



May 04, 2024

Haywood

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

Haywood	4
Chapter I - Administration	5
Alcoholic Beverages - Beer	5
Private Acts of 1949 Chapter 703	5
Building Permits	5
Private Acts of 1974 Chapter 167	5
County Attorney	6
Private Acts of 1945 Chapter 350	6
County Legislative Body	6
Justices of the Peace	6
Private Acts of 1965 Chapter 102	6
Private Acts of 1976 Chapter 246	7
Nepotism Policy Act	7
Private Acts of 1985 Chapter 27	7
Obionand Forked Deer River	8
Flood Control and Drainage Improvements	8
Public Acts of 1959 Chapter 129	8
Removal of Abandoned Property	9
Private Acts of 2001 Chapter 45	9
Administration - Historical Notes	10
Chapter II - Animals and Fish	14
Animals and Fish - Historical Notes	14
Chapter III - Bond Issues	16
Bond Issues - Historical Notes	16
Chapter IV - Boundaries	17
Creation of the County	18
Acts of 1823 Chapter 145	18
Acts of 1821 Chapter 32	18
Change of Boundary Lines	18
Acts of 1870 Chapter 12	18
Private Acts of 1931 Chapter 549	19
Boundaries - Historical Notes	19
Chapter V - Court System	19
Circuit Court	19
Clerk	19
Private Acts of 1955 Chapter 378	19
Private Acts of 1963 Chapter 73	20
General Sessions Court	20
Private Acts of 2002 Chapter 171	20
Court System - Historical Notes	20
Chapter VI - Education/Schools	26
Board of Education	26
Private Acts of 1993 Chapter 89	26
Superintendent or Director of Schools	27
Private Acts of 1917 Chapter 399	27
Private Acts of 1969 Chapter 59	27
Education/Schools - Historical Notes	28
Chapter VII - Elections	29
Districts - Reapportionment	29
Private Acts of 1929 Chapter 446	29
Elections - Historical Notes	30
Chapter VIII - Health	31
Haywood County Memorial Hospital	31

Private Acts of 1945 Chapter 351	31
Private Acts of 1951 Chapter 429	31
Health - Historical Notes	31
Chapter IX - Highways and Roads	32
Road Law	32
Private Acts of 1991 Chapter 24	32
Highways and Roads - Historical Notes	34
Chapter X - Law Enforcement	38
Law Enforcement - Historical Notes	38
Chapter XI - Taxation	39
Anticipation Notes	39
Private Acts of 1931 Chapter 548	39
Assessor of Property	39
Registration of Deeds	39
Private Acts of 1965 Chapter 49	39
Building Permits	40
Private Acts of 1974 Chapter 167	40
Bridges and Levees	41
Private Acts of 1951 Chapter 428	41
Hospital	41
Private Acts of 1951 Chapter 429	41
Hotel/Motel Tax	42
Private Acts of 1988 Chapter 179	42
Litigation Tax	44
Private Acts of 1976 Chapter 215	44
Private Acts of 1983 Chapter 69	44
Motor Vehicle Tax	45
Private Acts of 1961 Chapter 324	45
Roads	46
Private Acts of 1951 Chapter 427	46
Taxation - Historical Notes	47

Haywood



Haywood County Courthouse

Original Compilation By: William C. McIntyre, Legal Specialist

Revised and Edited By: Timothy C. Naifeh, Administrative Intern, 1987

Updated By: Stephen Austin, Legal Consultant, 2020

Chapter I - Administration

Alcoholic Beverages - Beer

Private Acts of 1949 Chapter 703

SECTION 1. That the County Court of Haywood County under the provisions of Section 9 of Article 11 of the Constitution, is vested with powers to pass ordinances with regard to private and local affairs hereinafter expressly set forth, by the affirmative vote of a majority of not less than two-thirds of the total number of members thereof; a meeting for the purpose of using these powers may be called on notice given by the County Judge or three members of the County Court.

SECTION 2. That an ordinance under the powers which it is deemed expedient to vest in said County Court shall only be valid after three readings at intervals of not less than ten days of the ordinance; after the first reading and within the ensuing ten days publication of the action entered upon the minutes shall be made two times in a newspaper or newspapers of general circulation in said county; the second reading shall be at a regular or at an adjourned meeting, the date of which shall be fixed at the first meeting, and the third reading shall be after a similar publication and at a regular or an adjourned meeting, the date of which was so fixed; each publication notice shall be sufficient to inform the public as to the content of the ordinance and upon passage the ordinance shall be enrolled for public inspection in an indexed book in the office of the County Court Clerk, and all expense of publication and enrollment shall be paid by the County.

SECTION 3. That acting as herein set forth said County Court may by ordinance: (1) regulate the sale of beer and ale, the places in which it may be consumed, the location and the hours and circumstances under which it may be sold and/or consumed, the disposition of containers and its transportation by retailers, and prohibit amusement devices, musical instruments, dancing facilities, chairs and tables, and require that the buildings in which beer is sold be so constructed as to facilitate regulation of operation, and be so located and arranged that side doors, back doors, closets, ante-rooms or other space may not be used to prevent or make difficult a brief inspection of the premises and general location of the place of business, and (2) provide that any violation of such ordinance is a misdemeanor, and (3) provide that a third violation shall be a felony, and (4) provide that upon a second conviction of a misdemeanor any court in the County may require that a bond to keep the peace, as provided for in the Code of Tennessee, may be required as a consideration to further operation by the offenders.

SECTION 4. That the provisions of this Act are hereby declared to be severable: and that if any section, provision, exception, sentence, clause, phrase, or part of this Act be held unconstitutional or void, the remainder of the Act 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 in the same.

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

Passed: April 12, 1949.

Building Permits

Private Acts of 1974 Chapter 167

SECTION 1. Except for companies whose property is assessed by the Tennessee Public Service Commission, any owner or owners of real property in Haywood County who builds, erects, constructs or remodels, or who causes or allows to be built, erected, constructed or remodeled, any building or improvements upon their real property, where such construction or remodeling has a value of or costs two thousand dollars (\$2,000.00) or more, shall apply for building permits from the County Assessor of Property prior to the commencement of such construction or remodeling.

Such application shall be made in writing on a form or forms to be prescribed by the Assessor of Property and provided for him by the Quarterly County Court. The Assessor of Property shall charge a fee of five dollars (\$5.00) payable to the county trustees, for each permit issued.

SECTION 2. Failure to have such a permit as required by this act is a misdemeanor, punishable, upon conviction thereof by a fine of not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00).

SECTION 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly

County Court of Haywood County. 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 4. For the purpose of approving this act as provided in Section 3, it shall take effect on becoming a law, the public welfare requiring it, but the other provisions of the act shall be effective only upon being approved as provided in Section 3.

Passed: January 16, 1974.

County Attorney

Private Acts of 1945 Chapter 350

SECTION 1. That the office of County Attorney is hereby created in all Counties of the State of Tennessee, having a population of not less than 27,680 nor more than 27,720, according to the Federal Census of 1940 or any subsequent Federal Census. The County Attorney shall be elected by the Quarterly County Court of such Counties at the next regular session of said Quarterly County Court following the effective date of this Act and shall serve for a term of two (2) years or until his successor is elected and qualified. In the event of a vacancy in said office of County Attorney, the same shall be filled by the Quarterly County Court.

SECTION 2. That such County Attorney shall be a resident citizen of the County for which he is elected and shall be licensed to practice law in the State of Tennessee.

SECTION 3. That it shall be the duty of such County Attorney to advise with the County Judge and all other County Officials upon legal matters pertaining to their respective offices, and shall prepare and render written legal opinions to all County Official pertaining to the performance of their official duties. He shall give legal advice to the County Judge and to the Quarterly County Court in regard to the issuance and sale of County Bond and shall execute and prepare all necessary legal papers pertaining thereto when requested to do so by the County Judge or by the Quarterly County Court.

SECTION 4. That upon an election of the County Attorney by the Quarterly County Court, the said Quarterly County Court shall fix his compensation for the term to which he has been elected but which shall be payable on a monthly basis payable on the first day of each month out of the general funds of the County upon a warrant drawn by the County Judge upon the County Trustee.

As amended by: Private Acts of 1974, Chapter 246.

SECTION 5. That in the event the County Attorney is called upon to represent the County in any extra or special matters or litigation not mentioned or referred to in this Act, he shall be entitled to additional compensation the amount of said additional compensation being within the discretion of the Quarterly County Court of such counties.

SECTION 6. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

SECTION 7. That all prior appropriations of the Quarterly County Court of such Counties heretofore made for compensation of County Attorneys are hereby ratified and confirmed and said appropriations are declared to have and possess the same validity and effect as though the said Courts were legally authorized to do so in the first instance.

SECTION 8. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 21, 1945.

County Legislative Body

Justices of the Peace

Private Acts of 1965 Chapter 102

COMPILER'S NOTE: This act may be superseded by T.C.A. 5-5-107.

SECTION 1. That Section 1 of Chapter No. 338 of the Private Acts of 1927, the caption of which is set out hereinabove, be and the same is hereby amended by striking therefrom the words and figures "\$4.00 per day, and mileage" and by substituting in lieu of said words and figures the following words and figures:

"Fifteen Dollars (\$15.00) per day, and mileage at the rate of ten cents (10¢) per mile from his place of residence to the courthouse and back."

SECTION 2. That this Act shall be void and of no effect unless the same shall be approved by a two-thirds vote of the Quarterly County Court of any county to which it may apply. The action of the Quarterly County Court hereon shall be proclaimed by the presiding officer of said county court, and shall be certified by him to the Secretary of State.

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

Passed: March 1, 1965.

Private Acts of 1976 Chapter 246

SECTION 1. In elections for members of the Haywood Quarterly County Court, two (2) justices of the peace shall be elected from each magisterial district. In each magisterial district, there is hereby designated justice of the peace, position 1, and justice of the peace, position 2. For purposes of qualifying for office of justice of the peace, a candidate shall declare for justice of the peace, position 1, or justice of the peace, position 2. The voters of each magisterial district shall vote for one (1) candidate for justice of the peace, position 1, and for one (1) candidate for justice of the peace, position 2. The candidate with the largest number of votes for each justice of the peace position shall be elected to that respective justice of the peace position.

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 Haywood County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

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

Passed: March 10, 1976.

Nepotism Policy Act

Private Acts of 1985 Chapter 27

SECTION 1. This Act shall be known and may be cited as the "Haywood County Employees Uniform Nepotism Policy Act of 1985".

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

- (1) "Governmental entity" means any Haywood County agency, authority, board, commission, department, or office within the executive, judicial branch or legislative branch of county government or any autonomous Haywood County agency, authority, board, commission, department, office;
- (2) "Relative" means a parent, foster parent, parent-in-law, child, spouse, brother, foster brother, sister, foster sister, grandparent, grandchild, son-in-law, brother-in-law, daughter-in-law, sister-in-law, or other family member who resides in the same household;
- (3) "County employee" means any person who is employed by any county governmental entity of Haywood County.

SECTION 3. Within each governmental entity, no county employees who are relatives shall be placed within the same direct line of supervision whereby one (1) relative is responsible for supervising the job performance or work activities of another relative; provided, however, to the extent possible, the provisions of this Act shall not be construed to prohibit two (2) or more such relatives from working within the same county governmental entity.

SECTION 4. When as a result of a marriage, county employees are in violation of the prohibition established by Section 3, such violation shall be resolved by means of such transfer within the governmental entity, transfer to another governmental entity, or resignation as may be necessary to remove such violation. Such employees shall be given the opportunity to select among such available alternatives. If such employees are unable to agree upon any such alternative within sixty (60) days, then the appointing authority shall take appropriate action to remove such violation.

SECTION 5. The prohibition established by this Act shall not be applied retroactively but shall be adhered to by each governmental entity in all hiring and employee transactions after the ratification of this Act as required in Section 7.

SECTION 6. The provisions of this Act shall be applied uniformly and shall constitute the nepotism policy

of each governmental entity. No such governmental entity shall adopt a nepotism policy which conflicts with the provisions of this Act.

SECTION 7. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Haywood County before September 1, 1985. 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 8. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 7.

Passed: March 18, 1985.

Obion and Forked Deer River Flood Control and Drainage Improvements Public Acts of 1959 Chapter 129

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

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

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

As amended by: Public Acts of 1963, Chapter 149
Public Acts of 1984, Chapter 415

SECTION 2. That the State of Tennessee, through its Obion-Forked Deer Basin Authority, acting through and in conjunction with the Counties in which such improvements are to be constructed, shall be authorized and empowered to acquire and furnish the lands, easements and rights of way required for such work. To this end, the power of eminent domain is hereby conferred upon the state and the counties in which such improvements shall be constructed for the purpose of acquiring such lands, easements and rights of way as may be deemed necessary for the purposes of this Chapter. The general statutes relating to the acquisition of lands for works of internal improvement shall be applicable both as to the bringing of condemnation actions and the remedies of property owners. The counties in which such improvements are to be made shall be charged with the responsibility of acquiring the necessary lands, easements and

rights of way either by gift, purchase or condemnation. The cost of any such lands, easements and rights of way through purchase or condemnation shall be paid by the State of Tennessee. All other expense incident to the cost of acquisition of such lands, easements and rights of way, including title or abstract work, appraisal fees, attorney fees and court costs, shall be borne by the county in which the required lands, easements and rights of way are located. In the event any County fails or refuses to acquire such necessary lands, easements and rights of way, the State, through the Obion-Forked Deer Basin Authority, shall acquire the same, either by purchase, gift or condemnation, and such County shall be liable for and shall reimburse the State for all expenses incurred in the acquisition of such lands, easements and right of way, except the cost or purchase price of the lands, easements and rights of way themselves.

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

As amended by: Public Acts of 1974, Chapter 415

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

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

As amended by: Public Acts of 1974, Chapter 415

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

As amended by: Public Acts of 1974, Chapter 415

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

As amended by: Public Acts of 1974, Chapter 415

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

Passed: March 11, 1959.

Removal of Abandoned Property

Private Acts of 2001 Chapter 45

SECTION 1. (a) If it is determined by the official or board designated by resolution of the County Legislative Body that any owner of record of real property has created, maintained or permitted to be maintained on such property any of the following conditions to the extent that the health, safety, or welfare of other citizens is endangered or the infestation of rodents and other harmful animals is encouraged, such official or board of the county shall provide notice to the owner of record of the property to remedy the condition immediately. Such conditions include:

- (1) the growth of trees, shrubs, vines, grass, or any combination of the preceding elements;
- (2) debris or abandoned property; or
- (3) unoccupied buildings, which have been abandoned and are in a state of disrepair to the extent provided in this subsection.

(b) The notice shall be given by United States mail, addressed to the last known address of the owner of record. The notice shall state that the owner of such property is entitled to a hearing conducted in accordance with subsection (d) of this act. The notice shall be written in plain language and contain, but not be limited to, the following elements:

- (1) A brief statement of this act which shall contain the consequences of failing to remedy the noted

condition;

(2) The person, office, address and telephone number of the official or board giving notice;

(3) A cost estimate for remedying the noted condition which shall be in conformity with the standards of cost in the county; and

(4) A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.

(c) If the property owner fails or refuses to remedy the condition within thirty (30) days after such notice is issued, the official or board designated pursuant to subsection (a) shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards and the cost thereof assessed against the owner of the property. The costs shall be a lien upon the property in favor of the county and shall be placed upon the tax rolls of the county as a lien upon the property to be collected in the same manner as county taxes are collected.

(d)

(1) The official or board designated pursuant to subsection (a) shall promulgate rules and regulations necessary for the administration and enforcement of this act; such rules and regulations shall also provide for a hearing upon request of the person aggrieved by the determination made pursuant to subsection (a). The rules and regulations shall be subject to approval by the County Legislative Body of Haywood County.

The hearing procedures shall give the property owner an opportunity to be heard and shall be conducted in a manner to ensure due process to the parties. A request for a hearing shall be made within fifteen (15) days following the receipt of the notice issued pursuant to subsection (a). Failure to make such request within the time specified shall without exception constitute a waiver of the right to a hearing.

(2) Any person aggrieved by an order or act of the official or board designated pursuant to subsection (a) may seek judicial review of the order or act by appeal to Circuit or Chancery Court in Haywood County. The time period established in subsection (c) shall be stayed during the pendency of the hearing and appeal.

SECTION 2. The provisions of this act are in addition and supplemental to, and not in substitution for, authority otherwise provided to counties by general law or private acts.

SECTION 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the County Legislative Body of Haywood 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 4. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 3.

Passed: May 17, 2001.

Administration - Historical Notes

Alcoholic Beverages - Beer

This Act was declared to be unconstitutional in the case of *Sandford v. Pearson*, 190 Tenn. 652, 231 S.W.2d 336 (1950), because the Legislature made the efficacy of the Act dependent upon the affirmative vote of the people in a referendum, a power which that body did not possess according to the Court.

1. Private Acts of 1949, Chapter 756, provided that, upon a petition being filed with the names of 120 voters on it asking for an election to be held in Haywood County in connection with the sale of beer therein, it would be the duty of the Election Commission to hold the election, as requested, with the ballot consisting of "For" or "Against" slots. All expenses of the election would be paid out of the County Treasury. If the referendum should be against the sale of beer, then this act declares it to be unlawful to sell, transport, or possess beer in Haywood County.

County Clerk

The following acts once affected the office of county clerk in Haywood County. They are included herein for historical purposes.

1. Private Acts of 1919, Chapter 153, stated that women over the age of 21 years and resident of the county appointing them which is Haywood County, using Federal Census figures of 1910, were eligible to serve in the office of Deputy Clerk of the County Court with all the duties, rights and

responsibilities as were conferred upon those in like positions.

2. Private Acts of 1933, Chapter 590, stated that the County Court Clerk in Haywood County shall not be entitled to receive more than \$2,500 for his services during anyone year of his term which compensation would be payable only out of the fees collected by the office. This Act was not intended to modify or interfere with Sections 10728 through 10747 of the Tennessee Code.

