

**PRIVATE ACTS
OF
VAN BUREN COUNTY, TENNESSEE**

REVISED EDITION

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

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PREFACE

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

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

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

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

HOW TO USE THE PRIVATE ACTS OF VAN BUREN COUNTY

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

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

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

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

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

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

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

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CHAPTER I - ADMINISTRATION

ADMINISTRATION

BUDGET SYSTEM

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

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

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

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

ADMINISTRATION

COUNTY ATTORNEY

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 acts once affected the office of County Clerk in Van Buren County. They are included herein for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1917, Chapter 745, provided that the County Court Clerk and the Sheriff of Van Buren County both be allowed \$50 a year as ex officio fees to be appropriated and paid out of the county treasury on the first Monday in July, 1917 and on the first Monday in January, 1918 and semi-annually on the same dates thereafter.
2. Private Acts of 1935, Chapter 546, made it mandatory to pay the County Court Clerks in Van Buren County a maximum ex officio fee of \$100 per year, payable quarterly. All conflicting laws were repealed.

ADMINISTRATION

COUNTY MAYOR

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

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

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

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

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

1. Acts of 1855-56, Chapter 253, Page 511, created the office of County Judge for every County in the state. He would be learned in the law and elected by the people for a four year term. The Quorum Court of the County was abolished and all its authority and duties were given to the County Judge. The jurisdiction of the Judge was established by items in Section 6, and his powers were enumerated in Section 8. The salary was placed at a \$5.00 per day minimum which could be increased by the County Court. The Circuit Court Clerk would keep the dockets. This Act was specifically and entirely repealed by Acts of 1857-58, Chapter 5.
2. Acts of 1867-68, Chapter 19, Page 17, provided that the people of Van Buren County may on the first Saturday in March next elect a County Judge whose duty it shall be to hold the Quorum Courts and make all settlements required to be made with other county officers. He would be elected for a four year term at a salary of \$100 per year.

3. Private Acts of 1959, Chapter 218, as amended by Private Acts of 1972, Chapters 267 and 505, and Private Acts of 1973, Chapter 36, created and established the office of county judge in Van Buren County.

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 Van Buren County and are included herein for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1963, Chapter 35, Page 111, set the per diem allowance for Justices' attendance at the meetings of the Quarterly County Court at \$10.00 per day and mileage was also made payable at the rate of ten cents per mile one way between residence and the court meeting place.
2. Private Acts of 1976, Chapter 208, created a special committee of the Van Buren quarterly county court for emergency interim appointments. The committee consisted of the county judge and four (4) members of the quarterly court recommended by the county judge for membership on such committee and elected by the quarterly court to serve on the committee.

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.

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

1. Acts of 1867-68, Chapter 89, permitted the Register for Van Buren County to keep his office at his residence or that of a deputy Register.
2. Acts of 1897, Chapter 124, included the Register among those county officers whose compensation was fixed in different population classes. The Register in counties under 20,000 population would be paid \$800 yearly but would sacrifice fees, commissions, etc., received by virtue of their office.

ADMINISTRATION

COUNTY TRUSTEE

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

ADMINISTRATION

PURCHASING

PRIVATE ACTS OF 1986

CHAPTER 111

SECTION 1. All purchases of and contracts for purchases of supplies, materials, equipment and contractual services shall be based wherever possible on competitive bids; but contracts for legal services, auditing services by certified public accountants, and similar services by professional persons or groups of high ethical standards, shall not be based upon competitive bids, but shall be awarded on the basis of recognized competence and integrity; provided further that bids need not be required for services for which the rate or price is fixed by a public authority authorized by law to fix such rates or prices.

The county may purchase materials, supplies, commodities, and equipment from any federal, state or local governmental units or agency, without conforming to the competitive bidding requirements of this section.

If the amount of the expenditure or sale is estimated to exceed two thousand five hundred dollars (\$2,500), sealed bids shall be solicited. Sealed bids shall be solicited by public notice inserted at least once in a newspaper of county-wide circulation five (5) days prior to the final date for submitting bids or by posting notices on a public bulletin board in the county courthouse. Sealed bids, when deemed necessary or desirable, shall be solicited by sending requests by mail to prospective suppliers. All such notices shall include a general description of the commodities or contractual services to be purchased or property to be sold and shall state where bid blanks and specifications may be obtained and the time and place of opening bids.

All purchases or sales of less than two thousand five hundred dollars(\$2,500) may be made in the open market without newspaper notice, but shall wherever possible be based upon at least three (3) competitive bids. Requisitions for items estimated to cost more than two thousand five hundred dollars (\$2,500) shall not be subdivided in order to circumvent the requirement for public newspaper notice herein provided for.

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

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

Passed: February 6, 1986.

ADMINISTRATION

PURCHASING

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

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

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

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

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

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

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

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

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

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

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

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

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

ADMINISTRATION

GENERAL REFERENCE

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

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

1. Acts of 1859-60, Chapter 117, released and discharged John Stewart, of Van Buren County, from the payment of any balance of principal and interest remaining on the judgment against him as surety bail for Nicholas G. Gillentine, but the relief provided herein will apply only after the costs are paid.
2. Acts of 1868-69, Chapter 25, established a Board of County Commissioners for Van Buren County consisting of the County Judge and two Associates whose duty it would be to perform all the duties and obligations of the Quarterly County Court; the two associates would be elected for two year terms at the regular election time; the Governor would appoint them to serve until the regular election; the Justices' Court was abolished and they were relieved of all authority and responsibility and the same were vested in the County Commissioners who would be paid a salary of \$75 yearly.
3. Acts of 1868-69, Chapter 40, (which made Section 1 of this chapter applicable to Van Buren County), provided that the Surveyor of Van Buren County would perform all the duties and functions of the Entry Taker in addition to the duties of his office and he would be allowed all the fees then incidental to the office of Entry Taker, which office was abolished.
4. Acts of 1869-70, Chapter 15, provided that so much of Acts of 1868-69, Chapter 25, which abolished the Quarterly County Court and established a Board of County Commissioners for Van Buren County is repealed and the County Court will be held under the laws which were in force at the time of the passage of the repealed Act. This Act was cited in McCulley v. State, 102 Tenn. 555, 43 S.W. 145 (1899).
5. Acts of 1869-70, Chapter 49, repeals the act which created the Board of County Commissioners for Madison County and for all other counties, and all laws, or parts of laws, which may have been repealed by those acts, are revived, restored, and reenacted.

6. Private Acts of 1949, Chapter 386, authorized the Quarterly County Court to elect for a period of 4 years three Commissioners from the citizens of the county, the businessmen, or the farmers, to be known as the Auditing Commission. it would be their duty to plan, supervise, and direct the monthly auditing and examination of all books, papers, and records kept by all county officers, boards, institutions, and commissions, and report its findings to the Chairman of the Quarterly County Court. The commission could recommend better methods of record keeping, receive and consider reports from all departments of the county government, and employ an auditor to assist them. The Commission would meet once a month, or oftener, if needed, for which they would be paid \$5.00 daily maximum, the actual sum to be fixed by the county court. All records would be public records. This Act was repealed by the act below.
7. Private Acts of 1951, Chapter 36, repealed Private Acts of 1949, Chapter 386, which created an Auditing Commission for Van Buren County.
8. Private Acts of 1975, Chapter 158, created the office of County Administrator in Van Buren County who would be the chief executive officer of the county exercising all the powers of the county judge except judicial powers. The Administrator had to be a resident of the county, a good businessman, at least thirty years old, and of good moral character. The Administrator would be elected by popular vote to a four year term with vacancies being filled by the Quarterly County Court until the next general election. The duties and responsibilities of the position were enumerated in the law, and the salary would be the same as that of the county judge. The act repealed Private Acts of 1959, Chapter 218, and Private Acts of 1973, Chapter 36, thus abolishing the office of county judge. Our information is that this act was never acted upon by the Quarterly Court and therefore, did not become a law.

CHAPTER II - ANIMALS AND FISH

ANIMALS - FISH

PUBLIC ACTS OF 1970

CHAPTER 597

SECTION 1. It shall be lawful to use buckshot numbers 1-0 and 00 in all open deer hunts held in Van Buren County.

SECTION 2. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Van Buren county at or before the next regular meeting of the Court occurring more than thirty (30) days after its approval by the Governor. Its approval or non-approval shall be proclaimed by the presiding officer of the Court and certified by him to the Secretary of State.

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

PASSED: February 19, 1970.

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

1. Private Acts of 1879, Chapter 133, made it unlawful for any person who was not a citizen of Cumberland, Fentress, Morgan, Scott, Campbell, Overton, Putnam, White, Roane, Rhea, Bledsoe, and Van Buren Counties to hunt and kill deer, or any species of game for profit in the said counties, but all citizens of the state could hunt and kill deer for their own use in those counties named. A fine of \$50 for the first offense and \$100 for all subsequent violations was established.
2. Private Acts of 1889, Chapter 244, made it unlawful for any person other than a citizen of Tennessee to hunt kill or capture any wild deer, wild turkey, quail, or partridge, or any other species of game or fish in Bledsoe, Cumberland, Grundy, James, Meigs, Morgan, Overton, McMinn, Rhea, Roane, Sequatchie, Van Buren, Warren, and White Counties at any season of the year. Citizens of Tennessee could do so for their own use but not for profit; only the citizens of said counties named were permitted to hunt for profit. Fines from \$25 to \$100, and jail sentences in the discretion of the court were the penalties for violation.
3. Private Acts of 1897, Chapter 172, declared it to be a misdemeanor for anyone from any other county to hunt, capture, kill, shoot, wound, or destroy, any quail, partridge, wild turkey or deer in Grundy and Van Buren Counties. Quail would not be killed on the enclosed lands of another without his consent nor would any quail or partridge be exported from said counties. Anyone guilty of violation would be fined from \$5.00 to \$10.00.
4. Private Acts of 1917, Chapter 686, declared open seasons, as specified below, in Bledsoe, Cumberland, Grundy, Marion, Sequatchie, and Van Buren Counties. These would be effective each year as open seasons on turkeys from November 1 to January 1, on "Gobblers" from April 1 to May 1, on quail from November 1, to February 1, on deer from November 1 to December 10, and on squirrels for the entire year.

5. Private Acts of 1921, Chapter 748, amended Public Acts of 1919, Chapter 61, which was a statewide Act regulating the care and keeping of dogs, so as to exempt Bledsoe, Van Buren, and Sequatchie Counties from its operations.

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

1. Private Acts of 1911, Chapter 578, authorized, subject to the outcome of a referendum held for that purpose, the Quarterly County Court of Van Buren County to issue \$50,000 or any part thereof, of 5%, 30 year bonds for the purpose of building roads, macadamizing roads, building turnpikes, or improving existing roads. The tax levy for the sinking fund was properly provided for and the details of the issue as to the form was contained in the act. The County Trustee would handle all the funds. A "Good Roads Commission" would be formed to supervise the project composed of three citizens appointed by the County Court, one of whom would be a surveyor or engineer. The County Chairman and County Court Clerk would be *ex officio* members of the commission, and would be entitled to compensation allowed by the County Court for the services rendered, said compensation not to exceed \$2.50 daily.
2. Private Acts of 1951, Chapter 250, permitted the Quarterly County Court to issue \$18,000 in 5%, 30 year bonds to build a public county building which would give space to the County Agent of Van Buren County and to the employees of the Agricultural Adjustment Administration. A Committee of five would be appointed by the court to serve as a Building Committee to supervise the operation. Details of the issue were spelled out and the tax levy provided. The Trustee would handle the funds and the building had to be used for public purposes.

