

**PRIVATE ACTS  
OF  
PICKETT COUNTY, TENNESSEE**

---

**REVISED EDITION**

---

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

---

Original Compilation By  
William C. McIntyre, Legal Specialist

Revised and Edited By  
John Joseph King, Legal Specialist  
August, 1984

Updated By  
Elaine Turner, Paralegal  
July, 2006

## 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 Pickett County will provide a useful reference for county administration in Pickett County.

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

## HOW TO USE THE PRIVATE ACTS OF PICKETT COUNTY

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

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

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

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

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 When going through this volume you will note that there are some acts noted herein which are no longer current laws due to subsequent passage of acts which have superseded them in usage. The compiler has described these acts which have been superseded in historical notes at the end of the chapter wherein the current act on the subject is reprinted.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

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

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

## TABLE OF CONTENTS

PREFACE .....	i
HOW TO USE THE PRIVATE ACTS OF PICKETT COUNTY .....	ii
CHAPTER I - ADMINISTRATION .....	1
BUDGET SYSTEM .....	2
COUNTY ATTORNEY .....	3
COUNTY CLERK .....	4
COUNTY EXECUTIVE .....	5
COUNTY LEGISLATIVE BODY .....	8
COUNTY REGISTER .....	9
COUNTY TRUSTEE .....	10
PURCHASING .....	11
GENERAL REFERENCE .....	13
CHAPTER II - ANIMALS AND FISH .....	14
RED FOXES .....	15
CHAPTER III - BOND ISSUES .....	17
BUILDINGS - MEMORIALS .....	18
DEBTS .....	18
ROADS AND BRIDGES .....	18
SCHOOLS .....	19
CHAPTER IV - BOUNDARIES .....	20
CREATION .....	21
COUNTY LINES .....	25
CHAPTER V - COURT SYSTEM .....	31
BOARD OF JURY COMMISSIONERS - JURORS .....	32
CHANCERY COURT .....	33
CLERK AND MASTER .....	34
CIRCUIT COURT .....	35
CIRCUIT COURT CLERK .....	36
CRIMINAL COURT .....	38
DISTRICT ATTORNEY GENERAL .....	39
ASSISTANTS AND CRIMINAL INVESTIGATORS .....	39
GENERAL SESSIONS COURT .....	40
JUVENILE AND PROBATE JURISDICTION .....	40
JUVENILE COURT .....	42
SECRETARIAL ASSISTANCE .....	43
CHAPTER VI - EDUCATION/SCHOOLS .....	44
BOARD OF EDUCATION .....	45
SUPERINTENDENT OR DIRECTOR OF SCHOOLS .....	50
GENERAL REFERENCE .....	51
CHAPTER VII - ELECTIONS .....	53
DISTRICTS - REAPPORTIONMENT .....	54

CHAPTER VIII - HEALTH .....	59
LANDFILL .....	60
CHAPTER IX - HIGHWAYS AND ROADS .....	62
ROAD LAW .....	63
CHAPTER X - LAW ENFORCEMENT .....	68
JAILS AND PRISONERS .....	69
MILITIA .....	70
OFFENSES .....	71
SHERIFF .....	72
CHAPTER XI - TAXATION .....	73
ASSESSOR OF PROPERTY .....	74
LITIGATION TAX .....	75
PARALLEL REFERENCE TABLE .....	77

## **CHAPTER I - ADMINISTRATION**

## ADMINISTRATION

### BUDGET SYSTEM

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

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

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

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

## ADMINISTRATION

### COUNTY ATTORNEY

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

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

## ADMINISTRATION

### COUNTY CLERK

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

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

The following act once affected the office of county clerk in Pickett County. It is included herein for historical purposes. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1911, Chapter 259, Page 677, set the salary of the county clerk in Pickett County at \$600 annually, but this act was repealed by Private Acts of 1915, Chapter 112.

ADMINISTRATION

COUNTY EXECUTIVE

PRIVATE ACTS OF 2005

CHAPTER 38

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

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

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

Passed: April 21, 2005.

## ADMINISTRATION

### COUNTY EXECUTIVE

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

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

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

The county executive is authorized to employ stenographic and clerical assistants needed in the performance of his or her duties. T.C.A. § 5-6-116. The county legislative body is authorized to fix the salaries of these assistants. These salaries are paid out of the county general fund. T.C.A. § 5-6-118.

The references below are of acts which once applied to the office of county judge, or county executive in Pickett County. They are included herein for historical purposes only.

1. Acts of 1891, Chapter 124, provided that the monthly court in Pickett County would be held on the second Monday of each month and such subsequent days as were necessary.
2. Private Acts of 1925, Chapter 69, created the office of Pickett County Judge, who would also serve as chief fiscal officer of the county. This act also gave the Pickett County Judge the power to solemnize the rights of matrimony, but it was repealed and the office abolished by Private Acts of 1933, Chapter 225.
3. Private Acts of 1933, Chapter 242, created the office of Chairman for the County Court of Pickett County.
4. Private Acts of 1933, Chapter 733, provided that the quarterly county court of Pickett County would elect a chairman at its regular July term, 1934, to take office on the first day of September, 1934, when the county judge's office would be abolished.
5. Private Acts of 1959, Chapter 225, attempted to recreate the office of Pickett County Judge, but this act was not approved by the quarterly county court and never became effective.
6. Private Acts of 1967, Chapter 3, Page 27, created the office of County Judge in Pickett County effective September 1, 1968 and abolished the office of County Chairman.

7. Private Acts of 1978, Chapter 313, gave the County Judge in Pickett County concurrent jurisdiction with General Sessions Court. This Act was superseded by general law and is no longer operative.

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

1. Acts of 1875, Chapter 70, abolished the Quorum Courts and conferred its powers and jurisdiction upon the Chairman of the County Court. This Act also allowed the Quarterly County Court to vote the stock of the county in any railroads in elections of railroad officers and directors. This Act was amended by Acts of 1891, Chapter 196, changing the meeting time of the Monthly County Court to the second Monday.
2. Acts of 1889, Chapter 227, provided that the Quarterly Court of Pickett County would meet on the second Mondays of January, April, July and October of each year rather than on the first Monday.
3. Private Acts of 1921, Chapter 450, set the compensation of Justices of the Peace in Pickett County at \$2.50 per day for each regular or called meeting of the quarterly county court.
4. Private Acts of 1927, Chapter 56, amended the general law to provide that in Pickett County the incorporated town would not be entitled to elect a justice of the peace.
5. Private Acts of 1959, Chapter 194, was an attempt to raise the per diem of Justices of the Peace in Pickett County to \$10, but this act did not receive local ratification and never became effective.
6. Private Acts of 1971, Chapter 10, raised the per diem of justices of the peace to \$10, but this has now been superseded by the general statute found in T.C.A. 5-5-107.

## 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 affected the office of county trustee in Pickett County, but is no longer operative.

1. Private Acts of 1931, Chapter 256, required the county trustee to place all the county's funds on deposit with the highest responsible and solvent bidder, after the county judge advertised for bids from such banks.

## ADMINISTRATION

### PURCHASING

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

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

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

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

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

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

Under the County Financial Management System of 1981, a finance department is created to administer the finances of the county and all funds handled by the county trustee, in conformity with generally accepted principles of governmental accounting and rules and regulations established

by the state comptroller of the treasury and state commissioner of education. T.C.A. § 5-21-103. Unlike the 1957 laws, school funds are managed under this system just like all other county funds. The commissioner of education may remove the school department from the system if records are not maintained properly and timely. T.C.A. § 5-21-124.

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

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

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

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

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

## ADMINISTRATION

### GENERAL REFERENCE

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

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

ANIMALS - FISH

RED FOXES

PRIVATE ACTS OF 1955

CHAPTER 30

SECTION 1. That there shall be a closed season upon red foxes at all times, and that red foxes may be chased with dogs at any time of the year except during such periods as may be fixed by the Game and Fish Commission for the protection of the species in all counties of this State having a population of not less than 5,000 and not more than 5,100 inhabitants, according to the Federal Census of 1950, or any subsequent Federal Census.

Should the Game and Fish Commission determine that there is need for an open season on red foxes in any such county or counties, they shall have the power and authority to open same for such a period of time as they may deem necessary and advisable.

SECTION 2. That all laws or parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: January 27, 1955.

## 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 Pickett County. They are included herein for reference purposes.

1. Acts of 1897, Chapter 241, made it unlawful to fish by means other than rod and line or trot line from January 1st to June 1st each year in any stream or river in Pickett County.
2. Private Acts of 1917, Chapter 46, regulated fishing in the Obeds River and also provided that no citizen of Pickett County needed to pay any fee or license before fishing in the rivers and streams of that county.
3. Private Acts of 1917, Chapter 401, declared a closed season on Squirrels in Pickett, Fentress, Overton, Clay, Jackson and Macon counties on all unenclosed lands and on all enclosed lands without the verbal permission of the owner of the land.
4. Private Acts of 1919, Chapter 511, made it a misdemeanor for any person or persons owning bulls or boars to permit them to run at large after they reach the age of eight months.
5. Private Acts of 1925, Chapter 178, was a general stock law for Pickett County, covering horses, mules, donkeys, cattle, sheep, goats, swine and other livestock. This law was amended almost immediately by Private Acts of 1925, Chapter 604, to exempt certain lands in Pickett County from its application.
6. Private Acts of 1929, Chapter 501, made it legal to catch fish in any and all the streams of Pickett County by means of gig and basket for a portion of the year, and to provide for the payment of a privilege fee.
7. Private Acts of 1937, Chapter 773, authorized W. L. Garrett to practice veterinary medicine in Pickett County.

## **CHAPTER III - BOND ISSUES**

## BOND ISSUES

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

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

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

### BUILDINGS - MEMORIALS

1. Acts of 1883, Chapter 141, authorized the County Court of Pickett County to issue bonds of not more than \$10,000, to be used for building and furnishing the public buildings of the county.
2. Private Acts of 1935, Chapter 8, authorized a bond issue of \$40,000 (maximum interest rate 6%) to be used to build and furnish a courthouse in Byrdstown.
3. Private Acts of 1953, Chapter 139, provided for the issuance of bonds in an amount not to exceed \$100,000 to be used to purchase a site on which to erect a building in commemoration of members of the Armed Forces and Veterans of the various Wars in which Tennesseans have fought. These bonds were to bear interest at an annual rate of 3% and were to mature within thirty years. This was amended by Private Acts of 1953, Chapter 382, to raise the interest rate on these bonds to 5%.
4. Private Acts of 1955, Chapter 363, authorized Pickett County to issue bonds in an amount not to exceed \$50,000 for the purpose of erecting additions to public county buildings. These bonds were to mature within thirty years at a maximum interest rate of five per cent.

