Shelton in Chester County.
11. Public Acts of 1891, Chapter 151, changed the boundary between Hardin and Chester Counties to place all the lands of J. P. Bradley in Chester County.
12. Public Acts of 1893, Chapter 30, changed the line between Chester and Hardeman Counties to place the lands of Albert T. McNeil in Hardeman County.
13. Acts of 1903, Chapter 266, changed the line between Chester and McNairy Counties to place the lands and residences of Tom Sipes, Charles Tull, James Tull and James Jeans in Chester County.
14. Acts of 1903, Chapter 369, appears to have been intended to repeal Acts of 1903, Chapter 266, leaving the properties of Tom Sipes, Charles Tull, James Tull and James Jean in McNairy County. However, this act made reference to the earlier act only by its caption and

the date it was passed, and there appears to have been no such act passed on the date referenced.

15. Acts of 1905, Chapter 161, changed the line between Henderson and Chester Counties to place the lands of W. M. Jones and C. P. Jones in Chester County.
16. Private Acts of 1917, Chapter 311, changed the line between Chester and Hardin Counties to include all the lands of Mrs. Pearl Anderson in Chester County.
17. Private Acts of 1939, Chapter 364, changed the line between Chester and McNairy Counties to place the lands of J. C. Kent in Chester County.
18. Private Acts of 1947, Chapter 611, changed the line between Chester and McNairy Counties to place the farm of Mrs. J. A. Parker and Mrs. H. B. O'Neal in Chester County.

CHAPTER V - COURT SYSTEM

COURT SYSTEM

BOARD OF JURY COMMISSIONERS - JURORS

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

The following acts once affected jurors or boards of jury commissioners in Chester County, but are no longer operative.

1. Acts of 1909, Chapter 438, created a five-member Board of Jury Commissioners in Chester County to be appointed by the judge of the Circuit Court, and provided for the selection of jurors.
2. Private Acts of 1911, Chapter 115, created a three-member Board of Jury Commissioners and provided for the selection of jurors in the counties of Chester, Hardin, Decatur, Benton, and (probably) Madison. The commissioners for each county were to be appointed by the judges of the Circuit and Criminal Courts.

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.

Chester County, under the provisions of § 16-2-506 of Tennessee Code Annotated, is part of the 26th 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 Chester County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1879, Chapter 42, created Chester County and placed it in the 10th Chancery Division.
2. Public Acts of 1883, Chapter 174, provided that the Judge of the Common Law and Chancery Court at Jackson in Madison County would hold the Circuit and Chancery Courts for the new County of Chester. Chancery Court would be held on the fourth Mondays in May and November. This act amended Public Acts of 1875, Chapter 60, which had severed Madison County from the 10th Division and created the Common Law and Chancery Court at Jackson.
3. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the lower court system and divided Tennessee into eleven chancery divisions. The 9th Chancery Division was composed of Chester, Hardeman, McNairy, Madison, Crockett, Henderson, Carroll and Henry Counties. Chancery Court terms for Chester County were to begin on the fourth Mondays in April and September.
4. Public Acts of 1887, Chapter 111, amended Acts of 1885 (Ex. Sess.), Chapter 20, to change the times for holding Chancery Court in the 9th Chancery Division. In Chester County, terms would begin on the first Mondays in March and September.
5. Public Acts of 1899, Chapter 427, reorganized the lower court system and divided Tennessee into ten chancery divisions. The 8th Chancery Division was composed of Chester, Decatur, Hardin, Benton, McNairy, Crockett, Henderson, Carroll, Henry, Madison and Perry Counties. Chancery Court in Chester County would begin on the third Mondays in January and July.
6. Acts of 1903, Chapter 36, changed the times for holding court in the 8th Chancery Division. In Chester County, terms would begin on the fourth Mondays in May and November.
7. Acts of 1903, Chapter 311, amended Acts of 1903, Chapter 36, to change the Chancery Court terms in Chester County to the second Mondays in March and September.
8. Acts of 1903, Chapter 484, is a duplicate of Acts of 1903, Chapter 311, which amended Acts of 1903, Chapter 36, to change the Chancery Court terms in Chester County to the second Mondays in March and September.

9. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, reorganized the lower court system and established fourteen chancery divisions in Tennessee. The 8th Chancery Division consisted of Chester, Carroll, Henry, McNairy, Crockett, Hardeman, Henderson, Decatur, Hardin and Benton Counties. Chancery Court would be held in Chester County on the second Mondays in March and September.
10. Public Acts of 1974, Chapter 547, provided for an additional Chancellor for the 9th Chancery Division, and divided the division into Part I and Part II. The Chancellor for Part II was designated the Senior or Presiding Chancellor. Chester County was transferred to the 9th Chancery Division by Public Acts of 1975, Chapter 207.
11. Public Acts of 1976, Chapter 577, amended Public Acts of 1974, Chapter 547, to provide that the Chancellor for Part I would preside over Fayette, Hardeman, Hardin, McNairy and Chester Counties, and the Chancellor for Part II would preside over Tipton, Lauderdale, Haywood and Crockett Counties. Part I would be held in Chester County on the second Mondays in March and September.

COURT SYSTEM

CHANCERY COURT

CLERK AND MASTER

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

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

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

1. Private Acts of 1911, Chapter 4, set the salary of the Clerk and Master of the Chancery Court in Chester County at five hundred (\$500) dollars annually. A sworn itemized statement was required to be filed with the Judge, or Chairman, of the County Court by the Clerk and Master showing the amount of fees collected in the office. If the fees collected were less than the stated salary, the County would pay the deficiency to the Clerk and Master; if more, the Clerk and Master could retain them. This Act was repealed by Private Acts of 1927, Chapter 721.
2. Private Acts of 1915, Chapter 373, amended Private Acts of 1911, Chapter 4, by increasing the salary of the Clerk and Master from five hundred (\$500) dollars to seven hundred fifty (\$750) dollars per year. This Act was repealed by Private Acts of 1927, Chapter 721.
3. Private Acts of 1927, Chapter 721, repealed Private Acts of 1911, Chapter 4 and Private Acts of 1915, Chapter 373, above, and increased the salaries of the Clerks and Masters to nine hundred (\$900) dollars per year with provision for an itemized statement of fees collected in the office be filed quarterly. Any deficiency in fees collected and salary would be paid out of the county treasury; any excess in fees above the stated salary was required to be paid over to the county treasury.

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.

Chester County, by general law found in § 16-2-506 of Tennessee Code Annotated, is part of the 26th 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 Chester County but now have no effect, having been repealed, superseded, or having failed to win local approval.