CHAPTER IV - BOUNDARIES

BOUNDARIES

CREATION OF COUNTY

ACTS OF 1839-40

CHAPTER 59

SECTION 1. That a new county be established, to be known and distinguished by the name of Van Buren, in honor of Martin Van Buren, President of the United States, the boundaries of which shall be as follows: beginning at the mouth of Rocky river, near Rock island, and running thence up Rocky river a straight line south twenty-five degrees west, ten miles, to the head of Dyer's hollow; thence south about twelve degrees east, twelve miles and a half, to a point in Savage's old turnpike road, one half mile east of Hill's old stand, on the Cumberland mountain; thence south about seventy-five degrees east, with said road, eight miles, to the Marion county line; thence north twenty-five degrees east with the line of Marion county, six miles; thence north sixty-eight degrees east, with the line of Marion county, ten miles, to the line of Bledsoe county; thence north twenty degrees east, with the line of Bledsoe county, twenty-five miles; thence south sixty-seven degrees west down the Caney fork river, touching the same at various points, seventeen miles, to the first point, twenty-seven and a half miles to the beginning.

SECTION 2. That for the due administration of justice in said county of Van Buren, the several different courts to be holden in said county shall be holden at the house of William Worthington, in the county of Van Buren, until the seat of justice for said county shall be located, and a suitable house erected for that purpose; the county court, in the intermediate time, shall have full power to adjourn to such other place in said county as they may deem best suited for the holding of the same and for the public convenience, and to adjourn to the seat of justice whenever in their judgment the necessary arrangements are made; and all writs and other process returnable to either place, shall and may be returned to the place where said court may have been removed by the county court aforesaid; and the said courts to be holden in and for said county of Van Buren shall be under the same rules, regulations and restrictions, and shall have, hold and exercise and possess the same powers and jurisdictions as are possessed by said courts in other counties in this State.

SECTION 3. That all officers, civil and military, in said county, shall continue to hold their offices, and exercise all the powers and functions thereof, until others be elected under the provisions of the constitution, and laws made in pursuance thereof: and it shall be duty of the county court of Van Buren at their first session to appoint some suitable person to open and hold elections in each civil district in said county, on the first Thursday in April next, for the purpose of electing county officers and all other officers which by the constitution the people are entitled to elect, which election shall in all respects be conducted agreeable to existing laws regulating elections in other counties in this State, and the county officers so elected shall have the same jurisdiction, powers and emoluments that other county officers are entitled under existing laws; and the said county of Van Buren shall be placed upon an equal footing, possess equal powers and privileges in all respects as other counties in this State: Provided, that nothing in this act

contained shall be so construed as to prevent the counties of White and Warren from having, holding and exercising jurisdiction over the territory composing the said county of Van Buren, and the citizens thereof, in as full and ample a manner as they now have, until the election of county officers for said county: Provided, also, that nothing in this act shall be so construed as to prevent the counties of White and Warren from entering up judgment, or the sheriffs of said counties from selling under such judgment, any lands within said county of Van Buren for taxes, costs or charges for the payment of the taxes for any preceding year, or to prevent the sheriffs of either of said counties from collecting from citizens of said county of Van Buren any taxes due for any preceding year.

SECTION 4. That the citizens of the county of Van Buren in all elections for Governor, for members of Congress, for electors for President and Vice President, members of the General Assembly, shall vote with the counties from which they have been stricken off until the next apportionment agreeably to the constitution.

SECTION 5. That Joseph Cummings, Isham Teter, William Denny, Burrel Cummings, John Paine, Uriah York, Isaac Hillis, William Worthington, Abraham Drake, Willis G. Jones, William Gressum and William L. Paine, of said county of Van Buren, be, and they are hereby appointed commissioners, a majority of whom are hereby authorized to act, who shall on or before the first day of April next, proceed to fix upon two suitable and eligible sites for the seat of justice of said county and for the county town, and the citizens of said county shall at the said election held the first Thursday in April aforesaid, vote for the places which shall be put in nomination by the officer holding said election, or such place or places as any other citizen may put in nomination, and the place receiving the majority of the votes polled shall be the seat of justice for said county; and the said commissioners shall procure by purchase or otherwise at least fifty acres of land, for which they shall cause a deed to be made to themselves and their successors in office, by general warranty, and the said town when laid off and established, shall be known by the name of Spencer, in honor of the brave captain of that name who was killed at Spencer's Hill; and the said commissioners shall report their proceedings to the county court of said county, and it is hereby made the duty of the clerk to record the same: Provided, that if more than two places shall be put in nomination, and no one place shall obtain a majority of all the votes polled, it shall be the duty of said commissioners to hold a new election, putting the two places in nomination which shall have received the highest number of votes in the first election, and in said election no other place but the two places so nominated shall be voted for, and the place having the highest number of votes in the second election shall be fixed as the seat of justice for said county: Provided further, that in both said elections and times and places nominated shall be publicly advertised fifteen days before the same is held.

SECTION 6. That it shall be the duty of the county court of said county to appoint five commissioners, who shall be deemed the successors of the commissioners appointed by this act, and it shall be their duty to lay off a town with as many streets and of such width as they may deem necessary, reserving at least three acres for a public square, a lot for building a jail, and lots for male and female academies, and for the erection of churches and meeting houses for public worship.

SECTION 7. That the commissioners of the town of Spencer shall sell (the lots) in said town on a credit of at least twelve months, first giving due notice thereof in one or more newspapers printed in this State, and shall take bonds, with sufficient security, for the purchase

money, payable to themselves and successors in office, and shall make titles in fee simple to the respective purchasers of said lots.

SECTION 8. That the proceeds of the sales of said lots shall be a fund in the hands of said commissioners for defraying the expenses incurred in purchasing the said tract of land and of erecting the public buildings.

SECTION 9. That said commissioners shall superintend the building a court house and jail, and shall let out the building of the same upon such terms and of such dimensions as the county court of said county shall order to be built, and shall take bond and good security from the person to whom the same is let, payable to themselves and successors, for double the sum for which said buildings may be undertaken to be built, conditioned for the faithful performance of the contract.

SECTION 10. That said commissioners, before they enter upon the duties of their office, shall take an oath before the county court of said county that they will well and truly perform the duties assigned to them to the best of their ability, and shall moreover enter into bond and security, payable to the chairman of the county court and his successors, in the sum of ten thousand dollars, conditioned for the true and faithful performance of their duties enjoined on them by this act, which bond shall be deposited in the clerk's office of said county.

SECTION 11. That said commissioner shall keep a fair and regular statement of all monies by them received and expended, which statement when required shall from time to time be laid before the county court of said county, and when all the public buildings are completed, pay over what may remain, if any, to the county trustee for said county; and the said county court is hereby directed to allow a reasonable allowance for the services of both sets of commissioners hereby created out of the county treasury of said county.

SECTION 12. That said county of Van Buren shall be attached to the M'Minnville chancery court district, and all appeals and appeals in nature of writs of error or writs of error shall be taken to the supreme court at Nashville, and the first court of said county shall be holden on the first Monday in February next, under the same rules and regulations and restrictions as the county courts of other counties are held.

SECTION 13. That the county of Van Buren shall form one regiment, and said regiment shall be the 140th regiment, and shall be attached to the 10th brigade, that the field officers of said county shall meet at the house William Worthington in said county, on the first Monday in March next, and divide said regiment into battalions and companies, and provide for electing all officers in said regiment in the manner pointed out by law.

SECTION 14. Should the boundary lines of Van Buren county, as designated in the first section of this act, approach nearer to the county seat of either of the old counties from which the territory constituting the county of Van Buren is taken than is prescribed by the constitution, it shall be the duty of the county court of Van Buren to appoint some surveyor, who shall re-run and re-mark such line or lines so as not to violate the constitutional rights of such old county, and said surveyor shall make report to the county court of said county of Van Buren, which report so made shall be recorded by the clerk of said county, and such line or lines so run shall be the established line or lines of said county.

Passed: January 3, 1840.

BOUNDARIES

ACTS OF 1839-40

CHAPTER 81

SECTION 1. - SECTION 4. COMPILER'S NOTE: The first four sections of this act do not concern Van Buren County and are not copied herein.

SECTION 5. That it shall be the duty of the sheriff of the county of Warren, by himself, or by persons properly appointed by him as returning officers, to hold the election for county officers for the county of Van Buren on the first Saturday in March next, at the precincts and places at which elections have formerly been held in the bounds of the territory now composing said county, for all the county officers of said county, in the same manner and for the same officers as is provided for by the act of 1836, chapter two; and the polls in said election shall be compared at the house of William Worthington, where the courts of said county are now by law directed to be held, and the said officers who may be elected shall be qualified as is by said act provided, and forever thereafter such elections shall be held in said county as is or may be provided by general law for the other counties of this State.

SECTION 6. That the justices of the peace who are retained in office by the act establishing the county of Van Buren shall hold their first county court at the place appointed by said act on the first Monday in April next, at which time it shall be lawful for them to qualify the county officers, assess taxes, and do all other acts which by law such county court is empowered to do.

SECTION 7. That it shall be the duty of the sheriff of the county of Van Buren, when the commissioners shall designate the places to be voted for the seat of justice of said county, as is provided for in the fifth section of the act establishing the county of Van Buren, to hold the election or elections for the same as is provided for in said section, and the election for the same shall be held on Thursday the thirtieth day of April next after the passage of this act, and the same or any subsequent election for the same shall be advertised as required by the said fifth section of said act, and the place elected shall be established as the seat of justice as therein recited.

SECTION 8. That the five commissioners to lay off and sell lots and superintend the erection of public buildings, as is provided for in said fifth section, or in any subsequent portion of said act establishing said county, may be appointed at the May term of said court next after the passage of this act, or at any subsequent term of the same, and that such parts of the said act establishing said county of Van Buren, passed on the third day of January, 1840, inconsistent with the provisions of this and the three preceding sections of this act, are hereby repealed.

SECTION 9. That the county courts of the several new counties of this State, established since the ratification of the present constitution, may have power to make appropriations to pay for all arrearage of expenses which may have been or may be incurred in the surveying and designation of the boundaries of such counties.

Passed: January 21, 1840.

BOUNDARIES

ACTS OF 1885

CHAPTER 136

SECTION 1. That the lines between the counties of White and Van Buren be changed so as to include in Van Buren county the old Lem Mitchell place, and the lands of William Mooneyham, William Lawson and the widow Sparkman place, on the Fork mountain, between the Caney Fork and Cane Creek, beginning in the middle of Caney Fork river, at the mouth of Cane creek, and up the Caney Fork with the middle of said river so as to include the above named lands in Van Buren county; thence east and south to the Van Buren county line, detaching the above described boundary from White county and attaching it to the third district of Van Buren county.