### DEBTS

1. Private Acts of 1935, Chapter 7, authorized Pickett County to issue bonds of not more than \$15,000, for the purpose of funding the outstanding floating debt of the county.
2. Private Acts of 1941, Chapter 438, validated a resolution adopted by the Quarterly County Court of Pickett County on January 13, 1941, authorizing the issuance of \$20,000 3½% Funding Bonds.

### ROADS AND BRIDGES

1. Private Acts of 1915, Chapter 484, provided for the issuance of bonds in the amount of \$50,000, to be used in macadamizing roads in Pickett County. These bonds were to have an annual interest rate of 5%, and were to mature within forty years. This act was amended by Private Acts of 1917, Chapter 108, to change the methods by which the road commissioners were to let bids for construction financed by proceeds from this bond sale.

2. Private Acts of 1920 (Ex. Sess.), Chapter 26, authorized a bond issue of \$50,000, to be used for finishing a road from the Kentucky-Tennessee line through Byrdstown to the Overton County line. These bonds were to have a maximum annual interest rate of 6%. This act was amended by Private Acts of 1923, Chapter 703, to provide that the bonds "shall be redeemable only on any interest-bearing date, after ten years from the date of their issuance, at par, with interest accrued, at the option of Pickett County."
3. Private Acts of 1920 (Ex. Sess.), Chapter 80, authorized the Quarterly Court to locate and build a bridge at Gunter across the Obeds River. The Act called for the appointment of a Board of Bridge Commissioners and the issuance of bonds in an amount not to exceed \$25,000.

#### SCHOOLS

1. Private Acts of 1937, Chapter 289, authorized a bond issue of \$30,000 par value High School Bonds, to be used for erecting a high school in Byrdstown. These bonds were to bear interest at an annual rate of 5½%, and to mature by January 1, 1956.
2. Private Acts of 1957, Chapter 49, attempted to authorize a bond issue of not more than \$100,000 of short term notes, for improving and equipping school buildings in Pickett County, but this act was not approved by the quarterly county court and these bonds were never issued.

## **CHAPTER IV - BOUNDARIES**

## BOUNDARIES

### CREATION

ACTS OF 1879

CHAPTER 34

SECTION 1. That a new county is hereby established to be composed of portions taken from Overton and Fentress Counties, to be known and designated by the name of Pickett.

SECTION 2. That the county of Pickett shall be bounded as follows: Beginning at a stone in the Tennessee and Kentucky State line, marked forty-six, the same being the north-east corner of Clay county; thence south with Clay county line seven miles and 220 poles to an ironwood in James Conner's field, at a point eleven miles from Livingston; thence the arc of a circle describing the distance of eleven miles from Livingston, as follows: South  $84^{\circ}$  east 72 poles, south  $82\frac{1}{2}^{\circ}$  east 80 poles, south  $81^{\circ}$  east 80 poles, south  $79\frac{1}{2}^{\circ}$  east 80 poles, south  $78^{\circ}$  east 80 poles, south  $77^{\circ}$  east 80 poles, south  $75\frac{1}{2}^{\circ}$  east 80 poles, south  $74\frac{1}{2}^{\circ}$  east 80 poles, south  $73^{\circ}$  east 80 poles, south  $71\frac{1}{2}^{\circ}$  east 80 poles, south  $70^{\circ}$  east 80 poles, south  $68\frac{1}{2}^{\circ}$  east 80 poles, south  $67^{\circ}$  east 80 poles, south  $65\frac{1}{2}^{\circ}$  east 80 poles, south  $64^{\circ}$  east 80 poles, south  $62\frac{1}{2}^{\circ}$  east 80 poles, south  $61^{\circ}$  east 80 poles, south  $59\frac{1}{2}^{\circ}$  east 80 poles, south  $58^{\circ}$  east 80 poles, south  $56\frac{1}{2}^{\circ}$  east 80 poles, south  $55^{\circ}$  east 80 poles, south  $54^{\circ}$  east 80 poles, south  $52\frac{1}{2}^{\circ}$  east 80 poles, south  $51^{\circ}$  east 80 poles, south  $49\frac{1}{2}^{\circ}$  east 80 poles, south  $48^{\circ}$  east 80 poles, south  $46\frac{1}{2}^{\circ}$  east 80 poles, south  $45^{\circ}$  east 80 poles, south  $43\frac{1}{2}^{\circ}$  east 80 poles, south  $42^{\circ}$  east 80 poles, south  $40\frac{1}{2}^{\circ}$  east 80 poles, south  $39^{\circ}$  east 80 poles,  $37\frac{1}{2}^{\circ}$  east 80 poles, south  $35^{\circ}$  east 80 poles, south  $33\frac{1}{2}^{\circ}$  east 80 poles, south  $22^{\circ}$  east 80 poles, south  $20\frac{1}{2}^{\circ}$  east 80 poles, south  $29^{\circ}$  east 80 poles, south  $27\frac{1}{2}^{\circ}$  east 80 poles, south  $26^{\circ}$  east 80 poles, south  $24\frac{1}{2}^{\circ}$  east 80 poles, south  $23^{\circ}$  east 80 poles,  $21\frac{1}{2}^{\circ}$  east 80 poles, south  $20^{\circ}$  east 80 poles, south  $18\frac{1}{2}^{\circ}$  east 80 poles, south  $17^{\circ}$  east 80 poles, south  $15\frac{1}{2}^{\circ}$  east 80 poles, south  $14^{\circ}$  east 80 poles, south  $12\frac{1}{2}^{\circ}$  east 80 poles, south  $11^{\circ}$  east 80 poles, south  $10^{\circ}$  east 80 poles, south  $8\frac{1}{2}^{\circ}$  east 80 poles, south  $7^{\circ}$  east 80 poles, south  $5\frac{1}{2}^{\circ}$  east 80 poles, south  $4^{\circ}$  east 80 poles, south  $2\frac{1}{2}^{\circ}$  east 80 poles, south  $1^{\circ}$  east 80 poles, south 80 poles, south  $1\frac{1}{2}^{\circ}$  west 80 poles, south  $3^{\circ}$  west 80 poles, south  $4\frac{1}{2}^{\circ}$  west 80 poles, south  $6^{\circ}$  west 80 poles, south  $7\frac{1}{2}^{\circ}$  west 80 poles, south  $9^{\circ}$  west 80 poles to a point near the Ledford place, eleven miles from Livingston; thence east 1,200 poles to a point eleven miles from Jamestown; thence an arc of a circle describing a distance of eleven miles from Jamestown, as follows: North  $29\frac{1}{2}^{\circ}$  west 80 poles, south  $28^{\circ}$  west 80 poles, north  $26\frac{1}{2}^{\circ}$  west 80 poles, north  $25\frac{1}{2}^{\circ}$  west 80 poles, north  $24^{\circ}$  west 80 poles, north  $22\frac{1}{2}^{\circ}$  west 80 poles, north  $21^{\circ}$  west 80 poles, north  $19\frac{1}{2}^{\circ}$  west 80 poles, north  $18^{\circ}$  west 80 poles, north  $16\frac{1}{2}^{\circ}$  west 80 poles, north  $15^{\circ}$  west 80 poles, north  $13\frac{1}{2}^{\circ}$  west 80 poles, north  $12^{\circ}$  west 80 poles, north  $10\frac{1}{2}^{\circ}$  west 80 poles, north  $9^{\circ}$  west 80 poles, north  $8^{\circ}$  west 80 poles, north  $6\frac{1}{2}^{\circ}$  west 80 poles, north  $5^{\circ}$  west 80 poles, north  $4^{\circ}$  west 80 poles, north  $2\frac{1}{2}^{\circ}$  west 80 poles, north  $1^{\circ}$  west 80 poles, north 80 poles, north  $1\frac{1}{2}^{\circ}$  east 80 poles, north  $3^{\circ}$  east 80 poles, north  $4\frac{1}{2}^{\circ}$  east 80 poles, north  $5\frac{1}{2}^{\circ}$  east 80 poles, north  $7^{\circ}$  east 80 poles, north  $8\frac{1}{2}^{\circ}$  east 80 poles, north  $10^{\circ}$  east 80 poles, north  $12\frac{1}{2}^{\circ}$  east 80 poles, north  $14^{\circ}$  east 80 poles, north  $15\frac{1}{2}^{\circ}$  east 80 poles, north  $17^{\circ}$  east 80 poles, north  $18\frac{1}{2}^{\circ}$  east 80 poles, north  $20^{\circ}$  east 80 poles, north  $21\frac{1}{2}^{\circ}$  east 80 poles, north  $23^{\circ}$  east 80 poles, north  $24^{\circ}$  east 80 poles, north  $25\frac{1}{2}^{\circ}$  east 80 poles, north  $27^{\circ}$  east 80 poles, north  $28\frac{1}{2}^{\circ}$  east 80 poles, north  $30^{\circ}$  east 80 poles, north  $31^{\circ}$  east 80 poles, north  $33\frac{1}{2}^{\circ}$  east 80 poles, north  $35^{\circ}$  east 80 poles, north  $36\frac{1}{2}^{\circ}$  east 80 poles, north  $38^{\circ}$  east 80 poles, north  $39\frac{1}{2}^{\circ}$  east 80 poles, north  $42^{\circ}$  east 80 poles, north  $43\frac{1}{2}^{\circ}$  east 80 poles, north  $45^{\circ}$  east 80 poles, north  $46\frac{1}{2}^{\circ}$  east 80 poles, north  $49\frac{1}{2}^{\circ}$  east 80 poles, north  $51^{\circ}$  east 80 poles, north  $53\frac{1}{2}^{\circ}$  east 80 poles, north  $55^{\circ}$  east 80 poles, north  $57\frac{1}{2}^{\circ}$  east 80 poles, north  $59^{\circ}$  east 80 poles, north  $60\frac{1}{2}^{\circ}$  east 80 poles, north  $62^{\circ}$  east 80 poles, north  $64^{\circ}$  east 80 poles, north  $65^{\circ}$  east 80 poles, north  $67\frac{1}{2}^{\circ}$  east 80 poles, north  $69^{\circ}$  east 80 poles, north  $70\frac{1}{2}^{\circ}$  east 80 poles, north  $72^{\circ}$  east 80 poles, north  $73\frac{1}{2}^{\circ}$  east 80 poles, north  $75^{\circ}$  east 80 poles, north  $76^{\circ}$  east 80 poles, north  $77\frac{1}{2}^{\circ}$  east 80 poles, north  $79^{\circ}$  east 80 poles, north  $80\frac{1}{2}^{\circ}$  east 80 poles, north  $82^{\circ}$  east 80 poles, to a point

eleven miles from Jamestown, 58 poles north of Mrs. Crouch's house on Rotten's Fork, of Wolf river; thence the arc of a circle describing a distance of eleven miles from Jamestown, twelve and a half miles, to a point north 50° east of Jamestown, at a distance of eleven miles from the same; thence east nine and a quarter miles to the Scott county line; thence with said line north 45° west ten and a half miles to the Tennessee and Kentucky State line; thence west with the State line thirty-two and a half miles to the beginning, being the north-east corner of Clay County, containing two hundred and eighty-four square miles.