County Mayor

The references below are of acts which once applied to the office of county judge, or county executive in Haywood 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 1856, Chapter 253, created the office of County Judge for all counties in Tennessee, who would be learned in the law and elected for a four year term. All the Quorum Courts were abolished, and their jurisdiction conferred upon the County Judge. The jurisdiction of the new court was spelled out in the act as well as the power and authority of the Judge. This Act was repealed by Acts of 1857-58, Chapter 5, and the Quorum Courts were restored.
2. Private Acts of 1921, Chapter 283, recites that it amends Private Acts of 1919, Chapter 153, Section 12. This statement is in error since Private Acts of 1919, Chapter 153, which is applicable to Haywood County, does not have a Section 12, and concerns the employment of women as Deputy County Court Clerks. This Act states that the County Judge shall have no vote in any of the deliberations of the Quarterly County Court except in case of a tie vote when he would be allowed to break the tie. The Act was sponsored by J. S. Remine, who represented Knox and Loudon Counties. Private Acts of 1919, Chapter 163, created the County Judge's office for Loudon County and Section 12 of that Act concerns the matter of voting by the County Court. It is the opinion of the writer that Chapter 163 is the one the Legislature intended to amend and this act actually has no effect on Haywood County.
3. Private Acts of 1933, Chapter 481, established the office of County Judge for Haywood County and defined the duties and powers of the office. The act was superseded by Chapter 934 of the Public Acts of 1978 and expressly repealed by Chapter 24 of the Private Acts of 1987.
4. Private Acts of 1939, Chapter 252, amended Chapter 481 of the Private Acts of 1933, to provide an additional annual compensation of \$600 to the County Judge for services as Financial Agent of the county. The act was repealed by Chapter 24 of the Private Acts of 1987.
5. Private Acts of 1941, Chapter 39, amended Private Acts of 1933, Chapter 481, which created the office of County Judge for Haywood County, by adding two paragraphs at the end of Section 5 of that act. The first paragraph gave the County Judge the authority to allow guardians to encroach upon the corpus of a ward's estate if the estate did not exceed \$1,000. The second paragraph granted the County Court and Judge concurrent jurisdiction with Circuit and Chancery Courts in divorce suits. Both of these paragraphs were nullified by Private Acts of 1965, Chapter 79, which returned this jurisdiction, and the cases under them pending in the County Court, to the Circuit and Chancery Courts as the proper case may be. The act was repealed by Chapter 24 of the Private Acts of 1987.
6. Private Acts of 1941, Chapter 116, allowed the County Judge in counties with a population of no less than 27,700 and no more than 27,714 to employ a competent person as a stenographer for the County Judge and authorized the salary to be paid out of the regular county treasury. This act is also listed as applying to Haywood County but, according to our population figures for Haywood County in 1940, which are 27,699, this Act is beyond that population count and does not apply. The act was repealed by Chapter 24 of the Private Acts of 1987.
7. Private Acts of 1947, Chapter 720, amended Private Acts of 1939, Chapter 252, by increasing the amount of compensation stated in that Act for the County Judge as Financial Agent from \$600 a year to \$1,200 a year. The act was repealed by Chapter 24 of the Private Acts of 1987.
8. Private Acts of 1953, Chapter 571, amended Private Acts of 1947, Chapter 720, by raising the salary of the County Judge of Haywood County as Financial Agent from \$1,200 to \$1,800. The act was repealed by Chapter 24 of the Private Acts of 1987.
9. Private Acts of 1957, Chapter 352, amended Chapter 481 of the Private Acts of 1933, to grant to the County Judge the same authority in civil cases as was granted by the law to justices of the peace. The act was repealed by Chapter 24 of the Private Acts of 1987.

County Legislative Body

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

1. Acts of 1823, Chapter 41, set the regular meeting dates of the Haywood Quarterly County Court on the second Monday in March, June, September and December.
2. Acts of 1824 (Ex. Sess.), Chapter 102, changed the meeting dates for the regular County Court of Haywood County to the third Monday in January, April, July and October.
3. Acts of 1825, Chapter 318, rescheduled the regular meetings of the County Court in Haywood County to the second Monday in March, June, September and December.
4. Acts of 1827, Chapter 44, authorized the County Courts of Haywood, Fayette, Tipton, Shelby and Madison Counties to select three of their number to hold the County Court each month bestowing upon the three-Judge, or Quorum Court all the jurisdiction, powers, and legal responsibilities of the regular Court in Civil and Criminal cases.
5. Private Acts of 1927, Chapter 338, established the per diem compensation of the Justices of the Peace in Haywood County at \$4.00 per day for each day for each spent in regular attendance at the Quarterly County Court, at regular, or called, meetings.
6. Private Acts of 1933, Chapter 481, Section 10, provided that the County Court of Haywood County shall meet on the first Monday of January, April, July and October. The County Judge shall preside over the meetings of the County Court, the office of County Chairman being specifically abolished.

County Register

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

1. Private Acts of 1915, Chapter 583, provided that the Registers of Haywood County may appoint women over the age of 21 as a Deputy Register. She would have and could exercise all the rights, powers, duties, and obligations of any other Deputy Register.
2. Private Acts of 1933, Chapter 589, stated that the Register in Haywood County was not entitled to receive more than \$2,500 as compensation for the performance of his duties in any one year during his term and this amount could be paid only out of the fees collected in his office. This act was not intended to modify or interfere with Sections 10728 through 10747, Tennessee Code.

County Trustee

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

1. Acts of 1857-58, Chapter 127, authorized the County Court Clerk of Haywood County to make a settlement with Dr. William C. Bruce, late Trustee of Haywood County, and receive from him all legal vouchers and/or monies paid out to teachers by order of the School Commissioners from April, 1852. It has been proposed that Dr. Bruce paid out \$330 or thereabouts during that time.
2. Private Acts of 1917, Chapter 778, amended Public Acts of 1911, Chapter 46, so that the County Trustees of Haywood and Fayette Counties who were charged with the collection of State and County revenue must enter into a \$50,000 bond conditioned upon the collection of and proper accounting thereof to the correct authorities for all county revenues of whatsoever nature and description.
3. Private Acts of 1933, Chapter 591, stated that the Trustee of Haywood County shall not be entitled to receive more than \$2,500 as compensation for his services during any one year of his term, and that amount would be payable out of the fees of his office only. This Act was not intended to modify or interfere with Sections 10728 through 10947, of the Tennessee Code.

Obion and Forked Deer River - Flood Control and Drainage Improvements

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

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

General Reference

The following private or local acts constitute part of the administrative and political history of Haywood County but are today no longer operative because they have either been superseded, repealed, or failed to receive local approval.

1. Acts of 1823, Chapter 206, appointed Abram Maury, William Hall, James Fentress, and Benjamin Reynolds as a Commission to fix on a site for the county seat of Weakley, Gibson, McNairy, Dyer, Obion, Hardeman, Tipton and Haywood Counties. They were authorized to acquire fifty acres as near the center of the site as possible, to sell the lots in the acreage and use the money for the construction of public buildings. Each would be paid \$4.00 per day for each day spent in actual discharge of this assignment.
2. Acts of 1824 (Ex. Sess.), Chapter 32, declared that Abram Maury and William Hall declined to accept appointment to the above Commission and that Robert Jetton was appointed to act in Maury's place.
3. Acts of 1824 (Ex. Sess.), Chapter 40, stated that Haywood County would be the 86th Regiment in the 14th Brigade of the Tennessee State militia.
4. Acts of 1824 (Ex. Sess.), Chapter 128, made it legal for the Quarterly County Courts of Henry, Weakley, Obion, Dyer, Gibson, Carroll, Madison, Haywood, Tipton and Hardeman Counties to levy a tax for the next five years, not to exceed 12½ cents per \$100 which money raised thereby would be used to improve the navigation of all the streams in those counties.
5. Acts of 1824 (Ex. Sess.), Chapter 132, declared that the Commission, heretofore appointed to fix a seat of Justice for Haywood County, was vested with the full power and authority to determine the size of the town, the public square and the width of the street. The said town, when established and laid off, shall be called Brownsville in honor of Major General Jacob Brown of the Army of the United States.
6. Acts of 1826 (Ex. Sess.), Chapter 9, incorporated the city of Brownsville under the Mayor-Alderman type of government with a grant of specific powers stated therein. The Sheriff of the County would hold an election on the first Monday in January, 1927, to elect seven Aldermen who would then meet and elect a Mayor from their own number by ballot. The Constable of the town would be elected once a year.
7. Acts of 1827, Chapter 12, created a branch of the State Treasury for the Western District of Tennessee. A majority of both houses would afford an appointment as the Treasurer of the new branch. The office would be at Jackson, in Madison County, and all people in that area paying taxes to the State, or other money, would pay the same in Jackson.
8. Acts of 1829, Chapter 103, provided that Samuel P. Ash may, by any good and valid land warrant, have from 25 to 200 acres in the 11th Surveyor's District of Haywood County. The Act further declared that the creek known as Big Muddy Creek is navigable from where the mill is located and erected by Ash to its mouth and Ash has the authority to clear it of obstructions.
9. Acts of 1831, Chapter 32, authorized a new militia Regiment for the Haywood County area south of the Hatchie River. An election for field officers would be held where and when the Brigadier General of the 14th decided. The regular musters would take place at the home of Benjamin G. Alexander and the annual muster and drill at whatever place a majority of the officers decided.
10. Acts of 1833, Chapter 16, established a new Regiment of Militia for Haywood County for that area north of the south fork of the Forked Deer River. An election for field officers would be held when and where the Brigadier General of the 14th Brigade should designate. Regular regimental musters would be held at home of Jesse Embry and the annual muster on the third Saturday in October.
11. Acts of 1837-38, Chapter 157, Section 3, organized the State Militia placing Haywood County in the 21st Brigade and scheduling County musters and drills for the first Friday and Saturday in September of each year.
12. Acts of 1855-56, Chapter 16, authorized a Commission to be appointed to clear out the drift in the mouth of the Forked Deer River, allowing them or their successors, to spend \$2,000 in clearing out, opening, constructing, improving, and securing a channel for the river down what is now called Lost Channel. Appoints James Loward, of Lauderdale County, and Henry Buck, of Haywood County, as two of the Commissioners.
13. Acts of 1869-70, Chapter 58, Section 11, permitted Madison, Haywood and Lauderdale Counties to subscribe to the stock of the Jackson and Fulton Railroad Company. The amount of stock to be subscribed was limited to \$100,000. The company was chartered to build a railroad from Jackson,

Tennessee, by way of Brownsville and Durbeaville to a Junction with the Tennessee Central Railroad in Lauderdale County.

14. Acts of 1897, Chapter 124, was a statewide salary act for county officials based upon the population of the County. Provisions were made for all the fees collected to become the property of the county. If the sworn, itemized statement required to be filed by the various county officials involved showed that the fees were less than the salary assigned to a particular office, the county would pay that official the difference. This act served as a pattern for all the salary acts to follow even though it was declared to be unconstitutional by the Supreme Court in Weaver v. Davidson County, 104 Tenn. 315, 59 S.W. 1105 (1900).
15. Private Acts of 1915, Chapter 119, provided that all the duties and obligations imposed by law on the Poor House or County Asylum Commissioners of Haywood County will be hereafter performed by the Workhouse Commission which was also granted all powers formerly possessed by the two commissions above.
16. Private Acts of 1931, Chapter 695, allowed the Workhouse Commission to elect one of their own number as a Purchasing Agent for the Commission who should be clothed with the duty of making the purchases for the use of the workhouse and the asylum. He would be paid \$5 per month for his services in addition to the other compensation paid. Members of the Commission would get \$2.50 a meeting which was limited to one meeting per month. The commission could rent or lease land for the purpose of operating the workhouse for which they could also appoint a Superintendent for one year at a time.
17. Private Acts of 1933, Chapter 530, authorized the Quarterly County Court of Haywood County by a majority vote, to subscribe for purchase, and own, capital stock in any bank situated in the county which was chartered under Tennessee Law and to appropriate money in the hands of the Trustee to pay for the stock. It seems that this Act would violate Article II, Section 29, of the Tennessee Constitution.
18. Public Acts of 1974, Chapter 446, amended Section 53-4305, Tennessee Code Annotated, by adding a sentence to the Section which provided that, where the site, or location, of any new solid waste processing, or disposal, facility, was situated within one mile of the boundaries of any municipality, no new construction of any such facility would be approved by the department without the consent of the governing body of the municipality. This act did not apply to any county with a metropolitan form of government, nor to the counties, including Haywood County, which exempted themselves from its provisions.

Chapter II - Animals and Fish

Animals and Fish - Historical Notes

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

1. Acts of 1897, Chapter 203, made it illegal in Haywood County to hunt, capture, kill, shoot, wound, or destroy any partridge, quail, woodcock, pheasant, or wild turkey, from the 15th of February to the 15th of November. It was also unlawful to kill wild turkeys from May 1 to November 1 of each year. It was further prohibited to ship any of the above from the county. To net partridge or quail at any time was forbidden and to kill for profit at any time was unlawful. All violators of any of the above would be fined \$5 to \$25 for the first offense and \$25 to \$50 for subsequent ones.
2. Acts of 1897, Chapter 299, declared it unlawful for any person to catch, kill, or wound any fish in any of the streams, lakes, rivers, or ponds in Haywood, Rutherford and Hardeman Counties by seine, trap, net, gun, grabbing with hands, gig, poison, dynamite, or in any other way except by rod and line, hand line, or trot line. The act did not apply to private ponds or to minnows less than 4½ inches long. A fish gate or dam could not be built across any stream. Violators would be subject to fines ranging from \$50 to \$100 and ten days in jail in the discretion of the Judge for first offenses but if the offense involved poison, or dynamite, the punishment required six months in jail. All money derived from the fines would go into the school funds.
3. Acts of 1899, Chapter 95, amended Acts of 1897, Chapter 299, by removing some of the prohibitions set out in that act as they applied to Hardeman County. Fish traps and seines were

legalized if the slats and meshes were at least two inches apart.

4. Private Acts of 1901, Chapter 17, made it unlawful for any owner of hogs, sheep, or goats to permit them to run at large in Haywood County, using population figures of 1900. Any damages caused by trespassing stock would be a lien against the animals. They could also be taken up and cared for until reclaimed by the owner, the cost of which could be added to the lien. The act was called a misdemeanor and violators could be fined from \$2 to \$5 for each offense. This Act was repealed by Private Acts of 1911, Chapter 75.
5. Private Acts of 1901, Chapter 53, declared it to be unlawful for any kind of livestock to run at large in Haywood County. The other terms and conditions relative to the damaged party having a lien on the animals remained the same. The fines for violation were raised to \$5 and \$10. This law was repealed by Private Acts of 1911, Chapter 75.
6. Private Acts of 1903, Chapter 57, amended Acts of 1897, Chapter 203, by changing the date "February 15th" to the "first day of March" which shortened the closed season on birds to that extent.
7. Private Acts of 1903, Chapter 473, made it lawful to fish in any of the streams of Haywood County with barrel nets provided the mesh did not come under two inches and also to fish with wing nets not to exceed ten feet in length.
8. Private Acts of 1905, Chapter 313, declared it unlawful to catch, kill, or wound, fish in Haywood County by any means except rod and line, trot line, or barrel nets whose mesh did not exceed two inches and wings not to exceed ten feet. This act did not apply to private ponds or to minnows up to 4½ inches in length. Dams or any other obstructions, or fish gates or traps, could not be placed across streams. Violators could be fined from \$15 to \$25, and, if poison or dynamite were involved, they could be fined from \$25 to \$100, all money going into the school fund.
9. Private Acts of 1911, Chapter 75, declared it unlawful for the owner of hogs, sheep, goats, cows, horses, mules, or livestock of any kind to permit the same to be at large or on the premises of another in Haywood County. The owner is liable for damages, and the other party may have a lien upon the animals for his damages plus the cost of caring for and feeding the animals until reclaimed by the owner. The act was also a misdemeanor with fines from \$5 to \$20. This act specifically repealed Private Acts of 1901, Chapters 17 and 53, and all other acts in conflict.
10. Private Acts of 1913, Chapter 269, stated that the open season on quail in Haywood County during which time only they could lawfully be killed, shall be during the months of December and January following; the open season on squirrels was set from June 15 to January 1 of each year.
11. Private Acts of 1917, Chapter 595, made it unlawful for any person to hunt, kill, or capture wild ducks and geese in Haywood County except within the time stated in the act which was from December 1 to April 1 of the year following any violation being subject to fines from \$10 to \$25.
12. Private Acts of 1921, Chapter 405, was an act which specifically exempted many counties, Haywood among them, from the operations of Public Acts of 1919, Chapter 61, a rather stringent statewide dog law which placed several limitations and restrictions on the care and keeping of canines.
13. Private Acts of 1925, Chapter 89, sets the open season for the shooting of quail in Haywood County from December 10 to March 1 of the following year. Open season for shooting squirrels shall be from July 1 to January 1 of the ensuing year.
14. Private Acts of 1925, Chapter 460, declared that the rabbit, the common cotton-tailed type, was game and the open season during which they may be lawfully hunted and killed in Fayette, Hardeman, and Haywood Counties was prescribed from November 25 to March 1 of the following year. Fines for violations ranged from \$10 to \$25 but any person, or member of his family, could kill rabbits on their own land at any time if they were a menace to the crops.
15. Private Acts of 1927, Chapter 181, made it unlawful for any person, firm, or corporation, to take, trap, catch, or kill any wild animals by any means in Haywood County, except cotton-tail rabbits may be killed, bought, sold, shipped, or transported within the State from December 10 to February 14 following. However, one could chase, capture, and kill wild animals at night with dogs from November 15 to February 14, following, and any owner of land, or family, could kill them at any time if the animals were a menace to crops or poultry. The fine was from \$25 to \$50.
16. Private Acts of 1927, Chapter 182, made it lawful to hunt, take, capture, and kill quail in Haywood County from December 10 to February 14, exclusive. Violators would be fined from \$25 to \$50 and each bird taken or killed, out of season would constitute a separate offense. All laws in conflict were repealed.