SECTION 2. That the lines between the counties of White, Warren and Van Buren be changed so as to include the lands of John B. Rogers, deceased, on the west of Caney Fork and on the east of Rocky river, in Van Buren county, commencing at Alex Moore's farm, running with the middle of the river to the mouth of the Rocky river; thence with Rocky river to D. C. Rogers' farm; thence with the Rocky river to the Bright hollow, so as to include all of the west of said river in Warren county.

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

Passed: April 3, 1885.

BOUNDARIES

ACTS OF 1905

CHAPTER 450

SECTION 1. That the unknown and the uncertain line between the counties of Van Buren and Warren Counties be fixed and established as follows: Beginning at the mouth of Rocky River, running thence southwardly up said Rocky River, with its various meanderings, to the mouth of Crain or Dry Hollow; thence up said Crain or Dry Hollow southwardly 1.25 miles to the mouth of the branch known as Jessie Martin's Spring Branch; thence south two degrees east 6.5 miles, crossing Dyers Gulf to head of said Dyers Gulf; thence south thirty-eight degrees east 6.125 miles to the corner of Sequatchie and Grundy Counties.

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

Passed: April 14, 1905.

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 Van Buren County.

1. Acts of 1857-58, (Public) Chapter 47, changed the boundaries between Van Buren County and White County so that the residence and land of William S. Mitchell would be included entirely in White County.
2. Acts of 1857-58, (Private) Chapter 129, transferred the land and residence of Hiram Walden from Van Buren County to Bledsoe County.
3. Acts of 1859-60, Chapter 135, also transferred the farm of John M. Bridgman from Van Buren County to Bledsoe County.
4. Acts of 1859-60, Chapter 211, moved the farm belonging to James Seats, Jr., from Bledsoe County into Van Buren County.
5. Acts of 1868-69, Chapter 36, altered the lines between Van Buren County and White County so as to include Edward Blankenship's mill in Van Buren.
6. Acts of 1870-71, Chapter 104, detached the lands and residence of Asa Frazier from Van Buren County and attached them to White County.
7. Acts of 1871, Chapter 91, moved all the properties belonging to J. Wiley Miller, H. L. Moffett, William L. Stickley, and John C. Miller into Warren County from Van Buren County, their consent being given to the Legislature to do so.
8. Acts of 1872, Chapter 19, is a duplicate of Acts of 1871, Chapter 91, moving several families into Warren County.
9. Acts of 1879, Chapter 58, repealed Acts of 1871, Chapter 91, except that the farm of William L. Steakley remained in Warren County, the rest going back into Van Buren County. In addition, the Goodbar Mills, and the adjacent land both belonging to Harmon York and George E. Kell, and the lands belonging to the estate of O. C. Craine, deceased, were all transferred from Warren County into Van Buren County.
10. Acts of 1879, Chapter 137, moved the lands of Jesse Wallings from Bledsoe County into Van Buren County and the farm of A. J. McElroy from White County into Van Buren County.

11. Acts of 1883, Chapter 244, changed the lines between Warren County and Van Buren County so as to include in Van Buren all the lands formerly owned by W. L. Steakley but now the property of Elijah Grissom.
12. Acts of 1887, Chapter 103, moved the tract known as the Big Opening, owned by Thomas S. Myers and A. C. Myers, from Van Buren County into Sequatchie County, three-fourths of it being already located in Sequatchie.
13. Private Acts of 1909, Chapter 62, transferred the lands of W. L. Goldston and Peter Sparkman from Van Buren County into White 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.

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.

Van Buren County, under the provisions of § 16-2-506 of Tennessee Code Annotated, is part of the 31st 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 Van Buren County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1845-46, Chapter 82, set up the chancery courts at McMinnville to begin on the fourth Mondays in March and September.
2. Acts of 1853-54, Chapter 123, provided that the court terms for the Chancery Court at McMinnville would start on the Thursday after the fourth Monday in March and September.
3. Acts of 1857-58, Chapter 88, assigned Van Buren County to the fourth Division of the Eastern Section of the Chancery Court with court terms for Warren and Van Buren County to start on the fourth Mondays of March and September at McMinnville.
4. Acts of 1857-58, Chapter 169, authorized the citizens of Van Buren County to file their bills in chancery court at Sparta in White County or at McMinnville in Warren County.
5. Acts of 1866-67, (Public) Chapter 33, established the 12th Chancery Division made up of White, Van Buren, Grundy, Franklin, Coffee, Putnam, Smith, DeKalb, Cannon, and Warren Counties. The Governor would appoint a Chancellor for the division until one could be elected. Van Buren County was not given any court terms in this act but the terms at McMinnville (for the County of Warren) started on the fourth Mondays in March and September.
6. Acts of 1870, Chapter 32, organized the state into judicial districts and chancery divisions. There were 12 chancery districts in the State and the 5th was composed of Van Buren, White, Putnam, Overton, Jackson, Macon, Smith, DeKalb, and Clay Counties.

7. Acts of 1870, Chapter 47, established court terms for all the Chancery Divisions including the 5th. Van Buren Chancery Court would be held commencing on the first Mondays of May and November.
8. Acts of 1870-71 (3rd Sess.), Chapter 39, provided that the Chancery Court of Van Buren County would commence on the first Thursday after the third Monday in May, and the first Monday in November. All process would be made returnable to those dates.
9. Acts of 1875, Chapter 53, provided that the Chancery Court of Van Buren County would afterwards be held by the Circuit Judge of the 6th Judicial Circuit on the third Mondays in April, August, and December. All process would conform to those dates.
10. Acts of 1881, Chapter 34, changed the court terms for the Circuit and Chancery Courts in Van Buren County to the third Monday in April and the second Monday in October.
11. Acts of 1883, Chapter 204, repealed Acts of 1881, Chapter 34, and set new terms for the Circuit and Chancery Courts to start on the first Tuesday after the third Monday in April, August and December.
12. Acts of 1885 (Ex. Sess.), Chapter 20, rearranged the state Judicial structure. Van Buren County was in the Third Chancery Division of the eleven created along with Bradley, Polk, Rhea, Marion, McMinn, Hamilton, James, Monroe, Meigs, Bledsoe, Sequatchie, Coffee, and Grundy. Court terms would be three times a year for Van Buren County on the same days as the Circuit Court. Circuit Court terms started as stated in Item 11, above.
13. Acts of 1887, Chapter 13, changed court terms in all the counties of the Third Chancery Division. Van Buren County's Chancery Court would be held three times in a year at the same time as the Circuit Court and the Judge of the Fifth Judicial Circuit would hold it.
14. Acts of 1889, Chapter 13, also changed the court term dates in the Third Chancery Division but left Van Buren's as it was.
15. Acts of 1891 (Extra Session), Chapter 24, amends Acts of 1887, Chapter 13, so as to authorize the Judge of the 6th Judicial Circuit to hold the Chancery Courts of Van Buren County instead of the Judge of the Fifth Judicial Circuit.
16. Acts of 1895, Chapter 97, directed that the Circuit and the Chancery Courts of Van Buren County both be held by the Judge of the 6th Judicial Circuit at the times now fixed by law, should be held on the fourth Mondays of April and October.
17. Acts of 1897, Chapter 310, amends Acts of 1895, Chapter 97, so as to change the court terms of both Chancery and Circuit Courts to the first Tuesday after the fourth Monday in April and October.
18. Acts of 1899, Chapter 427, was a statewide act reorganizing all the judicial system in the lower courts. There were ten Chancery Divisions in all. The Fourth was comprised of Cumberland, Pickett, Overton, Clay, Jackson, Putnam, White, DeKalb, Smith, Macon,

Van Buren, Cannon, and Trousdale. Van Buren's chancery court would be held on the third Monday in April and October.

19. Acts of 1899, Chapter 429, placed the Circuit and Chancery Courts of Van Buren together again on court dates which were set on the second Monday in April and the first Monday in October. This act was passed after Chapter 427, above, and would prevail because of that.
20. Acts of 1901, Chapter 399, repealed Acts of 1899, Chapter 429, and set the new terms for Circuit and Chancery Courts to start on the first Tuesday after the fourth Mondays in April and August.
21. Acts of 1901, Chapter 493, amended Chapter 399, so that the word "August" was changed to "October".
22. Acts of 1903, Chapter 97, separated the Chancery and Circuit Court terms in Van Buren County. Chancery Court would start on the first Thursday after the fourth Monday in April and October. The County was still in the Fourth Chancery Division.
23. Acts of 1905, Chapter 120, changed the court terms for most of the counties in the Fourth Chancery Division except Van Buren. The Fourth Division now included Cannon, Trousdale, Cumberland, Smith, Macon, Jackson, Clay, Fentress, Pickett, Overton, Van Buren, White, DeKalb, Morgan, and Putnam; probably the largest number of counties in any Chancery Division of the State.
24. Private Acts of 1911, Chapter 318, provided that the Chancery Court of Van Buren County would hereafter be held on the first Tuesdays after the fourth Mondays in April and October, instead of the times formerly fixed by law.
25. Private Acts of 1911, Chapter 435, created the 12th Chancery Division and placed Hamilton County alone in the Third Division. The counties in the 12th Division were Franklin, Rhea, Bradley, James, Marion, McMinn, Bledsoe, Sequatchie, Warren, Polk, Meigs, Grundy, Coffee, Van Buren, and Monroe. The Governor would appoint a Chancellor to serve until one could be elected in August, 1912.
26. Private Acts of 1911, Chapter 507, changed the court terms for the counties in the Fourth Chancery Division but left Van Buren's terms as they were. The counties listed in this act were Cannon, Trousdale, Overton, Cumberland, Smith, Macon, Fentress, Pickett, Jackson, Van Buren, DeKalb, Morgan, White, and Putnam. This Act was passed on July 1, 1911, and Chapter 435 was passed on June 28, 1911.
27. Private Acts of 1923, Chapter 394, changed the Chancery Court terms of Van Buren and McMinn Counties in the 12th Chancery Division. Van Buren terms started on the first Tuesday after the first Mondays in April and October as they are now.
28. Public and Private Acts of 1931 (2nd Ex. Sess.), Public Chapter 38, restructured the lower judicial system of the state. Van Buren County was in the 12th Chancery Division of the fourteen created, and the terms of court remained the same. Rhea, McMinn,

Warren, Bledsoe, Sequatchie, Marion, Bradley, Meigs, Polk, Grundy, Coffee, Monroe, and Franklin Counties were the other 13 counties in the Division.

COURT SYSTEM

CHANCERY COURT

CLERK AND MASTER

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

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

The act listed below once applied to the Clerk and Master in Van Buren County.

1. Private Acts of 1953, Chapter 356, stated that in Van Buren County the Clerk and Master of the chancery court would be paid an annual salary of \$750 in twelve monthly installments out of the general funds of the county upon warrants being issued by the County Judge which would be in full compensation for his services. The Clerk and Master would submit quarterly reports to the county court showing the total amount of fees collected in the office, which fees would be paid into the County Treasury.