As amended by: Acts of 1881, Chapter 37.

SECTION 3. That for the purpose of organizing the County of Pickett, W. W. Goodpasture, Jackson Winningham, L. T. Smith, J. N. Huddleston, Sr., M. F. Hurt, W. A. Gilreath and E. D. Wright, shall be, and are hereby appointed, Commissioners on the part of the several fractions of the counties of Overton and Fentress, who shall, before entering on the discharge of their duty, take an oath before some Justice of the Peace, faithfully and impartially, to 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 Pickett, the same shall be filled by remaining Commissioners, and all vacancies occurring after the organization of such court shall be filled by said court of the county of Pickett. Said Commissioners shall enter into such bond and security as may be required by the said County Court of Pickett, and 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 them. They shall keep a record of all their proceedings as Commissioners, which shall be returned to the County Court of Pickett County at its first session, and the same shall be recorded by the clerk thereof on the records of said court, and they shall make such 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 two or more public places in each fraction, of the time and place to open and hold an election, in two or more places in each of the fractions proposed to be stricken off from the counties of Overton and Fentress, 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 Pickett, and all persons qualified to vote for members of the General Assembly residing in said fractions, shall be entitled to vote in said election, 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 new County of Pickett shall have on his ticket "Old County" and if, after counting the votes cast in said election it shall appear that there are two-thirds of the legal votes cast in each of said fractions in favor of the new county, then in that case the County of Pickett shall be, and is hereby declared the county, with all the powers, privileges and advantages, and subject to all the liabilities and duties with other counties in the State.

SECTION 5. That in order to carry into effect and make certain and accurate the provisions in the 4th 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 Overton and Fentress.

SECTION 6. That for the due administration of justice, the different Courts to be holden in the said County of Pickett shall be held 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 process issuing from said Courts returnable to the place, shall be legal, and the Courts of the County of Pickett, shall be under the same rules, regulations and restrictions, 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 16th Judicial Circuit, and the 1st Circuit and Chancery Courts shall be held at the time designated by the Judge of said Circuit.

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

As amended by: Acts of 1881, Chapter 37.

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 8 civil districts, designating boundaries and places for holding elections in said districts and perform all the duties relating thereto, which, by the laws of the State, such Commissioners are required to do.

SECTION 9. That the Commissioners appointed by this Act, shall appoint such person or persons, as they may think proper, and hold the election for county officers of said County of Pickett, and such person or persons so appointed, shall have power to appoint deputy Clerks and Judges, and by himself and deputies to administer all the necessary oaths and perform all other duties, now made the duties 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 one of the civil districts 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 in the State.

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 Pickett to select and put in nomination two or more suitable locations for the seat of justice of the County of Pickett, having a due regard for the health and convenience of a majority of the citizens of said county, neither of which places shall be more than two and one-half miles from the supposed or probable center of said County of Pickett which places shall be voted for by the legal voters of said county and the site nominated receiving the largest number of votes shall be, and is hereby declared to be, the seat of justice of the said County of Pickett, and shall be known by the name of Byrdstown.

SECTION 11. That it shall be the further duty of said Commission to obtain a good and sufficient title to twenty acres of land, upon which the seat of justice of said county is located, by the vote of the people, and said Commission shall lay off said land into town lots of proper size with the necessary streets and alleys, reserving \_\_\_\_\_ acres for a public square and a suitable lot for a county jail.

SECTION 12. That it shall be the duty of said Commission to superintend the building of such public buildings as the County Court of said county may direct to be built, and shall let the same out, and shall take bonds with ample security, payable to themselves, and successors in office, conditioned for the faithful performance of his or their contract, the proceeds of the sales of all donations, bonds, town lots, or other gifts that may be made, in consideration of the location of the seat of justice for said County of Pickett, 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 it shall be their duty to pay over the same to the Trustee to be accounted for by him as other funds in his hands.

SECTION 13. That said Commissioners of Pickett 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 setting up an organization of said County of Pickett.

SECTION 14. That the fractions composing said County of Pickett 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 portion of any stocks or credits belonging to said old counties.

SECTION 15. That this Act take effect from and after its passage, the public welfare requiring it; Provided, that this Act shall not be so construed as to violate the Constitutional rights of the old counties of which it is composed.

Passed: February 25, 1879.

BOUNDARIES

COUNTY LINES

ACTS OF 1883

CHAPTER 122

SECTION 1. That the county line between Clay and Pickett county be so changed as to include the lands of F. M. Taylor and the lands of the Taylor heirs, to wit: Commencing on the north boundary line of F. M. Taylor, at the Clay county line, and run westward with his line to his western boundary line, about ten poles; then south with his line about fifty poles so as to include all the lands of said F. M. Taylor and the lands of Taylor heirs in Pickett county, the amount of said lands not being more than about thirty acres, and that all laws in conflict with this Act, be and the same hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 23, 1883.

BOUNDARIES

COUNTY LINES

PRIVATE ACTS OF 1927

CHAPTER 776

SECTION 1. That the line between the counties of Fentress and Pickett, in the State of Tennessee, be so changed as to detach the lands of S. R. West from the County of Pickett, and attach the same to the county of Fentress. Said lands bounded as follows: Beginning on a sycamore on the northwest side of Wolf River, the same being the corner of Ed. Jones, running thence southwestwardly with the Ed Jones line to the corner of Ed. Stories Horseshoe Bottom tract; thence running still southwestwardly with the said Ed Stories line to the corner of the George Dukie Conataer tract of land; running thence southwestwardly with said Conatser old line to Joe Henis corner; thence northwardly with said Joe Henis line to the line of Green Moody tract of land; thence eastwardly with said Moody line to the Lillian Gilbreath, now Gilbreath heir line; thence said Gilbreath line to the county line on the north side of Wolf River; containing 350 acres, be and the same more or less.

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

Passed: April 17, 1927

BOUNDARIES

COUNTY LINES

PRIVATE ACTS OF 1963

CHAPTER 211

SECTION 1. That the boundary line between the counties of Overton and Pickett be and is hereby changed as follows:

1. "That portion of F. F. Sells' farm approximately three acres, in the Eleventh Civil District of Overton County, Tennessee, as evidenced by Deed Book No. 2, Page 287, Register's Office, Overton County, Tennessee, be removed from Overton County to Pickett County. For a detailed description of the three acres transferred from Overton to Pickett County see Deed Book referred to above."
2. "That portion of Hallie Padgett Brown's farm now located in the Eleventh Civil District of Overton County, Tennessee, as evidenced by Deed Book No. 82, Page 101, Register's Office, Overton County, Tennessee, be removed from Overton County to Pickett County. For a detailed description of this parcel of land, about \_\_\_\_\_ acres, see the Deed Book referred to above."

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

Passed: March 19, 1963.

BOUNDARIES

COUNTY LINES

PUBLIC ACTS OF 1974

CHAPTER 421\*

SECTION 1. The boundary line between the counties of Pickett and Clay is hereby changed by detaching from the county of Clay, and attaching to the county of Pickett, all of the hereinafter described territory, to wit:

A tract or parcel of land now lying in the 4th Civil District of Clay County adjacent to the existing line between Clay-Pickett County line, and beginning at the corner of tract D-81 in the division property line of G-404A; thence, north 86 degrees, 30 minutes West 920 feet; thence, north 13 degrees, 45 minutes West, 1225 feet; thence, north 38 degrees, 00 minutes East, 920 feet; thence, north 69 degrees, 15 minutes East, 335 feet; thence, north 14 degrees, 30 minutes West for 490 feet; thence north 56 degrees, 30 minutes East for 660 feet; thence, north 67 degrees, 30 minutes East for 80 feet, to the Pickett-Clay County line, south to the point of the beginning; containing approximately 48 number of acres.

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

Passed: January 28, 1974.