17. Private Acts of 1927, Chapter 188, amended Private Acts of 1925, Chapter 89, Section 2, by striking out "July" and inserting "June" therein, making the open season for shooting squirrels under that act run from June 1 to January 1 of the following year.
18. Private Acts of 1927, Chapter 607, declared it to be unlawful to allow any dog to run at large during May, June, and August in Haywood County, unless accompanied by its owner, or unless the dog was wearing a well fitted muzzle. Deputy Game Wardens were to enforce this law with one-half of the fine going to them and the rest to the State Game and Fish Department. The act did not apply to dogs in chase or which were being trained. A schedule of fines was provided in the law. This Act was repealed by the one following.
19. Private Acts of 1929, Chapter 197, specifically repeals Private Acts of 1927, Chapter 607, in its entirety.
20. Private Acts of 1929, Chapter 336, declared it to be lawful in Haywood County, using population figures of 1920, to take, trap, catch, or kill any wild animals between October 15 of each year through January 15 of the following year. Cottontail rabbits may be killed, bought, sold, shipped, or transported within the State at any time during the year. The same schedule of fines, \$25 to \$50 prevailed.
21. Private Acts of 1937, Chapter 26, declared that it would not be unlawful hereafter for any person to fish by means of hook and line with natural bait only, without the payment of a license fee in Haywood County.
22. Private Acts of 1953, Chapter 458, made it lawful in Haywood County for any person to take, capture, and trap coons and bullfrogs at all times of the year but
23. spotlight hunting of coons was expressly forbidden being punishable as a misdemeanor. This act was repealed by Private Acts of 1955, Chapter 402.
24. Private Acts of 1953, Chapter 459, made it legal to hunt and kill squirrels in Haywood County between July 15 and August 15 of each year. This act was repealed by Private Acts of 1955, Chapter 401.
25. Private Acts of 1955, Chapter 401, expressly repealed Private Acts of 1953, Chapter 459.
26. Private Acts of 1955, Chapter 402, expressly repealed by Private Acts of 1953, Chapter 458.

Chapter III - Bond Issues

Bond Issues - Historical Notes

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

Athletic Field

1. Private Acts of 1951, Chapter 635, authorized the Quarterly County Court of Haywood County, subject to the successful outcome of a referendum held for that purpose to issue and sell \$30,000 in bonds, at an interest rate not to exceed 3%, and to mature at whatever schedule the court may decide, to acquire land for an athletic field and to construct thereon adequate facilities for patrons of athletic events held on such field. Details of the issue were prescribed and a tax levy mandated for the sinking fund which would be expected to amortize the bonds over the specified maturity schedule.

Courthouse

1. Private Acts of 1929, Chapter 196, allowed the Quarterly County Court of Haywood County to issue \$50,000 in 5%, or less, bonds, payable in blocks of \$5,000 a year beginning in 1934 and extending through 1943, which funds would be used to defray the cost of improving the present court house in Brownsville. All the essential details and the requirement for an additional tax levy for the sinking fund were present in the act.

Debts

1. Private Acts of 1921, Chapter 754, authorized the County Court of Haywood County to borrow money and issue notes to pay, settle, and liquidate any outstanding debts of the county at that time, or hereafter created, the amount of which could not exceed \$50,000 and the rate of interest to be paid could not be more than 6%. The details of any bond issue must be entered upon official records kept by the County Trustee. The Court was also required to levy a sinking tax

fund.

2. Private Acts of 1931, Chapter 64, allowed the Quarterly County Court of Haywood County, to issue \$150,000 in 5½%, five to thirty year bonds, which would be used to fund indebtedness evidenced by warrants, notes, or otherwise, which was then outstanding or which would become due by January 1, 1932. All essential elements were incorporated into the act.

Hospital

1. Private Acts of 1953, Chapter 370, permitted the Quarterly County Court of Haywood County to issue and sell its bonds in an amount of \$35,000 or so much thereof as may be necessary, which funds would be applied to the cost of repairing, improving and decorating the Haywood County Memorial Hospital at Brownsville. The issue was limited to 4% interest, and 10 years in the maturity schedule. These bonds were declared to be tax exempt.

Railroad

1. Acts of 1869-70, Chapter 55, Section 8, allowed the County Court of Haywood County to call for an election to ascertain the will of the people thereof, when the President of the Brownsville and Ohio Railroad Company made application therefor, on whether the County should issue its bonds to buy stock in the said railroad. The maximum amount was \$200,000 to be placed on twenty year maturity schedule. The Court was further required to levy a tax to provide the funds to amortize the issue.

Roads

1. Private Acts of 1929, Chapter 474, allowed Haywood County to issue \$500,000, subject to a referendum vote in 5%, five to thirty year, bonds to construct, maintain, and repair certain roads with gravel, concrete, or asphalt. The amount to be issued would be determined by the Hard Roads Commission made up of the County Judge, as Chairman, and four citizens who would be elected by the County Court, one from each of four road districts specified in the act. Details of the issue, including the form of the bonds, and a mandate for a tax levy were contained in the act. Records of all transactions would be kept by the County Trustee. The Hard Road Commis-sioners could not hold any other office, would serve two year terms, and receive \$5 a day, the Secretary \$8, up to four days a month for their services. The Commission could hire an engineer and contract with the State or Federal Governments. Bid procedures were promulgated which were to be strictly observed in awarding contracts. Another election could be held after 90 days if the first one was not successful.
2. Private Acts of 1953, Chapter 592, allowed a bond issue up to \$50,000 in 4½%, 20 year, bonds, which were declared to be general obligation bonds to pay for the rights of way which Haywood County might be required to obtain for the building of State, County, and Federal highways. Any funds, not expended, would go into the sinking fund.

Schools

1. Private Acts of 1915, Chapter 498, validates, legalizes, and confirms the prior action of the County Court taken pursuant to a Resolution, properly adopted, declaring the need for an addition to the high school and authorizing an issue of \$12,500 in 6% notes, and also setting a tax levy of five cents to amortize the same. All details essential to a bond issue were present.
2. Private Acts of 1927, Chapter 342, stated in the preamble that the Quarterly County Court on January 4, 1926, adopted a Resolution authorizing the issuance of \$25,000 in short term notes, or bonds to erect and equip an additional building to the Haywood County High School at an interest rate of 5%, and which would mature at \$5,000 a year for five years, and on October 4, 1926, another Resolution was adopted under the same terms and conditions as the January Resolution for an additional \$1,500 for the same purposes and all the bonds have been delivered. This act ratifies, confirms, and validates all the actions of the County Court with reference to those two Resolutions, making them the general obligations of the County.
3. Private Acts of 1935, Chapter 132, permitted a referendum to be held, of which the results would be certified to the County Court, on the question of issuing \$26,000 in 6%, 20 year bonds, the form of which is set out in the act, to erect an addition to the Haywood County High School and repair any existing buildings.

Chapter IV - Boundaries

Creation of the County

Acts of 1823 Chapter 145

SECTION 1. That the territory west of Madison shall be, and is hereby, created into a county, to be called Haywood, which shall be bounded by the same lines as are pointed out in the act of one thousand eight hundred and twenty-one, establishing the boundaries of said territory.

COMPILER'S NOTE: The description referred to in Section One, above, is contained in the Acts of 1821, Chapter 32, Section 6, which is published on the following page.

SECTION 2. That for the due administration of justice in said county, the courts of Pleas and Quarter Sessions, and circuit courts, shall be holden at the house of Richard Nixon, until otherwise provided for by law, and shall possess and exercise all the powers and privileges of other county and circuit courts in this state.

SECTION 3. That the sheriff of said county shall, on the first Thursday and Friday of April next, open and hold an election for the purpose of choosing field officers for the regiment composed of the militia of said county; which shall compose the _____ regiment, and shall be attached to the _____ brigade.

SECTION 4. That this act shall take effect, and be in force, from and after the first day of January next.

Passed: November 3, 1823.

Acts of 1821 Chapter 32

COMPILER'S NOTE: This Act must be read in conjunction with Private Acts of 1823, Chapter 145.

SECTION 6. That the following described lines shall be the bounds of two other counties which may hereafter be established west and south of Madison County; the first one beginning on the south west corner of Madison County; running thence north with the west boundary of the same, twenty-five miles to the north west corner; thence west to the south west corner of the first county west of Carroll County; thence north to the line dividing the 10th and 13th districts; thence west to a point two miles west of the first range line in the 11th district; thence south parallel with said range line to the 5th sectional line in said district; thence east to a point four miles east of the 5th range line in the 10th district; thence north two and a half miles; thence east to the beginning. The second, beginning on the south west corner of Madison County, running thence west six miles to a point one mile west of the fourth range line in the 10th district; thence south parallel with said line to the south boundary of the state; thence east on said boundary to a point two miles east of the meridian separating the 9th and 10th districts; thence north to Madison County line; thence west with the same to the beginning. Which two last described bounds shall be and remain a part of Madison County until otherwise provided for by law, and shall enjoy all the privileges, and be subject to all the duties as citizens of Madison County, with this exception, that no tax shall be laid or collected in the said bounds for the purpose of erecting public buildings in the county of Madison.

Passed: November 7, 1821.

Change of Boundary Lines

Acts of 1870 Chapter 12

SECTION 1. That the county line between the Counties of Haywood and Lauderdale, be changed so as to run as follows: Beginning at a point on the county line where Thos. A. Walker's line crosses the same, running thence east with his line to his south-east corner; thence north-east to Louis S. Mclin's south-east corner; thence with his east boundary line in a direct course to A. L. Oldham's south-east corner; thence with the boundaries of said Oldham's land to a point where the Wandville and Chestnut Bluff road crosses said Oldham's east boundary line; thence with said Wandville and Chestnut Bluff road, in a north- eastern direction, to a point where the Haywood and Lauderdale County line crosses said road, and that portion of Haywood lying west of said line as designated, be stricken off from Haywood and attached to Lauderdale County, also that portion of Thos. Lea's land lying in Haywood County, being about ten acres, be attached to Lauderdale County.

SECTION 2. The public welfare requiring it; that this Act take effect from and after its passage.

Passed: June 6, 1870.

Private Acts of 1931 Chapter 549

SECTION 1. That the line between Haywood and Lauderdale Counties shall be changed as follows:

So as to detach certain lands from the First Civil District of Lauderdale County and attach them to the Ninth Civil District of Haywood County, Tennessee, which lands so detached are described as follows, to-wit:

Beginning at a stake in the mouth of Lagoon Creek where the same enters into Big Hatchie River, runs thence northward and eastward with the meanderings of Lagoon Creek and in the center thereof to a stake in the center of said creek where said creek crosses the present line between Haywood and Lauderdale Counties; thence south with said county line to a stake in Big Hatchie River; thence down said river in a northwesterly direction with the meanderings of said river and the present county line of Lauderdale County to the point of beginning, containing approximately 1,400 acres. That said above described tract of land shall be detached from said First Civil District of Lauderdale County, Tennessee, and become a part of the said Ninth Civil District of Haywood County, Tennessee.

SECTION 2. That taxes for the year 1931 due upon said land so detached from Lauderdale County and attached to Haywood County, Tennessee, shall be payable to said County of Lauderdale and collected by its officers.

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

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

Passed: June 23, 1931.

Boundaries - Historical Notes

The following is a summary of acts which authorized boundary changes for Haywood County.

1. Acts of 1837-38, Chapter 256, Section 1, appointed Abel H. Pope to run and mark the line between Haywood and Lauderdale Counties, and thereby reduce Haywood County to the constitutional limit of 625 square miles. The Surveyor may employ chain carriers to assist him who shall be paid a reasonable amount for their services by Lauderdale County.
2. Acts of 1857-58, Chapter 47, Section 8, changed the lines between Haywood and Madison Counties so that the residence and outhouses of John W. McKissack shall be wholly in Madison County.
3. Acts of 1867-68, Chapter 60, provided that the lines between Lauderdale and Haywood Counties be changed to move the lands and improvements of Dr. Samuel Oldham into Lauderdale County.
4. Private Acts of 1917, Chapter 320, altered the lines between Lauderdale and Haywood Counties so that all the lands of B. J. Pickard, the Thomas Lee estate, the Hay or Greene Bradford tract of land, Mrs. J. T. W. Milam, M. L. Wood, M. D. Coffman, K. F. Fennel, D. H. Cherry, and J. B. Lucas, and a small portion of the Baker and Sugg tract of land north of Gates Levee, be included in Lauderdale County.

Chapter V - Court System

Circuit Court

Clerk

Private Acts of 1955 Chapter 378

SECTION 1. That the Circuit Court Clerks in the counties of the State of Tennessee having a population of not less than 26,210 and not more than 26,220 according to the Federal Census of 1950 or any subsequent Federal Census, be and are hereby authorized and empowered to employ clerical assistance at a salary not to exceed \$1500.00 a year, for the conduct of the affairs of the offices of said Circuit Court Clerks.

SECTION 2. That the amount of compensation and salary to be paid to such assistance by said Circuit Court Clerks, shall be paid to such Circuit Court Clerks by the county in which such Circuit Court Clerks

hold their office, upon presentation of a statement of such Circuit Court Clerks showing the amount of the salary of the assistance employed by him during the year and such statement shall be presented to the County Judge each month for payment.

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

SECTION 4. That all laws and amendments in conflict with this Act be and the same are hereby repealed.

Passed: March 16, 1955.

Private Acts of 1963 Chapter 73

SECTION 1. That the Circuit Court Clerk of Haywood County, Tennessee, shall be allowed the sum of Twelve Hundred Dollars (\$1200.00) per annum for his duties as Clerk of the Court of General Sessions of said county. Such sum shall be supplementary of and in addition to the amount allowed such clerk under the minimum state salary schedule as provided in Section 8-2405 of the Tennessee Code Annotated for Circuit Court Clerks. Such additional sum for his duties as Clerk of the Court of General Sessions shall be paid by warrant of the Trustees from funds paid into the county from fines and costs collected by and through the said Court of General Sessions at the time and in the manner payment is made such Clerk for his duties as Circuit Court Clerk under the provisions of the above said minimum salary Act.

Provisions for payment of such additional amount is made pursuant to Section 16 of Chapter 109 of the Public Acts of 1959 creating such Court of General Sessions.

SECTION 2. That this Act shall have no effect unless the same shall be approved by a two-thirds vote of the Quarterly County Court of Haywood County within sixty days after the approval of this Act by the Governor. The action of the Quarterly County Court hereon shall be proclaimed by the presiding officer thereof and shall be certified by him to the Secretary of State.

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

Passed: February 28, 1963.

General Sessions Court

Private Acts of 2002 Chapter 171

SECTION 1. Effective September 1, 2006 the position of judge of the general sessions court of Haywood County shall become a full-time position. The judge occupying such position shall be an attorney as evidenced by a current license to practice law in this state, and shall devote full-time to the duties of the office. Such judge shall be prohibited from the private practice of law or any other employment that conflicts with the performance of such person's duties as judge. The general sessions judge of Haywood County shall possess all other qualifications required by law for judges of inferior courts.

SECTION 2. Effective September 1, 2006, notwithstanding any other provision of law or private act to the contrary, the annual salary of the general sessions judge of Haywood County is set at an amount equal to the amount received annually by circuit court judges and chancellors. On July 1, 2007, and every July 1 thereafter, the annual salary of the general sessions judge of Haywood County shall be adjusted in accordance with the provisions of Tennessee Code Annotated, Section 8-23-103(2). The salary provided for the general sessions judge shall be paid in twelve (12) equal monthly installments.

SECTION 3. Chapter 192 of the Private Acts of 1990 is repealed.

SECTION 4. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Haywood County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Haywood County and certified to the secretary of state.

SECTION 5. 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 on September 1, 2006.

Passed: June 30, 2002.

Court System - Historical Notes

Board of Jury Commissioners - Jurors

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

1. Private Acts of 1921, Chapter 63, was applicable to Henry County only according to the population figures quoted in the caption and the body of the Act. Some indexes of private acts listed this law as applying only to Haywood County but this was not true until Private Acts of 1923, Chapter 254, brought it into effect for Haywood and Gibson Counties. The Board would be composed of three members, who were citizens of good moral character, not attorneys or county officials, and who did not have a suit pending in Court. They were appointed for two year terms by the judges of the district. On the first Wednesday of the month preceding the opening of court, the Board would meet and select 30 names, ten each by a commissioner, from the tax rolls or other public sources. Each Commissioner would initial his particular nominees and all of them would certify the entire list. The grand and petit juries for the county would be selected from this list according to law. Provisions were incorporated for choosing and summoning special jury panels and for replacing a Commissioner if he were absent. Each Commissioner would get \$5 for each list he submitted. The Circuit Court Clerk would keep the lists secret and secure. The Sheriff would summon the jurors at the proper time.
2. Private Acts of 1923, Chapter 254, amended Private Acts of 1921, Chapter 63, so as to make that Act apply to Haywood and Gibson Counties and also to both courts if there were two courts if this type in the county.
3. Private Acts of 1951, Chapter 492, amended Private Acts of 1923, Chapter 254, by removing the population figures which made Private Acts of 1921, Chapter 63, applicable to Haywood County thus rendering that law ineffective in Haywood.
4. Private Acts of 1951, Chapter 493, created a Board of Jury Commissioners for Haywood County consisting of three members whose qualifications were the same as those in Chapter 63 of 1921 but who would serve out staggered three year terms. The County Judge would appoint someone to fill temporarily any vacancy. The members would take an oath of secrecy, organize by electing a chairman, and meet at specified times. The Circuit Court Clerk would serve as Clerk to the Board. The Board would select at least 500 names from the tax rolls or other sources of public information, or as many as may be considered necessary, from which the grand and petit juries would be chosen. Special panels could be summoned in the manner provided by the Act. The list would be certified by the entire Board and each member would place his initials beside the name of the persons he selected in the book in which the law required their names to be entered. The names would also be placed on cards which would be put into a box and kept under lock and key. From 10 to 15 days before court opened, the required number of cards would be drawn from the box by a child not over 12 years of age. These names would be listed, sent to the Sheriff no less than five days before court, who would summon those people to serve as jurors. No one could be excused by the Judge and then only for the reasons mentioned in the Act.

Chancery Court

The following acts form an outline of the development of equity jurisdiction in Haywood County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification.