COURT SYSTEM

CIRCUIT COURT

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

Van Buren County, by general law found in § 16-2-506 of Tennessee Code Annotated, is part of the 31st 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 Van Buren County but now have no effect, having been repealed, superseded, or having failed to win local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1839-40, Chapter 21, designated that Van Buren County would be attached to the 13th Circuit, and that the Circuit Courts would be held by the Judge of that Circuit on the 4th Mondays of April, August and December. This Act was passed nearly a year prior to the passing of the Act which created Van Buren County.
2. Acts of 1847-48, Chapter 181, set court terms for Van Buren County to start on the fourth Mondays in January, May and September. Van Buren County was a part of the 13th Judicial Circuit, along with the counties of Coffee, Grundy, Warren, Lincoln, and Franklin.
3. Acts of 1849-50, Chapter 206, changed court terms for the 13th Judicial Circuit and apparently took Lincoln county out. Court terms in Van Buren would begin on the fourth Mondays in April, August and December.
4. Acts of 1855-56, Chapter 158, changed the starting dates for the circuit courts in Van Buren County to the fourth Mondays in January, May, and September.
5. Acts of 1857-58, Chapter 27, changed circuit court terms to the third Monday in April, August, and December in Van Buren County.
6. Acts of 1857-58, Chapter 98, created sixteen circuits for the State. Grundy, Van Buren, Coffee, Warren, Lincoln, and Franklin counties constituted the 8th Judicial Circuit. Court terms in Van Buren would start on the third Mondays of April, August, and December.

7. Acts of 1865-66, Chapter 8, detached Van Buren County from the 8th Judicial Circuit and attached it to the Fifth Judicial Circuit.
8. Acts of 1869-70, Chapter 60, took Van Buren County out of the 5th Judicial Circuit and put it back in the 8th Judicial Circuit.
9. Acts of 1870, Chapter 31, reorganized the judicial system of the State into fifteen circuits and one special circuit. The Sixth Judicial Circuit was comprised of Grundy, Warren, Coffee, Franklin, Lincoln, and Van Buren Counties.
10. Acts of 1870, Chapter 46, established court terms for all the judicial circuits including the Sixth. Van Buren's terms would begin on the third Mondays in April, August, and December.
11. Acts of 1885 (Ex. Sess.), Chapter 20, created fourteen regular and one special judicial circuits in Tennessee. The Sixth Judicial Circuit was composed of Van Buren, Grundy, Franklin, Coffee, Warren, Moore, Lincoln, DeKalb, and White Counties, with court terms commencing on the first Tuesdays after the third Mondays in April, August, and December in Van Buren County.
12. Acts of 1887, Chapter 8, changed court terms for all the counties in the 6th Judicial Circuit. Van Buren was changed to the third Mondays in April, August, and December. No change occurred in the counties composing the 6th Circuit.
13. Acts of 1899, Chapter 427, rearranged the divisions of the lower court system in Tennessee, creating fourteen circuits, and assigning Van Buren, Grundy, Coffee, Warren, Moore, DeKalb, Bledsoe, Rhea, and Lincoln Counties to the 7th Judicial Circuit. Court terms would start on the fourth Monday in April and October in Van Buren County.
14. Acts of 1903, Chapter 580, reassigned Court terms in the Seventh Judicial Circuit. Van Buren was stated to begin on the first Tuesdays after the fourth Mondays in April and October.
15. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, also reorganized the lower courts of the State into twenty Judicial Circuits, placing Coffee, Warren, Moore, Lincoln, DeKalb, and Van Buren counties in the Seventh Judicial Circuit. Court terms in Van Buren would start on the first Monday after the fourth Mondays in April and October.
16. Public Acts of 1955, Chapter 222, amended T.C.A. 16-217 by changing the court terms for Van Buren County in Part One of the Seventh Judicial Circuit to the first Tuesday after the fourth Mondays in April and October.
17. Public Acts of 1972, Chapter 520, divided the 7th Judicial Circuit into two parts; created the office of one additional judge for Part 2; and set forth the qualifications for, and powers, requirements and election of that judge.

18. Public Acts of 1974, Chapter 596, allotted the sum of \$1,800 per annum for the expenses of maintaining an office for the Judge of Part 2, Seventh Judicial Circuit. Said expenses were to be paid by the State of Tennessee, as set forth in the Code.

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 Van Buren County Circuit Court Clerk. They were repealed, superseded, or never received local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1867-68, (Public) Chapter 88, provided that the Judge of the Fifth Judicial Circuit shall have equity jurisdiction and would commence holding court at Spencer at the same time as the circuit courts were held for the said county and would hear and determine said causes as were ready for trial.
2. Acts of 1905, Chapter 119, amended Public Acts of 1903, Chapter 255, which set the salary of Circuit Court Clerks throughout the state according to population under which the Circuit Court Clerk in Van Buren County would have drawn \$500 a year, so as to exempt Van Buren County from its provisions.
3. Private Acts of 1921, Chapter 247, fixed the annual salary of the Circuit Court Clerk in Van Buren County at \$300 provided a sworn, itemized statement was filed with the County Judge or Chairman showing the amount of fees collected from every source and which would also show that no fees were given away. If the fees failed to equal the salary, the County would pay the difference to the clerk out of the treasury but if the fees exceeded the salary, the clerk could retain them.

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 Van Buren County, by general law found in § 16-2-506 of Tennessee Code Annotated, is part of the 31st 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, Van Buren County is in the 31st 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 Van Buren County are no longer in effect but are listed here for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1935, Chapter 146, created the office of Assistant Attorney General for Van Buren County and other counties in the judicial circuit who would serve at the pleasure and direction of the Attorney General of the circuit and be paid according to the general law of the State.
2. Public Acts of 1972, Chapter 680, as amended by Public Acts of 1974, Chapter 512, authorized the District Attorney General to employ a secretary and set forth the compensation for that position.
3. Public Acts of 1974, Chapter 423, created the office of Criminal Investigator for both divisions of the Seventh Judicial Circuit. Division One was comprised of the counties of DeKalb, Warren, and Van Buren, and Division Two consisted of Coffee County. Each investigator would be appointed by the District Attorney General and serve at his pleasure and direction. They would have the same authority and power as Deputy Sheriffs. This act was repealed by Public Acts of 1975, Chapter 221.
4. Public Acts of 1975, Chapter 221, repealed Public Acts of 1974, Chapter 423, which created the office of Criminal Investigator for each division of the Seventh Judicial Circuit, and created two Criminal Investigator positions for the District Attorney General of the Seventh Judicial Circuit. In it were set forth the qualifications, duties, responsibilities and compensation of the offices.
5. Public Acts of 1976, Chapter 510, was a Special Public Act which created an additional office of full-time Assistant District Attorney General for the Seventh Judicial Circuit, to be appointed by the District Attorney General, and licensed to practice law in the State of Tennessee. The Assistant District Attorney General was to perform such duties as might be assigned by the District Attorney General, and compensation would be as provided by the general law of the State. The Act was amended by Public Acts of 1977, Chapter 466,

which deleted the provision that no state funding was to be provided for the full-time Assistant Attorney General position until one Criminal Investigator position in the district had been eliminated.

6. Public Acts of 1977, Chapter 466, amended Public Acts of 1976, Chapter 510, by removing the last sentence in Section 3 which cut off state funding of the Assistant Attorney General's position created in that act as long as the Judicial Circuit had two criminal investigators supported by state funds.
7. Public Acts of 1978, Chapter 768, created an additional office of Assistant District Attorney General for the Seventh Judicial Circuit, to be appointed by and serve at the pleasure of the District Attorney General.

COURT SYSTEM

GENERAL SESSIONS COURT

PUBLIC ACTS OF 1972

CHAPTER 505

SECTION 1. Chapter 218, as amended, of the Private Acts of 1959 is amended by deleting from Section 3 the second sentence in its entirety.

SECTION 2. Chapter 35 of the Private Acts of 1953, as amended, is repealed.

SECTION 3. As of the effective date of this Act, there is created a consolidated General Sessions Court for those counties having a population of not less than 16,300 nor more than 16,400 and those counties having a population of not less than 3,700 and not more than 3,800, according to the 1970 Federal Census or any subsequent Federal Census and therein applicable to White and Van Buren Counties. Such a Court shall be referred to generally as the Greater General Sessions Court of Van Buren and White Counties and shall be known as the Court of General Sessions of Van Buren County, when sitting in Van Buren County, and the Court of General Sessions of White County, when sitting in White County.

SECTION 4. The Greater Court of General Sessions of Van Buren and White Counties is vested with all jurisdiction set forth in Tennessee Code Annotated, 16-1104, relative to jurisdiction of powers of General Sessions Judges. Additionally, that Court is vested with divorce jurisdiction concurrent with that of the Circuit and Chancery Courts of this State, and an appeal from any judgment in all such cases shall be to the Court of Appeals or to the Supreme Court in the same manner as is provided in such cases from the Circuit and Chancery Courts. The Greater Court of General Sessions of Van Buren and White Counties further is vested with all jurisdiction set forth in Tennessee Code Annotated, 40-118, relative to the criminal jurisdiction of General Sessions Courts.

Such jurisdiction and, in addition thereto, venue, shall extend and apply co-extensively to causes of action and to all criminal matters arising in Van Buren County, White County, or both; provided, however, that the court, when sitting in Van Buren County only, shall also have jurisdiction of all probate matters which were formerly vested with the county of Van Buren County.

As amended by: Private Acts of 1979, Chapter 95.

Jurisdiction of the Greater Sessions Court also shall be co-extensive with the provisions and subject to the limitations set forth in Tennessee Code Annotated, 19-301, relative to limitations of civil cases; Tennessee Code Annotated, 16-301 with respect to equity jurisdiction and matters relative to forcible entry and detainer.

The Greater General Sessions Court of Van Buren and White Counties is also vested with original jurisdiction in proceedings involving or affecting juveniles [sic], as conferred by Sections 37-203 and 37-204, Tennessee Code Annotated, or any other provision of law, upon juvenile courts, and the county judges of Van Buren and White Counties are divested of such juvenile jurisdiction.

As amended by: Public Acts of 1975, Chapter 78.

SECTION 5. The rules of pleading and practice, as apply to Courts of Justices of the Peace and to the extent compatible with and not in conflict with the provisions of Tennessee Code Annotated, 16-112 through 16-118, relative to the same, shall apply to the Greater General Sessions Court.

SECTION 6. Before the commencement of any civil action, the plaintiff shall execute a cost bond with good security in the sum of twenty-five dollars (\$25), or in lieu thereof a cash bond deposit with the Clerk of the Court of not less than five dollars (\$5) nor more than twenty-five (\$25) to secure costs, subject to the application of provisions in the general law relative to the pauper's oath.

Any provisions of this Act to the contrary notwithstanding, the Justices of the Peace in White County shall possess full and complete authority to issue both civil and criminal warrants and search warrants but such warrants shall be returnable to the Greater Court of General Sessions.

SECTION 7. The Greater Court of General Sessions shall be a Court of Record, and there shall be one civil docket and one criminal docket for the Court in which all cases to be tried under the jurisdiction conferred by Section 4 of this Act shall be entered immediately upon the issuance of the warrant. Upon the docket shall be entered the style and number of each case, the date of the issuance of the warrant or process, the name of the officer to whom delivered, the return of the process in brief form, the action of the Court, both interlocutory and final, orders, judgments, executions, garnishments, lists of the fees of the Court, of the Sheriff and all other Officers for their respective services, fees of witnesses for attendance, credits for payments upon judgments and upon costs, and the Judge by whom the case was tried. There shall be a direct and cross index giving the name of the defendant on the criminal docket, so as to provide ready access to the record of each case. The officer to whom a warrant is given for service shall give a receipt for same, and no warrant, either criminal or civil, shall be taken from the office of the Court of General Sessions of Van Buren and White Counties, Tennessee, until its issuance has been entered on said docket.