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

## BOUNDARIES

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

1. Acts of 1885, Chapter 117, changed the boundary between Overton and Pickett Counties to include in Overton all of the tract of land belonging to John Hill known as his mountain tract, the McDonald tract, all of the tract of land belonging to A. C. Brown, all of fifty acre tract belonging to Conoway Cooper and all of Milton K. Hargrove's tract of land.
2. Acts of 1885, Chapter 125, changed the line between the counties of Clay and Pickett to include in Clay county the farm known as the W. C. Heard farm and other lands or land owned by W. W. Heard and W. H. Wilburn. Also to include in Clay County all of the tract or tracts of land belonging to B. C. Wilburn and S. R. Heard.
3. Acts of 1885, Chapter 156, changed the boundary between Fentress and Pickett to include within Fentress the whole of the lands of Stokley Crabtree, Marions Crouch and J. J. Pile lying in the head of Rotten Fork of Wolf River. Also to include in Fentress the lands of David Cooper, Jennie Cooper, Thos. King, Mary Ann Hoover, Geo. Smith, Austin Choate, Wm. Choate, Thos. Cooper, Wm. Cooper and Madison Hoover.
4. Acts of 1887, Chapter 52, detached the lands of P. H. Wilburn from Pickett and placed them in Clay County.
5. Acts of 1891, Chapter 28, changed the line between Fentress and Pickett Counties to include the farms of G. W. Crouch and Jackson Rains in the county of Pickett.
6. Acts of 1891, Chapter 42, placed the farms of N. E. Storie and F. P. Storie in Pickett County.
7. Acts of 1893, Chapter 57, changed the line between Pickett and Clay Counties along the Wolf and Obed Rivers, but this act was repealed by Acts of 1901, Chapter 270.
8. Acts of 1897, Chapter 287, changed the line between Overton and Pickett Counties so as to include all of the farm of R. H. Smith in Overton County.
9. Acts of 1899, Chapter 82, changed the boundary between Overton and Pickett to include the lands of James Conner in Overton County.
10. Acts of 1899, Chapter 105, changed the line between Pickett and Fentress Counties so as to include all the lands of F. M. Lynch in Pickett.
11. Acts of 1905, Chapter 39, changed the line between Pickett and Fentress to detach part of W. M. Johnson's land from Pickett and attach it to Fentress, at or near the Forbus Post office.
12. Acts of 1905, Chapter 193, detached part of Lottie Sells' farm from Overton and placed it in Pickett County, near Spurier, Tennessee.

13. Acts of 1905, Chapter 266, changed the line between the counties of Clay and Pickett to detach the land of Smith Mulens from Clay County and place it in Pickett, near Herd, Tennessee.
14. Acts of 1905, Chapter 373, changed the line between Overton and Pickett Counties to place all of the lands of James Boles from Overton County and attach it to Pickett County, at or near Spurier, Tennessee.
15. Acts of 1905, Chapter 378, changed the line between the counties of Overton and Pickett to remove another portion of Lottie Sells land from Overton County and place it in Pickett.
16. Private Acts of 1911, Chapter 244, changed the line between Pickett and Fentress to include all the land of the Dry Creek farm owned by Robbins and Parris in Pickett County.
17. Private Acts of 1915, Chapter 686, changed the county line between the counties of Pickett and Overton to include all the land of A. J. Lacy in Pickett County.
18. Private Acts of 1921, Chapter 453, changed the boundary between Pickett and Fentress to detach the lands of Hiram C. Crabtree from Fentress and place them in Pickett.
19. Private Acts of 1921, Chapter 700, changed the line between Fentress and Pickett to detach the Ed Storie farm from Fentress and place it in Pickett.
20. Private Acts of 1921, Chapter 803, changed the line between the counties of Pickett and Fentress to place the lands of E. G. Jones in the Ninth District of Pickett County.
21. Private Acts of 1921, Chapter 804, changed the boundary between Pickett and Fentress to place the lands of S. R. West in the Ninth District of Pickett County.
22. Private Acts of 1925, Chapter 700, placed all of the farm of Nona Crouch in Fentress County.
23. Private Acts of 1933, Chapter 213, changed the line between Overton and Pickett Counties to include the farm of Herman Parrott in Pickett 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 Pickett County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1923, Chapter 160, exempted Pickett County from the requirements of the general law that Criminal Judges appoint foremen of grand juries. Private Acts of 1927, Chapter 156, re-established the provisions of the general law for Pickett County. Private Acts of 1929, Chapter 932, repealed this provision.
2. Private Acts of 1925, Chapter 353, was the first private act setting up a Board of Jury Commissioners for Pickett County, with provisions similar to those now found in the general law. Private Acts of 1933, Chapter 735, repealed this Act and mandated that Jurors be appointed by the Quarterly County Court.
3. Private Acts of 1933, Chapter 734, provided that in Pickett County the Foreman of the Grand Jury would be appointed by the Judges of the Circuit or Criminal Courts from the venire made up by the Quarterly County Court.
4. Private Acts of 1953, Chapter 251, was the last private act creating a Board of Jury Commissioners for Pickett County before it became subject to the general law cited above.

## 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.

Pickett County, under the provisions of § 16-2-506 of Tennessee Code Annotated, is part of the 13th 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 Pickett County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification.

1. Acts of 1885, Chapter 12, set the time for holding Chancery Court in Pickett County on the second Mondays in April, August and December.
2. Acts of 1890, Chapter 19, changed the time for holding Chancery Court to the third Mondays in May and November.
3. Acts of 1897, Chapter 294, set the terms of Chancery Court in Pickett County on the second Mondays in April and October.
4. Acts of 1903, Chapter 97, changed the beginning date of Chancery Court terms in Pickett County to the first Thursday after the second Monday in April and the second Monday in October.
5. Private Acts of 1927, Chapter 40, provided that Chancery Court in Pickett County would be on the third Monday 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.

Listed below is an act which once applied to the clerk and master in Pickett County.

1. Private Acts of 1911, Chapter 73, provided that the Clerk and Master of the Chancery Court in Pickett County would receive an annual salary of \$600, provided that he filed an annual statement of the fees received by his office.

## COURT SYSTEM

### CIRCUIT COURT

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

Pickett County, by general law found in § 16-2-506 of Tennessee Code Annotated, is part of the 13th 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 Pickett County but now have no effect, having been repealed, superseded, or having failed to win local approval.

1. Acts of 1885, Chapter 12, set the time for holding Circuit Court in Pickett County on the second Mondays of April, August and December.
2. Acts of 1897, Chapter 294, changed the time of Circuit Court terms in Pickett County to the second Mondays in April and October.
3. Acts of 1901, Chapter 232, set the Circuit Court terms in Pickett County on the third Monday in February, the second Monday in June and the fourth Monday in October of each year.
4. Acts of 1905, Chapter 359, created a Criminal Court for the counties of Anderson, Campbell, Morgan, Scott, Pickett, Fentress and Union, and provided that in Pickett County its terms would be on the second Mondays in February, June and October. The Criminal Court would exist until September 1, 1906, thereafter criminal jurisdiction would vest in and be exercised by the Circuit Courts of said counties.
5. Acts of 1907, Chapter 85, created a court to have criminal jurisdiction in the Counties of White, Putnam, Cumberland, Overton, Pickett, Clay, Jackson, Smith, Macon, Trousdale and Smith, and provided that the judge of this court would also preside over the circuit court in Pickett, Trousdale and Macon Counties. In Pickett County court would be held the second Monday in February, June, and October. Private Acts of 1921, Chapter 629, amended the 1907 Act to require the Judge of the Fifth Judicial Circuit to preside.

COURT SYSTEM

CIRCUIT COURT CLERK

PRIVATE ACTS OF 1961

CHAPTER 146

SECTION 1. That the Circuit Court Clerk for Pickett County, Tennessee, shall be entitled to and receive the sum of Six Hundred Dollars (\$600.00) per annum for his services as Clerk of the Court of General Sessions. Such sum shall be in addition to and supplementary of the salary allowed him as Clerk of the Circuit Court of said County under the provisions of Section 8-2405 [8-24-104] of the Tennessee Code Annotated. Payments of such sum shall be made by equal monthly installments out of the general fund of the County. In the event the Clerk's fees of such office exceed the amount allowed him as Circuit Court Clerk under the provisions of the above Code section and the provisions of this Chapter combined, he may elect and accept such fees in lieu of salary. Provision for this added compensation is made pursuant to authority granted in Section 18-408 [18-4-201] of the Tennessee Code Annotated.

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

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

Adopted: March 1, 1961.

COURT SYSTEM

CIRCUIT COURT

CLERK

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

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

1. Private Acts of 1911, Chapter 258, set the annual salary of the circuit court clerk in Pickett County at \$600, provided that an annual statement of the fees collected by that office was filed with the County Judge. This act was repealed by Private Acts of 1915, Chapter 111.

## COURT SYSTEM

### CRIMINAL COURT

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

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

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

## COURT SYSTEM

### DISTRICT ATTORNEY GENERAL

#### ASSISTANTS AND CRIMINAL INVESTIGATORS

The office of district attorney general, including assistant district attorneys and criminal investigators, is covered by title 8, chapter 7 of Tennessee Code Annotated. Section 16-2-506 of T.C.A. establishes the judicial districts of the trial courts and establishes the number of assistant district attorneys general and criminal investigators in each judicial district. According to T.C.A. § 16-2-506, Pickett County is in the 13th 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 Pickett County are no longer in effect but are listed here for historical purposes. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Acts of 1907, Chapter 381, created the office of Assistant Attorney General for the Fifth Circuit. Private Acts of 1919, Chapter 166, repealed this Act.
2. Public Acts of 1970, Chapter 537, and Public Acts of 1976, Chapter 563, provided for additional Assistant District Attorneys General for the Fifth Judicial Circuit. Pickett County is now in the Thirteenth Judicial District according to T.C.A. 16-2-506, which also stipulates the number of judges, Assistant District Attorneys General and Investigators for the District.

COURT SYSTEM

GENERAL SESSIONS COURTS

JUVENILE AND PROBATE JURISDICTION

PRIVATE ACTS OF 1982

CHAPTER 237

SECTION 1. In addition to the jurisdiction conferred upon Courts of General Sessions by general law, the General Sessions Court in Pickett County shall exercise exclusive jurisdiction over all matters relating to the disposition of juveniles conferred by Tennessee Code Annotated, Title 37, and any other general law and all matters relating to the probate of wills and the administration of estates.

Such General Sessions Court shall exercise concurrent jurisdiction with the trial courts to grant fiats for the issuance of restraining orders, injunctions and attachments.

On the effective date of this Act, all courts or persons, except those courts maintaining concurrent jurisdiction, exercising jurisdiction conferred upon the Court of General Sessions by the provisions of this Act shall be divested of such jurisdiction.

The General Sessions Judge shall have the authority to appoint referees to hear special cases. When exercising juvenile jurisdiction, such referees shall be governed by and follow the same procedures set out in Tennessee Code Annotated, Section 37-207.