1. Acts of 1824 (Ex. Sess.), Chapter 14, provided that the Justice of the Supreme Court should make arrangements to hold the Chancery Courts twice a year all across the state. All counties west of the Tennessee River would have their chancery court at Jackson in Madison County on the second Monday in April and October.
2. Acts of 1825, Chapter 318, changed the court term for all the chancery courts of the counties west of the Tennessee River which would be held at Jackson to the fourth Monday in March and September.
3. Acts of 1827, Chapter 79, divided the State into two chancery divisions. The courts would be held by two Chancellors appointed by the General Assembly thus relieving the Supreme Court Judges of this task. The Chancellors would have the same powers exercised formerly by the Supreme Court Judges and draw a salary of \$1,500 a year. The Courts in the Western Division would be held at Franklin, Columbia, Charlotte, Jackson and Paris.
4. Acts of 1835, Chapter 4, separated the State into three major chancery divisions, and subdivided those into smaller ones. Another Chancellor was appointed to hold court. Haywood is in the Sixth District of the Western Division along with Tipton and Lauderdale Counties. Courts would continue to be held twice a year as long as there was business before the court.

5. Acts of 1839-40, Chapter 21, Section 17, provided that the Chancery Court for Haywood County would thereafter be held at Brownsville on the second Monday in May and November.
6. Acts of 1843-44, Chapter 155, Section 4, stated that after the passage of that act the Chancery Court at Brownsville would be on the first Monday in May and November, all process being made to conform to that date.
7. Acts of 1845-46, Chapter 21, Section 10, changed the starting dates for the Chancery Court in Haywood County back to the second Monday in May and November.
8. Acts of 1855-56, Chapter 158, Section 3, established new times for the chancery court terms in the Western Division which consisted of Henry, Weakley, Obion, Dyer, Gibson, Fayette, Tipton, Hardeman, Lauderdale, Madison and Haywood Counties whose court terms would commence on the fourth Monday in February and August.
9. Acts of 1857-58, Chapter 88, divided Tennessee into the Eastern, Middle, Western, Fourth, Fifth, and Sixth Divisions. Haywood was assigned to the Western Division and the court terms were still scheduled to begin on the fourth Monday in February and August.
10. Acts of 1866-67, Chapter 33, Section 5, created a separate Chancery Division for Madison, Dyer, Gibson and Haywood Counties. A chancellor would be elected, or appointed, to hold the courts mentioned above according to the times now set under the law.
11. Acts of 1870, Chapter 32, reorganized Tennessee into twelve Chancery Divisions. The 10th Chancery Division was made up of Madison, Hardeman, Haywood, Tipton, Fayette and Lauderdale Counties.
12. Acts of 1870, Chapter 47, scheduled terms of court for all the Chancery Courts in the State. Haywood's courts would start on the second Monday of February and August.
13. Acts of 1883, Chapter 192, provided that hereafter the February term of the Chancery Court of Haywood County at Brownsville would be held on the first Monday in February each year instead of the second Monday as heretofore, repealing all laws in conflict herewith.
14. Acts of 1885 (Ex. Sess.), Chapter 20, Section 3, divided the State into eleven Chancery Divisions. The 10th Division consisted of Fayette, Tipton, Haywood, Lauderdale, Dyer, Obion, Weakley and Gibson Counties. Courts would commence in Haywood County on the first Monday in January and July. This Act was part of the litigation in the case of Flynn v. State, 203 Tenn. 341, 313 S.W.2d 249 (1958).
15. Acts of 1889, Chapter 23, changed the term times for all the courts in the 10th Chancery Division. Haywood County would commence the terms of the Chancery Court on the first Monday in March and September at Brownsville, all process to be made conformable to those dates.
16. Acts of 1895, Chapter 99, changed the schedule for Chancery Court terms in all the counties of the 10th Chancery Division. Haywood County will begin the Chancery Court at Brownsville on the first Monday of March and September.
17. Acts of 1899, Chapter 427, reorganized all the lower court system in Tennessee. The State was divided into ten Chancery Divisions in which the 9th was made up of Dyer, Obion, Lake, Weakley, Gibson, Lauderdale, Fayette, Haywood, Tipton and Hardeman Counties. Court terms would begin in Haywood County on the fourth Monday in April and October.
18. Acts of 1903, Chapter 591, changed the court dates for some of the counties in the 9th Chancery Division but Haywood County would continue to start on the fourth Monday in April and October.
19. Public Acts of 1931 (Ex. Sess.), Chapter 38, reorganized the entire system of equity jurisdiction into thirteen regular and one special chancery divisions. The Ninth Chancery Division was composed of Dyer, Fayette, Gibson, Lake, Haywood, Lauderdale, Obion, Tipton and Weakley Counties. Terms started in Haywood on the same fourth Monday in April and October.

Chancery Court - Clerk and Master

The reference list below contains acts which once applied to the clerk and master in Haywood County.

1. Acts of 1837-38, Chapter 117, provides that the Clerks and Masters of the Chancery Court held in the cities of Somerville, Huntington, Charlotte, and Brownsville will continue to hold their jobs until the term for which they were appointed is completed.
2. Private Acts of 1909, Chapter 328, set the compensation of the Clerk and Master of Haywood County, using the census figures of 1900, at \$1,000 per year, provided he filed a sworn, itemized statement at the January meeting of the Quarterly County Court showing the amount of fees collected by his office during the preceding year. If the fees were less than the salary, the county would pay the difference to the Clerk and Master. If the fees exceeded the salary, the Clerk and

Master was allowed to retain them. This Act also applied to Robertson County.

3. Private Acts of 1915, Chapter 163, provided that women over the age of 21 years and residents of the county were appointed, were eligible to serve as deputies in the office of the Clerk and Master of the Chancery Courts in Morgan, Campbell and Haywood Counties with all rights, powers, duties and obligations as other deputy Clerks and Masters.
4. Private Acts of 1929, Chapter 853, stated that the Clerk and Master of Haywood County, using Federal census figures of 1920, will be paid a salary of \$1,800 a year. If the fees of the office should exceed that amount, the Clerk and Master may retain them and the fees he receives as a Receiver or a Special Commissioner, wherein he was appointed as such, will not be taken into account when totaling the fees of the office. At the end of the calendar year, he shall file a verified report showing the amount of fees collected, as set out above, and, if they should be less than the salary, the County Judge will issue a warrant for the difference.
5. Private Acts of 1933, Chapter 593, provided that the Clerk and Master of Haywood County shall not be entitled to receive more than \$1,500 as compensation for his services during anyone year of his term, and this shall be payable out of the fees of his office only. This Act is not intended to modify or interfere with Sections 10728 through 10747, of Tennessee Code.

Circuit Court

The following acts were once applicable to the circuit court of Haywood 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 1823, Chapter 41, established the time for holding Court in the 8th and 9th Judicial Circuits. Haywood County's Circuit Court would begin on the first Monday in June and December.
2. Acts of 1824 (Ex. Sess.), Chapter 102, changed some of the court schedules for the Circuit Courts in the 8th and 9th Circuits. Haywood was assigned to the third Monday in March and September.
3. Acts of 1825, Chapter 318, changed the Circuit Court starting dates for the terms in Haywood County to the fourth Monday in June and December.
4. Acts of 1827, Chapter 53, changed the Circuit Court terms in Haywood County to make them begin on the first Monday in January and July.
5. Acts of 1835, Chapter 5, divided Tennessee into eleven Judicial Circuits. The Tenth Circuit was composed of Perry, Henderson, Madison, Tipton, Lauderdale and Haywood Counties whose circuit court terms would begin on the fourth Monday in February, June and October. Circuit Court being required to have three terms per year for the first time.
6. Acts of 1837-38, Chapter 116, Section 6, set different court dates for the counties in the 10th Judicial Circuit. Haywood County would start the terms of the Circuit Court on the first Monday in February, June and October.
7. Acts of 1839-40, Chapter 21, Section 15, changed the starting times for the Circuit Court in Haywood County to the second Monday in February, June and October.
8. Acts of 1843-44, Chapter 155, Section 2, also altered the starting dates in the 10th Judicial Circuit switching Haywood County to the fourth Monday of February, June and October.
9. Acts of 1851, Chapter 52, stated that the Circuit Court for Haywood County would hereafter be held on the fourth Monday in February, June and October of each year. This act was repealed by the one below.
10. Acts of 1853-54, Chapter 109, repealed the 1851 act above, but set the same dates for the court terms to begin, the fourth Monday in February, June and October.
11. Acts of 1855-56, Chapter 158, Section 4, changed the starting dates of the Circuit Court of Haywood County to the first Monday in March, July and November.
12. Acts of 1857-58, Chapter 82, leaves the court terms for the Circuit Court as they are stated above, but provided that the first term of court to be held after the passage of this act would be in accordance with the old schedule.
13. Acts of 1857-58, Chapter 98, reorganized the lower judicial structure of Tennessee into sixteen Judicial Circuits. The 14th Circuit was made up of Madison, Henderson and Haywood Counties whose Court dates were set for the fourth Monday of January, May and September.
14. Acts of 1865, Chapter 37, abolished the 14th Judicial Circuit and attached Madison and Haywood Counties to the 15th Judicial Circuit.
15. Acts of 1865-66, Chapter 8, Section 3, revived the 14th Judicial Circuit composed of Madison,

Henderson and Haywood Counties. Hardeman County was then added to the Circuit and the statement made that the court terms would begin as they were then required by law.

16. Acts of 1865-66, Chapter 14, rearranged the initial dates for the Circuit Court terms in the 14th Judicial Circuit composed of the same four counties. Haywood County would commence on the first Monday in January, May and September.
17. Acts of 1865-66, Chapter 72, again rescheduled the starting days for the Circuit Court in Haywood and Madison Counties. Haywood would begin on the fourth Monday in January, May and September.
18. Acts of 1870, Chapter 31, reorganized all the Circuit Courts in Tennessee into fifteen regular and one special judicial circuits. The 13th Judicial Circuit was composed of Dyer, Gibson, Haywood and Madison Counties, and a special court at Humboldt.
19. Acts of 1870, Chapter 46, scheduled the terms of the Circuit Courts for every County in the State. Haywood County's Circuit Court would start its terms on the third Monday in March, July and November.
20. Acts of 1873, Chapter 28, changed court terms for some of the counties in the 13th Judicial Circuit, Haywood going to the first Monday instead of the third Monday in March, July and November.
21. Acts of 1875, Chapter 137, Section 2, rescheduled court terms for all the counties in the 13th Judicial Circuit. The Circuit Court at Brownsville would start on the fourth Monday in February, and the third Monday in June and October.
22. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the State into fourteen regular and one special Judicial Circuits. The counties of Obion, Weakley, Henry, Carroll, Gibson, Crockett, Benton and Haywood comprised the 12th Judicial Circuit. The terms of court in Haywood County would commence on the fourth Monday in February, and the third Monday in June and October. This law was the basis of the litigation in *Flynn v. State*, 202 Tenn. 341, 313 S.W.2d 249 (1958), although the criminal court in Memphis was the only one involved.
23. Acts of 1887, Chapter 94, Section 3, changed the dates of the court terms for all the counties in the 12th Judicial Circuit. Haywood County would start the terms of the Circuit Court at Brownsville on the fourth Monday in April, August and December.
24. Acts of 1889, Chapter 15, rescheduled the court terms for the counties in the 12th Judicial Circuit. The Circuit had Obion, Carroll, Henry, Weakley, Gibson, Crockett and Haywood Counties in it. Haywood would start on the third Monday in April, August and December.
25. Acts of 1891, Chapter 38, created a new 18th Judicial Circuit with the counties of Carroll, Gibson, Crockett and Haywood in it. Court would begin in Haywood on the second Monday in April, August and December.
26. Acts of 1899, Chapter 409, changed the court terms in all the counties of the 18th Judicial Circuit. Haywood County's Circuit Court would start its terms on the first Monday in February, June and October.
27. Acts of 1899, Chapter 427, restructured all the lower courts of the State. Of the fourteen Judicial Circuits, Crockett, Benton, Haywood, Carroll, Henry and Gibson Counties made up the 13th. Court dates for Haywood County were the fourth Mondays in January, May and September.
28. Public Acts of 1931 (Ex. Sess.), Chapter 38, organized Tennessee into twenty Judicial Circuits. The 13th Circuit was made up of Crockett, Haywood, Carroll, Henry and Gibson. Haywood would start terms of court on the fourth Monday in January, May and September.
29. Public Acts of 1965, Chapter 204, amended Section 16-226, Tennessee Code Annotated, by rewriting the part dealing with the schedule of court terms for the counties in the 13th Judicial Circuit which was now composed of Crockett, Gibson, Henry and Haywood Counties. The court terms in Haywood would begin on the same dates, the fourth Monday in January, May and September.

Circuit Court - Clerk

The following acts have no current effect, but once applied to the Haywood County Circuit Court Clerk. They were repealed, superseded, or never received local approval.

1. Public Acts of 1903, Chapter 255, was a state-wide salary act which concerned Circuit Court Clerks only. The salary was determined by the population class of the county and generally followed otherwise the pattern of prior salary acts. The Federal Census of 1900 was used as a guide. According to our figures for that date, Haywood County had a population of 25,189 which

would have provided the Circuit Court Clerk with an annual salary of \$1,000 under this law.

2. Private Acts of 1911, Chapter 675, amended Public Acts of 1903, Chapter 255, above, by increasing the salary of the Circuit Court Clerks in those counties which have a Law Court in addition to a Circuit Court, and where a separate office is to be kept for such Law Court by the Circuit Court Clerk, or a Deputy, to \$1,500 per year. Haywood County was among the few to which this Act applied.
3. Private Acts of 1917, Chapter 58, amended Private Acts of 1915, Chapter 638, by striking the figures for population of 29,910 and 29,906, and inserting the figures of 25,909 and 25,907 in place of them. The 1915 Act was intended to apply to Lincoln County but did not do so because of the error. If this amendment was purposed to have the Act apply to Haywood County (as it seems), it still fell short of its population quotations, the 1910 census figure for Haywood being 25,910.
4. Private Acts of 1929, Chapter 270, established the salary of the Circuit Court Clerk of Haywood County, using the 1920 Federal Census, at \$1,500 a year, provided that the Clerk file a sworn, itemized statement with the County Judge, or Chairman, by January 10 showing the total amount of the fees collected in that office for the preceding year. If the fees were less than the salary, the county would make up the difference but, if the fees were more than the salary, the Clerk was allowed to keep the difference.
5. Private Acts of 1931, Chapter 671, stated that the Circuit Court Clerk of Haywood County would be paid an annual salary of \$900 per year at the rate of \$75 per month which would be in addition to all the fees collected in the office which he was permitted to keep.
6. Private Acts of 1937, Chapter 70, set a salary of \$1,200 a year, payable \$100 a month, for the Circuit Court Clerk of Haywood County, which would come from the regular funds of the county and be in addition to all the fees collected in the office of the Clerk which he was allowed to retain.

District Attorney General - Assistants and Criminal Investigators

The following acts once affecting Haywood County are no longer in effect but are listed here for historical purposes.

1. Public Acts of 1967, Chapter 181, created the position of criminal investigator for the 13th Judicial Circuit.
2. Public Acts of 1969, Chapter 167, created the office of Assistant District Attorney for the 13th Judicial Circuit.
3. Public of Acts 1972, Chapter 663, created an additional Assistant District Attorney for the 13th Judicial District.
4. Public of Acts 1977, Chapter 371, created a third full-time Assistant District Attorney for the 13th Judicial Circuit.

Secretarial Assistance

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

1. Public Acts of 1951, Chapter 36, created office of stenographer to the Judge of the Thirteenth Judicial District.
2. Public Acts of 1957, Chapter 150, set the compensation payable to the Stenographer to the Chancellor of the Ninth Chancery Division at \$2,400 per year, payable monthly from the State Treasury, provided that none of the provisions with reference to the method of payment as contained in Public Acts of 1943, Chapter 125, as amended, are affected by this Act.
3. Public Acts of 1963, Chapter 308, amended Public Acts of 1951, Chapter 36, by increasing the salary of the Stenographer to the Judge of the 13th Judicial Circuit from \$900 to \$1,800 per year, as indicated above.
4. Public Acts of 1963, Chapter 309, amended Public Acts of 1957, Chapter 150, above, by increasing the salary of the Chancellor's Stenographer from \$2,400 to \$3,600 and changing nothing else.
5. Public Acts of 1967, Chapter 137, also amended Public Acts of 1957, Chapter 150, above, by increasing the salary of the Stenographer to the Chancellor from \$3,600 to \$4,800.

Court System

The following private acts which at one time were a part of the Court History of Haywood County but are no longer effective are listed herein for historical purposes.

1. Acts of 1867-68, Chapter 46, changed the place for holding the Western Division of the State

Supreme Court from Jackson, in Madison County, to Brownsville, in Haywood County. The Clerk at Jackson would transfer all writs and the records of the cases on appeal to Brownsville immediately.

2. Acts of 1869-70, Chapter 18, moved the Western Division of the Supreme Court from Brownsville back to Jackson. All the papers, records on appeal, furniture and accessories shall all be transferred back to Jackson and Madison County will pay for all the expenses incurred by the move. The first two days of the ensuing term would be held at Brownsville to dispose of and care for criminal matters.
3. Private Acts of 1959, Chapter 329, authorized Haywood County to pay tales jurymen in all courts the same compensation per day, mileage, and ferriage, as was being paid to regular jurors, whenever the tales jurymen were legally and duly summoned to appear in court for jury service whether they were accepted as jurors or not. The per diem would be paid in the same manner as the other jurors were paid.

Chapter VI - Education/Schools

Board of Education

Private Acts of 1993 Chapter 89

SECTION 1. Chapter 286 of the Private Acts of 1970, as amended by Chapter 274 of the Private Acts of 1982, and all other acts amendatory thereto, is hereby repealed.

SECTION 2. Haywood County shall be divided into five (5) school districts each of which shall consist of two (2) county commissioner districts, as follows:

- School District 1 County commissioner districts 1 & 5
- School District 2 County commissioner districts 2 & 6
- School District 3 County commissioner districts 3 & 7
- School District 4 County commissioner districts 4 & 10
- School District 5 County commissioner districts 8 & 9

It is the intent of this Act that changes in the boundary line of any county commission district for purpose of reapportionment shall automatically redefine the school district boundary lines so that further action on the part of the General Assembly for this purpose is not required. In the event such reapportionment results in a school board member no longer residing in the district he or she represents, such member shall continue to hold office until the expiration of his or her term. One member of the Haywood County Board of Education (Board) shall be elected by the qualified voters in each school district. Board members shall be elected to staggered four (4) year terms so that every two (2) years the terms of approximately one-half the members of the Board shall expire, with the odd-numbered districts expiring at the same time, and the even-numbered districts expiring at the same time. Persons elected in the regular August elections shall take office on September 1 following the election and shall serve until their successors are duly elected and qualified.