The Court of General Sessions shall keep a separate docket and minute book for all cases tried by the Court in which it has jurisdiction concurrent with the Circuit and Chancery Courts, and the minutes of said Court shall be kept in the same manner as is required by law for Clerks and Masters of the Chancery Courts to keep their minute books, and the minutes of the said Court shall be read in open Court and signed by the Judge as provided by law for Courts of Record.

SECTION 8. The Judge of the Greater Court of General Sessions of Van Buren and White Counties, is hereby vested with power and authority and it shall be his duty to make Court

rules and regulations concerning the Court's business, such as the assignment of the trial docket, the hearing of motions and the dispatch of all matters properly before the Court but the said Court shall be in session one (1) day a week in Van Buren County, except legal holidays, at 9 o'clock a.m. for the hearing of cases, disposing of motions and for the transaction of any business that may be properly before the Court, and shall be in session four (4) days or until all matters before the Court have been disposed of, if sooner, in White County.

All process shall be returnable to the first Monday following the fifth day after service of process thereof, except on special order of the Court; and each Monday shall be a Rule Day for the Court when sitting in White County. And all cases in said Court shall be set for an hour certain and the practice which prevailed for allowing one hour for parties to appear in Courts of Justices of the Peace shall not apply in said Greater Court of General Sessions.

SECTION 9. The Greater Court of General Sessions of Van Buren and White Counties, is hereby vested with jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before the said Court by warrant or information wherein the persons charged with such misdemeanor offenses enters a plea of guilty or requests a trial upon the merits, and expressly waives an indictment, presentment, and a Grand Jury investigation, and a jury trial. In such cases the trial shall proceed before the Judge and without a jury. The final judgment of said Court may be appealed to the Criminal Court, where such appeal shall be tried by a Judge of such Court without a jury and without indictment or presentment.

SECTION 10. The Judge of the Greater Court of General Sessions of Van Buren and White Counties, when a defendant is brought before said Court upon arraignment or trial, shall advise such defendant of his constitutional right to the aid of counsel, the right to be tried only upon presentment or indictment by a Grand Jury, the right to make a statement in reference to the accusation or the right to waive such statement and the right to a trial by jury and all other rights guaranteed him under the United States Constitution. Upon the defendant's agreeing in writing to waive the right to be put on trial only by presentment or indictment by a Grand Jury and the right to be tried by a jury of his peers, such Court may proceed to hear and determine said case as is provided in Section 9 of this Act. The waiver shall be written on or attached to the warrant substantially in words and figures as follows:

The defendant _____ pleads guilty to the offense of _____ and waives his right to be tried only by indictment or presentment by a Grand Jury and likewise waives trial by a jury of his peers.

SECTION 11. No warrant or information charging a person with an offense against the laws of the State shall be delivered to any peace officer for the arrest of such person until after an entry in the criminal docket of the court has been made by the clerk of said court showing the names of the person or persons accused, the prosecutor, the officer to whom delivered, and his signature upon said docket showing receipt of such process; all of such warrants, information, dockets and other records of the Greater Court of General Sessions of Van Buren and White Counties shall be available to the District Attorney General for any legal purposes.

SECTION 12. All appeal bonds in civil cases, all bail bonds, recognizance bonds and appearance bonds of persons charged with criminal offenses for their appearance for arraignment or trial in said Court of General Sessions shall be taken by the Clerk or the Judge of the Court.

This provision shall in no wise abridge the authority of the Sheriff to take bonds as is now provided by law.

SECTION 13. In all cases tried under the jurisdiction conferred by Sections 5 and 9 of this Act, the costs and fees of the Court of General Sessions shall be the same as those provided by law for Justices of the Peace Courts. The fees and other compensation of the Sheriff, his Deputies, Constables, Game Wardens and State Highway Patrolmen, for the execution of writs and process of said Court, and for attendance and mileage of witnesses shall be the same in the Court as those provided by law for the Courts of Justices of the Peace. All costs, fees and mileage of witnesses, the fees, commissions and emoluments of the Sheriff, his Deputies, Constables, State Highway Patrolmen, Game Wardens and other Officers for Services to said Court and the fines and forfeitures adjudged by said Court shall be handled, accounted for and disbursed as required by law. In all cases tried under the jurisdiction conferred by Section 4 of this Act, the costs and fees of the Court of General Sessions shall be the same as those provided by law for the Circuit and Chancery Courts of the State of Tennessee.

SECTION 14. The Judge of the Court of Greater General Sessions of Van Buren and White Counties, shall be a licensed attorney of this State and a resident of the county in which he presides and such Judge shall take the same oath as that prescribed for Circuit Judges and Chancellors. Nothing contained in this Act is to be construed as preventing the Judge of the Court of General Sessions from practicing in other Courts, but he may not appear as counsel in cases arising in his Court.

SECTION 15. The compensation of the Judge of the Greater Court of General Sessions of Van Buren and White Counties shall be thirteen thousand five hundred dollars (\$13,500) a year, payable in equal monthly installments out of the general funds of the counties in which he presides, and said compensation shall be in lieu of all fees, and all the fees of the Court shall be paid into the general fund of the counties. The compensation of the Judge of the said Court shall not be increased or diminished during his term of office. The judge's salary shall be paid on the basis of the following formula: \$4,000 from the general fund of Van Buren County and \$9,500 from the general fund of White County.

The judge of the Greater General Sessions Court of Van Buren and White Counties shall be paid an office expense allowance of one hundred dollars (\$100) a month, fifty dollars (\$50) of which shall be paid from the general fund of Van Buren County and fifty dollars (\$50) of which shall be paid from the general fund of White County, such amounts to be paid at the same time and in the same manner as is paid the salary of such judge.

As amended by: Public Acts of 1975, Chapter 78.

SECTION 16. Oliver J. Hill, a licensed attorney of White County, Tennessee, is hereby named as Judge of the General Sessions Court of White and Van Buren Counties and shall serve until September 1, 1972. His successor shall be elected by the qualified voters of White and Van Buren Counties at the general election in August 1972, to serve until September 1, 1974. The qualified voters of White and Van Buren Counties shall elect a judge of the court at the August 1974 general election, to assume office on September 1 following the election and to serve for a full term of eight (8) years. Thereafter, every eight (8) years a judge shall be elected. Any vacancy occurring in the office of judge of the general sessions court of White and Van Buren

Counties, resulting from the resignation, incapacity or death of the judge, shall be filled by appointment by the governor of some person learned in the law and constitutionality qualified to discharge the duties of the office until the next biennial general election for county officials, at which time a successor shall be elected to fill out the remainder of the unexpired term.

SECTION 17. The Judge of the said General Sessions Court is given the authority to interchange with the Circuit Judge and Chancellor, and they with him. If the Judges of the said Court fails to attend, cannot preside in a pending case, or for any reason fails to hold Court, then a majority of the attorneys present in such Court may elect one of their number who has the qualifications of such Judge, and when elected shall have the same authority as a regular Judge to hold the Court for the occasion. The Clerk of the Court shall preside at such election and shall keep in his office a permanent record of the election of such Special Judges. Such Special Judges shall not be entitled to compensation for their services.

SECTION 18. The Clerk of the Circuit Court of White County shall act as the Clerk of the Court of General Sessions of White County and Clerk of the Circuit Court of Van Buren shall act as the Clerk of the Court of General Sessions of Van Buren, during such times as the Greater Court of General Sessions is sitting in their respective counties.

All fees, commissions and emoluments of the Greater Court of General Sessions collected by the Clerk of the Court shall be paid into the general funds of the counties on the basis of which county the particular related matter arose from.

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

SECTION 19. The Sheriff of White County, shall assign a Deputy Sheriff to attend the sessions of said Court to preserve order and to wait on and serve the Court when sitting in White County and the Sheriff of Van Buren County shall do likewise when the Court is sitting in Van Buren. The Sheriff shall receive no additional compensation for his services or those of the Deputies so assigned; however, such Deputy Sheriff so assigned shall be appointed and compensated in the same manner as now provided by law for the appointment and compensation of Deputy Sheriffs of those counties.

SECTION 20. The Judge of the Greater Court of General Sessions of Van Buren and White Counties may grant fiats authorizing the issuance of injunctions and attachments and all other extraordinary processes in all cases conferred on Judges of other Courts and Chancellors of the State of Tennessee.

SECTION 21. At the time this Act becomes effective all of the official dockets and records and papers in cases that are disposed of or that are undisposed of and pending, belonging to the Justices of the Peace, or former Justices of the Peace of White County shall be delivered to the Greater Court of General Sessions, as the successor of the Justices of the Peace Papers in cases that are undisposed of and pending in the offices of the Justices of the Peace shall be delivered to the Clerk of the Greater Court of General Sessions.

SECTION 22. The Greater Court of General Sessions shall have authority to hear and determine all undisposed of cases pending in the Courts of Justices of the Peace of White County as if such cases had originated in the Court of General Sessions.

SECTION 23. This Act shall in no wise impair the right, title or interest of any Justice of the Peace to any unpaid fees, or funds in which he had a right or interest in any proceeding, judgment or suit, whether said cause is disposed of or pending when this Act becomes effective.

SECTION 24. This Act shall take effect on becoming a law, the public welfare requiring it.

PASSED: March 7, 1972.

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

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 Van Buren County, but is no longer in effect and is included herein for reference purposes.

1. Private Acts of 1986, Chapter 113, was an Act passed authorizing the transfer of probate authority to the clerk of general sessions court. All action taken by the clerk would be subject to approval of the chancellor. This Act was disapproved, locally, and therefore, never became operative as law for the 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.

COURT SYSTEM

SECRETARIAL ASSISTANCE

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

CHAPTER VI - EDUCATION/SCHOOLS

EDUCATION - SCHOOLS

BOARD OF SCHOOL COMMISSIONERS

PRIVATE ACTS OF 1949

CHAPTER 867

SECTION 1. That, for the purpose of promoting the efficient and economical administration of the public schools in any county, or counties, of the State of Tennessee, having a population of not less than 4050, nor more than 4092, according to the Federal Census of 1940, or any other subsequent Federal Census, there is hereby created and established in said county, or counties, a Board of School Commissioners, to conduct, manage, govern, supervise, direct and control the public schools in the county, or counties, to which this Act applies.

Said Board shall, in all respects, have the power to do and perform all the duties now imposed by the General School Laws on the County Boards of Education, except as herein provided.

SECTION 2. That said Board of School Commissioners shall consist of five members to be selected from their respective civil districts, by the qualified voters of the civil district in which said Commissioner resides, at the next regular election held therein on the first Thursday in August, 1950, and each Commissioner shall serve for a term of two years, or until his or her successor is elected and qualified.