1. Public Acts of 1879, Chapter 42, placed Chester County in the Eleventh Judicial Circuit.
2. Public Acts of 1883, Chapter 174, provided for the Judge of the Common Law and Chancery Court in Madison County to hold the Circuit and Chancery Courts of newly created Chester County. The term for the Circuit Court to be held in Chester County was on the first Monday in April, August, and December.
3. Acts of 1885 (Ex. Sess.), Chapter 20, divided Tennessee into fourteen (14) Judicial Circuits. McNairy, Madison, Henderson, Decatur, Perry and Chester Counties comprised the Eleventh Judicial Circuit. The time for holding the Circuit Court in Chester County was the third Monday in March, July, and November.
4. Public Acts of 1887, Chapter 94, expanded the Eleventh Judicial Circuit to include Benton County in addition to Madison, McNairy, Henderson, Perry, Decatur, and Chester. The Act also amended the time for holding the Circuit Court in Chester to third Monday in February, June, and October.
5. Public Acts of 1895, Chapter 46, created a separate criminal division for the Eleventh Judicial Circuit of which Chester County was a part of and withdrawing the criminal jurisdiction from the Circuit Courts. See McCulley v. State, 102 Tenn. 509, 53 S.W. 135 (1899).
6. Public Acts of 1899, Chapter 409, conferred on the Circuit Court of the Eleventh Judicial District, of which Chester County was a part of the criminal jurisdiction. The Circuit Court terms in Chester County were set for the third Monday in February, June, and October.
7. Public Acts of 1899, Chapter 427, divided the State into fourteen (14) Judicial Circuits. Hardeman, McNairy, Hardin, Henderson, Decatur, Madison, and Chester comprised the Twelfth Judicial Circuit. The Circuit Court would be held in Chester County on the first Monday in February, June, and October.
8. Acts of 1905, Chapter 192, changed the time for holding the Circuit Court in Chester County to the fourth Monday in February, June, and October.
9. Acts of 1907, Chapter 338, changed the time for holding the Circuit Court in Chester County to the first Monday in February, June, and October.

10. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, divided the state into twenty (20) judicial circuits. The twelfth was composed of Madison (criminal only), Henderson, Decatur, Hardin, and Chester Counties. The time for holding the Circuit court in Chester County was the first Monday in February, June, and October.
11. Public Acts of 1965 (Ex. Sess.), Chapter 204, amended T.C.A. Section 16-225 and changed the time for holding the Circuit Court in Chester County to the first Monday in March, July, and November.
12. Public Acts of 1974, Chapter 526, established a second judge for the Twelfth Judicial Circuit so as to divide the Twelfth Judicial Circuit into two parts to be designated Part I and Part II. The present judge of the said circuit was designated as the Judge of Part I. The act further provided for the election of both judges by the voters of the Twelfth Judicial Circuit and to designate the dates in which each judge assumed the duties of his office. The act also mentioned that the judges would sit interchangeably and the act itself amended Section 16-225 of Tennessee Code Annotated.

COURT SYSTEM

CIRCUIT COURT

CLERK

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

The following act has no current effect, but once applied to the Chester County Circuit Court Clerk.

1. Private Acts of 1935, Chapter 13, fixed the salary of the Circuit Court Clerk in Chester County at one thousand two hundred (\$1,200) dollars annually, payable one hundred (\$100) dollars per month on warrants to be issued by the County Chairman, or Judge. The Circuit Court Clerks was required to account to the County the fees received in the office.

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 Chester County, by general law found in § 16-2-506 of Tennessee Code Annotated, is part of the 26th 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 Chester County Criminal Court, but are no longer current law. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Public Acts of 1895, Chapter 46, established a Criminal Court for the counties in the Eleventh Judicial Circuit, being Madison, McNairy, Henderson, Decatur, Perry, Benton, and Chester Counties. The Criminal Court would be held in Chester County on the third Monday in March, July, and November. The Circuit Court Clerk was required to transfer all criminal cases to this new court and would also serve as clerk to the new Criminal Court in addition to his Circuit Court duties. Under the Act the Governor would appoint a Judge to serve the new Criminal Circuit until September 1, 1896, when the elected judge would assume office. This Act was expressly repealed by Public Acts of 1899, Chapter 155.
2. Public Acts of 1895, Chapter 124, changed the time for holding the Criminal Court in the Eleventh Judicial Circuit in Chester County to the third Monday in March, July, and November.
3. Public Acts of 1899, Chapter 155, repealed Public Acts of 1895, Chapter 46, and Public Acts of 1895, Chapter 124, and thereby abolished the Criminal Court for the Eleventh Judicial Circuit. See McCulley v. State, 102 Tenn. 509, 53 S.W. 135 (1899).
4. Private Acts of 1977, Chapter 118, attempted to create the office of Public Defender in the counties of Chester, Henderson, and Madison, which constituted the twelfth Judicial Circuit. A nominating committee composed of the County Judges, from the respective counties, and the Judges of Divisions 1 and 2 of the Twelfth Judicial Circuit would recommend the Public Defender, subject to confirmation and approval of the Quarterly County Courts of each County. The designated Public Defender would serve one (1) year from the appointment date. The duties and responsibilities of the office were prescribed in the Act and the power to employ assistants and staff personnel was granted. This Act was never acted upon and never became a law in Chester County.

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, Chester County is in the 26th 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 Chester County are no longer in effect but are listed here for historical purposes.

1. Public Acts of 1899, Chapter 199, Page 395, Section 5, provided for the Attorney-General of the Criminal Court of the Eleventh Judicial Circuit to perform the duties of the office of the Attorney-General in Circuit Courts of the Counties comprising said Judicial Circuit. The Counties comprising the Eleventh Judicial Circuit were Madison, Chester, McNairy, Henderson, Decatur, Perry and Benton Counties.
2. Public Acts of 1899, Chapter 311, Page 740, amended Public Acts of 1899, Chapter 199, above, and required the Attorney-General of the Criminal Court of the Eleventh Judicial Circuit to perform in addition to the duties of said office in the Circuit Courts of the Eleventh Judicial Circuit of which Henderson, McNairy, Chester, Perry, Decatur and Madison were a part, the duties of prosecuting in the Circuit Court of Madison County which was in the Eighteenth Judicial Circuit. The Attorney-General of the Twelfth Judicial Circuit would perform the duties of said office in the Circuit Courts of Benton County.
3. Public Acts of 1974, Chapter 565, Page 398, authorized the District Attorney General of the Twelfth Judicial Circuit of which Chester County was a part to appoint an additional Assistant District Attorney General to assist in the performance of the duties of the office of the District Attorney General.

COURT SYSTEM

GENERAL SESSIONS COURT

PRIVATE ACTS OF 1959

CHAPTER 292

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

Court rooms and adequate facilities for said Court shall be provided in the Court House at Henderson; and it shall be the duty of the County Judge or Chairman of the County Court of Chester County to make provisions therefor, and to provide necessary equipment for the proper maintenance of said Court; and the expenses of same shall be paid out of the General Fund of the County.

SECTION 2. That the Court of General Sessions of Chester County, Tennessee, is hereby vested with all the jurisdiction and shall exercise the authority conferred by the Legislature upon Justices of the peace [sic] in civil and criminal cases, suits and actions, which jurisdiction and authority shall be coextensive with Chester County, Tennessee; provided, however, nothing in this Act shall be construed to divest the Justice of the Peace of their jurisdiction until this Act becomes effective as herein provided. The authority of said Justices of the Peace in their capacity as members of the Quarterly Court in the performance of the rites of matrimony or in the issuance of criminal and search warrants is in nowise affected by this Act.