SECTION 2. The county clerk shall maintain the records, dockets, and perform such duties as may be necessary for the disposition of all probate matters coming before the General Sessions Court. The circuit court clerk shall maintain the records, dockets, and perform such duties as may be necessary for the disposition of all juvenile matters coming before the General Sessions Court.

As amended by: Private Acts of 2000, Chapter 107.

SECTION 3. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Pickett County. Its approval or nonapproval shall be proclaimed by the presiding officer of such legislative body 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 take effect upon becoming a law, the public welfare requiring it. For all other purposes it shall take effect upon being ratified as provided in Section 3.

Passed: February 25, 1982.

## COURT SYSTEM

### GENERAL SESSIONS COURT

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

The following act once affected the general sessions court of Pickett County, but is no longer in effect and is included herein for reference purposes.

1. Private Acts of 1961, Chapter 146, set an additional compensation which was to be paid to the Circuit Court Clerk for his duties as the General Sessions Court Clerk for Pickett County.

## COURT SYSTEM

### JUVENILE COURT

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

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

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

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

The following act once affecting juvenile courts in Pickett County is included herein for reference purposes.

1. Private Acts of 1982, Chapter 237, gives the General Sessions Court of Pickett County exclusive jurisdiction over juvenile matters.

## SECRETARIAL ASSISTANCE

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

## **CHAPTER VI - EDUCATION/SCHOOLS**

EDUCATION - SCHOOLS

BOARD OF EDUCATION

PRIVATE ACTS OF 1967-68

CHAPTER 5

SECTION 1. That there is hereby created and established in Pickett County, Tennessee, a County Board of Education to be composed of members to be elected by the qualified voters of said County in the manner hereinafter provided. Provided further, however, that nothing in this Act shall affect any of the present members of the County Board of Education or prevent said members from completing their present term of office to which they have been previously elected.

SECTION 2. That from and after the effective date of this Act, the Quarterly County Court of Pickett County shall have the power to make interim appointments to fill any vacancies occurring on the County Board of Education prior to the regular general election which is to be held in August, 1968. Such power of said Quarterly County Court shall be exercised in the manner heretofore provided for the election of a County Board of Education by members of the Quarterly County Court, but persons so selected or chosen shall hold membership on the County Board of Education only until their successors shall be elected at the next general election and qualified.

SECTION 3. That in the event a vacancy occurs on the County Board of Education of Pickett County after the regular general election of 1968, such vacancy being on account of the death, resignation, removal of residence of a member of said Board from the school district from which said member was elected or any other cause or reason, the Quarterly County Court of Pickett County in regular or called session, a quorum being present, shall elect someone to fill said vacancy, and the person so elected or appointed shall serve until a successor is duly elected at the next regular general election by the qualified voters of said County.

SECTION 4. That the qualified voters of Pickett County shall elect a County Board of Education to be composed of five (5) members (not counting or including any member holding over in a term to which they have been elected by the Quarterly County Court), and the five (5) members herein provided for shall be elected for a term of six (6) years. The members of said Board of Education shall be at least twenty-one (21) years of age, a citizen of the United States, the State of Tennessee, and must reside in the district in Pickett County they represent.

Four (4) of the members elected by the qualified voters of Pickett County shall represent the four (4) designated school districts. One (1) member elected by the qualified voters of Pickett County shall represent Pickett County at large and must reside in Pickett County.

As amended by: Private Acts of 1985, Chapter 18.

SECTION 5. That Pickett County is by this Act divided into four (4) school districts as follows:

DISTRICT I

Beginning at the point where the Pickett County-Fentress County line crosses the East Fork of Obey River section of Dale Hollow Reservoir; thence down the center of East Fork of Obey River and Dale Hollow Reservoir with the various meanders thereof to the L. B. Hassler Bridge on

Highway 42; thence northwardly and eastwardly with the center of Highway 42 to the center of North Main Street in the City of Byrdstown; thence southwardly and eastwardly with the center of Main Street to the northwest corner of the Courthouse square; thence eastwardly with the center of the street along the north side of the Courthouse square; thence southwardly with the center of the street along the east side of Courthouse square to the center of the intersection of Moodyville Road; thence eastwardly with the center of Moodyville Road to the center of an intersection of said road at a point between the Bethel Huddleston residence and the Flemon Brown residence; thence northwardly with the meanders of the County road which intersects said Moodyville Road as aforesaid to the center of Wolf River; thence southeastwardly with the center of Wolf River to the Pickett County and Fentress County line; thence with the Pickett County-Fentress County line to the point of beginning.

## DISTRICT II

Beginning at a point in the center of Dale Hollow Reservoir where same is crossed by Highway 42 at the L. B. Hassler Bridge; thence westwardly with the center of the main body of the Dale Hollow Reservoir to the mouth of Cove Creek; thence northeastwardly with the center of Cove Creek to a point in the north line of the Dale Hollow Reservoir boundary; thence in a northwardly direction a straight line to the southwest corner of the tract of land upon which Woodrow Amonett now lives; thence northwardly with the west line of said Woodrow Amonett tract to the center of the road which leads from Highway 42 to Star Point Dock; thence northeastwardly with the center of said road to the first intersection of the road which leads northwardly to Jones Chapel; thence northwardly with the center of said road to the intersection near the Howard Tidrow residence; thence northeastwardly with the center of the road which leads past the J. M. Jolley residence to the intersection at the Frank Sells farm; thence northwardly with the center of the road which passes the Stone Means residence to the Lovelady-Jones Chapel Road near the residence of Tom Jones; thence westwardly with the center of the Lovelady-Jones Chapel road to the point where it crosses Meetinghouse Branch near the old John Reagan homeplace; thence northwestwardly with the center of Meetinghouse Branch to the center of Dale Hollow Reservoir; thence up Dale Hollow Reservoir with the center thereof to the Kentucky State line; thence eastwardly with the Kentucky State line crossing the peninsula north of the H. T. Groce residence to the center of Dale Hollow Reservoir; thence southeastwardly with the center of Dale Hollow Reservoir and Wolf River to the point where the county road which leads northwardly from Etter Community to the Edd Nicholas place crosses said Wolf River; thence southwardly with the center of said road to the center of the Moodyville Road; thence westwardly with the center of Moodyville Road to the southeast corner of the Courthouse square in Byrdstown; thence northwardly with the center of the street along the east side of Courthouse square; thence westwardly with the center of the street along the north side of Courthouse square to the center of Main Street at northwest corner of square; thence westwardly and northwardly with the center of Main Street to the center of Highway 42; thence with the center of Highway 42 westwardly and southwardly to the beginning.

## DISTRICT III

Beginning at the northeast corner of Pickett County at a point in the Kentucky State line; thence westwardly with the Kentucky State line to the center of the Wolf River section of Dale Hollow Reservoir at a point east of the H. T. Groce residence; thence southeastwardly with the center of Dale Hollow Reservoir and Wolf River to the Fentress County line; thence northwardly and eastwardly with the Fentress County line to the Scott County line; thence northwestwardly with the Scott County line to the beginning.

## DISTRICT IV

Beginning at a point in the Pickett County-Fentress County line in the center of the East Fork of Obey River section of Dale Hollow Reservoir; thence down and with the center of Obey River

and Dale Hollow Reservoir to the mouth of Cove Creek; thence northeastwardly with the center of Cove Creek to a point in the north line of the Dale Hollow Reservoir boundary; thence in a northwardly direction a straight line to the southwest corner of the tract of land upon which Woodrow Amonett now lives; thence northwardly with the west line of said Woodrow Amonett tract to the center of the road which leads from Highway 42 to Star Point Dock; thence northeastwardly with the center of said road to the first intersection of the road which leads northwardly to Jones Chapel; thence northwardly with the center of said road to the intersection near the Howard Tidrow residence; thence northeastwardly with the center of the road which leads past the J. M. Jolley residence to the intersection at the Frank Sells farm; thence northwardly with the center of the road which passes the Stone Means residence to the Lovelady-Jones Chapel Road near the residence of Tom Jones; thence westwardly with the center of the Lovelady-Jones Chapel road to the point where it crosses Meetinghouse Branch near the old John Reagon homeplace; thence northwestwardly with the center of Meetinghouse Branch to the center of Dale Hollow Reservoir; thence up Dale Hollow Reservoir with the center thereof to the Kentucky State line; thence westwardly with the Kentucky State line to the northeast corner of Clay County; thence southwardly with the Clay County line to the Overton County line; thence southeastwardly with the Overton County line to the Fentress County line; thence eastwardly and northwardly with the Fentress County line to the beginning.

SECTION 6. That the membership of the County Board of Education shall be elected by the qualified voters of said county in the following manner:

At the next general election to be held in August, 1968, one (1) person shall be elected to the County Board of Education by the qualified voters of School District Number four (4). The term of office shall be for six (6) years beginning September 1, 1968. At the general election in August, 1970, one (1) person shall be elected to the County Board of Education by the qualified voters for School District Number three (3). The term of office shall be for six (6) years beginning September 1, 1970.

At the general election in August, 1972, two (2) persons shall be elected to the County Board of Education, one (1) by the qualified voters for School District Number one (1) and one (1) by the qualified voters for School District Number two (2). The term of office shall be for six (6) years beginning September 1, 1972.

The county commissioners of Pickett County shall appoint a person to fill the vacancy of the position of fifth member of the Pickett County School Board. When the next Pickett County general election is held, the fifth member shall be selected at large from Pickett County by the qualified voters of Pickett County. The term of office shall be for six (6) years beginning September 1, 1986.

As amended by: Private Acts of 1985, Chapter 18.

SECTION 7. That the powers, duties, qualifications and mode of procedure of the County Board of Education of Pickett County shall be the same as now provided for a County Board of Education under the general statutes and laws of the State of Tennessee, not inconsistent with the provisions of this Act.

SECTION 8. That the members of the County Board of Education of Pickett County shall be compensated at the rate of Ten Dollars (\$10.00) per day for each day's attendance upon meetings of the County Board of Education, and they shall also receive Ten Cents (10¢) per mile one way, as traveling expenses between their homes and the county seat of said county.

Such compensation and mileage expenses shall be paid out of the school fund of said county.

SECTION 9. That it is hereby declared to be the intent of the General Assembly of the State of Tennessee to provide a County Board of Education for Pickett County to be elected by the

qualified voters and said Board to be composed of five (5) members and to serve staggered terms of six (6) years each, but the County Board of Education membership may, during the period of transition from the former system of electing members to said Board, exceed for a period of time more than five (5) members.