SECTION 3. To accomplish the transition from the present at-large Board consisting of seven (7) members appointed by the Haywood County legislative body to the five (5) school districts, set out in Section 2 of this Act, and established following the 1990 census, the two (2) Board members which the Haywood County legislative body shall appoint in July, 1993, shall each serve a term of office which shall expire on August 31, 1994, or at the time their successors are duly elected and qualified. The Board member which the Haywood County legislative body shall appoint in July, 1994, shall serve a term of office which shall expire on August 31, 1994, or at the time his or her successor is duly elected and qualified. At the regular August election in 1994, there shall be elected one (1) Board member each from school districts 1, 3, and 5. These Board members shall serve a term of office of four (4) years as set out in Section 2 of this Act. At this time, the Board shall consist of three (3) members which have been popularly elected from districts by the people of Haywood County and four (4) at-large members which have been appointed by the Haywood County legislative body. The two (2) Board members which the Haywood County legislative body shall appoint in July, 1995, shall each serve a term of office which shall expire on August 31, 1996, or at the time their successors are duly elected and qualified. The two (2) Board members which the Haywood County legislative body shall appoint in July, 1996, or at the time their successors are duly elected and qualified. At the regular August election in 1996, there shall be

elected one (1) Board member each from school district 2 and 4. These Board members shall serve a term of office of four (4) years as set out in Section 2 of this Act. On September 1, 1996, the Board shall consist of five (5) members popularly elected from five (5) school districts serving staggered terms of four (4) years.

SECTION 4. The Haywood County Board of Education shall have the same powers, duties, privileges and qualifications as the Board of Education established pursuant to Title 49, Tennessee Code Annotated, except as otherwise provided herein.

SECTION 5. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application and to that end the provisions of this Act are declared to be severable.

SECTION 6. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Board of County Commissioners of Haywood County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Board of County Commissioners of Haywood County and certified by him to the Secretary of State.

SECTION 7. 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 6.

Passed: May 17, 1993.

Superintendent or Director of Schools

Private Acts of 1917 Chapter 399

COMPILER'S NOTE: Portions of this act may be superseded by the Education Improvement Act of 1991, at T.C.A. § 49-2-301.

SECTION 1. That in Haywood County, Tennessee, the County Board of Education shall, with the approval of a majority of the Quarterly County Court, employ a County Superintendent of Public Instruction whose duty shall be to carry out the policies established by the Board and the provisions of law. Said Superintendent employed shall take office at the expiration of the present term of office. Whenever a vacancy shall occur in the office of the County Superintendent by death or resignation, a successor shall be appointed by the County Board of Education to take office immediately following approval by the Quarterly County Court as provided above.

As amended by: Private Acts of 1969, Chapter 59

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

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

Passed: March 29, 1917.

Private Acts of 1969 Chapter 59

SECTION 1. That Section 1 of Chapter 399 of the Private Acts of 1917, as amended by Chapter 330 of the Private Acts of 1925, is hereby amended by deleting said Section 1 in its entirety and substituting a new Section 1 in lieu thereof as follows:

"That in Haywood County, Tennessee, the County Board of Education shall, with the approval of a majority of the Quarterly County Court, employ a County Superintendent of Public Instruction whose duty shall be to carry out the policies established by the Board and the provisions of law. Said Superintendent employed shall take office at the expiration of the present term of office. Whenever a vacancy shall occur in the office of the County Superintendent by death or resignation, a successor shall be appointed by the County Board of Education to take office immediately following approval by the Quarterly County Court as provided above."

SECTION 2. That the qualifications for said Superintendent shall be those which are provided by the general law.

SECTION 3. That the Superintendent shall serve at the pleasure of the Board but he shall be given not less than thirty (30) days notice before his employment is terminated.

SECTION 4. That, except as specifically provided for herein, the operation and control of the office of Superintendent of Public Instruction shall be governed by the general law.

SECTION 5. That this Act shall have no effect unless the same shall have been approved by a two-thirds (2/3) majority of the Quarterly County Court of Haywood County, on or before the July term of said Court. 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 6. That this Act shall take effect for the purpose of validating the same, as provided for in Section 5 hereof, from and after its passage, the public welfare requiring it.

Passed: April 8, 1969.

Education/Schools - Historical Notes

Board of Education

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

1. Private Acts of 1970, Chapter 286, as amended by Private Acts of 1982, Chapter 274, and all other acts amendatory thereto, was repealed by Private Acts of 1993, Chapter 89.

Superintendent or Director of Schools

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

1. Private Acts of 1925, Chapter 330, amended Private Acts of 1917, Chapter 399, so that whenever a vacancy should occur in the office of County Superintendent of Public Instruction by death or resignation, the County Court shall elect someone to fill out the unexpired term made vacant by the death or resignation. Only five days notice of the filing of the certificate of qualification shall be required. This Act was apparently superseded by Private Acts of 1969, Chapter 59.

General Reference

The following acts constitute part of the administrative and political heritage of the educational structure of Haywood County but are no longer operative since they have either been superseded, repealed, or failed to receive local approval.

1. Acts of 1831, Chapter 39, incorporated the Brownsville Academy in Haywood County as a body corporate and politic, whose vacancies on the Board of Directors would be filled by the County Court. The Act named Hiram Bradford, David Hay, Herndon Harralson, Francis S. Coxe, Simon Turner, Blackburn Coleman, Nicholas T. Perkins, William H. Loving, Allen J. Barbee, Rev. James Smith, James B. Ferguson and James W. Strother, as the first Board of Directors.
2. Acts of 1835-36, Chapter 89, provided that a male academy be incorporated in Wesley in Haywood County under all provisions of law incorporating the Madison and Wesley Female Academies except this Academy at Wesley shall elect only ten trustees.
3. Acts of 1836, Chapter 141, page 268, is almost a duplicate of the above act, except this academy is a female academy with all the rights and privileges as the others. This one was also limited to ten trustees.
4. Acts of 1837-38, Chapter 269, Section One, named Benjamin Lyon, William J. Newbern, Samuel Shackley, Samuel Kirkpatrick, James Bond, Joseph Stokely, Tobias J. Hall, Joshua T. Walker, John Howard, Thomas J. Newbern and John Read as the incorporators of the Union Academy in Haywood County. They were to organize themselves and to exercise all the powers incidental to the operations of corporations in Tennessee.
5. Acts of 1841-42, Chapter 142, incorporated the Brownsville Female Institute for 99 years naming practically the same people as trustees and incorporators as are mentioned in the above act.
6. Acts of 1869-70, Chapter 22, Section One, incorporated the "Haywood County Agricultural, Mechanical, and Horticultural Association," for a period of thirty-three years, with an initial capital of \$3000 which could be increased to \$100,000, at \$25 shares. The Association was empowered, among other things, to hold fairs, exhibitions, to build buildings, to award prizes, and to do other things which would tend to encourage the practice of agriculture, mechanics, and horticulture. The original incorporators, as named in the Act, were David P. Williams, Robert S. Thomas, S. E. Taylor, W. A. Allen, Jasper Carlton, J. A. Nebbett, W. B. Clayborn, W. T. Crune, Ashley Bradford,

W. B. Maner, John Allen, R. W. Beers and B. J. Lee.

7. Private Acts of 1897, Chapter 301, transferred all right and title to the Brownsville Public School Building and Grounds, as described in the act from the Trustees of the Old Male Academy, of Brownsville to the school directors and their successors, of the Brownsville School District to have and to hold for school purposes. The latter were then given the authority to use or dispose of the property in any manner they may consider to be in the best interests of the public schools.
8. Public Acts of 1907, Chapter 236, created Board of Education for every county in the State and abolished the office of District Directors. The county would be divided into school districts by the County Court which districts would be composed of whole civil districts. County Court will elect one member of the Board of Education from each school district. The duties of the Chairman, the Secretary, who would be the Superintendent, and of the Board proper, are all enumerated in the Act. Members' compensation would be from \$1.50 to \$3 per day as fixed by the County Court. There would be an Advisory Board in each District, consisting of three people elected in the district and their duties were catalogued. Some of the counties exempted themselves from the operation of the Act but Haywood County was not among them. See Whitthorne v. Turner, 155 Tenn. 303, 293 S.W. 147 (1927).
9. Private Acts of 1919, Chapter 668, created a special school district within the boundaries of the Third Civil District which would be called the "Stanton School District". The County Public School Board would have exclusive jurisdiction over the expenditure of the funds for this district. A special tax of five mills on the dollar was levied on property within the school district in addition to all other taxes levied. The County Trustee shall collect the tax and be held accountable for the money. The funds shall be used to erect a school building within that district.
10. Private Acts of 1920 (Ex. Sess.), Chapter 30, amended Private Acts of 1919, Chapter 668, above, so as to empower and authorize the County Public School Board of Haywood County to issue school warrants on behalf of the Stanton School District in an amount not to exceed \$12,000, at an interest rate less than 6%, and to mature no longer than ten years from issuance, the proceeds of which would be used to build and equip a school building.
11. Private Acts of 1970, Chapter 273, amended Private Acts of 1943, Chapter 398, which is the charter for the City of Brownsville, by deleting Section 29 thereof in its entirety and inserting a new section which abolished the Brownsville Special School District and transferred all property to the Mayor and aldermen who were granted leave to transfer the same likewise to the Quarterly County Court, or the Haywood County Board of Education for the purpose of operating the schools.

Chapter VII - Elections

Districts - Reapportionment

Private Acts of 1929 Chapter 446

SECTION 1. That the boundary line between Civil Districts Nos. 2 and 3 of Haywood County, be, and the same is hereby, changed so as to take from said Civil District No. 2 and annex to said Civil District No. 3 the lands contained within the following boundaries, to wit:

Beginning at a point in the center of the Stanton and Danceyville road and in the center of the old bed of Big Muddy Creek, same being also in the present boundary line between Civil Districts Nos. 2 and 3 of Haywood County; running thence eastwardly with the center of said road to a point in same, being the northeast corner of the lands conveyed by Mary F. Cocke and husband, Dr. E. W. Cocke, to R. P. Caldwell by the deed recorded in Deed Book No. 49, page 321, of the Register's office of said County; thence with the eastern boundary of said lands, south 22 degrees west 123 1/2 poles to a large stump, thence south 96 poles to the southeast corner of said lands; thence west with the south boundary of said lands--poles to the southwest corner thereof, in the center of Big Muddy Creek; thence northwardly with the old bed of Big Muddy Creek, following its meanders, (same being the heretofore existing boundary line between said Civil Districts Nos. 2 and 3 to the point of beginning.

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

Passed: March 29, 1929.

Elections - Historical Notes

Districts - Reapportionment

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

1. Private Acts of 1929, Chapter 447, changed the line between the 6th and 7th Civil District so as to project the line between the farms of O. D. Jarrett and W. D. Poston, which is a part of the dividing line between the said Districts, southward until the same coincides with the front of or west of the George Chamberlain Farm.

Elections

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

1. Acts of 1826 (Ex. Sess.), Chapter 3, divided Tennessee into 20 Senatorial Districts and 40 Representative Districts. Henderson, Madison and Haywood Counties would elect one Representative jointly and one Senatorial District consisted of Haywood, Madison, Tipton, Hardeman, Fayette and Shelby Counties.
2. Acts of 1832 (Ex. Sess.), Chapter 4, created thirteen U.S. Congressional Districts in Tennessee. The 12th was made up of Haywood, Madison, Dyer, Obion, Gibson, Weakley, Henry and Carroll Counties.
3. Acts of 1833, Chapter 71, apportioned the State for the General Assembly. The 19th Senatorial District consisted of Madison, Haywood, Gibson and Dyer Counties, and Haywood, Tipton and Dyer Counties would elect one Representative jointly.
4. Acts of 1842 (Ex. Sess.), Chapter 1, separated the State into Senatorial and Representative Districts. Haywood County would elect one Representative alone and be in the 23rd Senatorial District with Madison, Tipton and Lauderdale Counties.
5. Acts of 1842 (Ex. Sess.), Chapter 7, divided Tennessee into eleven U.S. Congressional Districts. McNairy, Hardeman, Fayette, Shelby, Tipton, Lauderdale, Dyer and Haywood Counties were in the 10th U.S. Congressional District.
6. Acts of 1851-52, Chapter 196, apportioned the State into ten U.S. Congressional Districts. The Tenth was made up of Madison, Haywood, Hardeman, Fayette and Shelby Counties.
7. Acts of 1851-52, Chapter 197, reapportioned the State. Haywood County would elect one Representative to the General Assembly alone and composed one Senatorial District with Madison, Tipton and Lauderdale Counties.
8. Acts of 1865, Chapter 34, delineated Tennessee into eight U.S. Congressional Districts. McNairy, Hardeman, Fayette, Shelby, Tipton, Madison and Haywood Counties were in the 8th District.
9. Acts of 1871, Chapter 146, provided in reapportioning the State that Haywood County would elect one State Representative alone, and share another with Madison and Hardeman Counties. There were 25 Senatorial Districts of which Dyer, Lauderdale and Haywood made up the 22nd District.
10. Acts of 1872, Chapter 7, redistricted Tennessee into 9 U.S. Congressional Districts of which Crockett, Haywood, Lauderdale, Dyer, Gibson, Weakley, Obion and Lake Counties were the 8th District.
11. Acts of 1873, Chapter 27, realigned the State into ten U.S. Congressional Districts. The 9th was composed of Weakley, Obion, Lake, Dyer, Gibson, Crockett, Haywood, Tipton and Lauderdale Counties.
12. Acts of 1881 (Ex. Sess.), Chapter 6, reapportioned the General Assembly of the State. Haywood County would elect one Representative alone and share a floater with Tipton County. There were 33 Senatorial Districts with Haywood, Lauderdale and Crockett Counties making up the 30th.
13. Acts of 1882 (Ex. Sess.), Chapter 27, redistricted the State into ten U.S. Congressional Districts. Haywood remained in the 9th U.S. Congressional District with the same counties except Tipton County which was taken out of the 9th U. S. District.
14. Acts of 1891 (Ex. Sess.), Chapter 10, reorganized the General Assembly, Haywood was entitled to one Representative alone and would share another with Lauderdale, Tipton, Shelby, Fayette and Hardeman Counties. The 30th State Senatorial District was made up of Haywood, Dyer and Lauderdale Counties.
15. Acts of 1901, Chapter 109, delineated the State into ten U.S. Congressional Districts. Gibson,

Weakley, Obion, Lake, Dyer, Lauderdale, Haywood and Crockett Counties were in the 9th Congressional District.

16. Acts of 1901, Chapter 122, placed Haywood and Fayette Counties in the 31st State Senatorial District. Haywood County was assigned one Representative alone and would share a floater with Hardeman and Chester Counties.
17. Private Acts of 1941, Chapter 181, stated that in Haywood County, using Federal Census figures of 1940, no person could vote in any general, special or called election unless such person shall have registered as a qualified voter of the said county prior to the said election. Registration of voters shall conform to the requirements of the state law and shall be fully applicable to all voters in the county. Registration shall occur every four years.

Chapter VIII - Health

Haywood County Memorial Hospital

Private Acts of 1945 Chapter 351

SECTION 1. That the Quarterly County Court of Haywood County, Tennessee, is hereby authorized and empowered to make annual appropriations out of the general funds of the County in such sums as the Quarterly County Court may provide for the purpose of aiding and assisting in the maintenance and support of the Haywood County Memorial Hospital, a non-profit Corporation, located in Brownsville, Haywood County, Tennessee.

SECTION 2. That all prior proceedings of the Quarterly County Court of Haywood County wherein appropriations have heretofore been made for the purpose of aiding and assisting in the maintenance and support of the Haywood County Memorial Hospital, a non-profit Corporation located in Brownsville, Haywood County, Tennessee, are hereby ratified and confirmed and said appropriations are declared to have and possess the same validity and effect as though the said courts were legally authorized to so do in the first instance.

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

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

Passed: February 21, 1945.

Private Acts of 1951 Chapter 429

SECTION 1. That the Quarterly County Court of Haywood County, Tennessee, is hereby authorized and empowered to levy and collect for the purpose of aiding in the maintenance and support of the Haywood County Memorial Hospital, a non-profit corporation located in Brownsville, Haywood County, Tennessee, a tax of not more than twenty-five (25¢) cents on each One Hundred (\$100.00) Dollars worth of property assessed for taxation in said County. The Quarterly County Court of Haywood County, Tennessee, is authorized to levy said tax in the same manner as other taxes in said County are levied. The proceeds shall be deposited in a separate fund by the County Trustee and shall be expended for the purpose of aiding in the maintenance and support of the Haywood County Memorial Hospital.

As amended by:
Private Acts of 1951, Chapter 725
Private Acts of 1953, Chapter 158

SECTION 2. That all prior proceedings of the Quarterly County Court of Haywood County, Tennessee, wherein levies and appropriations have heretofore been made for the purpose of aiding and assisting in the maintenance and support of the Haywood County Memorial Hospital, a non-profit corporation located in Brownsville, Haywood County, are hereby ratified and confirmed and are declared to have and possess the same validity and effect as though the said Court was legally authorized to so do in the first instance.

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

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

Passed: March 7, 1951.

Health - Historical Notes

The following summaries are included herein for reference purposes.

1. Private Acts of 1951, Chapter 725, amended Private Acts of 1951, Chapter 429, by changing the \$1,000 in Section One to \$100 so as to make the tax rate apply to \$100 property valuation instead of \$1,000.
2. Private Acts of 1953, Chapter 158, also amended Private Acts of 1951, Chapter 429, by increasing the maximum tax rate to be levied for the support and maintenance of the hospital from fifteen cents to twenty-five cents. Although the amount of property value to which the tax rate was to be applied was reduced from \$1,000 to \$100 by the above act, this amendment still recited the \$1,000 figure.