The Judge of said Court shall have the same authority as Circuit Court Judges and Chancellors to grant fiats for writs of injunction, attachments and other extraordinary process.

SECTION 3. That before the commencement of any civil action, the plaintiff shall pay into the hands of the Clerk an amount sufficient to cover the fees for the issuance of the warrant or writ, rendition of the judgment, docketing, and the fees of the officers for serving process. Before the issuance of an execution, or other process, or the performance of any additional service in the case, the plaintiff, or the party seeking the same, shall pay to the Clerk the fees for the issuance and service thereof. Such payment made for Court costs shall be credited at once to the party paying the same; and such costs paid as compensation for the services of the officers shall become payable to them only after the return of the process has been made. When and in the event such costs are collected from the defendant, the plaintiff or the party to whom entitled, shall thereupon be refunded the same; provided, however, that any resident of the State may commence an action, who shall take and subscribe to the oath provided for poor persons, under Section 20-1629 of Tennessee Code Annotated.

SECTION 4. That said Court be in session daily, except legal holidays, from 8:00 A.M. until the day's business is transacted for the examination and hearing of persons charged with any criminal offense, the taking and fixing of bail for the appearance of the accused, or ordering their discharge or commitment to jail as required by law.

SECTION 5. That the rules of pleadings and practice, forms of writs and process, stay of and appeals from judgments in civil cases of said Court shall be the same as of Justices of the Peace.

SECTION 6. That the Court of General Sessions of Chester County, Tennessee, is hereby vested with jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before said Court by warrant or information wherein the person charged with such misdemeanor offenses enters a plea of guilty or requests a trial upon the merits, and expressly waives an indictment, presentment and Grand Jury investigation, and a jury trial. In such cases the

trial shall proceed before the Judge and without a Jury. The final judgment of such Court may be appealed to the Circuit Court of Chester County, where such appeal shall be tried by a Judge of such Court without a jury, and without indictment or presentment.

SECTION 7. That it shall be the mandatory duty of the Judge of the Court of General Sessions when a defendant is brought before such Court upon arraignment or trial, to advise such defendant of his constitutional right to the aid of counsel, the right to be tried only upon presentment or indictment by a Grand Jury, the right to make a statement in reference to the accusation or the right to waive such statement, and the right to a trial by jury. Upon the defendant agreeing in writing to waive the right to be put to trial only by presentment or indictment by a Grand Jury and the right to be tried by a jury of his peers, such Court may proceed to hear and determine said case as is provided in Section 6 hereof.

Said waiver shall be written or attached to the warrant substantially in words and figures as follows:

The defendant _____ pleads _____ guilty (not guilty) to the offense of _____ and waives his right to be tried only by indictment or presentment preferred by a Grand Jury, and likewise waives trial by a jury of his peers.

Defendant

Attest _____
Clerk or Judge

SECTION 8. That all appeal bonds in civil cases, all bail bonds, recognizance bonds and appearance bonds of persons charged with criminal offenses for their appearance for arraignment or trial in said Court of General Sessions shall be taken by the Clerk of said Court. This provision shall in nowise abridge the authority of the Sheriff to take bonds as now provided by law.

SECTION 9. 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 for attendance and mileage of witnesses shall be the same in said Court as those provided by law for the Court of Justices of the Peace.

All 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 services to said Court, and the fines and forfeitures adjudged by it shall be handled, accounted for and disbursed as required by law.

SECTION 10. 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 payments upon the judgment 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.

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 11. That there shall be a Judge for said Court, with all qualifications and the same term of office as provided by the Constitution of the State of Tennessee for inferior courts and the oath shall be the same as that prescribed for Circuit Judges and Chancellors.

SECTION 12. That the compensation of said Judge shall be (\$2,400.00) Two Thousand Four Hundred Dollars per annum, payable in equal monthly install-ments. It shall be paid out of the general fund of the County, and said salary shall not be diminished during the time for which said Judge is elected. Said Judge shall be permitted to practice law in all courts of the State except as to matters originating in the Court of General Sessions created by this Act.

SECTION 13. That the first Judge of said Court shall be Willard E. Smith, said Judge to hold office until the first day of September, 1960, or until his successor in office is elected and qualified. There shall be elected by the qualified voters of Chester County, Tennessee, at the general election of County officers to be held on the first Thursday of August, 1960, a Judge for said Court and the person elected as Judge of said Court at said election to hold until the first day of September, 1966, or until his successor is elected and qualified. His successor shall be elected by the qualified voters of Chester County, Tennessee, at the election of County officers on the first Thursday of August, 1966, and hold for a period of eight (8) years and his successor shall be elected every eight (8) years thereafter by the qualified voters of said County.

SECTION 14. That if the Judge of said Court fails to attend, cannot preside in a pending cause, or for any reason fails to hold court, a majority of the attorneys present in such Court may elect one of their number, who has the qualifications of such a Judge, and when elected shall have the same authority as a regular Judge to hold the Court for the occasion, and the County Judge or Chairman or Circuit Judge or Chancellor shall preside by interchange.

SECTION 15. That for the more efficient conduct of said Court there is hereby created the office of the Clerk of the General Sessions Court and T.L. West who is now Circuit Court Clerk of said County, shall serve as Clerk of the said Court until September 1, 1960, or until his successor is elected and qualified. After the first day of September, 1960, the duties of the Clerk of the Court of General Sessions shall be performed by the Circuit Court Clerk of Chester County, Tennessee, and said Circuit Court Clerk after September 1, 1960, shall act as Clerk of said Court of General Sessions, and when acting as Clerk of said Court of General Sessions, he shall be designated as "Clerk of Court of General Sessions of Chester County, Tennessee." Said Circuit Court Clerk is hereby authorized and directed to perform the duties of Clerk of said Court of General Sessions and shall receive compensation as Circuit Court Clerk as provided by general law. The compensation of the Clerk of said Court of General Sessions shall be the sum of (\$600.00) Six Hundred Dollars per annum payable in equal monthly installments out of the general fund of said County and the County Judge or Chairman of Chester County, Tennessee, shall issue warrants drawn upon the trustee for the payment of said salary as provided herein. The Circuit Court Clerk shall receive said compensation as Clerk of the General Sessions Court in addition to said compensation as Circuit Court Clerk.

All fees, commissions and emoluments accruing under the provisions of this Act to the Judge and Clerk respectively of said Court of General Sessions in the nature of Court costs shall be paid monthly to the County Trustee of Chester County, Tennessee, and shall be deposited by said trustee in the general funds of said County. The Clerk shall make out and file with the County trustee [sic] and the County Judge or Chairman a report of all fees, commissions, emoluments, fines, and forfeitures accruing and collected in said Court, and retain a copy thereof as a permanent record of his office.

The Clerk of said Court shall have concurrent authority with the Judge to issue warrants and other process and writs other than those required by law to be issued only by a judicial officer.