SECTION 3. That to provide for the administration of the provisions of this Act before the next regular election in August, 1950, the seven Board of Education mmebers [sic] of said County who are now in office shall continue to hold said office, or offices, until September 1, 1950; provided that if any vacancy shall occur in the membership of the present Board of Education by expiration of the term for which any one member was appointed by the Quarterly County Court, or upon the death, resignation, or removal from office of any Board member, between the time of the passage of this Act and September 1, 1950, then the Quarterly County Court shall elect a member to fill such vacancy until the regular election in August, 1950.

SECTION 4. That in the event any commissioner hereinafter elected should die, resign, fail or refuse to act as such, or in any way vacate his or her office, or if any civil district shall fail to elect a member of said School Commission at the regular election, then and in that event, the Quarterly County Court, by a majority vote thereof, shall elect a suitable person from the district where said office is vacant to serve until his successor is duly elected and qualified.

SECTION 5. That said Board of School Commissioners shall have the power, and it shall be its duty to elect one of its members chairman annually, to elect teachers, fix their salaries,, [sic] and to employ laborers, carpenters, janitors, painters, contractors, bus drivers and all other necessary employees in the construction and maintenance of school buildings, or for the purpose of grading, terracing, seeding and landscaping school grounds; also, to purchase all materials, furnishings, supplies and equipment needed in the orderly and efficient administration

of the county public school system, as provided under the provisions of this Act, and in accordance with the General Public School Laws of the State of Tennessee.

SECTION 6. That each member of said Board shall be a resident of the county from which he or she is elected, a citizen of recognized integrity, experience, intelligence, sobriety and ability to administer the duties of said Board in an efficient and business like manner. Each member shall have a practical education and shall manifest an active interest in the educational and cultural advancement of the county.

SECTION 7. That the County Superintendent of Education shall be the secretary of the Board of School Commissioners, and shall have all the power and authority vested in him as such under the Public School Laws of the State of Tennessee.

SECTION 8. That said Board of School Commissioners, when elected and qualified, shall take over all properties in the hands of any Board of Education heretofore appointed by the Quarterly County Court, under the provisions of the General School Laws of the State of Tennessee, both real and personal, now belonging to, or in the custody of, or within the control of, school authorities of this county. That said Board of Education, upon its retirement September 1, 1950, shall prepare and furnish said Board of School Commissioners a full and complete inventory of all properties; such as, cash, receivables, claims, equities, furnishings, buildings, lots, equipment, tools, materials, automobiles, trucks supplies and any and all other properties purchased and used in the construction, equipment, maintenance and operation of the public school system of this county, showing the cost, or inventory value, of each item and its location, together with an itemized statement of any other assets held as of that date; also, an itemized list of all notes and accounts payable, claims or other forms of indebtedness.

SECTION 9. That said Board of School Commissioners shall have the power and authority to enter into contracts and agreements with persons, firms or corporations for the erection, purchase, repair or maintenance of school buildings, property, equipment, supplies and for all other purposes deemed necessary by the Board of School Commissioners to carry out the provisions of this Act, or of the General Laws applicable to public schools.

SECTION 10. That the compensation of the members of the Board of School Commissioners shall be fixed by the Quarterly County Court of Van Buren County for their services in attending regular and special meetings of the Board.

As amended by: Private Acts of 1975, Chapter 94

SECTION 11. That in the passage of this Act, it is the intention of the General Assembly of the State of Tennessee to provide that the Board of School Commissioners, established under the provisions of this Act, shall have full, absolute and complete authority in the administration of all public school affairs of the county, or counties, [sic] to which this Act applies; that if any sections of the provisions of this Act shall be declared unconstitutional, or invalid, by the court, it shall not, in any way, affect or invalidate any other section, clause or paragraph thereof.

SECTION 12. That no section or provision of this Act shall be construed, or interpreted, to prevent any qualified woman from holding the office of School Commissioner in this county.

SECTION 13. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed; and this Act shall take effect from and after its passage, the public welfare requiring it.

PASSED: April 14, 1949.

EDUCATION - SCHOOLS

BOARD OF EDUCATION

PRIVATE ACTS OF 1989

CHAPTER 63

SECTION 1. The Board of Education of Van Buren county is hereby authorized to establish the date for the opening of the school term in such county.

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

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

PASSED: April 13, 1989.

EDUCATION - SCHOOLS

BOARD OF EDUCATION

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

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

The following acts once affected the Board of Education in Van Buren 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 166, conferred the right to exercise the power of eminent domain on the Board of Education in Van Buren County to take and use private property for public school purposes. The County Judge, the County Court Clerk, and the County Superintendent would make up a Board of Appraisers to determine the value of the land to be taken in accordance with the method and under the conditions specified in the Act. The manner of appeal was established and provision made for the school Board to take possession of the property upon filing a bond in double the appraised value with the court having jurisdiction of the matter.
2. Private Acts of 1976, Chapter 202, would have rewritten Private Acts of 1949, Chapter 867, Section 2, to provide for a seven member Board of School Commissioners, one member to be elected by popular vote in each of the six Magisterial Districts, created in Private Acts of 1976, Chapter 201, and one to be selected at-large by qualified voters of the county. This bill was not acted upon by the Van Buren County Quarterly Court and therefore is not in effect.
3. Private Acts of 1994, Chapter 135, was also an Act to amend Private Acts of 1949, Chapter 867, as to Van Buren County being divided into six (6) school districts and the election of their members to the board of school commissioners. According to the County Clerk at the time of this compilation, this Act also had not been acted upon by the local authorities, and is therefore inoperative.

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 Van Buren County, but is no longer operative.

1. Private Acts of 1929, Chapter 39, provided for the election of the county superintendent of public instruction for counties having a population of less than 3,000 according to the federal census of 1920, and the superintendent would be elected every two years.

EDUCATION - SCHOOLS

GENERAL REFERENCE

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

The following acts constitute part of the administrative and political heritage of the educational structure of Van Buren 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 1847-48, Chapter 91, incorporated the Burrett College, in the city of Spencer, with the following serving as initial incorporators: W. B. Huddleston, D. F. Wood, F. G. Plumblee, John Steward, Daniel Walling, John Gillintine, W. B. Cummings, Uriah York, Joshua Morris, Major Parpson, John Morris, E. G. McKinney, Joab Hill, John Pain, James A. Haston, G. P. Cummings, N. F. Trogdon, G. W. York, J. G. Mitchell, James W. Copeland, John G. W. Woods, George W. Anderson, John A. Minnis, Joseph Cummings, William Worthington, Abijah Crain and William Templeton.
2. Acts of 1881, Chapter 168, directed the (Quarterly) County Court to appoint commissioners to sell York Academy, in Spencer, on such terms and conditions as the court may decide, with all proceeds to be applied to the common school fund of Van Buren County.
3. Acts of 1907, Chapter 231, created a special school district for Van Buren County out of part of the Sixth and the Eighth Civil Districts of the county according to the description in the Act. The Special School District was to be called the "Crain Hill School District #3," would be supervised by J. F. Kell, Bill Crain, and A. D. Martin who were named Directors to serve until others were elected in May, 1908, for two year terms.
4. Acts of 1907, Chapter 236, abolished all the District Directors of the county school systems and established county Boards of Education, and District Advisory Boards for all counties except those who elected to exempt themselves in Section 17, which section did not include Van Buren County. This Act applied only to county school systems, and no city was affected thereby. The County Court would divide the county into five school districts composed of whole civil districts, and a member of the Board of Education would be elected from each district. The County Superintendent of Education would be the Secretary of the Board. The duties of all concerned were spelled out and many administrative procedures established. All these become the basis for the laws which currently apply to our county schools. The Tennessee Supreme Court considered this statute in the case of Whitthorne v. Turner, 155 Tenn. 303, 293 S.W. 147 (1927).

CHAPTER VII - ELECTIONS

ELECTIONS

PRIVATE ACTS OF 1972

CHAPTER 223

SECTION 1. For the purpose of electing Justices of the Peace, members of the Board of Education and Constables in Van Buren County, the Billingsley Precinct which is now located in the third civil district of Van Buren County is transferred to the Cummingsville District in the Second Civil District of Van Buren County.

SECTION 2. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Van Buren County within 120 days after its effective date. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

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

PASSED: February 21, 1972

ELECTIONS
CIVIL DISTRICTS

PRIVATE ACTS OF 1941

CHAPTER 401

SECTION 1. That there are hereby created in Van Buren County five Civil Districts as follows:

The First Civil District shall be composed of the old Seventh District.

The Second Civil District shall be composed of the old Second and Third Civil Districts.

The Third Civil District shall be composed of the old Fourth Civil District.

The Fourth Civil District shall be composed of the old Fifth and Eighth Civil Districts.

The Fifth Civil District shall be composed of the old First and Sixth Civil Districts.

SECTION 2. That said Districts shall so remain until changed by the Acts of the General Assembly of the State of Tennessee.

SECTION 3. That all election precincts now established in said County shall continue and shall be legal election precincts in and for the several Districts of said County herein and hereby established in which said precincts shall be established until changed by lawful authority.

SECTION 4. That in all new districts created by this Act thereby creating a vacancy in the office of Justice of the Peace, that the persons set out below are hereby designated as Justices of the Peace to serve until the next regular election in August, 1942, at which time their successors shall be elected.

First District: C. E. Sims and G. W. Grissom.

Second District: Tom Cole and L. C. Hodges, Chairman.

Third District: W. C. Davis and Ben Dewese.

Fourth District: C. R. Safley and Brady Roberts.

Fifth District: M. C. Hitchcock and Jim Grissom.

SECTION 5. That if any clause, sentence, paragraph, section or part of this Act shall be held or declared to be unconstitutional and void, it shall not affect the remaining part or parts of

this Act, it being hereby declared to be the legislative intent to have passed the remainder of this Act, notwithstanding the part so held to be invalid, if any.

SECTION 6. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 7, 1941.

ELECTIONS

DISTRICTS - REAPPORTIONMENT

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

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

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

The acts listed below have affected the civil districts in Van Buren County, but are no longer operative regarding elections. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1941, Chapter 135, redistricted a county with a population of not less than 4,050 no more than 4,100, according to the 1940 Federal Census, or subsequent. This Act would apply to both Moore and Van Buren Counties. Since it was introduced and sponsored by the Honorable Reagor Motlow of Moore County, the assumption is made that he did not intend to redistrict Van Buren County, which he did not represent.
2. Private Acts of 1976, Chapter 201, created six magisterial districts in Van Buren County which were composed of whole civil districts and voting precincts as were described therein. Justices of the Peace would continue in office until their respective terms expired. This act expressly repealed Private Acts of 1941, Chapter 135, Private Acts of 1941, Chapter 401, and Private Acts of 1972, Chapter 223, but was rejected by the Van Buren County Quarterly Court and therefore remains inoperative.

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 Van Buren County in the 13th state senatorial district (along with Bledsoe, McMinn, Marion, Meigs, Rhea, Sequatchie and White Counties), while T.C.A. § 3-1-103 places it in the 37th representative district. Van Buren County is part of the 3rd U.S. congressional district, under the provisions of T.C.A. § 2-16-103.