Chapter IX - Highways and Roads

Road Law

Private Acts of 1991 Chapter 24

SECTION 1. There is hereby created a five (5) member highway commission for Haywood County. One (1) member shall be elected from each of the five (5) highway districts. As the staggered terms of the current highway commissioners expire, three (3) highway commissioners shall be elected in the August, 1992 General Election and two (2) highway commissioners shall be elected in the August, 1994 General Election and shall serve for terms of four (4) years and until their successors have been elected and qualified. The county legislative body shall determine the boundaries of the highway districts in accordance with procedures set forth in Tennessee Code Annotated, Section 5-1-111, for setting county legislative body commission districts so that commissioners represent substantially equal populations.

At the first regular meeting of the board of highway commissioners in September of each year, the commissioners shall, by majority vote, elect one (1) commissioner to serve as chairman of the board of highway commissioners.

Nothing in this section shall be construed as or have the effect of removing any incumbent from office or abridging the term of any official to the end of the term for which the official was elected.

As amended by: Private Acts of 1992, Chapter 187

SECTION 2. In the event a vacancy shall occur on the board of highway commissioners, the county legislative body shall elect a resident of the highway district in which the vacancy occurs to serve the unexpired term or until his or her successor shall be elected and qualified.

SECTION 3. Each member of the board of highway commissioners shall qualify by subscribing to an oath before the county clerk to faithfully and impartially perform the duties of his or her office without partiality for or prejudice against any section of Haywood County, and he or she shall execute a good and solvent bond in the amount of five thousand dollars (\$5,000), which bond shall be approved by the county executive and filed in the office of the county clerk, and which bond shall be conditioned for the faithful performance of his or her duties and the faithful accounting for all monies that may come into his or her hands or under his or her control by virtue of his or her office as a highway commissioner. The cost of such bond shall be paid from the county road fund.

SECTION 4. A majority of the board of highway commissioners shall constitute a quorum at all regular special meetings and shall have authority to conduct all business properly before the board of highway commissioners. The affirmative vote of three (3) members of the board of highway commissioners shall be necessary in order to constitute any action by the board of highway commissioners.

The board of highway commissioners shall hold regular bi-monthly meetings on the second and fourth Mondays of each month at the county highway department. The board of highway commissioners shall hold special meetings upon the call of the chairman or a majority of the members of the board of highway commissioners. In addition to notice requirements by Tennessee Code Annotated, Sections 8-44-101 et seq., as amended, at least three days notice by mail shall be given to the members of any special meeting; provided this provision in regard to notice shall not apply when all members of the board of highway commissioners are present at the special meeting.

The chairman shall preside at all meetings if present and in his or her absence the members present shall elect a temporary chairman. A secretary named by the chief administrative officer shall attend the meetings of the board of highway commissioners and shall keep a permanent record of all business transacted by the board of highway commissioners, which record shall be verified by the signature of the chairman or the presiding officer and shall be kept at the county highway department and shall be open for inspection by the public during regular business hours.

SECTION 5. The total annual compensation or remuneration including any fringes or travel expenses of

each member of the board of highway commissioners shall be determined by the county legislative body. The compensation shall be payable from the county road fund and in such installments as the board of highway commissioners may determine.

SECTION 6. The board of highway commissioners shall, with the approval of the county legislative body, appoint a chief administrative officer for a term of four (4) years who shall possess the qualifications required by and have the powers and duties specified in the County Uniform Highway Law (Tennessee Code Annotated, Title 54, Chapter 7, as amended). The chief administrative officer shall be paid the salary established in Tennessee Code Annotated, Section 54-7-106, as amended, and shall execute the bond and oath required by Tennessee Code Annotated, Section 54-7-108, as amended.

SECTION 7.

(a) The chief administrative officer shall have general supervision of the expenditure of all road funds, whether such funds are collected from a direct tax levy by the county legislative body, received from the state or federal government, or from whatever source received. All warrants shall be approved by the chief administrative officer and the chairman of the board of highway commissioners.

(b) The board of highway commissioners shall make recommendations to the chief administrative officer regarding the location, relocation, construction, reconstruction, repair and maintenance of the county system, including bridges. The board of highway commissioners shall also make recommendations to the chief administrative officer with respect to the classification of county roads and with respect to which roads should be included in the county highway system and placed on the county road list established pursuant to Tennessee Code Annotated, Section 54-10-103, as amended.

(c) The chief administrative officer shall have the authority to let contracts for construction and repair of all roads, bridges, culverts, and other contracts or purchases pertaining to county roads, highways and bridges and for purchasing supplies, materials and equipment for use or in connection with the same under the amount of two thousand dollars (\$2,000). The board of highway commissioners shall approve the letting of all contracts for construction and repair of all roads, bridges, culverts and other contracts or purchases pertaining to the county roads, highways, and bridges and for purchasing supplies, materials and equipment for use on or in connection with the same in excess of two thousand dollars (\$2,000). All such contracts and purchases shall be made in full compliance with the provisions of the County Uniform Highway Law codified at Tennessee Code Annotated, Section 54-7-113, as amended. The chief administrative officer may make emergency purchases as necessary in accordance with the emergency purchasing provisions of the County Uniform Highway Law, Tennessee Code Annotated, Section 54-7-113(c)(1)(C), as amended.

(d) Equipment, material and supplies declared by the board of highway commissioners to be surplus may be disposed of by the chief administrative officer upon authorization, in writing, by the board of highway commissioners.

SECTION 8. The chairman of the board of county highway commissioners shall be the administrative official of the highway commission and his or her duties shall include, but not be limited to, the following:

(a) Maintain an office at the county highway department for the board of highway commissioners where all books and records of the board of highway commissioners and the highway department shall be kept, all of which shall be available to the public for inspection at any reasonable time.

(b) Provide direction and assistance to the chief administrative officer in the execution of the procedures established by the chief administrative officer in regard to notice to bidders, receiving and preservation of sealed bids; and the execution of contracts authorized by the board of highway commissioners.

(c) Be responsible for reviewing the annual budget recommendation of the chief administrative officer and consulting with the chief administrative officer in preparing budget amendments.

SECTION 9. Neither the chairman, any member of the board of highway commissioners, nor any employee of the county highway department shall hold or receive compensation for more than one position with the county highway department.

SECTION 10. If any provisions of this act or its application shall be held invalid, such invalidity shall not affect other provisions or applications, which can be given effect without the invalid provisions, and to this end, the provisions of the act are declared to be severable.

SECTION 11. Chapter 129 of the Private Acts of 1963, as amended by Chapter 106 of the Private Acts of 1971, Chapter 308 of the Private Acts of 1972, Chapter 245 of the Private Acts of 1976, Chapter 328 of the Private Acts of 1980, Chapter 273 of the Private Acts of 1982, Chapter 247 of the Private Acts of 1984 and any other acts amendatory thereto and all other private acts or parts of acts regarding the highway laws of Haywood County which are in conflict with this act are hereby expressly repealed.

SECTION 12. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Haywood County. Its approval or non-approval shall be proclaimed by the presiding officer of the county legislative body of Haywood County and certified by him to the Secretary of State.

SECTION 13. For the purposes of approving or rejecting the provisions of this act, it shall be effective upon becoming law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 12.

Passed: February 28, 1991.

Highways and Roads - Historical Notes

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

1. Public Acts of 1821, Chapter 6, was enacted in the same year the boundaries of Haywood County were established. This Act was apparently the first to attempt the classification of roads in each county of the State, which is the first step towards fashioning a highway system. The roads were to be placed in one of three classes according to their width, the last of which would be wide enough to permit passage of two horses and riders on the way to mill or market.
2. Acts of 1827, Chapter 30, authorized the County Court of Haywood County to levy a tax, not to exceed the State tax, which would be used to erect bridges, causeways, or to cut roads across bottom lands. A Commission was to be appointed to lay out and inspect the work which could be contracted out if in the best interests of the county.
3. Acts of 1829, Chapter 12, authorized a bridge to be built across the Hatchee River at the Turnpike in Haywood County in the same manner as it was in Jackson. Blackman Coleman, Richard G. Nickson, George Claiborne, and John B. Hogg were appointed as Commissioners to supervise the project.
4. Acts of 1829, Chapter 280, authorized Haywood and Tipton Counties to build a road and causeway across the overflowed lands of the Hatchie River in both counties, said road running from Brownsville to Covington. A corporation was formed to assist in the accomplishment of this work.
5. Acts of 1831, Chapter 79, granted Joab Wilson who was building a turnpike and bridge across the Hatchie River bottom until December, 1833, to complete it. Daniel Cherry was also given the further time of four years to complete the bridge and turnpike across the Forked Deer River at Harrisburg in Haywood County.
6. Acts of 1851-52, Chapter 44, permitted the County Court to levy a tax to build a good, substantial plank road across the bottom and lowlands of the Big Hatchie River and to establish and keep up a ferry in connection with it. The authority to construct the same in another place was granted, if to do so were more practical for the county. A schedule of toll rates to be charged could be formed but they were to be the same for all people, residents and non-residents. A Superintendent could be elected and a special tax collector appointed, but, if this should not be done the Sheriff must collect the taxes.
7. Private Acts of 1903, Chapter 572, was the first special road law for Haywood County. The County Court could designate all or any of the county roads as county highways which could be maintained by contract by forced labor, or by convict labor, or combinations thereof. The County Court could designate these roads at any regular session. A committee of the County Judge, as Chairman and four citizens to be appointed would be in charge of contracting the work but no contractor could have more than 20 miles of road to maintain. Contracts to keep up the roads for a period of three years could be awarded to the low bidder. Some terms were specified in the Act which were required to be a part of all contracts for road maintenance. The Circuit Court Clerk was required to report on the actions of all who had contracts to perform. All applications to open, close, or change roads were to be filed with the Commission for disposition. All males living outside of cities between the ages of 18 and 50 were required to work six, eight hour days on the roads during the year, or they could commute by paying \$3.00 before June 1 of each year. The Commission would be paid the same rate as the Justices of the Peace for every day spent on this work.
8. Private Acts of 1909, Chapter 456, created a three member "Board of Public Roads" in Haywood and Robertson Counties who would serve staggered three year terms, and have complete control and supervision over all county roads. The Board was allowed to employ an Engineer and fix his salary, who was charged to make essential maps and charts, to inspect the roads, and to make recommendations for changes. The Board must spend the road funds as nearly as possible in the

districts where collected, could not contract for work or incur any debt unless funds were available to pay the same. Roads were to be classified according to their width, the minimum being 18 feet. The Board could appoint overseers in each Civil District who would be in immediate charge of the roads in that district. Accurate records were to be kept by all concerned. Durable sign posts and mileage markers were to be placed on all first and second class roads. The County Court was permitted to levy a special road tax of twenty to thirty cents per \$100 property valuation, both real and personal, and one-third of the privilege taxes collected would go into the road fund. This act had a general repealer clause which presumably nullified the 1903 act above.

9. Private Acts of 1911, Chapter 168, also had a general repealing clause only. This act provided that at the April Term, 1911, and at the January Term, 1912, and every January thereafter, the County Court would elect one Road Commissioner for Haywood County for general supervision over all roads, bridges, and levees in the County who must take an oath to perform, make a bond, also and who would receive a monthly salary of \$50. The County Judge and the Road Commissioner would appoint overseers for each Civil District who would be in charge of and manage the work hands in that district. The overseers must furnish a list of all work hands in their District. They were responsible for all the tools and equipment used on the roads, and would see that all roads were kept repaired, for which they would be paid \$2 to \$3 per day spent on the job. Roads were to be classified according to width the minimum width being raised to 25 feet, and to obstruct them or to interfere with an overseer was declared a misdemeanor. The County Court could levy an ad valorem tax from fifteen to twenty-five cents per \$100 property valuation and on the capital stock of merchants outside cities. All males, outside cities, between 21 and 50 years of age must work six days on the roads or pay seventy five cents for every day not worked.
10. Private Acts of 1913, Chapter 164, did not specifically repeal any prior act, or part of any, having only a general repealing clause. The act required the County Court to divide the County into four road districts composed of whole civil districts, from each of which Road District one Road Commissioner would be appointed to be in charge of the roads in that road district for which he would be paid \$150 a year. The County Judge and the Road Commissioner would appoint overseers for each district who would furnish a list of the road hands to be found therein and be in charge of the work for which he would be paid \$2 to \$3 a day as determined by the Court. To refuse to act as overseer was punishable by a fine from \$2 to \$20 which could be enforced by the Road Commissioner. The special road tax authority was granted which remained at the same rate. The provisions to furnish road hands to work the roads remained as they were except a working day was ten hours long. Roads must be classified and the procedures to open, close, or change a road must be observed as set out in this law. No Justice of the Peace could be a Commissioner, or an overseer, and could not be personally interested in any contract. To fail to perform or discharge any obligation imposed by this act was declared a misdemeanor and violators could be fined from \$25 to \$100.
11. Private Acts of 1915, Chapter 486, removed Haywood County from the provisions and requirements contained in Acts of 1875, Chapter 142, Section 7, and Acts of 1877, Chapter 101, which were designed to encourage the construction of macadamized roads in the State to have a grade not exceeding an angle of seven degrees from the horizon. This Act was repealed by the one following.
12. Private Acts of 1917, Chapter 82, repealed Private Acts of 1915, Chapter 486, above, in its entirety, thus placing Haywood County back into the requirements stated in the acts mentioned above.
13. Private Acts of 1917, Chapter 227, amended Private Acts of 1913, Chapter 164, above, to provide that the maintenance and upkeep of the roads in any Civil District can be worked by contract when the Chairman of the County Court and the Road Commissioner of that District consider it in the best interests of the County. The contract would be let by a Committee composed of the Chairman of the County Court the Road Commissioner of the District, and a citizen of that area. The contract must be from two to four years and contain the specifications enumerated in the act. The successful contractor could draw the road funds for that district after first making a performance bond equal to that amount.
14. Private Acts of 1917, Chapter 406, amended Private Acts of 1915, Chapter 180, as stated in the act. Private Acts of 1915, Chapter 180, applies to Lincoln County according to our information but a synopsis of this act is written in the event we might be mistaken. This Act provided for an appeal to the Circuit Court from the verdict of a jury of view in road damage cases. If the verdict were overruled by the court, the new one will be paid out of the road funds of the county; if the verdict is sustained, the case will proceed as if no appeal had ever been made.
15. Private Acts of 1920 (Ex. Sess.), Chapter 62, also amended Private Acts of 1915, Chapter 180, by

rewriting the section on appeals of the verdict of a jury of view. The one aggrieved by the action of the jury of view was granted the right to appeal to the next term of the County Court and from there to the Circuit Court, the Court of Appeals, and the Supreme Court. If the verdict were affirmed, the appellant must pay the costs. If the verdict be approved, the Road Commissioners shall proceed as if no appeal were ever taken. If overruled, or changed, they shall abide by the orders of the court.

16. Private Acts of 1921, Chapter 525, was the next Road Law for Haywood County, generally repealing all laws in conflict. The Quarterly County Court would elect a Road Supervisor at its next term of court to be in charge of all the county roads for a two year term, except the Supervisor could be removed for inefficiency, misfeasance, or malfeasance committed in office upon being given 30 days notice. The County Court would select one to fill out the term in case of a vacancy for any reason. The Supervisor must meet the qualifications listed in the Act, devote his entire time to the job, handle all contracts and appoint overseers in those districts where there are no contracts. The overseers must furnish a list of road hands in the district and keep accurate records of the work done and those who are doing it. The Supervisor must also keep accurate records of all transactions as stipulated in the law. His salary was \$1800 a year payable monthly. He must take an oath and give a \$5,000 performance bond. The overseer must keep up with all tools and equipment assigned to his district. He would be paid from \$2 to \$3 per actual day worked as decided by the court. The County Court was empowered to levy a road tax from five to twenty-five cents per \$100 property valuation and on the capital stock of merchants outside cities. All males, outside cities, from 21 to 50 years of age were required to work six, ten hour days on the roads, or they could commute by paying \$1 per day before April 1, and \$1.25 afterwards. Road classes and specifications were prescribed in the law. No Justice of the Peace could serve or be interested financially in any contract. This act was repealed by Private Acts of 1929, Chapter 189.
17. Private Acts of 1927, Chapter 331, amended Private Acts of 1921, Chapter 525, Sections 5, 6, and 15, above. Section 5 was amended by increasing the maximum amount of the road tax levy from twenty-five to thirty-five cents per \$100 property valuation; and Section 6 was amended by extending the time in which a road hand could normally commute from April 1 to July 1.
18. Private Acts of 1929, Chapter 188, was a new Road Law for Haywood County. This act created a new road system to be supervised by a Board of Highway Commissioners. The Board would consist of four men elected one from each of four road districts and a Chairman who would be elected at large. The act named P. O. Wilkerson as the Commissioner from the 1st Road District, T. B. Smoot as the Commissioner from the Second. N. P. Thornton as Commissioner from the Third District, Charlie Humphreys, as the one from the Fourth District, and George W. Meux, to serve as Chairman, all to continue in office until their successors are elected. Each would take an oath and execute \$1,000 bond and a procedure for their removal from office was established. The duties and powers of the Board are prescribed in eleven paragraphs in Section 10 of the act, among which was the authority to employ a Road Superintendent for periods not to exceed one year who must meet all the qualifications enumerated and who would be in charge of the road program and the Department exercising those powers prescribed in Section 9. The Board would act as purchasing agent for all road needs, and may solicit bids and award contracts as the best interest of the county may appear. The Board would meet monthly at least and be paid \$5 per day salary. Records must be kept by the Secretary which are complete and accurate. Overseers for each Civil District, coextensive with Road Districts could be appointed at a daily salary of \$3 or less. All males outside of cities, between ages of 21 and 50 must work either, ten hour days each year, or commute by paying 80 cents for each day not worked. The Board could not make obligations exceeding funds on hand. Office Assistants may be hired at \$300 a year, or less, and the maximum amount for the road tax levy by the County Court was pegged at forty cents per \$100 property valuation. See *State v. Meux*, 166 Tenn. 286, 61 S.W.2d 974 (1933).
19. Private Acts of 1929, Chapter 189, expressly and entirely repealed Private Acts of 1921, Chapter 525, above.
20. Private Acts of 1931, Chapter 180, recited in the preamble some of the provisions of Private Acts of 1929, Chapter 188, the current Road Law for Haywood County which concerned the composition of the Board of Highway Commissioners created therein and the conditions under which they were to be elected. The original five members, who were named in Chapter 188, became candidates to be elected in the next election, being unopposed, but their names were mistakenly omitted from the ballot. The Board met and all its five members resigned. In the ensuing election by the County Court, all five members were reelected by the Court. This act confirms and validates the actions of the Board and the County Court in connection therewith.