As amended by: Private Acts of 1985, Chapter 18.

SECTION 10. That this Act shall have no effect unless the same shall be approved by a majority of the voters voting in an election to be held for such purpose. Within 30 days after the approval of this Act by the Governor, or after its otherwise effective date, it shall be the duty of the County Board of Election Commissioners of Pickett County to call an election for the county to be held not less than 20 nor more than 40 days from the date of such call for the purpose of accepting or rejecting the provisions of this Act. The ballots used in such election shall have printed thereon the title, caption or general substance of this Act and voters shall vote for or against its adoption. The votes cast at such election shall be canvassed by the County Board of Election Commissioners upon the first Monday occurring five or more days next after the date of such election and the results shall be proclaimed by such board and certified to the Secretary of State. The qualification of voters shall be that provided by law for participation in general elections and all laws applicable to general elections shall apply to an election held hereunder. The cost of said election shall be paid by the county to which this Act applies.

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

Passed: March 6, 1967.

## 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.

## EDUCATION - SCHOOLS

### SUPERINTENDENT OR DIRECTOR OF SCHOOLS

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

The act referenced below once affected the office of superintendent of education in Pickett County, but is no longer operative.

1. Private Acts of 1967-68, Chapter 4, created and established in Pickett County, Tennessee, the office of County Superintendent of Schools, which position was filled by election by the qualified voters of said county. In the event of vacancy in the office of County Superintendent of Schools in said county after the regular August, 1968, the Quarterly County Court would elect someone to fill said vacancy until a successor was elected at the next general election.

## 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 Pickett County but are no longer operative since they have either been superseded, repealed, or failed to receive local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1901, Chapter 472, established a special school district to be known as School District No. 11. [All special school districts which were not taxing districts were abolished by the general education act of 1925.]
2. Acts of 1907, Chapter 281, created an independent school district out of parts of Pickett County and Overton County, to be known as the Bethsaida District.
3. Acts of 1909, Chapter 494, was a compulsory education act requiring the parents or guardians of any child between the ages of eight and fourteen to send their children to school for at least four months or eighty consecutive days each year.
4. Private Acts of 1917, Chapter 555, was a general education law for Overton and Pickett Counties governing the operating procedures of the elementary and high schools in the county systems and in the special school districts. Private Acts of 1923, Chapter 195, removed Pickett County from this Act's provisions.
5. Private Acts of 1917, Chapter 670, re-established the Bethsaida School District out of parts of Pickett and Overton Counties. This act was more elaborate than the original 1907 act, setting out the exact boundaries, method of selecting the trustees and their duties and requiring an annual scholastic population. This act was repealed by Private Acts of 1925, Chapter 573.
6. Private Acts of 1917, Chapter 707, was House Bill No. 1177 and was identical to Chapter 670 of the Private Acts of 1917, which was its companion Senate Bill.
7. Private Acts of 1925, Chapter 10, provided for the election by popular vote of a County Superintendent of Public Schools, but this act was repealed in the next legislative session by Private Acts of 1927, Chapter 322.
8. Private Acts of 1925, Chapter 256, authorized the Pickett County Board of Education to pay Otto Groce the sum of \$311.32 out of the elementary school funds for the purpose of refunding to him the amount which he had personally advanced for the erection of the Jones Chapel School House in 1922.
9. Private Acts of 1927, Chapter 396, created a five member County Board of Public School Directors for Pickett County to be elected from the county as a whole for five year terms. The County Board of Education was abolished.
10. Private Acts of 1929, Chapter 439, provided that the county superintendent of education would be elected biennially by the Quarterly County Court at its January term. Private Acts

of 1933, Chapter 648, and Private Acts of 1937, Chapter 738, were both amendatory to the original act, adjusting the annual salary of that position.

11. Private Acts of 1941, Chapter 318, established a five member County Board of Public School Directors, one member to be elected from each of Pickett County's civil districts by the voters in that district. This was amended by the Private Acts of 1949, Chapter 721, to provide that the school board would be elected by the Quarterly County Court.
12. Private Acts of 1972, Chapter 210, attempted to amend the Private Acts of 1967-68, Chapter 5, by providing for the election of a fifth member of the school board from the county at large, and by requiring that all members of the school board be at least eighteen years old.

## **CHAPTER VII - ELECTIONS**

ELECTIONS

CIVIL DISTRICTS

PRIVATE ACTS OF 1967-68

CHAPTER 2

SECTION 1. That the civil districts of Pickett County be and they are hereby rearranged into four (4) civil districts and the numbers and boundaries of said districts shall be as follows, to-wit:

DISTRICT I

Beginning at the point where the Pickett County-Fentress County line crosses the East Fork of Obey River section of Dale Hollow Reservoir; thence down the center of East Fork of Obey River and Dale Hollow Reservoir with the various meanders thereof to the L. B. Hassler Bridge on Highway 42; thence northwardly and eastwardly with the center of Highway 42 to the center of North Main Street in the City of Byrdstown; thence southwardly and eastwardly with the center of Main Street to the northwest corner of the Courthouse square; thence eastwardly with the center of the street along the north side of the Courthouse square; thence southwardly with the center of the street along the east side of Courthouse square to the center of the intersection of Moodyville Road; thence eastwardly with the center of Moodyville Road to the center of an intersection of said road at a point between the Bethel Huddleston residence and the Flemon Brown residence; thence northwardly with the meanders of the County road which intersects said Moodyville Road as aforesaid to the center of Wolf River; thence southeastwardly with the center of Wolf River to the Pickett County and Fentress County line; thence with the Pickett County-Fentress County line to the point of beginning.

DISTRICT II

Beginning at a point in the center of Dale Hollow Reservoir where same is crossed by Highway 42 at the L. B. Hassler Bridge; thence westwardly with the center of the main body of the Dale Hollow Reservoir to the mouth of Cove Creek; thence northeastwardly with the center of Cove Creek to a point in the north line of the Dale Hollow Reservoir boundary; thence in a northwardly direction a straight line to the southwest corner of the tract of land upon which Woodrow Amonett now lives; thence northwardly with the west line of said Woodrow Amonett tract to the center of the road which leads from Highway 42 to Star Point Dock; thence northeastwardly with the center of said road to the first intersection of the road which leads northwardly to Jones Chapel; thence northwardly with the center of said road to the intersection near the Howard Tidrow residence; thence northeastwardly with the center of the road which leads past the J. M. Jolley residence to the intersection at the Frank Sells farm; thence northwardly with the center of the road which passes the Stone Means residence to the Lovelady-Jones Chapel Road near the residence of Tom Jones; thence westwardly with the center of the Lovelady-Jones Chapel road to the point where it crosses Meetinghouse Branch near the old John Reagan homeplace; thence northwestwardly with the center of Meetinghouse Branch to the center of Dale Hollow Reservoir; thence up Dale Hollow Reservoir with the center thereof to the Kentucky State line; thence eastwardly with the Kentucky State Line crossing the peninsula north of the H. T. Groce residence to the center of Dale Hollow Reservoir; thence southeastwardly with the center of Dale Hollow Reservoir and Wolf River to the point where the county road which leads northwardly from Etter Community to the Edd Nicholas place crosses said Wolf River; thence southwardly with the center of said road to the center of the Moodyville Road; thence westwardly with the center of Moodyville Road to the southeast corner of the Courthouse square in Byrdstown; thence northwardly with the center of the street along the east side of Courthouse square; thence westwardly with the center of the street along the north side of

Courthouse square to the center of Main Street at northwest corner of square; thence westwardly and northwardly with the center of Main Street to the center of Highway 42; thence with the center of Highway 42 westwardly and southwardly to the beginning.

### DISTRICT III

Beginning at the northeast corner of Pickett County at a point in the Kentucky State line; thence westwardly with the Kentucky State line to the center of the Wolf River section of Dale Hollow Reservoir at a point east of the H. T. Groce residence; thence southeastwardly with the center of Dale Hollow Reservoir and Wolf River to the Fentress County line; thence northwardly and eastwardly with the Fentress County line to the Scott County line; thence northwestwardly with the Scott County line to the beginning.

### DISTRICT IV

Beginning at a point in the Pickett County-Fentress County line in the center of the East Fork of Obey River section of Dale Hollow Reservoir; thence down and with the center of Obey River and Dale Hollow Reservoir to the mouth of Cove Creek; thence northeastwardly with the center of Cove Creek to a point in the north line of the Dale Hollow Reservoir boundary; thence in a northwardly direction a straight line to the southwest corner of the tract of land upon which Woodrow Amonett now lives; thence northwardly with the west line of said Woodrow Amonett tract to the center of the road which leads from Highway 42 to Star Point Dock; thence northeastwardly with the center of said road to the first intersection of the road which leads northwardly to Jones Chapel; thence northwardly with the center of said road to the intersection near the Howard Tidrow residence; thence northeastwardly with the center of the road which leads past the J. M. Jolley residence to the intersection at the Frank Sells farm; thence northwardly with the center of the road which passes the Stone Means residence to the Lovelady-Jones Chapel Road near the residence of Tom Jones; thence westwardly with the center of the Lovelady-Jones Chapel road to the point where it crosses Meetinghouse Branch near the old John Reagan homeplace; thence northwestwardly with the center of Meetinghouse Branch to the center of Dale Hollow Reservoir; thence up Dale Hollow Reservoir with the center thereto to the Kentucky State line; thence westwardly with the Kentucky State line to the northeast corner of Clay County; thence southwardly with the Clay County line to the Overton County line; thence southeastwardly with the Overton County line to the Fentress County line; thence eastwardly and northwardly with the Fentress County line to the beginning.

SECTION 2. That the enactment of this statute shall not affect the present term of office of the Justices of the Peace and Constables of Pickett County elected from the civil districts of said county as heretofore constituted and existing. The Justices of the Peace for each of the four Civil Districts established by this Act shall be elected as the law requires and for the terms provided on the first Thursday in August, 1972, and take office on September 1, 1972, and the Constables for each of the four Civil Districts established by this Act shall be elected as the law requires and for the terms provided on the first Thursday in August, 1968, and take office on September 1, 1968. In order that the Quarterly County Court of Pickett County and the County Commissioners of Election may make provisions for voting precincts and registering voters according to this Act and for all other purposes except as stated in Section 4, this Act shall take effect upon being ratified as provided in Section 3 of this Act.