It shall be the express duty of the Clerk of said Court to keep and write all dockets and docket entries and minutes required by this Act and promptly make any and all entries necessitated by this Statute. In case of the failure or dereliction of the Clerk to do so he shall be subject to ouster in the manner provided by law. It shall likewise be the duty of said Clerk to make and file with the County Court Clerk for transmittal to each quarterly term of the County Court a complete detailed financial report of all receipts and disbursements of said fees of said Court of General Sessions for the previous quarter.

The Clerk of the Court of General Sessions of Chester County, Tennessee, shall make a good and solvent bond in the penal sum of (\$5,000.00) Five Thousand Dollars for the faithful performance of his duties as such Clerk and for the payment as provided by law of all funds coming into his hands as such Clerk. Said bond shall be conditioned as all other official bonds of Clerks of Courts of Record as provided by general law. No person shall enter upon the duties of office as such Clerk until he has qualified by taking an oath in the manner as required of Clerks of Courts of Record and by executing the bond as herein required and recording and filing the same as provided by the general law. In the event the bond is executed by corporate surety the premiums thereof shall be paid in the manner as provided by general law and said bond shall be approved by the County Judge or Chairman of Chester County, Tennessee.

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

SECTION 17. That this Act shall in nowise impair the right, title or interest of any Justices of Peace of Chester County to any unpaid fees, or funds in which he has a right or interest in any proceedings, judgment or suit, whether said cause is disposed of or pending when this Act becomes effective.

SECTION 18. That all the official dockets, records, and papers in cases that are undisposed of or pending in the offices of Justices of the Peace of said County at the time of the qualification and induction into office of the first Judge of the Court of General Sessions shall be delivered to the Court of General Sessions. The official dockets, records and papers in possession of Justices of the Peace of said County in cases which have been completed shall be turned over to Chester County, as provided by law.

SECTION 19. That said Court shall have authority to hear and determine all undisposed cases arising in the Court of Justice of the Peace of Chester County as if such cases had originated in said Court of General Sessions and to issue executions of other process for collection of judgments rendered by Justices of the Peace which have not been collected or paid.

SECTION 20. That in the event a permanent vacancy in the office of Judge occurs, that vacancy shall be filled by appointment by the Quarterly County Court of Chester County, Tennessee, and the person so appointed and qualified shall serve until the next general election and until the successor of such Judge is elected and qualified.

SECTION 21. That the Legislature 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 Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

SECTION 22. That all laws and parts of laws in conflict with this Act which apply to Chester County, Tennessee, be and the same are hereby repealed.

SECTION 23. That this Act shall have no effect unless the same shall have been approved by a two-thirds (2/3) vote of the Quarterly County Court of Chester County, Tennessee, on or before the next regular meeting of such Quarterly County Court occurring more than thirty (30) days after its approval by the Chief Executive of this State. Its approval or nonapproval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse and shall be certified by him to the Secretary of State.

SECTION 24. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 18, 1959.

COURT SYSTEM

GENERAL SESSIONS COURT

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

COURT SYSTEM

JUVENILE COURT

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

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

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

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

COURT SYSTEM

SECRETARIAL ASSISTANCE

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

The following acts are no longer in effect but are listed here for historical purposes.

1. Public Acts of 1939, Chapter 71, created the position of Stenographer for the Chancellor of the Eighth Chancery Division to which Chester County was then assigned.

CHAPTER VI - EDUCATION/SCHOOLS

EDUCATION - SCHOOLS

BOARD OF EDUCATION

PRIVATE ACTS OF 1982

CHAPTER 268

SECTION 1. Chapter 66 of the Private Acts of 1951 is hereby repealed in its entirety.

SECTION 2. The members constituting the Chester County Board of Education on the effective date of this act shall remain as the legally constituted Board of Education for Chester County and each member of said Board shall hold office until his or her particular term of office expires.

SECTION 3. Chester County, Tennessee is hereby divided into six (6) school districts which shall have boundaries identical to the boundaries of the county commissioner districts in said county so long as Chester County has six (6) county commissioner districts. In the event Chester County has county commissioner districts established according to law in some number other than six, then the Board of County Commissioners shall by resolution establish the boundaries of the six school districts of Chester County.

SECTION 4. One member of the Chester County Board of Education shall be elected from each of the six school districts established by this Act.

One member of said Board shall be elected at large by the voters of Chester County.

In the August 1982 General Election and every four (4) years thereafter, the voters in school districts 1 and 6 shall elect members to serve on the Chester County Board of Education.

In the August 1984 General Election and every four (4) years thereafter, the voters of school districts 2, 3, 4, and 5 shall elect members to serve on the Chester County Board of Education.

In the August 1984 General Election and every four (4) year thereafter, the voters of Chester County shall elect a member at large to serve on the Chester County Board of Education.

Each member of the Board of Education elected pursuant to this act shall reside in the district he or she represents.

SECTION 5. Members elected in the August 1982 General Election or subsequent general elections shall hold office for a term of four (4) years commencing September 1 of the year of their election and until their successors are elected and qualified.

SECTION 6. The Chester County Election Commission shall certify the election of each member to the Chester County Board of Education in the same manner as other county officers are certified.

SECTION 7. The individuals elected pursuant to this act shall meet on September 1 of the year of their election or as soon thereafter as is practicable and shall take an oath of office administered by someone empowered to administer such oaths.

SECTION 8. The compensation, powers, duties and liabilities of members of the Chester County Board of Education shall be as prescribed by general law.

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

SECTION 10. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Board of County Commissioners of Chester County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Board of County Commissioners and certified by him to the Secretary of State.

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

Passed: March 11, 1982.

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 Chester 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, abolished the office of District Director and provided for schools to be under the management and control of a County Board of Education and a District Board of Advisors. The Act provided for the respective County Court to divide the county into five (5) school districts, composed of whole civil districts, from each of which school district, one (1) member of the Board of Education would be elected. The County Superintendent would be Secretary of the County Board of Education. The qualifications, terms, duties, responsibilities, compensation and authority, where applicable, for the Chairman of the County Board of Education and the Secretary of the County Board of Education were specified in the Act. The duties of the Advisory Board, composed of three (3) members from each civil district and elected by the people of said civil district were enumerated in the Act. See Whitthorne v. Turner, 155 Tenn. 303, 293 S.W. 147 (1927).
2. Public Acts of 1915, Chapter 113, amended Acts of 1907, Chapter 236, and made the 1907 Act inapplicable to counties, such as Chester County, that had a population of no less than 9,075 and no more than 9,100, according to the Census of 1910.
3. Private Acts of 1917, Chapter 150, repealed Public Acts of 1915, Chapter 113, so as to reapply Acts of 1907, Chapter 236, to Chester County. Acts of 1907, Chapter 236, abolished the Office of District Director and placed control of schools under a County Board of Education and District Advisory Board.
4. Private Acts of 1939, Chapter 437, authorized the County Board of Election Commissioners to call an election for the purpose of determining the will of the qualified voters of Chester County relative to the election of the County Board of Education by popular vote.
5. Private Acts of 1949, Chapter 276, created a County Board of Education for Chester County to be composed of ten (10) members. Three (3) members would be chosen from each of the three (3) school districts and one (1) member would be chosen from the school district in which the county seat was located.
6. Private Acts of 1951, Chapter 66, created three (3) school districts in Chester County. The qualified voters in each school district would elect two (2) members to the County Board of Education. The Act stated that the compensation, powers, duties and liabilities of the board

members would be identical with those provided for members of the County Board of Education under the general law. This act was repealed in its entirety by Private Acts of 1982, Chapter 268.