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

1. Acts of 1842 (Ex. Sess.), Chapter 1, divided Tennessee into 25 Senatorial Districts for the General Assembly. The Ninth District was made up of Fentress, Overton, Jackson, White, and Van Buren Counties. Fentress, White, and Van Buren Counties would elect one Representative to the Legislature between them.
2. Acts of 1842 (Ex. Sess.), Chapter 7, divided the State into eleven U.S. Congressional Districts. Fentress, Overton, Jackson, White, DeKalb, Van Buren, Warren, and Coffee Counties composed the Fourth District.
3. Acts of 1865, Chapter 34, divided Tennessee into eight U.S. Congressional Districts, probably reflecting the decimation of the people during the Civil War. Van Buren County was in the Third District, along with Meigs, Rhea, Hamilton, Marion, Grundy, Bledsoe, Sequatchie, Warren, White, Smith, Cumberland, Putnam, Jackson, Macon, Overton, DeKalb, and Fentress Counties.
4. Acts of 1867-68, Chapter 5, set the place for comparing the polls for the election of the Floterial Representative from Van Buren, Grundy, and Coffee Counties at McMinnville in Warren County.
5. Acts of 1871, Chapter 146, apportioned the State according to the 1870 Federal Census. The Seventh of twenty-five Senatorial Districts composed of Rhea, James, Hamilton, Bledsoe, Sequatchie, Marion, Grundy, and Van Buren Counties would jointly elect one Representative to the General Assembly.

6. Acts of 1872, Chapter 7, divided Tennessee into nine U. S. Congressional Districts. The following counties made up the Third District: Blount, Loudon, Roane, Monroe, McMinn, Meigs, Rhea, Polk, Bradley, James, Hamilton, Marion, Sequatchie, Bledsoe, Grundy, Van Buren and Warren.
7. Acts of 1873, Chapter 27, reapportioned the State into ten U. S. Congressional Districts. Seventeen counties, including Van Buren County, were in the Third District.
8. Acts of 1881, (Ex. Sess.), (Public) Chapter 6, apportioned the state, according to the new 1880 census, into thirty-three Senatorial Districts and ninety-nine Representative Districts, as it now has. Sequatchie, Bledsoe, Cumberland, and Van Buren Counties would elect one Representative jointly, and Van Buren County was assigned to the 9th Senatorial District with Grundy, Sequatchie, Bledsoe, Rhea, Cumberland, Morgan, and White Counties.
9. Acts of 1882, (Ex. Sess.), Chapter 27, did the same for the Congressional Districts, delineating the State into Ten Districts. Monroe, Polk, Bradley, Hamilton, James, McMinn, Bledsoe, Sequatchie, Marion, Grundy, Van Buren, White and Warren were in the Third District.
10. Acts of 1891, (Ex. Sess.), Chapter 10, divided the State according to the 1890 Federal Census. Van Buren was in the Seventh Representative District with Grundy, Sequatchie, Bledsoe, and Cumberland Counties, and in the Ninth Senatorial District with Rhea, Bledsoe, White, Cumberland, Sequatchie and Morgan Counties.
11. Acts of 1901, Chapter 122, again apportioned the State in accordance with the 1900 Federal Census. Van Buren County was in the 11th Representative District with Cumberland, Bledsoe, Sequatchie, and Grundy Counties, and in the Ninth Senatorial District with Rhea, Meigs, Bledsoe, Sequatchie, White, and Cumberland Counties.

CHAPTER VIII - HEALTH

HEALTH

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

CHAPTER IX - HIGHWAYS AND ROADS

HIGHWAYS AND ROADS

PRIVATE ACTS OF 1951

CHAPTER 460

SECTION 1. That Chapter 636, House Bill 1400 of the Private Acts of 1949, the caption of which is set out in the caption hereof, be and the same is hereby repealed as of the day before the general August election to be held in August 1952, 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 4050 and not more than 4092 under the Federal Census of 1940 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 1962, who shall hold his office for a term of four (4) years or until his successor is elected and qualified. No member of the Quarterly County Court shall be eligible for the office of Road Supervisor.

The said Road Supervisor shall take his oath of office on the first Monday after the general August election in 1952, and the said Road Supervisor will take over and perform the duties of his office on the first Monday after the general August election in 1952, 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 Road Supervisor may be removed from office by a majority vote of the Quarterly County Court at any of their regular quarterly sessions upon conviction after trial, that he has been guilty of any illegal acts in office, but he shall first be furnished with a copy of the charges against him at least five days before date of trial. 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 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 his 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 Fourteen Thousand Dollars (\$14,000) a year for his services and in addition thereto he shall be allowed a county owned automobile or pickup truck to make his trips over the county roads, said upkeep and gas used in this county owned truck or automobile shall be paid out 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 bookkeeper hereinafter named shall draw his, or her, pay from the road or gas fund the same as other payments are made.

On September 1, 1981, the base salary provided in the second paragraph of this section shall be adjusted to reflect the percent of change in the average consumer price index (all items-city average) as published by the United States Department of Labor, Bureau of Labor statistics between that figure for the calendar year 1980 and the calendar year 1979. Each succeeding September 1, a similar adjustment shall be made, based on the percent of change in the average consumer price index between the two (2) calendar years preceding September 1 of the year in which the adjustment is made.

As amended by: Private Acts of 1957, Chapter 74
Private Acts of 1961, Chapter 51
Private Acts of 1967, Chapter 376
Private Acts of 1969, Chapter 144
Private Acts of 1971, Chapter 66
Private Acts of 1974, Chapter 173
Private Acts of 1980, Chapter 212

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., which exceed a purchase price of Five Hundred Dollars (\$500.00), 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 Five Hundred (\$500.00) 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 his 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 County Judge to audit the account or order paid and 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 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 1972, Chapter 224
Private Acts of 1972, Chapter 331

SECTION 4. That said Road Supervisor shall have the authority and it shall become his duty to lay out all roads in the county and 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 agreements. Except as provided herein, no public 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, nor spent on other private property or for private purposes. 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 county's road system, and shall buy only first class material for the use in the construction and repairing of said bridges.

At or after a public auction for the sale of any equipment belonging to the Van Buren County Road Department, the Road Supervisor, with the approval of the County Judge, may reject any or all bids on said equipment and may trade the equipment in on other equipment, provided that the trade-in allowance is in an amount greater than any bona fide bid or offer received at the public sale.

The Road Supervisor is authorized, upon the appropriation of county funds to the road fund of the county for that purpose, to direct that personnel, equipment or materials of the county Highway Department may be used to spread rock or gravel upon such driveways or private roads entering onto a public road as the Road Supervisor may designate and to direct that personnel or equipment, or both, of the County Highway Department may be used to excavate graves at such terms and conditions as such official may require, except that the excavation of graves shall be done on behalf of indigent or low income citizens only, as determined by the Road Supervisor.

As amended by: Private Acts of 1972, Chapter 224
Private Acts of 1982, Chapter 379

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 and prescribe his or her duties, such bookkeeper to serve at the pleasure of the Road Supervisor. The compensation of the bookkeeper shall be fixed by the Quarterly County Court which shall have authority to make such salary provisions retroactive to January 1, 1974. 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 1957, Chapter 74
Private Acts of 1967, Chapter 141
Private Acts of 1969, Chapter 144
Private Acts of 1972, Chapters 215 and 224
Private Acts of 1974, Chapter 173

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 take effect on the day of the general August election in 1952, the public welfare requiring it.

Passed: March 13, 1951.

HIGHWAYS - ROADS

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

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

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

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

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

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

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

1. Acts of 1847-48, Chapter 107, authorized Isaac Whittenberg of Bledsoe County and Daniel Walling of Van Buren County to incorporate and to open and cut out a turnpike road beginning on the southeast side of Cane Creek at or near Burden Wheeler's in Van Buren County and crossing Cumberland Mountain by the nearest and most practical route to intersect Thomas Gardner's turnpike on top of the Mountain in Bledsoe County. A schedule of tolls to be charged and penalties for not maintaining the road in a suitable manner were incorporated into the Bill.
2. Acts of 1847-48, Chapter 218, authorized Samuel Parker, Forister Fifer, Joseph G. Mitchell, James W. Copeland, and Daniel M. Doyel, all of White County, and Fines Plumley, Joseph Cummings, William L. Mitchell, Gabriel P. Cummings, William Dotson, and W. B. Huddleston, all of Van Buren County, to incorporate to build a bridge over the Caney Fork River at a point to be selected by a majority of the above directors of the Corporation.
3. Acts of 1901, Chapter 136, was a statewide road law which applied to all counties under 70,000 population. One road commissioner would be selected by the County Court from each road district which was to be coextensive with the civil district. He would be experienced in road building and be in charge of the road program in his district. County Courts would set the number of days of compulsory road work and be responsible for supplying the hands necessary to keep them up. The court would also levy a road tax of two cents per \$100 of taxable property outside of cities but a person could work out 2/3 of the tax if he wanted. The duties of the Commissioners, the records to be kept, the manner in which one could commute by paying seventy-five cents were all written into the act and the authority to let contracts to build roads with the approval of the County Court was granted. This act was the subject of litigation in the case of Carroll v. Griffith, 117 Tenn. 500, 97 S.W. 66 (1906).
4. Acts of 1905, Chapter 478, amended the Act of 1901, Item 3, above, the general road law of the State, by some minor adjustments in administrative details and principally by inserting a method by which roads could be opened, closed, or changed by written petition to the Road Commissioner of the district, and by prescribing the steps the Commissioner would take in bringing the matter to a conclusion.
5. Private Acts of 1917, Chapter 728, was an act to protect roads in Van Buren County by making it unlawful to place obstructions on, or cause them to be placed on any road so as to cause damage to it, or to obstruct a drainage ditch so as to interfere with the free passage of water, or to snake logs over roads in a way that would damage them. These actions were subject to fines from \$10 to \$50 and, if the road commissioners did not act promptly to correct such conditions, the commissioners were subject to the same fines.
6. Private Acts of 1921, Chapter 266, created a Board of County Highway Commissioners for Van Buren County consisting of six citizens between 30 and 60 years of age to serve three year terms, or until their successors were elected and qualified. The County Court

could reduce the number to three, if it desired. They would be paid \$3.00 per day for one day each month. This commission could formulate rules and regulations for the road department and for the protection of the county roads; was given the power to contract with the State and Federal governments concerning roads; could elect one or more Supervisors of Roads, at such salary as they might fix, who would be in charge of the road program in the county. The Board would be responsible to acquire and supervise the use of the materials, tools, and equipment used for roads.