SECTION 3. That this Act shall have no effect unless the same shall be approved by a majority of the voters voting in an election to be held for such purpose. Within 30 days after the approval of this Act by the Governor, or after its otherwise effective date, it shall be the duty of the County Board of Election Commissioners of Pickett County to call an election for the county to be held not less than 20 nor more than 40 days from the date of such call for the purpose of accepting or rejecting the provisions of this Act. The ballots used in such election shall have printed thereon the title, caption or general substance of this Act and voters shall vote for or against its adoption. The votes cast at such election shall be canvassed by the County Board of Election Commissioners

upon the first Monday occurring 5 or more days next after the date of such election and the results shall be proclaimed by such board and certified to the Secretary of State. The qualification of voters shall be that provided by law for participation in general elections and all laws applicable to general elections shall apply to an election held hereunder. The cost of said election shall be paid by the county to which this Act applies.

SECTION 4. That for the purpose of ratifying this Act as provided in Section 3, it shall take effect upon its passage, the public welfare requiring it.

Passed: March 6, 1967.

**COMPILER'S NOTE:** This act establishes the civil districts of Pickett County, which are not necessarily the same as county legislative body districts.

## 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 Pickett County in the 15th state senatorial district (along with Macon, Trousdale, Clay, Jackson, Smith, Putnam, DeKalb and White counties), while T.C.A. § 3-1-103 places it in the 38th representative district. Pickett County is part of the 6th U.S. congressional district, under the provisions of T.C.A. § 2-16-103.

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

1. Acts of 1903, Chapter 113, abolished the Ninth Civil District of Pickett County and renumbered the remaining civil districts.
2. Private Acts of 1921, Chapter 212, called for an election to ascertain the will of the Pickett County voters on a stock law for the county.
3. Private Acts of 1925, Chapter 85, provided for the re-districting of Pickett County into five civil districts. This act was amended by Private Acts of 1925, Chapter 623, Page 2319, to change the boundary between the newly created first and second civil districts.
4. Private Acts of 1929, Chapter 726, changed the boundary between the first and second civil districts and also between the third and fifth civil districts of Pickett County.

## **CHAPTER VIII - HEALTH**

HEALTH

LANDFILL

PRIVATE ACTS OF 1988

CHAPTER 232

SECTION 1. No solid waste, hazardous or toxic waste landfill shall be constructed in Pickett County, Tennessee and no contract between any person or persons for the purpose of constructing or utilizing the same shall be completed or executed unless the location of the landfill area shall have been approved by the Tennessee Department of Health and Environment and the governing body of Pickett County. Should the Department of Health and Environment or the governing body of Pickett County disapprove of the site no further action shall be taken in regard to the construction of a landfill in Pickett County.

SECTION 2. Nothing in this act shall affect the regulations set forth by the Department of Health and Environment of the State of Tennessee.

SECTION 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Pickett County by September 1, 1988. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

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

Passed: April 29, 1988.

## 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 1915, Chapter 590, authorized persons who had been assistant pharmacists for not less than ten consecutive years to conduct the business of druggists in Pickett County, without the need of taking the examination usually required before the issuance of a pharmacist's license. This act was amended by Private Acts of 1917, Chapter 517, to make it applicable to persons who had served as a regular clerk under a registered pharmacist rather than to assistant pharmacists.
2. Private Acts of 1921, Chapter 881, authorized persons who had been assistant pharmacists for not less than ten consecutive years to conduct the business of druggists in Pickett County. The individual would be required to obtain a license as a registered pharmacist, but an examination would not be required.

## **CHAPTER IX - HIGHWAYS AND ROADS**

## HIGHWAYS - ROADS

### ROAD LAW

#### PRIVATE ACTS OF 1957

#### CHAPTER 104

SECTION 1. That Chapter No. 295 of the Private Acts of 1941, the caption of which is set out in the caption hereof, be and the same is hereby repealed, as of the first day of September 1958, but will remain in full force and effect until said date, and on said date any office created by said Act is hereby abolished.

SECTION 2. That in order to establish a system for the construction, repair, maintenance and operation of a road system in all counties of this state having a population of not less than 5,050 and not more than 5,100 according to the Federal Census of 1950 or any subsequent Federal Census in lieu of the system created by the Act repealed in the first section hereof, there is hereby created the office of Road Supervisor who shall be elected at the next general election in August, 1958, who shall hold his office for a term of two years or until his successor is elected and qualified, provided that no member of the County Court shall be eligible to the office of Road Supervisor. The said Road Supervisor shall take his oath of office on the first day of September, 1958, and shall take over and perform the duties of his office on the first day of September, 1958, and before he assumes the duties and obligations of his office he shall be required to make an indemnity bond, to be paid out of said gas tax, in the amount of Ten Thousand (\$10,000.00) Dollars with some solvent bonding company authorized to do business in Tennessee, payable to the County that he will faithfully and honestly comply with the requirements of his office. The said County Road Supervisor may be removed from office as other public officials are removed from office. In case of vacancy in office of the Road Supervisor, and occurring while the Quarterly County Court is not in session, the same shall be filled by appointment made by the Judge or Chairman of the County Court, to hold until the next meeting of the Quarterly County Court when the vacancy will be filled by the Court until the next regular August election. The Road Supervisor shall be a resident of the county, a freeholder, and must have had at least two years previous experience as road builder and known to be a well qualified man with ability to deal with the public and to handle efficiently and ably the workers under this supervision. The said Road Supervisor shall devote his entire time to the duties of his office which may be increased or diminished from time to time. In the event the county needs his services in connection with other road construction or in securing rights of way for other roads or highways, not directly under his supervision, he must make himself available. The said Road Supervisor, when elected under this Act, shall receive Three Hundred Fifty (\$350.00) Dollars per month for his services and in addition thereto he shall be allowed a county owned pickup truck to make his trips over the county roads, said upkeep and gas used in this county owned truck shall be paid out of the county road fund, as well as all salaries incident to the various road operations, shall be paid from said road fund. Said road fund is created by the gas tax received from the State and should at any time this gas tax be withheld for any cause from the county, then all expenses of road building, including salaries, shall terminate and payments cease. The book-keeper hereinafter named shall draw his, or her, pay from the road or gas fund the same as other payments are made. The Road Supervisor shall maintain an office or offices at the county garage and shall see that all trucks and other machinery are left at such garage at the end of each work day, except for such machinery that for reasons of economy to the county is left at the site of road operations where it is to be used next following such day. The Road Supervisor shall receive as payment for his expenses the sum of One Hundred Fifty Dollars (\$150.00) per month.

As amended by: Private Acts of 1969, Chapter 126.

**COMPILER'S NOTE:** The County Uniform Highway Law in Section 54-7-108 of Tennessee Code Annotated now sets the chief administrative officer's bond at \$100,000. His minimum salary must be equal to the salary of the county clerk but not less than \$8,000 under the provisions of T.C.A. 54-7-106.

SECTION 3. That the Road Supervisor shall have general supervision of all common and graded and macadamized roads in the county, other than the State and Federal Highways. He shall have control of the funds derived from taxation or otherwise for the construction and maintenance of all roads in the county under the limitations hereinafter provided for. It shall be the duty of the Road Supervisor to purchase all machines, tools, supplies, etc., under the rules of public advertising for sealed bids for each month's supplies upon estimates or requisitions. All bids to be opened on a fixed date in the office of the County Judge or Chairman in the presence of the County Judge or Chairman, the Clerk of the County Court and the Road Supervisor, and the contract for purchase awarded to the lowest and best bidder. An emergency fund of Fifteen Hundred (\$1500.00) Dollars is hereby set up each month and the same to be used by the Road Supervisor in the purchase of materials, machinery and other articles necessary for the carrying on of his duties as such Road Supervisor, and any of this money expended by him during the month shall be accounted for at the end of each month in full. Any of said fund not expended at the end of the month shall revert to the general road fund of the county. It shall be the duty of the Road Supervisor to take receipts showing the full amounts paid for such purchases for any company, firm, individual or from any source that said purchases shall be made and to file said receipts along with his reports to be made monthly, with the Clerk of the County Court, which shall become a part of the road records and which shall be kept as a public record. The Road Supervisor shall not incur any debt beyond the sum set apart for roads for each current year, and at the expiration of his term of office any and all debts so incurred shall become an obligation against himself and his bondsmen and shall be collected by the county as other debts, and when paid shall be returned to the county road fund.

He shall keep or cause to be kept a record of all his actions, preserve all papers, accounts, petitions and reports which may come into his hands and which shall become public records, subject to inspection to any one who may desire to see them. He shall, before giving orders for payment, carefully audit the accounts of overseers and other persons employed by him. He shall keep a complete and full record of all claims which he orders paid and shall draw an order on the County Judge for same which shall state in detail for what purpose this order is to be paid, and it shall be the duty of the Commissioner of Roads to issue warrant to the Trustee for payment which shall constitute a charge against the County Road fund. The Road Supervisor shall make or cause to be made a complete detailed report to each Quarterly County Court term, same to be made out in duplicate, one to be retained in the office of the Road Supervisor and the other to be filed with the County Court Clerk for public view. At the first session each year of the Quarterly County Court, a complete inventory of all the county's road machinery, tools and all other property shall be shown in said report, showing in what repair same is at the beginning of each year as well as to show in said report the conditions of each district roads and bridges.

As amended by: Private Acts of 1973, Chapter 57.

SECTION 4. That said Road Supervisor shall have the authority and it shall become his duty to lay out all roads in the county any (sic) classify them into First-class, Second-class, Third-class and Fourth-class roads. First-class roads shall not be less than 24 feet in width, Second-class not less than 18 feet wide, Third-class not less than 14 feet wide, and Fourth-class not less than 9 feet wide. Said Road Supervisor can make any changes in the county roads as the public needs may require by cutting down grades, ditching, cutting off rights-of-way, opening or closing by mutual consent with interested parties to adjacent properties by written agreement. None of the public road funds shall be spent on private roads, without first laying them off and designating them as public roads, to be included within the above classes to be kept open to the public. Any other method for opening public roads shall be within the provisions of the general law of condemnation procedure. It is further provided, that the Road Supervisor shall have control of the building, repairing and

maintaining of all bridges and culverts within the county road system, and shall buy only first class material for the use in the construction and repairing of said bridges.