EDUCATION - SCHOOLS

SUPERINTENDENT OR DIRECTOR OF SCHOOLS

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

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

1. Private Acts of 1937, Chapter 597, empowered the Quarterly County Court of Chester County to elect a County Superintendent of Public Instruction at its April term, beginning in 1939, for a term of four (4) years. The appointee would possess the same qualifications and discharge the same duties required of Superintendents of Public Instruction under the state general law.
2. Private Acts of 1939, Chapter 437, authorized the County Board of Election Commissioners to call an election for the purpose of determining the will of the qualified voters of Chester County relative to the election of a Superintendent of Education by popular vote.
3. Private Acts of 1941, Chapter 196, empowered the Quarterly County Court of Chester County to elect a County Superintendent of Public Instruction at its April term, beginning in 1943, for a term of two (2) years. The appointee would possess the same qualifications and discharge the same duties required of superintendents of Public Instruction under the state general law. The intent of the Act was to fix the term of the office of County Superintendent of Public Instruction at two (2) rather than four (4) years.
4. Private Acts of 1951, Chapter 67, relative to the election of the county superintendent of education in Chester County. This act was repealed by Private Acts of 2002, Chapter 127.

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 Chester County but are no longer operative since they have either been superseded, repealed, or failed to receive local approval.

1. Acts of 1909, Chapter 457, created the Irene Special School District in Chester County. Six (6) individuals were appointed as School Directors for said school district, to hold office until their successors were elected in the next general election. The Act empowered the School Directors of the Irene Special School District to levy a tax for school purposes in an amount not to exceed fifty (50¢) cents on each one hundred (\$100) dollars worth of taxable property in the school district upon the approval of the majority of the qualified voters in the school district.
2. Private Acts of 1925, Chapter 783, established a school district from parts of Hardin, Chester and McNairy Counties and set out the boundaries for same. Each County Board of Education for each of the respective counties was required to contribute nine hundred (\$900) dollars each for the erection of a school building for said school district, as well as, supply the necessary funds for the employment of teachers and other expenses of operation in proportion to the average daily attendance of the pupils from each county. The County Boards of Education of each of the three (3) counties were empowered jointly, to manage, control and supervise the school district.

CHAPTER VII - ELECTIONS

ELECTIONS

DISTRICTS - REAPPORTIONMENT

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

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

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

ELECTIONS

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

Title 3, chapter 1 of Tennessee Code Annotated reapportions the state into senatorial and representative districts for the general assembly. Tennessee Code Annotated § 3-1-102 places Chester County in the 26th state senatorial district (along with Crockett, Fayette, Hardeman, Hardin, Haywood, McNairy and Wayne counties), while T.C.A. § 3-1-103 places it in the 80th representative district. Chester County is part of the 7th U.S. congressional district, under the provisions of T.C.A. § 2-16-103.

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

1. Public Acts of 1891, Chapter 131, apportioned the state into ten (10) Districts for the election of Representatives to the United States Congress. Henry, Benton, Perry, Decatur, Hardin, McNairy, Henderson, Madison, Carroll, and Chester Counties comprised the Eighth Congressional District.
2. Acts of 1891 (Ex. Sess.), Chapter 10, reapportioned the State into Senatorial and Representative Districts for election to the General Assembly. The Act provided for Chester to elect and share one (1) Representative jointly, with Madison. Chester, Hardeman and McNairy Counties composed the Twenty-seventh State Senatorial District.
3. Public Acts of 1901, Chapter 109, apportioned the State into ten (10) U.S. Congressional Districts. The Eighth District was composed of Chester, Henry, Benton, Perry, Carroll, Decatur, Henderson, Madison, McNairy, and Hardin Counties.
4. Public Acts of 1901, Chapter 122, reorganized the congressional districts of the State into thirty-three (33) Senatorial Districts. Madison, Henderson and Chester counties comprised the Twenty-Fifth Senatorial District. Chester, Haywood and Henderson County would elect one (1) Representative jointly.
5. Private Acts of 1939, Chapter 437, authorized the County Board of Election Commissioners to conduct an election for the purpose of determining the will of the qualified voters of Chester County on the issues of (1) creating the office of county judge, (2) creating the office of Purchasing Agent, (3) the election of the Road Supervisor by popular vote, (4) the election of the Superintendent of Education by popular vote, (5) the election of the Tax Assessor by popular vote, and (6) the election of members of the Board of Education by popular vote. The ballot form was written into the Act.

CHAPTER VIII - HEALTH

HEALTH

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

The following summaries are included herein for reference purposes.

1. Private Acts of 1925, Chapter 354, provided that in McNairy, Chester, and Hardeman Counties any person of good moral character over twenty-one (21) years of age, who has been continuously engaged in the practice of medicine in Tennessee and who was a bona fide resident of the above named counties was authorized and permitted to practice medicine in the said counties. To continue to so practice, the Act required the individual(s) to file with the State Board of Medical Examiners proof of compliance with this Act in accordance with which the Board would shall issue a license to practice in the counties specified in this Act to said individual(s) for which the regular license fee would be paid to the Board. This Act was expressly repealed by Private Acts of 1927, Chapter 415.
2. Private Acts of 1927, Chapter 415, repealed Private Acts of 1925, Chapter 354, which had authorized the continuation of the practice of medicine in the counties specified in the 1925 Act upon compliance with the provisions of said Act.
3. Private Acts of 1935, Chapter 701, provided that anyone who had engaged in the practice of veterinary medicine, with or without a license in Chester County for fifteen (15) years or more preceding the passage of this Act, and possessed good moral character would continue the practice of veterinary medicine in said County. The individual was required to secure from the County Court Clerk a certificate of good moral character and file same with the State Board of Veterinary Examiners. The license would be good only in Chester County and the practice limited to said County.

CHAPTER IX - HIGHWAYS AND ROADS

HIGHWAYS - ROADS

PRIVATE ACTS OF 1951

CHAPTER 68

SECTION 1. That in counties of this State having a population of not less than 11,100, nor more than 11,200, by the Federal Census of 1940, or any subsequent Federal Census, there is hereby created the office of County Road Supervisor. The county road supervisor shall serve as the chief administrative officer of the county highway department and shall have qualifications, duties and compensation according to the County Uniform Highway Law codified at Tennessee Code Annotated, Title 54, Chapter 7 and other general law. The county road supervisor shall serve as the purchasing agent for the county highway department..