- and names the same five men, Meux, Wilkerson, Smoot, Thornton, and Humphreys as the members of the Board.
21. Private Acts of 1931, Chapter 335, repeals Private Acts of 1931, Chapter 270, which levied a privilege tax on carts, buggies, surreys, wagons, and other vehicles. Although the act is listed as being applicable to Haywood County, Chapter 270, which it repeals, it applies only to Lincoln County, not to Haywood.
 22. Private Acts of 1933, Chapter 480, created a road system under the general supervision and control of a Board of Highway Commissioners composed of the County Judge, the County Trustee, and the County Court Clerk. The position of County Road Supervisor was created and its qualifications established. The Supervisor would be elected for a two year term, must take an oath and make a \$2,000 bond, and would draw a salary of \$1,080 a year. The act appointed H. J. Claiborne to the Supervisors position to discharge the obligations and powers outlined in six paragraphs in Section 3, and eleven paragraph in Section 4 are devoted to the powers and duties of the Board. The Board would act as the purchasing agent for the road department but must take bids on all items over \$500. The Board must meet at least monthly and keep accurate records of all meetings and transactions. The Commissioners or the Supervisor could appoint overseers in each district who would receive \$2.50 a day for no more than 50 days in one year. Road hands of the same age bracket must work six, ten hour days or pay a fifty cent commutation fee for every day not worked. The tax rate maximum was forty cents per \$100. The Supervisor would be furnished a car, would keep a list of all hands working on the roads and expend all road funds. He would also do the contracting with the State and Federal Governments. The provision for office assistants at \$300 a year was carried over into this act, which had only a general repealer. See *State v. Meux*, 166 Tenn. 286, 61 S.W.2d 974 (1933).
 23. Private Acts of 1937, Chapter 561, was the next Road Law for Haywood with many provisions, heretofore mentioned, being carried over into this Act. The Board would again be composed of a member from each of four Road Districts and the Chairman from the county at large. Vernon L. Mann, Claiborne Hooper, William Whitehurst, Otis Humphreys, and T. D. Russell, as Chairman were named as the first Board. The powers of the Board of the Road Superintendent whom they could employ at \$1,200 a year, and the authority of the Chairman are all enumerated in various Sections of the Act. \$500 would be set aside each year to take care of overdrafts, debts, and obligations which were miscalculated. All items over \$250 were subject to the bid process. The Board would meet twice a month or when called, each member being paid \$200 a year, and the Chairman \$1,200. All conflicts of interest were prohibited. Road hands, 21 to 50 years of age must pay fifty cents a day, or work eight, ten hour days on the roads. No state, county, or city official could be a member of the Board.
 24. Private Acts of 1937 (Ex. Sess.), Chapter 30, amended Private Acts of 1937, Chapter 561, above, in Section 16 by increasing the salary of the members of the Board of Highway Commissioners to \$300 a year, and of the Chairman to \$1,500 a year payable \$125 a month all to be paid out of any road funds available. Section 14 was amended by removing the limitation on the Commission that they could not pay out, contract for, or agree to pay out for any purpose in any one month any amount in excess of the amount received from all sources for the road funds in the preceding month. Section 17 was amended by adding a provision that the Chairman and each member of the Board shall be entitled to one vote on all matters which may come before the body.
 25. Private Acts of 1939, Chapter 250, amended Private Acts of 1937, Chapter 561, Section 24, by reducing the number of days the eligible males must work on the roads of the county from eight to six.
 26. Private Acts of 1941, Chapter 110, amended Private Acts of 1937, Chapter 561, by striking Section 8 therefrom and inserting a new Section. The new portion set up certain standards for the Road Superintendent to meet before being employed which were practically the same as before. The Superintendent could be employed for only one year at a time, and could be discharged upon ten days notice being given him for the causes listed in the Act. If a superintendent should not be hired, the chairman of the Board may hire a bookkeeper, assign duties to the same, and discharge him at any time, the specified salary being \$600 a year. Section 10 was amended to the effect that inmates of the workhouse could only be worked on the roads in accordance with agreements between the Commission and the Workhouse Commission. Section 14 was changed to provide that no contract to purchase materials for the roads could be entered into until it was approved by the County Judge, and Section 17 was altered to that the Commission could meet at such times and places as they themselves might direct.
 27. Private Acts of 1949, Chapter 605, amended the Road Law by inserting a new Section 8 after removing the prior one. The Board of Highway Commissioners could employ a Road

Superintendent for a one year term who would be between the ages of 21 and 65 years. He would take an oath, make bond of \$2,000, and draw a salary fixed by the Board at some figure \$3,000 a year or under, payable monthly. If no Superintendent is hired, the Chairman of the Board can perform his duties at a salary less than \$3,000. Other members of the Board would get \$300 a year and so would the Chairman if not acting as Superintendent. The Chairman may employ a bookkeeper but he could not serve beyond January 1 of the year following the employment. The bookkeeper's salary could not be more than \$1,500 a year.

28. Private Acts of 1951, Chapter 427, is published herein. This Act authorized the County Court to levy a tax not to exceed fifty cents per \$1,000 property valuation to build, maintain, and repair the public roads of Haywood County.
29. Private Acts of 1951, Chapter 726, amended Private Act of 1951, Chapter 427, above, so as to make the amount of property subject to taxation at \$100 instead of \$1,000.
30. Private Acts of 1953, Chapter 218, amended Private Acts of 1937, Chapter 561, Section 2, by increasing the length of the term of all members of the Board to four years. Section 8 was amended by increasing the salary of the Chairman of the Board from \$3,000 to \$4,200 annually when he was acting as Superintendent, and the salary of the members was increased from \$300 to \$600 annually. The salary of the bookkeeper went from \$1,500 to \$1,990 a year.
31. Private Acts of 1963, Chapter 129, provided for an elected board of road commissioners with their powers, duties, terms and compensation. The act also provided for a chief administrative officer to be employed by the board of road commissioners. This act was repealed by Private Acts of 1991, Chapter 24.
32. Private Acts of 1963, Chapter 34, amended Private Acts of 1953, Chapter 218, Section 2, above, by changing the salary of the Chairman from \$4,200 to \$4,800, and the salary of the Bookkeeper from \$1,980 to \$2,400. This Act was properly ratified as required by the Home Rule amendment to the State Constitution.
33. Private Acts of 1971, Chapter 106, amended Private Acts of 1963, Chapter 129, by increasing the maximum salary of the secretary of the road commission from \$3600.00 to \$4800. This act was repealed by Private Acts of 1991, Chapter 24.
34. Private Acts of 1972, Chapter 308, amended Private Acts of 1963, Chapter 129, by dividing the county into five road districts (rather than four) based on magisterial districts (rather than civil districts). Provided for the election of the road commissioner from district five and increased the number of affirmative votes needed for a majority. This act was repealed by Private Acts of 1991, Chapter 24.
35. Private Acts of 1976, Chapter 245, amended Private Acts of 1963, Chapter 129, the Haywood County Road Law by rewriting Section 3 to provide that the Haywood County Quarterly Court elect one member of the County Highway Commission for four year terms from each of the County road districts. The Quarterly Court would also elect one of the Commissioners to be the Chairman. All the present members of the Highway Commission would continue in office until their specified term had expired, whereupon the new members appointed by the Court would assume the office all of the above was contingent upon the people's approval in a referendum election. This Act was rejected by the Quarterly Court of Haywood County and never became an effective law.
36. Private Acts of 1980, Chapter 328, amended Private Acts of 1963, Chapter 129, by deleting the compensation provisions and providing that the county legislative body set compensation, including fringes or travel expenses. The Act further changed the title of "County Engineer" to "chief administrative officer" and provided that the chief administrative officer be the head if the county highway department. This act was repealed by Private Acts of 1991, Chapter 24.
37. Private Acts of 1982, Chapter 273, amended Private Acts of 1963, Chapter 129, by providing for a five member road commission to be elected at large. This act was repealed by Private Acts of 1991, Chapter 24.
38. Private Acts of 1984, Chapter 247, amended Private Acts of 1963, Chapter 129, by providing that the road commissioners and employees of the road department only hold one compensated position. This act was repealed by Private Acts of 1991, Chapter 24.

Chapter X - Law Enforcement

Law Enforcement - Historical Notes

Offenses

The act briefly summarized below fell into this category in Haywood County.

1. Private Acts of 1905, Chapter 252, declared it to be unlawful and a misdemeanor to ride or drive across the tillable lands of another, whether closed or unclosed, without the consent of the owner, in Haywood County, using the Federal Census figures of 1900. Violators were subject to fines from \$5.00 to \$15.00.

Sheriff

The following acts have no current effect but are included here for reference purposes since they once applied to the Haywood County Sheriff's Office.

1. Acts of 1837-38, Chapter 242, Section 3, stated that the Sheriff, or a Deputy, of Haywood County, or the Constable of the Civil District in which the town of Danceyville is located, shall open and hold an election on the first Monday in January of each year to elect seven Aldermen for the town. They, in turn, shall choose by ballot one of their number to serve as Mayor for the same term. The people would also elect a treasurer, recorder, and a town constable at the same time.
2. Acts of 1866-67, Chapter 46, Section 6, granted to the Sheriff of Haywood County the authority to employ one additional deputy sheriff for his office.
3. Private Acts of 1921, Chapter 459, concerned the Sheriff's salary of a county whose population figures were changed from 25,908 to 25,785 and from 25,925, to 25,790. These figures are not sufficient to make the Act apply to Haywood County even though the index states that it does. This seems to be a compiler's or publisher's error.

Chapter XI - Taxation

Anticipation Notes

Private Acts of 1931 Chapter 548

SECTION 1. That counties having a population of not less than 26,050 or more than 26,080, according to the Federal Census of 1930, or any subsequent Federal Census, are hereby authorized to issue, from time to time, tax anticipation notes to be issued in anticipation of the tax levies of the county. These notes shall be issued through the Quarterly County Court at any regular or special session, in amount not to exceed 80% of the annual levy and said notes shall become due not later than one year from the date of their issuance. No note issued under the authority of this Act shall bear interest at a greater rate than 6% per annum, that is to say, cost for interest and discount on such notes shall not exceed 6% per annum. Both principal and interest on said notes shall be payable at such place as the County Chairman or County Judge acting with the County Court Clerk may designate; and such notes shall be signed by the County Chairman (or by the County Judge in the event there is a County Judge) to the credit of the County Trustee of said county and disbursed upon the order of the proper officials in the same manner as the taxes anticipated by the issuance of said notes.

SECTION 2. That this Act does not affect, repeal or modify any special Act, but is intended and designated as additional legislation to be used for the purpose named in said Act as herein provided.

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

Passed: June 23, 1931.

Assessor of Property

Registration of Deeds

Private Acts of 1965 Chapter 49

SECTION 1. That in counties in this State having a population of not less than 23,391 and not more than 23,400, by the Federal Census of 1960, or any subsequent Federal Census, it shall be the duty of the Tax Assessor to maintain and keep open an office during the regular business hours at the Courthouse, or at some convenient place in the county seat, at which office either the Tax Assessor or a deputy capable of discharging the duties of the office of Tax Assessor shall be present during office hours for the purpose of

discharging the duties herein imposed upon such Tax Assessor. Office space, necessary furniture, equipment, and supplies shall be provided by the county, and it is hereby declared to be the duty of the Quarterly County Courts to such counties to provide such facilities, equipment and supplies.

SECTION 2. That every instrument conveying any interest in real property located within the county, except mortgages and deeds of trust, shall be presented at the office of the Tax Assessor of such counties wherein said property is located for notation by the Tax Assessor of the changes in ownership occasioned by said conveyance. Upon presentation of such instrument it shall be the duty of the Tax Assessor, or his deputy, to record the following information in a well-bound book: the names of the grantors; the names of the grantees; the number of acres or town lots; whether there are buildings, dwellings or other improvements on said property; whether the tracts or lots conveyed are all or a portion of the property previously assessed in the name of the grantor; the general boundaries of said property in relation to abutting or adjacent owners; and such other information as will enable the Tax Assessor to keep current records to the end that all real estate shall be assessed for taxation in the name of the true owner or the person responsible for the payment of the taxes.

SECTION 3. That no written conveyance of real property, except mortgages and deeds of trust, shall be received by the Register of Deeds of any county under this Act for registration unless it bears a stamp or notation indicating that such instrument has been presented to the Tax Assessor, together with the date of such presentment and the signature or initials of the Tax Assessor noted thereon.

SECTION 4. That the Tax Assessor is hereby authorized to appoint some person as Deputy Tax Assessor who may, under the supervision of the Tax Assessor, perform any of the acts or duties required of the Tax Assessor. The Tax Assessor shall be responsible for the compensation of any such deputy and the county shall not be authorized to pay any part of the deputy's compensation.

SECTION 5. That the person presenting the instrument to be recorded shall furnish the Tax Assessor the addresses of all grantees whose names appear in any instrument so presented.

As amended by: Private Acts of 1973, Chapter 27

SECTION 6. That the Tax Assessor shall devote his entire working time to the duties of his office.

SECTION 7. That the Tax Assessor shall, by regular periodic inspections in all parts of the county, keep himself advised in regard to improvements made to properties which result in increased value, decreases in value to properties caused by casualty losses, and all other matters and conditions affecting the value of all property within the county, so that he can maintain all taxable property within the county on the tax roll in the name of the true owner and at a proper evaluation proportioned to other like property.

SECTION 8. That failure of the Tax Assessor to comply with the provisions of this Act and the applicable provisions of the general law, shall constitute a waiver of compensation and subject him to removal from office as provided in Title 8, Chapter 27, Tennessee Code Annotated.

SECTION 9. That all general laws applicable to County Tax Assessors shall also apply to counties to which this Act is applicable, except as modified by this Act.

SECTION 10. That the provisions of this Act are severable and if any section, paragraph or sentence of this Act be held unconstitutional for any reason it is the express intent of the Legislature that such holding shall not invalidate the Act as a whole or any other portion of this Act, and that the same would have been enacted without such section, paragraph or sentence.

SECTION 11. That this Act shall have no effect unless the same shall be approved by a two-thirds vote of the Quarterly County Court of Haywood County at a regular or special meeting held not more than sixty days after its approval by the Chief Executive of the State. Its approval or non-approval shall be proclaimed by the County Judge and shall be certified by him to the Secretary of State.

SECTION 12. That the provisions of this Act, except those relating to its submission to the Quarterly County Court for approval or disapproval, shall take effect on June 1, 1965.

SECTION 13. That, except as provided above, this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 17, 1965.

Building Permits

Private Acts of 1974 Chapter 167

SECTION 1. Except for companies whose property is assessed by the Tennessee Public Service Commission, any owner or owners of real property in Haywood County who builds, erects, constructs or remodels, or who causes or allows to be built, erected, constructed or remodeled, any building or

improvements upon their real property, where such construction or remodeling has a value of or costs two thousand dollars (\$2,000.00) or more, shall apply for building permits from the County Assessor of Property prior to the commencement of such construction or remodeling.

Such application shall be made in writing on a form or forms to be prescribed by the Assessor of Property and provided for him by the Quarterly County Court. The Assessor of Property shall charge a fee of five dollars (\$5.00) payable to the county trustees, for each permit issued.

SECTION 2. Failure to have such a permit as required by this act is a misdemeanor, punishable, upon conviction thereof by a fine of not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00).

SECTION 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Haywood County. 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 4. For the purpose of approving this act as provided in Section 3, it shall take effect on becoming a law, the public welfare requiring it, but the other provisions of the act shall be effective only upon being approved as provided in Section 3.

Passed: January 16, 1974.

Bridges and Levees

Private Acts of 1951 Chapter 428

SECTION 1. That in all counties of this State with a population of not less than 27,650 and not more than 27,750 by the Federal Census of 1940, or any subsequent census, that the Quarterly County Courts thereof at their discretion are hereby authorized to levy a tax not to exceed fifty (50¢) cents upon the One Hundred (\$100.00) Dollars worth of property for the purpose of maintaining, repairing and constructing bridges and levees in said counties. Said tax when levied shall be collected by the County Trustee as are other taxes and all disbursements from such fund shall be made upon the warrant of the County Highway Superintendent of said county but the same shall be countersigned by the County Judge before presentation to the County Trustee.

As amended by: Private Acts of 1951, Chapter 724

SECTION 2. That all prior proceedings of the Quarterly County Courts wherein levies and appropriations have heretofore been made for the purposes of maintaining, repairing and constructing bridges and levees on the public roads of said counties, are hereby ratified and confirmed and are declared to have and possess the same validity and effect as though the said County Court was legally authorized to so do in the first instance.

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

SECTION 4. That if any part, section, provision, or clause of this Act shall be held unconstitutional, it shall not affect the validity of any other part, section, provisions or clause thereof.

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

Passed: March 7, 1951.

Hospital

Private Acts of 1951 Chapter 429

SECTION 1. That the Quarterly County Court of Haywood County, Tennessee, is hereby authorized and empowered to levy and collect for the purpose of aiding in the maintenance and support of the Haywood County Memorial Hospital, a non-profit corporation located in Brownsville, Haywood County, Tennessee, a tax of not more than fifteen (15¢) cents on each One Hundred (\$100.00) Dollars worth of property assessed for taxation in said County. The Quarterly County Court of Haywood County, Tennessee, is authorized to levy said tax in the same manner as other taxes in said County are levied. The proceeds shall be deposited in a separate fund by the County Trustee and shall be expended for the purpose of aiding in the maintenance and support of the Haywood County Memorial Hospital.

As amended by: Private Acts of 1951, Chapter 725

SECTION 2. That all prior proceedings of the Quarterly County Court of Haywood County, Tennessee, wherein levies and appropriations have heretofore been made for the purpose of aiding and assisting in the maintenance and support of the Haywood County Memorial Hospital, a non-profit corporation located in Brownsville, Haywood County, are hereby ratified and confirmed and are declared to have and possess

the same validity and effect as though the said Court was legally authorized to so do in the first instance.