7. Private Acts of 1941, Chapter 31, appears as the next road law for Van Buren County although it has only a general repealing clause. The county would elect a Road Supervisor for two years provided that no member of the Quarterly Court was eligible to hold the office and S. T. Haston was named to the post until August, 1942, when one would be elected. Preparations for his removal, for filling vacancies, and for his bond are made in the act. The Supervisor must be qualified, will be paid \$100.00 per month and given a car, or pickup truck, for traveling the roads. The Road Supervisor would appoint Road Overseers for each civil district at a salary of \$2.50 daily for each day worked and who would file the records required of him with the Supervisor. All males between 21 and 45 years of age must work the requisite number of days on the road or pay \$1.00 per day for commutation fees. The Road Supervisor would lay out and classify the roads, hire and fire employees of the road department, including a bookkeeper, who would help with the record keeping.
8. Private Acts of 1945, Chapter 258, was the next road law enacted for Van Buren County which duplicated almost all of the preceding 1941 Act above, and which it did not specifically repeal. This act named Joe J. Simmons as the Road Supervisor until August, 1946, when one would be elected for two years. The salary of the Supervisor was set at \$135 per month but the remainder of the provisions were substantially the same as mentioned in the description of the 1941 act, above, and as set out in the current road law.
9. Private Acts of 1949, Chapter 636, was the Road Law for the next two years until repealed by the current road law which is published herein with its amendments. This act returned to the County Highway Commission those powers, duties, and responsibilities which were enumerated therein and placed the commission in charge of the roads of the county. This act also named Joe J. Simmons as the Road Superintendent until the next election in August, 1950. The commission was made up of five members elected from their respective civil districts who would employ a road superintendent at a salary of not less than \$150 nor more than \$250 monthly. Provisions were made for the keeping of records, for purchasing materials and equipment, for the removal of incompetents, for the filling of vacancies which might occur, and no mention was made of compulsory road work, which was eliminated all over the state. Nepotism in the road department was forbidden under penalty for its violation.
10. Private Acts of 1973, Chapter 16, would have amended the Road Law by raising the salary of the Road Supervisor from \$450 a month to \$6,200 annually, by giving the road supervisor the responsibility and duty for the collection of all refuse along all county roads, which he would deliver to the county landfill; and placing him in charge of the operation of the county landfill. The salary of the bookkeeper for the road department

was increased from \$350 to \$400 per month and Private Acts of 1971, Chapter 66, was repealed, but this bill was not acted upon by local authorities and therefore did not become effective as a law.

11. Private Acts of 1977, Chapter 10, amended Private Acts of 1951, Chapter 460, the Road Law of Van Buren County, in Section 4 so as to provide that no public road funds would be spent on private roads unless they were first laid off, designated, and classified as public roads. A provision was added to the section which authorized the Road Supervisor to designate private roads, or driveways, leading to public roads which could be worked, or improved, by county personnel and materials. The supervisor could also direct county personnel and materials. The supervisor could also direct county personnel in the excavation of graves for the poor and indigent of Van Buren County. This act was rejected by the Quarterly County Court, and therefore, has not become an effective law.
12. Private Acts of 1978, Chapter 281, created a County Road Advisory Commission of five members for Van Buren County, one from each Magisterial District. The Commission would meet at least quarterly to advise and make recommendations to the County Road Supervisor on road conditions and maintenance, and on the construction of new roads. Their Compensation would be fixed by the Quarterly Court and could not be changed during the term. If the act was ratified properly, the Commissioners were to be elected at the November general election. This act was not acted upon by the local authorities, and therefore, never became law.
13. Private Acts of 1979, Chapter 18, which was approved by the Van Buren County Legislative Body on April 10, 1979, expressly and entirely repealed Private Acts of 1978, Chapter 281, Item 12 above.

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

1. Private Acts of 1917, Chapter 745, provided that the Sheriff and the County Court Clerk in Van Buren County be allowed \$50 a year in ex officio fees, to be appropriated and paid out of the county treasury on the first Monday in July, 1917, and the first Monday in January, 1918, and semi-annually thereafter in July and January, the same to be a part of the regular quarterly appropriation by the County Court.
2. Private Acts of 1927, Chapter 814, allowed the Sheriff of Van Buren County \$150 a year as ex officio fees, of which \$75 would be paid out of the county treasury on July 1, 1927, and \$75 on January 1, 1928, and every six months thereafter.
3. Private Acts of 1929, Chapter 857, amended Private Acts of 1919, Chapter 315, by changing the total amount of the ex officio fees for the Sheriff to \$200 a year and making it payable at \$50 a quarter instead of \$25.

CHAPTER XI - TAXATION

TAXATION

ASSESSOR OF PROPERTY

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

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

The following acts were superseded, repealed or failed to win local ratification, but they are listed here as a reference to laws which once affected the Van Buren County Assessor. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1911, Chapter 337, amended Subsection 5 of Section 9 of the Public Acts of 1907, which was a salary act and an Anti-Fee Act for county officials, by setting the salary of the Tax Assessor of Van Buren County at \$250 per year.
2. Private Acts of 1917, Chapter 744, also amended the same Public Act of 1907, cited above, by increasing the salary of the Tax Assessor in Van Buren County to \$300 annually. This Act was repealed by Private Acts of 1925, Chapter 295, which follows.
3. Private Acts of 1925, Chapter 295, repealed specifically Private Acts of 1917, Chapter 744, above, and then amended the very same 1907 salary act at the same place by inserting \$400 a year as the salary of the Van Buren County Tax Assessor. This Act was repealed by the act which follows.
4. Private Acts of 1955, Chapter 380, specifically repeals Acts of 1925, Chapter 295, and all others in conflict, and then this act amends the 1907 act by setting the annual salary of the Tax Assessor of Van Buren County at \$1,200 which would be paid out of the county treasury.

TAXATION

HOTEL/MOTEL TAX

PRIVATE ACTS OF 1984

CHAPTER 168

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

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

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

(c) "Occupancy" means the use or possession or the right to use or possession of any room, lodging, or accommodations [sic] in a hotel for a period of less than thirty (30) continuous days.

(d) "Transient" means any person who exercises occupancy or is entitled to occupancy of any rooms, lodgings, accommodations [sic] in a hotel room or campground for a period of less than ninety (90) days.

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

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

(g) "Tax collection official" means the County Clerk.

SECTION 2. Van Buren County is hereby authorized to levy a privilege tax upon the privilege of occupancy in any hotel by a transient in an amount not to exceed seven percent (7%) of the consideration charged by the operator. The tax imposed is a privilege tax upon the

transient occupying such room and is to be collected and distributed as herein provided. The rate of the tax may be modified by the county legislative body subject to the seven (7%) percent limitation.

As amended by: Private Acts of 2002, Chapter 120.

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

When a person has maintained occupancy for ninety (90) continuous days, he shall receive from the operator refund or credit for the tax previously collected from or charged to him, and the operator shall receive credit for the amount of such tax if previously paid or reported to the County.

SECTION 4.

(a) The tax hereby levied shall be remitted by all operators who lease, rent, or charge for any rooms or campground space in a hotel to the County Clerk not later than the twentieth (20th) day of each month next following such collection from the transient. The operator is required to collect the tax from the transient at the time of the presentation of the invoice for occupancy, whether prior to, during or after occupancy, as may be the custom of the operator. The obligation to the county entitled to such tax shall be that of the operator.

(b) For the purpose of compensating the County Clerk for collecting the tax, the County Clerk shall be allowed two and one-half percent (2 1/2%) of the amount of tax remitted by the operators.

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

SECTION 6. Taxes collected by an operator which are not remitted to the County Clerk on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at a rate of twelve percent (12%) per annum, and in addition for a penalty on such taxes of one percent (1%) for each month or fraction thereof that such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is hereby declared to be unlawful and shall be punishable upon conviction by a fine not in excess of fifty dollars (\$50.00).

Any fine levied herein shall be applicable to each individual transaction involving lodging services paid by a transient to the operator in those cases when the operator fails or refuses to pay the tax payable to the County Clerk.

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

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

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

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

SECTION 10. Within the first ten (10) days of each month, after first deducting the commission authorized in Section 4 for the administration and enforcement of this act, the county clerk shall apply the proceeds of the tax then in the hands of the county clerk as follows:

(a) Twenty-two and twenty-eight hundredths percent (22.28%) shall be paid over to the trustee of the city of Spencer.

(b) The balance of the proceeds, seventy-seven and seventy-two hundredths percent (77.72%), shall be paid over to the county trustee to be credited as follows: Forty-nine and fourteen hundredths percent (49.14%) of the total revenue collected shall be credited to the Van Buren County Education Capital Outlay Note. All other proceeds or twenty-eight and fifty-eight hundredths percent (28.58%) of the total revenue collected shall be credited to the Van Buren County debt service.

As amended by: Private Acts of 2002, Chapter 120.

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

SECTION 12. Chapter 169 of the Private Acts of 1974 is repealed.

SECTION 13. If any clause, sentence, paragraph, section or any part of this Act shall be held or declared to be unconstitutional, it shall not affect the remainder of this Act notwithstanding the part held to be invalid, if any, and to that end the provisions of this Act are declared severable.

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

SECTION 15. For the purpose of approving this Act as provided in Section 14, it shall take effect on becoming a law, the public welfare requiring it. For all other purposes, it shall take effect on the first day of the month following approval as provided in Section 14.

PASSED: March 22, 1984.

TAXATION

LITIGATION TAX

PRIVATE ACTS OF 1967

CHAPTER 210

SECTION 1. That a litigation tax of Ten Dollars (\$10.00) shall be taxed as part of the costs in all civil and criminal actions in the General Sessions Court, the Circuit Court and the Chancery Court of Van Buren County, Tennessee.

As amended by: Private Acts of 1981, Chapter 171.

SECTION 2. That the said Clerks of the said Courts will collect the said litigation tax and pay same into a separate fund, which is to be designated as the "Court House and County Buildings Maintenance Repair and Improvement Fund," to be used exclusively for the purpose of maintenance and repair of the Court House and other county buildings.

SECTION 3. That all expenditures made from the said Fund are to be made by the County Judge upon the authorization of the Quarterly County Court.

SECTION 4. That this act shall have no effect unless the same shall have been approved by a two-thirds (2/3) vote of the county court of Van Buren County, Tennessee on or before the next regular meeting of such County Court occurring more than thirty (30) days after its approval by the Chief Executive of the State. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse, and shall be certified by him to the Secretary of State.

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

Passed: May 25, 1967.

TAXATION

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

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

1. Acts of 1870-71 (2nd Ex. Sess.), Chapter 50, authorized the counties and the cities to impose taxes for county and corporate purposes under the conditions stipulated in the Act. The credit of the county could not be loaned to anyone until the Justices of the County Court had approved the same by majority vote and an election for that purpose was held whereby three-fourths of the people voting also approved. Several counties, Van Buren among them, exempted themselves from the three-fourths' approval of the people requirement and specified that a simple majority of those voting would be sufficient for approval.
2. Private Acts of 1937, Chapter 831, gave the person, firm, or corporation owing any State, County, or Special taxes on real estate which were a lien against the property, the right to settle the said claim and satisfy the lien as provided in Section 2. Section 2 authorized the County Court of Van Buren County to make a settlement on the delinquent taxes on said lands as were owed, except State taxes, up to and including the year 1936 as they might deem proper.
3. Private Acts of 1974, Chapter 169, was the original law for the privilege tax imposed on transients by operators for the privilege of occupancy of any hotel, motel, camp, etc., for occupancy of the same dwelling for a period of less than 90 continuous days. It was the responsibility of the operator to collect and then remit to the County Court Clerk said taxes. This Act was subsequently repealed by Private Acts of 1984, Chapter 168.

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1981	Private	171	92
1982	Private	379	79
1984	Private	168	93,97
1986	Private	111	13
1986	Private	113	55
1989	Private	63	62
1994	Private	135	63
2002	Private	120	

YEAR	ACT	CHAPTER	PAGE HEREIN
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