At the August general election in 1966 and each four year thereafter such Supervisor shall be elected by the qualified voters of such Counties and shall take office on September 1 following such election. The county road supervisor shall take office upon taking an oath of office and entering into bond in the manner required by general law for the chief administrative officer of the county highway department. In addition to the bond required by general law, the county legislative body, by resolution, may require additional bond of the county road supervisor for the faithful performance of the duties of the office and the safekeeping of property that may come into the care and custody of the county road supervisor.

As amended by: Private Acts of 1959, Chapter 29
 Private Acts of 1965, Chapter 191
 Private Acts of 1967, Chapter 138
 Private Acts of 1971, Chapter 34
 Private Acts of 2002, Chapter 125.

SECTION 2. That the County Road Supervisor as herein created shall have general supervision over the construction, repair, and maintenance of all roads, bridges, gravel pits,, [sic] and other like structures which form a part of the County Highway System. He shall formulate the general road program of said County, which shall contain a description of the roads forming a part of the County Highway System and revise the same from time to time as changes may be made. He shall have the care and custody of all road equipment belonging to said County, shall have charge of the storage and repair of the same and shall employ such labor as may be needed at a rate of pay to be fixed by him. All applications to open, close, or change roads in the County Highway System shall be made to said County Road Supervisor, who shall act upon the same. Condemnation proceedings may be instituted by said County Road Supervisor for the purpose of opening new roads or changing existing roads, in which case the procedure shall be as that now provided by general law. He shall make and file with the county legislative body at each regular term of complete report of his activities for the preceding quarter, which report shall contain a resume of work performed, the condition of the roads of said County, any proposed improvements to be made thereon and such progress as shall have been made upon the County System of Roads. Such report shall also contain a detailed statement of receipts and disbursements by such officials. All disbursements from highway funds shall be made upon warrant of the County Highway Supervisor, countersigned by the county executive and drawn on the County Trustee.

As amended by: Private Acts of 2002, Chapter 125

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

Passed: January 25, 1951.

HIGHWAYS - ROADS

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

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

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

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

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

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

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

1. Public Acts of 1901, Chapter 136, empowered the County Court to elect one (1) Road Commissioner for each road district. The Commissioner would supervise all the public roads, bridges and overseers in his district. The County Court each year would levy an ad valorem tax on all property in the county for road purposes. The Act provided for residents to work off two-thirds (2/3) of their tax and made all males between twenty-one (21) and forty-five (45) years of age subject to road labor. Further, the Act divided all roads into four (4) classes and created a County Highway Commission to accept bids and to keep county

highways in repair. This Act was the subject of the litigation in the case of Carroll v. Griffith, 117 Tenn. 500 97 S.W. 66 (1906).

2. Acts of 1905, Chapter 478, amended Public Acts of 1901, Chapter 136, the general road law above, in several minor particulars, but primarily in the filing and processing of the petitions to open, change, or close a public road.
3. Private Acts of 1919, Chapter 723, created a Road Commission for Chester County to be composed of three (3) members elected by the Quarterly County Court. Each Commissioner would receive fifty (\$50) dollars yearly as compensation for their services. The Commission was empowered with the general supervision, control and management of the public roads, levees, culverts and bridges of the County. All males between the ages of twenty-one (21) and fifty (50) years old were subject to ten (10) days of road duty and for the release of same could supply a substitute hand for his duty or pay a commutation fee of seven dollars and fifty cents (\$7.50). The Act called for an annual road tax to be levied of not less than forty (40¢) cents on every one hundred (\$100) dollars worth of taxable property was in the county. This Act was repealed by Private Acts of 1923, Chapter 663.
4. Private Acts of 1923, Chapter 663, repealed Private Acts of 1919, Chapter 723, and created the office of Road Supervisor and Secretary to the Road Supervisor. The Road Supervisor would be elected every two (2) years by the Quarterly County Court of Chester County. The County Court Clerk would act as ex officio secretary to the Road Supervisor. The Road Supervisor would have general supervision control and management of public roads, highways and bridges in the County. The males in the County between the ages of twenty-one (21) and fifty (50) were subject to road duty of no less than ten (10) days per year or release from same by paying a seven dollar and 50 cents (\$7.50) commutation fee or by supplying a substitute to work his days. The Act called for an annual tax for road purposes to be levied of not less than forty (40¢) cents on every one hundred dollars (\$100) worth of taxable property in the County.
5. Private Acts of 1929, Chapter 843, stated that it amended Private Acts of 1919, Chapter 723, cited above, although the 1919 Act was supposedly repealed by Private Acts of 1923, Chapter 663, also cited above. The 1929 Act struck Sections 8, 9, and 10 from the 1919 Act and provided that all male residents of Chester County living outside the incorporated towns were subject to ten (10) days yearly of road duty but could pay a commutation fee of four (4) dollars to be released from said duty or supply a substitute to take his place.
6. Private Acts of 1929, Chapter 889, created a County Highway Commission composed of five (5) members. The duty of said Commission was to provide an efficient system of building and maintaining all county public roads and bridges in Chester County. The County Highway Commission was empowered to contract with and employ a superintendent of County Roads. The County Highway Commission was required to make an annual report to the Quarterly County Court relative to the condition of the roads and road machinery and the amount of funds expended by the Commission during the preceding year. This Act abolished the office of District Road Commissioners vesting in the Commission and the Superintendent the duties once held by this office.
7. Private Acts of 1931, Chapter 193, amended Private Acts of 1919, Chapter 723, in Section 2, by changing the compensation of the members of the Road Commission from fifty (\$50) dollars annually to five (\$5.00) dollars per day for each day actually engaged in performance of their duties as members of the Road Commission. Section 6 of the 1919 Act was amended by making members of the Road Commission eligible to serve as Road Supervisor if one was not hired. Section 11 was amended by giving the Commissioners authority to expend tax money to purchase road machinery, equipment, etc.

8. Private Acts of 1939, Chapter 437, authorized the County Board of Election Commissioners to call an election for the purpose of determining the will of the qualified voters of Chester County relative to the election of a Road Supervisor by popular vote.
9. Private Acts of 1949, Chapter 278, created a County Highway Commission of three (3) members. Chester County was divided into three (3) road districts with one (1) member of the commission being appointed from each road district. The Chairman would act as Supervisor of Roads and the two (2) associate members would perform as directed by the Chairman. The County Highway Commission was responsible for the general supervision over the construction, repair and maintenance of all roads and bridges in the County.

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.

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.

The following summary is included herein for reference purposes.

1. Private Acts of 1917, Chapter 277, regulated ownership and operation of pool and billiard rooms within certain areas of Chester County . This act was repealed by Private Acts of 2002, Chapter 126.