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

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

Passed: March 7, 1951.

Hotel/Motel Tax

Private Acts of 1988 Chapter 179

SECTION 1. For the purposes of this act:

- (a) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.
- (b) "Hotel" means any structure or space, or any portion thereof, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist camp, tourist court, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.
- (c) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.
- (d) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodations in a hotel for a period of less than thirty (30) continuous days.
- (e) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.
- (f) "County" means Haywood County, Tennessee.
- (g) "Operator" means the person operating the hotel whether as owner, lessee or otherwise.
- (h) "Clerk" means the County Clerk of Haywood County, Tennessee.

SECTION 2. The legislative body of Haywood County is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient, in the amount of five percent (5%) of the rate charged by the operator.

SECTION 3. The proceeds received by the county from the tax shall be distributed one-half (1/2) of the proceeds to Haywood County and one-half (1/2) to the city of Brownsville and may be used for any lawful purpose under Tennessee statutes.

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

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

SECTION 5.

- (a) The tax levied shall be remitted by all operators who lease, rent or charge for any rooms or spaces in hotels within the county, to the county clerk or such other officer as may be by resolution charged with the duty of collection thereof, said tax to be remitted to such officer not later than the twentieth (20th) day of each month for the preceding month. The operator is hereby required to collect the said tax from the transient at the time of the presentation of the invoice for said occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient, then the obligation to the county entitled to such tax shall be that of the operator.
- (b) For the purpose of compensating the operator in accounting for remitting the tax levied by these sections the operator shall be allowed two percent (2%) of the amount of the tax due and accounted for

and remitted to the clerk in the form of a deduction in submitting his or her report and paying the amount due by such operator, provided the amount due was not delinquent at the time of payment.

SECTION 6. The clerk, or other authorized collector of the tax, shall be responsible for the collection of said tax and shall place the proceeds of such tax in accounts for the purpose stated herein. A monthly tax return shall be filed under oath with the clerk by the operator with such number of copies thereof as the clerk may reasonably require for the collection of such tax. The report of the operator shall include such facts and information as may be deemed reasonable for the verification of the tax due. The form of such report shall be developed by the clerk and approved by the county legislative body prior to use. The clerk shall audit each operator in the county at least once per year and shall report on the audits made on a quarterly basis to the county legislative body.

The county legislative body is hereby authorized to adopt resolutions to provide reasonable rules and regulations for the implementation of the provisions of this act, including the form for such reports.

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

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

SECTION 9. It shall be the duty of every operator liable for the collection and payment to the county of any tax imposed by this act to keep and preserve for a period of three (3) years all records as may be necessary to determine the amount of such tax as he or she may have been liable for the collection of and payment to the county, which records the county clerk shall have the right to inspect at all reasonable times.

SECTION 10. The county clerk in administering and enforcing the provisions of this act shall have as additional powers, those powers and duties with respect to collecting taxes as provided in Title 67 of Tennessee Code Annotated or otherwise provided by law for the county clerks.

For his or her services in administering and enforcing the provisions of this act, the county clerk shall be entitled to retain as a commission five percent (5%) of the taxes so collected.

Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in Title 67, Tennessee Code Annotated, it being the intent of this act that the provisions of law which apply to the recovery of state taxes illegally assessed and collected under the authority of this act; provided further, the county clerk shall possess those powers and duties as provided in Tennessee Code Annotated, Section 67-1-707, for the county clerks.

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

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

SECTION 11. The proceeds of the tax authorized by this act shall be allocated to and placed in the general fund of Haywood County and the city of Brownsville, respectively, to be used for the purposes stated in Section 3 of this act.

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

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

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

Passed: April 20, 1988.

Litigation Tax

Private Acts of 1976 Chapter 215

SECTION 1. There is imposed upon each case, including ex parte proceeding, filed in the Chancery, Circuit, and General Sessions Courts of Haywood County a tax of fifty cents (50 cents), to be assessed and collected as a part of the Court costs in each case.

SECTION 2. The litigation tax hereby imposed shall be collected by the clerks of the respective courts in which the cases are filed, who shall be accountable for and shall pay over the revenue to the County Trustee quarterly, not later than the tenth (10th) day of the month following the quarter in which the collections are made.

SECTION 3. The proceeds derived from the collection of the tax shall be used for the purpose of providing, maintaining, and operating a law library in Haywood County, to be used by the judges, lawyers, and other citizens, pursuant to the provisions of this act and rules promulgated by the commission herein created.

SECTION 4. There is created a law library commission of Haywood County which shall have the exclusive management and control of the library and shall expend the funds derived from the litigation tax herein imposed.

SECTION 5. The law library commission of Haywood County shall be composed of the County Judge of Haywood County, the Judge of the General Sessions Court of Haywood County, the presiding Chancellor of the Chancery Court of Haywood County or a Judge of a court of record sitting in Haywood County designated by the presiding Chancellor, the County Attorney of Haywood County, and one member of the Haywood County Bar who shall be designated by the Haywood County Bar. The commission is authorized and directed to adopt appropriate rules and regulations for the operation of the commission and the law library.

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

SECTION 7. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the quarterly county court of Haywood County before September 1, 1976. Its approval or nonapproval shall be proclaimed by the presiding officer of the county court and certified by him to the Secretary of State.

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

Passed: February 23, 1976.

Private Acts of 1983 Chapter 69

SECTION 1. There is hereby levied a privilege tax on litigation of four dollars and fifty cents (\$4.50) in any civil case and fourteen dollars and fifty cents (\$14.50) in any criminal case in Haywood County except city courts and juvenile courts. The privilege tax levied by this act shall be in addition to the tax imposed by Chapter 215 of the Private Acts of 1976 relative to the establishment, maintenance and operation of the Haywood County Law Library.

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

SECTION 2. The litigation tax herein imposed shall be collected by the clerk of the court in which a case is filed as provided by the general law. The clerk shall be accountable for and shall pay the revenue to the county trustee quarterly. Such payment shall be made not later than the tenth day of the month immediately following the end of the quarter in which the payments are received.

SECTION 3. The trustee shall deposit the taxes herein imposed in the county general fund. These revenues shall be subject to appropriation by the county legislative body for general county purposes.

SECTION 4. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Haywood County before October 1, 1983. 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 5. 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 4.

Passed: March 31, 1983.

Motor Vehicle Tax

Private Acts of 1961 Chapter 324

WHEREAS, A majority of the members of the Quarterly County Court of Haywood County, Tennessee, have petitioned their State Senator and Representative to enact a wheel or privilege tax in the amount of \$10.00 to be used for educational purposes; and

WHEREAS, The following members of the Quarterly County Court of Haywood County, Tennessee, subscribed their names to said petition and urge the enactment of this legislation, to-wit: Allen G. King, E. W. Welker, H. O. Eason, Spence Dupree, J. O. Stephenson, W. D. Parks, L. M. Smith, R. M. Reeves, W. D. Daniels, Nelson White, Malcolm Dixon, Gilliem F. Jones, J. B. Welch, C. H. Stewart, J. H. McMurry, William Curlin, Hubert Barcroft, James Hooper, W. A. Bailey, E. L. Hardister, J. T. Newsom, J. B. Moore, R. W. Leath, R. E. Stewart; and

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

WHEREAS, The State Senator and Representative are and always have been advocates of higher teachers' salaries; and

WHEREAS, If additional taxes are necessary to support the education system of Haywood County, it is believed that such taxes should not be imposed unless the people have an opportunity to express themselves with their ballot.

SECTION 1. That for the privilege of using the public highways, except the State-maintained roads, in counties in this State having a population of not less than 23,380 nor more than 23,400, by the Federal Population Census of 1960, or any subsequent Federal Population Census, there is hereby levied upon motor driven vehicles, except farm tractors, motor bicycles, and scooters, a special privilege tax for the benefit of such counties, and in addition to all other taxes, in the amount of Thirty Dollars (\$30.00) per motor driven vehicle. This tax shall apply to and be paid on each motor driven vehicle whose owner resides, or usually stays, in counties to which this Act applies, and it shall be a misdemeanor and punishable as such for any person to operate a motor driven vehicle, except farm tractors, motor bicycles and scooters, over the highways of such counties, State-maintained roads excluded, without the payment of the tax herein provided. Provided, further, that nothing in this Act shall be construed as permitting and authorizing the levy and collection of the tax against non-residents of the counties to which this Chapter applies, but the same shall be levied only upon motor driven vehicles of residents of the counties to which this Chapter applies.

Pursuant to Tennessee Code Annotated, Section 55-4-140, one (1) vehicle owned by an active member of a volunteer fire department or a volunteer local rescue squad is exempt from the privilege tax levied by this section. To receive the exemption, the member of the volunteer fire department or volunteer local rescue squad must present a certification or sworn statement from the chief of the fire department or captain of the local rescue squad, as applicable, confirming that the applicant is an active volunteer member.

As amended by: Private Acts of 1980, Chapter 332
Private Acts of 2020, Chapter 55

SECTION 2. That the tax herein levied shall be collected by the County Court Clerk of counties to which this Act applies at the same time he collects the State privilege tax upon the operation of motor driven vehicles. No Clerk in counties to which this Act applies shall issue to a resident of such county a State license for the operation of a motor driven vehicle unless at the same time such resident shall purchase the appropriate license as hereinafter provided for the operation of his motor driven vehicle under this Act. Payment of the license fee herein shall be evidenced by a metal tag, emblem or sticker to be appropriately displayed upon some prominent part of the motor driven vehicle in question. The design of the tab, emblem or sticker in question shall be determined by the County Court Clerk and the expense incident thereto shall be paid from the county general funds. The tax herein levied shall entitle the owner of a motor driven vehicle to operate the same from the first day of April each year to the thirty-first day of March of the next succeeding year and the same proportionate reduction shall be made as is now made in the case of State registration of motor driven vehicles where such motor driven vehicles are registered

after April 1st for any reason whatsoever. For his services in issuing such licenses, the County Court Clerk shall be entitled to a fee of 15¢ for each one so issued, to be collected from the person purchasing the same and the charge made in addition to the tax hereinabove provided for. He will report the funds collected by him monthly and pay the same to the Trustee of the counties to which this Act applies, and they shall be applied as herein provided.

SECTION 3. The proceeds of the tax herein imposed, when collected in the hands of the county trustee, shall be used as follows:

- a) Ten dollars (\$10) exclusively for educational purposes, and such proceeds shall become a part of the educational funds in the County School System.
- b) Twenty dollars (\$20) for any authorized county expenditure and such funds shall become a part of the general fund of the county.

As amended by:

Private Acts of 1980, Chapter 332

SECTION 4. That it is the intent of the General Assembly that this Chapter be construed as a measure providing for additional revenues in the counties affected.

SECTION 5. That this Act shall have no effect unless the same shall be approved by a majority of the voters voting in a primary or regular election to be held for this and other purposes at the next county-wide primary, or election called by either the County Primary Board, the Primary Board of Election Commissioners, or the Commissioners of Elections of the County, for any purpose. It shall be the duty of the County Commissioners of Elections of the counties to which this Act applies to call and hold an election for the approval or non-approval of this Act, such as election to be held simultaneously with and as a part of the county-wide primary or general election so that no additional expense will be imposed upon the county for holding this election. The ballots used in such election shall have printed thereon the title of this Act and the voters shall vote for or against its adoption at the places appropriately provided therefor and shall be the same set of ballots used in the primary or general election. The votes cast at such election shall be canvassed by the Commissioners of such election of the county, upon the first Monday occurring five or more days next after the date of such election and the results shall be proclaimed by the Commission and certified by the Commission to the Secretary of State immediately after the votes have been canvassed. The general election laws, except as otherwise provided herein, shall apply in all respects to the election held hereunder.

SECTION 6. That the tax levied under this Chapter shall be due from and after April 1 of the year next following such primary or general election, and the County Court Clerk shall proceed to collect the same as of March 1 preceding at the same time when the State licenses are sold, and every year thereafter, and otherwise, this Act shall take effect from and after its passage.

Passed: March 15, 1961.

Roads

Private Acts of 1951 Chapter 427

SECTION 1. That in all counties of this State with a population of not less than 27,650 and not more than 27,750 by the Federal Census of 1940, or any subsequent census, that the Quarterly County Courts thereof at their discretion are hereby authorized to levy a tax not to exceed Fifty (50) Cents upon the One Hundred (\$100.00) Dollars worth of property for the purpose of building, maintaining, keeping, and repairing the public roads of said counties. Said tax when levied shall be collected by the County Trustee as are other taxes and all disbursements from such fund shall be made upon the warrant of the County Highway Superintendent of said county but the same shall be countersigned by the County Judge before presentation to the County Trustee.

As amended by:

Private Acts of 1951, Chapter 726

SECTION 2. That all prior proceedings of the Quarterly County Courts wherein levies and appropriations have heretofore been made for the purposes of building, maintaining, keeping and repairing the public roads of said counties, are hereby ratified and confirmed and are declared to have and possess the same validity and effect as though the said county court was legally authorized to so do in the first instance.

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

SECTION 4. That if any part, section, provision, or clause of this Act shall be held unconstitutional, it shall not affect the validity of any other part, section, provision or clause thereof.

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

Passed: March 7, 1951.

Taxation - Historical Notes

Assesor of Property

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 Haywood County Assessor.

1. Private Acts of 1917, Chapter 781, stated that the Tax Assessor of Haywood County, using the population figures of 1910, would be paid a salary of \$1,200 per year on July 1 of each year, payable out of the regular funds of the county which compensation would be in the room and stead of all other.
2. Private Acts of 1919, Chapter 88, amended Private Acts of 1917, Chapter 781, above, by taking out the population figures 25,910 and inserting therein the figures 25,909 wherever the former figures may occur.
3. Private Acts of 1929, Chapter 268 provided that the Tax Assessor of Haywood County would receive an annual salary of \$1,200 provided the assessor's work for the year has been completed. If the work is not completed, he shall not be paid until it is completed and shown to be in strict compliance with the state law. The salary would be paid from regular funds on warrant of County Judge.
4. Private Acts of 1933, Chapter 592, stated that the Tax Assessor of Haywood County shall be paid \$750 a year as compensation for his service, which salary shall be his entire payment for such services rendered and the same shall not be supplemented by any appropriation of the Quarterly County Court.
5. Private Acts of 1937, Chapter 276, provided that the Tax Assessor of Haywood County would receive a salary of \$1,200 per year if the work of the Assessor in the county had been completed. If the work was not finished, the salary would be paid when it was found to meet all the requirements of the State, but no payment at all was to be made until the assessment work was over.
6. Private Acts of 1951, Chapter 446, amended Private Acts of 1937, Chapter 276, by increasing the annual salary of the Tax Assessor from \$1,200 to \$1,800 per year, all other terms and conditions to remain as they were.
7. Private Acts of 1963, Chapter 130, made it the duty of the Tax Assessor to keep open an office during the regular court house business hours, or at some convenient place in the county seat, and the assessor, or a deputy would be present during office hours. The County would provide all the facilities needed. Every instrument conveying real property would be presented to the Assessor for notation of specified information before it could be recorded by the Register. The remainder of this Act is substantially the same as the one published herein on the same subject. This Act was rejected by the Quarterly County Court and never became a law under the Home Rule Amendment to the Tennessee Constitution.

Board of Equalization

The following act once affected the Board of Equalization in Haywood County, but is no longer effective.

1. Private Acts of 1925, Chapter 335, stated that in Lauderdale, Tipton and Haywood Counties, not less than one-half of the members of the County Equalization Board, elected or appointed by the Quarterly County Court shall be dirt farmers or persons who both own and operate a farm, and, providing further, that members of the Board may succeed themselves, all conflicts being repealed.

Taxation

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

1. Acts of 1824 (Ex. Sess.), Chapter 128, declared it to be lawful for the Quarterly County Courts in Henry, Weakley, Obion, Gibson, Carroll, Madison, Haywood, Tipton and Hardeman Counties to levy a tax for the next five years not to exceed 12½ cents per \$100 property valuation which would be applied to the improvement of the navigation of the streams in those counties.
2. Acts of 1827, Chapter 30, allowed the Quarterly County Court of Haywood County to levy a tax which could not exceed the rate of the State Tax to be used for erecting bridges, causeways, and

for cutting roads across the bottom lands of the County. A commission would be appointed to lay out the work, to inspect it as it was being done, and to contract out any part, or all of it, which might be in the best interests of the people.

3. Acts of 1851-52, Chapter 275, offered the County Court of Haywood County some alternatives to building a turnpike, or plank road, across the Big Hatchie River. The Court was authorized to appropriate funds to buy or improve any existing turnpike or crossing over the river provided the county would retain a lien on the tolls collected to recover the cost of improvements, or, they were permitted to levy a tax to raise money for that purpose.
4. Private Acts of 1931, Chapter 223, created the position of Delinquent Poll Tax Collector in all counties between 22,193 and 30,000 in population, according to the Federal Census of 1930. The County Judge would appoint someone to fill the post every two years. All poll taxes not paid by the date of March 1 of the year after being due were declared to be delinquent. The County Trustee would turn over to the Collector the names of all delinquent taxpayers immediately after the above date. The collector could issue distress warrants for anyone on the list. He would be paid seventy cents for every tax collected plus the regular fees for serving process. The Collector would use only the receipt books which were furnished by the county and would turn over all money collected to the Trustee. He was given the authority to examine records and payrolls anywhere in the county and to conduct hearings for which he could summon witnesses.
5. Private Acts of 1931, Chapter 518, amended Private Acts of 1931, Chapter 223, Section 2, above, by providing that all poll taxes not paid to the Trustee by March 1 of the succeeding year after May 1 of the year becoming due would be turned over to the Poll Tax Collector as delinquent, and further, by making it the duty of the Collector to proceed against any person he knew to be delinquent whether that person's name was on the Trustee's list or not.
6. Private Acts of 1931, Chapter 757, specifically repealed Private Acts of 1931, Chapter 223, as the same was amended by Chapter 518, same year, in its entirety.

Source URL: <https://www.ctas.tennessee.edu/private-acts/haywood>