SECTION 5. That the Road Supervisor shall have full power to hire and to fire men employed to do road work. He shall fix their wages, which shall be in accordance with the prevailing wage scale for like work in the community where their work is performed, he shall have the authority and it shall be his duty to get the best qualified men to use with the operation of the county's machinery.

SECTION 6. That the Road Supervisor shall have authority to appoint a bookkeeper, prescribe his, or her, duties, and fix his, or her, compensation at Three Hundred (\$300.00) Dollars per month, and said bookkeeper shall serve at the pleasure of said Road Supervisor. Said bookkeeper is to keep all the records of the County Highway Department and is to work in the office of the Road Supervisor. No member of the County Court shall be eligible for the office of bookkeeper for said County Highway Department. Said compensation of said bookkeeper when fixed shall be paid from the county's gas tax road fund and chargeable thereto. Before said bookkeeper assumes the duties and obligations of his, or her, office, he shall be required to make an indemnity bond in the amount of One Thousand (\$1,000.00) Dollars with good and sufficient security, approved by said Road Supervisor, payable to the county, that he will faithfully and honestly comply with the requirements of his office.

As amended by: Private Acts of 1971, Chapter 9.

SECTION 7. That this Act shall be liberally construed and interpreted, and its provisions are hereby declared to be severable. If any of its sections, provisions, exceptions, sentences, clauses, phrases or parts be held unconstitutional or void, the remainder shall continue in full force and effect, it being the legislative intent now hereby declared, that this Act would have been adopted even if such unconstitutional or void matter had not been included therein.

SECTION 8. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

SECTION 9. That this Act shall have no effect unless the same shall be approved by a majority of the voters voting in an election to be held for such purpose. Within 15 days after the approval of this Act by the Governor, it shall be the duty of the county board of election commissioners of the county to which this Act applies to call an election for the county to be held not less than 20 nor more than 40 days from the date of such all for the purpose of accepting or rejecting the provisions of this Act. The ballots used in such election shall have printed thereon the title of this Act and voters shall vote for or against its adoption. The votes cast at such election shall be canvassed by the county board of election commissioners upon the first Monday occurring 5 or more days next after the date of such election, and the results shall be proclaimed by such board and certified to the Secretary of State. The qualification of voters shall be that provided by law for participation in general elections and all laws applicable to general elections shall apply (sic) to an election held hereunder.

SECTION 10. That this Act shall take effect for the purpose of holding the validating election, and for the purpose of permitting the qualification of candidates for nomination and election to the office created herein from and after its passage, for all other purposes this Act shall take effect on the first day of September, 1958, the public welfare requiring it.

Passed: February 21, 1957.

## 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 Pickett County, but which are no longer operative. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Private Acts of 1929, Chapter 804, was the first private act setting out a road law for Pickett County. This act established a County Highway Commission of three members to be elected by the Quarterly County Court for six year terms, and this commission was authorized to employ a Superintendent of County Roads.

2. Private Acts of 1941, Chapter 295, provided for a County Board of Public Highways to consist of five members, one from each of the county's civil districts, elected by the voters in their home districts. This board was also authorized to employ a Supervisor of Public Roads. This act was amended by Private Acts of 1943, Chapter 367, to decrease the salary of the Supervisor of Public Roads and to provide for the employment of a Purchasing Agent for the county road department. These acts were repealed by Private Acts of 1957, Chapter 104.

## **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.

## 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 act has no current effect but is included here for reference purposes since it once applied to the Pickett County Sheriff's Office.

1. Private Acts of 1949, Chapter 695, provided that the Sheriff of Pickett County would be paid a sum not less than \$150 monthly out of the county treasury as compensation for patrol work and protective services since the general law provisions then in effect were declared not to provide sufficient compensation for Pickett County to obtain the services of competent and suitable persons for the office of Sheriff.

## **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 act was superseded, repealed or failed to win local ratification, but is are listed here as a reference to laws which once affected the Pickett County Assessor.

1. Private Acts of 1951, Chapter 689, set the annual salary of the Pickett County Tax Assessor at \$800, payable monthly.

TAXATION

LITIGATION TAX

PRIVATE ACTS OF 1982

CHAPTER 231

SECTION 1. There is levied a privilege tax on litigation in the amount of five dollars (\$5.00) upon all original civil suits and cases filed in Circuit, Chancery and General Sessions Courts in Pickett County.

SECTION 2. There is levied a privilege tax on litigation of ten dollars (\$10.00) in all criminal cases instituted in the Circuit Court in Pickett County.

SECTION 3. The term "case" shall include ex parte as well as adversary or contested proceedings.

SECTION 4. The privilege tax on litigation shall be collected by the clerks of the respective courts and taxed as part of the costs in each suit or case. Such clerks shall be accountable for and shall pay over the revenue to the county Trustee quarterly, not later than the tenth (10th) of the month immediately following the end of the quarter in which such collections are made.

SECTION 5. The county Trustee shall deposit the amounts collected in the Pickett County General Fund.

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

SECTION 7. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Pickett County before September 6, 1982. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Pickett County and certified by him to the Secretary of State.

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

Passed: February 25, 1982.

## 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.

**PARALLEL REFERENCE TABLE**

PARALLEL REFERENCE TABLE

YEAR	ACT	CHAPTER	PAGE
1875	Acts	70	7
1879	Acts	34	24
1881	Acts	37	25, 26
1883	Acts	122	28
1883	Acts	141	20
1885	Acts	12	37, 39
1885	Acts	117	32
1885	Acts	125	32
1885	Acts	156	32
1887	Acts	52	32
1889	Acts	227	7
1890	Acts	19	37
1891	Acts	28	32
1891	Acts	42	32
1891	Acts	124	5
1891	Acts	196	7
1893	Acts	57	32
1897	Acts	241	17
1897	Acts	287	32
1897	Acts	294	37, 39
1899	Acts	82	33
1899	Acts	105	33
1901	Acts	232	39
1901	Acts	270	32
1901	Acts	472	59
1903	Acts	97	37
1903	Acts	113	66
1905	Acts	39	33
1905	Acts	193	33
1905	Acts	266	33
1905	Acts	359	39
1905	Acts	373	33
1905	Acts	378	33
1907	Acts	85	39
1907	Acts	281	59
1907	Acts	381	43
1909	Acts	494	59
1911	Private	73	38
1911	Private	244	33
1911	Private	258	41
1911	Private	259	4
1915	Private	111	41
1915	Private	112	4
1915	Private	484	21
1915	Private	590	69
1915	Private	686	33
1917	Private	46	17
1917	Private	108	21
1917	Private	401	17
1917	Private	517	69
1917	Private	555	59

YEAR	ACT	CHAPTER	PAGE
1917	Private	670	59
1917	Private	707	59
1919	Private	166	43
1919	Private	511	17
1920	Private (Ex. Sess.)	26	21
1920	Private (Ex. Sess.)	80	21
1921	Private	212	66
1921	Private	450	7
1921	Private	453	33
1921	Private	629	39
1921	Private	700	33
1921	Private	803	33
1921	Private	804	33
1921	Private	881	69
1923	Private	160	36
1923	Private	195	59
1923	Private	703	21
1925	Private	10	59
1925	Private	69	5
1925	Private	85	66
1925	Private	178	17
1925	Private	256	59
1925	Private	353	36
1925	Private	573	59
1925	Private	604	17
1925	Private	623	66
1925	Private	700	34
1927	Private	40	37
1927	Private	56	7
1927	Private	156	36
1927	Private	322	59
1927	Private	396	60
1927	Private	776	29
1929	Private	439	60
1929	Private	501	17
1929	Private	726	66
1929	Private	804	77
1929	Private	932	36
1931	Private	256	10
1933	Private	213	34
1933	Private	225	5
1933	Private	242	5
1933	Private	648	60
1933	Private	733	6
1933	Private	734	36
1933	Private	735	36
1935	Private	7	20
1935	Private	8	20
1937	Private	289	21
1937	Private	738	60
1937	Private	773	17
1941	Private	295	72, 77
1941	Private	318	60

YEAR	ACT	CHAPTER	PAGE
1941	Private	438	21
1943	Private	367	77
1949	Private	695	83
1949	Private	721	60
1951	Private	689	86
1953	Private	139	20
1953	Private	251	36
1953	Private	382	20
1955	Private	30	16
1955	Private	363	20
1957	Private	49	21
1957	Private	104	72,77
1959	Private	194	8
1959	Private	225	6
1961	Private	146	40,45
1963	Private	211	30
1967	Private	3	6
1967-68	Private	2	62
1967-68	Private	4	56
1967-68	Private	5	50,60
1969	Private	126	73
1970	Public	537	43
1971	Private	9	74
1971	Private	10	8
1972	Private	210	60
1973	Private	57	74
1974	Public	421	31
1976	Public	563	43
1978	Private	313	6
1978	Public	934	7
1982	Private	231	87
1982	Private	237	44,46
1985	Private	18	51,53
1988	Private	232	68
1989	Public	77	76
1992	Public	535	55,58

The University of Tennessee does not discriminate on the basis of race, sex, color, religion, national origin, age, handicap, or veteran status in provision of educational opportunities or employment opportunities and benefits.

The University does not discriminate on the basis of sex or handicap in the education programs and activities which it operates, pursuant to the requirements of Education Amendments of 1972, Public Law 92-318, and Section 504 of the Rehabilitation Act of 1973, Public Law 93-112, and the Americans With Disabilities Act of 1990, Public Law 101-336, respectively. This policy extends to both employment by and admission to the University.

Inquiries concerning Title IX, Section 504, and the Americans With Disabilities Act of 1990 should be directed to Mr. Gary Baskette, Director of Business Services, 109 Student Services and Administration Building, Knoxville, Tennessee 37996-0212, (615) 974-6622. Charges of violation of the above policy should also be directed to Mr. Baskette.