LAW ENFORCEMENT

SHERIFF

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

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

1. Private Acts of 1919, Chapter 722, fixed the annual salary of the Sheriff in Chester County at Eight hundred (\$800) dollars to be paid quarterly in equal amounts on a warrant drawn on public county funds by the County Judge, or Chairman. The Act required the Sheriff to file a sworn itemized statement of the fees collected by the office, indicating the amount and source of said fees, excluding fees for boarding prisoners and turnkeys. If the fees were less than the annual salary set, the County would pay the deficiency and if more, the Sheriff could retain the excess. This Act was repealed by Private Acts of 1927, Chapter 721.
2. Private Acts of 1927, Chapter 721, repealed Private Acts of 1919, Chapter 722, above, and set the annual salary for the sheriff of Chester County at one thousand two hundred dollars (\$1,200) annually. The Act required the sheriff to file a sworn itemized statement quarterly of fees collected by the office indicating the amount and source of said fees, excluding fees received for destroying illicit distilleries, turnkeys or jail fees. If the fees received in the office were less than the annual salary set, the County would pay the deficiency and any excess fees above the salary were to be paid over to the County.
3. Private Acts of 1957, Chapter 109, set the salary of the Sheriff in Chester County at four thousand two hundred (\$4,200) dollars a year payable in monthly installments. The salary would be his compensation in addition to the fees of his office.

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 Chester County Assessor. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1911, Chapter 487, abolished the office of County Tax Assessor in Chester County and authorized the County Court at its January term, 1912, to elect a District Tax Assessor for each civil district of the County and therefore every two (2) years the qualified voters of each civil district would elect a District Tax Assessor for their respective civil districts. The District Tax Assessor would take the same oath of office and discharge the same duties of assessing property for State, county, and municipal revenue as formally done by the County Tax Assessor. This Act was specifically repealed by Private Acts of 1937, Chapter 881, which follows.
2. Private Acts of 1937, Chapter 881, repealed Private Acts of 1911, Chapter 487, and restored the County Tax Assessor position to Chester County. This 1937 Act provided for the County Court to elect a Tax Assessor for the County, who would serve a two (2) year term, with the position to be filled every two (2) years thereafter accordingly. The salary for the County Tax Assessor position was set at nine hundred (\$900) dollars yearly, payable quarterly, by warrant from the Chairman of the County Court. The County Tax Assessor would also serve as an ex officio member of the Board of Equalization, but could not vote as a member of said Board Members of the County Court were not eligible for the office of County Tax Assessor.
3. Private Acts of 1939, Chapter 437, required the board of election commissioners in Chester County to hold an election on the questions of whether to establish the offices of County Judge and County Purchasing Agent and whether the following should be elected by popular vote: tax assessor, road supervisor, superintendent of education, and county board of education.
4. Private Acts of 1965, Chapter 152, amended Private Acts of 1937, Chapter 881, and increased the salary of the Tax Assessor in Chester County to one thousand five hundred (\$1,500) dollars for the two (2) year term of 1966 to 1968 and for the terms thereafter the annual salary would be two thousand four hundred dollars (\$2,400) payable in equal monthly installments from the funds of the county.

TAXATION

HOTEL/MOTEL TAX

PRIVATE ACTS OF 1997

CHAPTER 70

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

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

(2) "County" means Chester County, Tennessee.

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

(4) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.

(5) "Operator" means the person operating the hotel, whether as owner, lessee, or otherwise, and includes any governmental entity, specifically including, without limitation, the state as an owner or operator. "Operator" does not include an entity or agency of the federal government.

As amended by: Private Acts of 1998, Chapter 163.

(6) "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.

(7) "Tax collection official" means the County Clerk of Chester County, Tennessee.

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

SECTION 2. The Legislative Body of Chester County is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient in the amount of four percent (4%) of the consideration charged by the operator. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided in this act.

SECTION 3. The proceeds received by the county from the tax shall be retained by the county and deposited into the general fund of the county.

SECTION 4. Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of the hotel and given directly or transmitted to the transient. Such tax shall be collected by such operator from the transient and remitted to Chester County.

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

SECTION 5.

(a) The tax levied shall be remitted by all operators who lease, rent or charge for any rooms, lodgings, spaces or accommodations in hotels within the unincorporated areas of the county to the tax collection official, such tax to be remitted to such officer not later than the twentieth (20th) day of each month for the preceding month. The operator is required to collect the tax from the transient at the time of the presentation of the invoice for such occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient, then the obligation to the county entitled to such tax shall be that of the operator.

(b) For the purpose of compensating the operator for remitting the tax levied by this act, the operator shall be allowed two percent (2%) of the amount of the tax due and remitted to the tax collection official in the form of a deduction in submitting the report and paying the amount due by such operator, provided the amount due was not delinquent at the time of payment.

SECTION 6. The tax collection official shall be responsible for the collection of such tax. A monthly tax return shall be filed under oath with the tax collection official by the operator with such number of copies thereof as the tax collection official may reasonably require for the collection of such tax. The report of the operator shall include such facts and information as may be deemed reasonable for the verification of the tax due. The form of such report shall be developed by the tax collection official and approved by the County Legislative Body prior to use. The tax collection official shall audit each operator in the county at least once a year and shall report on the audits made on a quarterly basis to the County Legislative Body.

The County Legislative Body is authorized to adopt resolutions to provide reasonable rules and regulations for the implementation of the provisions of this act, including the form for such reports.

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

SECTION 8. Taxes collected by an operator which are not remitted to the tax collection official on or before the due dates are delinquent. An operator is liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and is liable for an additional penalty of one percent (1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Each occurrence of willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is unlawful and shall be punishable by a civil penalty not in excess of fifty dollars (\$50.00).

SECTION 9. It is the duty of every operator liable for the collection and payment to the county of any tax imposed by this act to keep and preserve for a period of three (3) years all records necessary to determine the amount of tax due and payable to the county. The tax collection official has the right to inspect such records at all reasonable times.

SECTION 10. The tax collection official in administering and enforcing the provisions of this act has as additional powers, those powers and duties with respect to collecting taxes as provided in Title 67 of Tennessee Code Annotated or otherwise provided by law.

For services in administering and enforcing the provisions of this act, the tax collection official is entitled to retain as a commission five percent (5%) of the taxes collected.

Upon any claim of illegal assessment and collection, the taxpayer has the remedies provided in Tennessee Code Annotated, Title 67; it is the intent of this act that the provisions of law which apply to the recovery of state taxes illegally assessed and collected shall also apply to the tax levied under the authority of this act. The provisions of Tennessee Code Annotated, Section 67-1-707, shall be applicable to adjustments and refunds of such tax.

With respect to the adjustment and settlement with taxpayers, all errors of county taxes collected by the tax collection official under authority of this act shall be refunded by the tax collection official.

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

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

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

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

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

Passed: May 21, 1997.

TAXATION

WHEEL TAX

PRIVATE ACTS OF 1972

CHAPTER 234

WHEREAS, A majority of the members of the Chester County Quarterly Court, in a specially called session, with a wheel or privilege tax being the special case for consideration at said specially called session; that a quorum of said Court was present of the Squires of the Chester County Quarterly Court; and whereas by resolution from said specially called meeting, a majority of the members of said Chester County Quarterly Court of Chester County, Tennessee have thus petitioned their State Senator and Representative to enact a wheel tax or privilege tax upon motor driven vehicles in an amount not to exceed Ten Dollars (\$10.00), said proceed to be used for the purpose of supplementing an ambulance service in Chester County, Tennessee; and it appearing said County did not have an ambulance service that would continue to operate, and it appearing that said county did have to enact a resolution, or receive some additional funds to provide a supplement to said ambulance service to be operated in Chester County, Tennessee;

WHEREAS, The resolution to enact a wheel or privilege tax has been presented to the State Senator and Representative in the Tennessee General Assembly; and,

WHEREAS, It is the desire of the State Senator and Representative representing Chester County, Tennessee, to give the people of Chester County the type of government they want; now, therefore,

SECTION 1. For the privilege of using the public highways, except State maintained roads, in counties of not less than 9,925 people nor more than 9,950 people, by the Federal Population Census of 1970, or any subsequent population census or Federal Population Census, there is hereby levied upon motor driven vehicles, except farm tractors, motor bicycles, and scooters, and trucks over one ton, a special privilege tax for the benefit of such counties, and in addition to all other taxes, in an amount of up to and not in excess of ten dollars (\$10.00) per motor driven vehicle. This tax shall apply to and be paid on each motor driven vehicle whose owner resides, or usually stays in the Counties to which this Act applies, and it shall be a misdemeanor and punishable as such for any person to operate a motor driven vehicle, except farm tractors, motor bicycles, scooters, trucks once ton and greater and any vehicle held for resale by automobile dealers, over the highways of such counties without the payment of the tax herein provided. Provided, further that nothing in this Act shall be construed as permitting or authorizing the levy and collection of this tax against non-residents of the Counties to which this Chapter applies, but the same shall be levied only upon the motor driven vehicles of residents of the counties which this Chapter applies to.

As amended by: Private Acts of 1985, Chapter 8.

SECTION 2.

(a) The tax herein levied shall be collected by the County Court Clerk of counties to which this Act applies at the same time he collects the State privilege tax upon the operation of motor driven vehicles, and the Clerk shall receive a fee of not less than Twenty Five Cents (\$.25) nor more than Seventy Five Cents (\$.75) for each collection of the tax upon a vehicle in said Counties, the exact amount of such fee to be set by the County Quarterly Court. Payment of the license fee herein imposed shall be evidenced by a metal tag, emblem or sticker to be appropriately displayed upon some prominent part of the motor driven vehicle in question. The design of the tag, emblem, or sticker in question shall be determined by the County Court Clerk and the expense incident thereto shall be paid from the County General Funds. The tax herein levied shall entitle the owner of a motor driven

vehicle to operate the same from the first day of April each year to the 31st of March of the next succeeding year and the same proportionate reduction shall be made as is now made in the case of State registration of motor driven vehicles where such motor driven vehicles are registered after April 1st for any reason whatsoever. For his services, in issuing said licenses, the County Court Clerk, shall be entitled to a fee of Twenty Five Cents (\$.25) for each one so issued, to be collected from the person purchasing the same, and the charge made in addition to the tax hereinabove provided for. He will report the funds collected by him monthly and pay the same to the Trustee of the counties to which this Act applies, and they shall be applied as herein provided.

As amended by: Private Acts of 1975, Chapter 121,
Private Acts of 1983, Chapter 96.

It shall be a misdemeanor punishable by a fine of not less than twenty dollars (\$20.00) nor more than fifty dollars (\$50.00) for improper display of the wheel tax certificate.

(b) In addition to the tax levied pursuant to subsection (a):

(1) For the privilege of using the public roads and highways in Chester County, Tennessee, there is levied upon motor-driven vehicles, and upon the privilege of the operation thereof, except motorcycles, motor-driven bicycles and scooters, farm tractors, self-propelled farm machines not usually used for operation upon public highways or roads, and motor-driven vehicles owned by any governmental instrumentality, and except for other exemptions provided by general law, a special privilege tax for the benefit of such county, which tax shall be in the amount of an additional Fifty and no/100 Dollars (\$50.00), for each such motor-driven vehicle, the owner of which resides within said county. The tax applies to, is a levy upon, and shall be paid on each motor-driven vehicle, the owner of which resides within said county.

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

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

(4) The privilege tax or wheel tax herein levied, when paid, together with full, complete and explicit performance of and compliance with all provisions of this act by the owner, shall entitle the owner of the motor-driven vehicle for which said tax was paid and on which any required decal or emblem has been affixed, as herein provided, to operate or allow to be operated his vehicle over the streets, roads and

highways of the county for a period of one (1) year which will run concurrently with the period established by Tennessee Code Annotated, § 55-4-104, for state registration fees.

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

(5) In the event any motor-driven vehicle for which the wheel tax has been paid and any required decal or emblem issued and placed thereon becomes unusable or is destroyed or damaged to the extent that it can no longer be operated over the public roads, streets or highways of said county, or in the event that the owner transfers the title to such vehicle, or completely removes therefrom and destroys the decal or emblem issued for and placed thereon, and the owner makes proper application to the Clerk for the issuance of a duplicate decal or emblem to be used by him on another vehicle for the unexpired term for which the original decal or emblem was issued, and the Clerk is satisfied that the applicant is entitled to the issuance of a duplicate decal or emblem and the owner pays in the hands of the Clerk the sum of Five and no/100 Dollars (\$5.00), 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 motor-driven vehicle for which it is issued, as herein provided, and such duplicate decal or emblem shall entitle the owner to operate or allow to be operated the vehicle upon the streets, roads, and highways of said county for the remainder of the period for which the original decal or emblem was issued. Likewise, in the event a decal or emblem becomes obliterated, erased, or defaced, or is destroyed under the provisions of this act, and is therefore illegible and unusable by the owner, upon proper application made by the owner and filed with the Clerk, showing such circumstances and facts to be true, then the Clerk, upon receipt from the owner of Five and no/100 Dollars (\$5.00), may issue and deliver to the owner a duplicate decal or emblem.

(6) Any person violating the provisions of this act, or any part thereof, shall be guilty of a misdemeanor and shall, upon conviction, be subject to the same penalties provided for in Tennessee Code Annotated, § 5-8-102 and § 55-4-105.

As amended by: Private Acts of 1975, Chapter 121,
Private Acts of 2005, Chapter 47.

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

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

SECTION 5. Be it further enacted, that the tax levied upon said motor driven vehicles shall be due from and after its passage and ratification of the Act by the Chester County Quarterly Court, as hereinabove set forth.

Passed: March 1, 1972.

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 an act pertaining to taxation in Chester County which is no longer effective.

1. Private Acts of 1915, Chapter 166, empowered the Quarterly County Court in Chester County to levy in each year at its January or April term, or at any term when the general tax levy would be made, a special tax of not less than ten (10¢) cents per one hundred (\$100) dollars of property valuation to be used exclusively to maintain one or more high schools in said County. The Court was also empowered to levy an additional tax of five (5¢) cents for the same purpose when and if, they deemed same necessary. The funds received from the levy were to be used for high school purposes only.

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