



September 19, 2024

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# Lauderdale

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Dear Reader:

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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.

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# Lauderdale



Lauderdale County Courthouse

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# Chapter I - Administration

## Building Permits

### Private Acts of 1975, Chapter 3

**SECTION 1.** Except for land within incorporated municipalities where a building permit system already exists, any owner or owners of real property in Lauderdale County who plans to build, erect, construct or remodel, or who plans to cause or allow to be built, erected, constructed or remodeled, any building or improvements upon their real property, where such construction or remodeling may have a value of or cost of one thousand dollars (\$1,000.00) or more, shall obtain a permit for such construction or remodeling.

**SECTION 2.** (a) The Lauderdale County Quarterly Court is hereby authorized to designate by resolution a person or group of persons, either salaried or not, to carry out the necessary inspection of proposed construction sites.

(b) The person or persons so designated shall:

(1) Review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement, including prefabricated and mobile homes, must (i) be designated or modified and anchored to prevent flotation, collapse, or lateral movement of the structure, (ii) use construction materials and utility equipment that are resistant to flood damage, and (iii) use construction methods and practices that will minimize flood damage;

(2) Review subdivision proposals and other proposed new developments, not within the jurisdiction of the County Planning Commission, to assure that (i) all such proposals are consistent with the need to minimize flood damage, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided so as to reduce exposure to flood hazards; and (3) Make such other determinations as are necessary to obtain compliance with the criteria set forth in Section 1910 of the National Flood Insurance Program regulations.

**SECTION 3.** The County Planning Commission, as provided in Tennessee Code Annotated, Section 13-204, shall adopt regulations governing the subdivision of land which will assure that: (1) flood damage will be minimized; (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided so as to reduce exposure to flood hazards.

**SECTION 4.** The Lauderdale County Quarterly Court is further authorized to pass and promulgate by resolution rules and regulations regarding the office from which a permit may be obtained, the cost of the permit, the amount of time within which the permit will be issued or refused, and such other matters as the Court may desire.

**SECTION 5.** Any person, firm or corporation violating any such regulations or provisions as established by this Act shall be guilty of a misdemeanor as provided in Section 13- 411, Tennessee Code Annotated, and subject to penalty as provided for by law.

**SECTION 6.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Lauderdale County by September 1, 1975. 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 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: March 3, 1975.

## County Register

## Assistants

## Private Acts of 1971 Chapter 2

**COMPILER'S NOTE:** The general law providing for the employment of deputies and assistants is found at T.C.A. § 8-20-101 et seq.

**SECTION 1.** The County Register of Lauderdale County shall have the right to employ a suitable person as clerical assistant at a salary, not to exceed the sum of two hundred dollars (\$200.00) a month, such clerical assistant to be employed on a full time basis, and to be paid out of the general funds of the county.

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

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

Passed: March 3, 1971.

## Registration of Instruments

### Private Acts of 1955 Chapter 60

**SECTION 1.** That in all Counties having a population of not less than 25,047 nor more than 25,147, according to the Federal Census of 1950 or any subsequent Federal Census, that it shall be the duty of the purchaser or donee of real estate to report the same to the County Trustee, and have the same entered of record in a well bound book by the Trustee, showing the grantor, grantee, the date of the instrument, the civil district and the quantity of the land conveyed. No fee shall be charged for such entry.

**SECTION 2.** That the deed shall not be noted for registration, nor registered by the County Register until this notation is made on the deed by the County Trustee, and the transfer shall not be effective as to creditors of the bargainor or donor.

**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 any county to which it may apply 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 non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse, and shall be certified by him to the Secretary of State.

Passed: February 9, 1955.

## County Trustee

### Private Acts of 1955 Chapter 60

**SECTION 1.** That in all Counties having a population of not less than 25,047 nor more than 25,147, according to the Federal Census of 1950 or any subsequent Federal Census, that it shall be the duty of the purchaser or donee of real estate to report the same to the County Trustee, and have the same entered of record in a well bound book by the Trustee, showing the grantor, grantee, the date of the instrument, the civil district and the quantity of the land conveyed. No fee shall be charged for such entry.

**SECTION 2.** That the deed shall not be noted for registration, nor registered by the County Register until this notation is made on the deed by the County Trustee, and the transfer shall not be effective as to creditors of the bargainor or donor.

**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 any county to which it may apply 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 non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse, and shall be certified by him to the Secretary of State.

Passed: February 9, 1955.

## Obion and Forked Deer River

### Flood Control and Drainage Improvements

# Public Acts of 1959 Chapter 129

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

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

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

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

As amended by:

Public Acts of 1963, Chapter 149

Public Acts of 1974, Chapter 415

**SECTION 2.** That the State of Tennessee, through its Obion-Forked Deer Basin Authority, acting through and in conjunction with the Counties in which such improvements are to be constructed, shall be authorized and empowered to acquire and furnish the lands, easements and rights of way required for such work. To this end, the power of eminent domain is hereby conferred upon the state and the counties in which such improvements shall be constructed for the purpose of acquiring such lands, easements and rights of way as may be deemed necessary for the purposes of this Chapter. The general statutes relating to the acquisition of lands for works of internal improvement shall be applicable both as to the bringing of condemnation actions and the remedies of property owners. The counties in which such improvements are to be made shall be charged with the responsibility of acquiring the necessary lands, easements and rights of way either by gift, purchase or condemnation. The cost of any such lands, easements and rights of way through purchase or condemnation shall be paid by the State of Tennessee. All other expense incident to the cost of acquisition of such lands, easements and rights of way, including title or abstract work, appraisal fees, attorney fees and court costs, shall be borne by the county in which the required lands, easements and rights of way are located. In the event any County fails or refuses to acquire such necessary lands, easements and rights of way, the State, through the Obion-Forked Deer Basin Authority, shall acquire the same, either by purchase, gift or condemnation, and such County shall be liable for and shall reimburse the State for all expenses incurred in the acquisition of such lands, easements and right of way, except the cost or purchase price of the lands, easements and rights of way themselves.

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

shall reimburse the Obion-Forked Deer Basin Authority for all expenses, including attorney's fees, in defending such suits.

As amended by: Public Acts of 1974, Chapter 415

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

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

As amended by: Public Acts of 1974, Chapter 415

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

As amended by: Public Acts of 1974, Chapter 415

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

As amended by: Public Acts of 1974, Chapter 415

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

Passed: March 11, 1959.

## Administration - Historical Notes

### Building Permits

1. Private Acts of 1967-68, Chapter 468, would have required persons to obtain building permits from the County Assessor for construction or remodeling valued at over \$500, but this act was not approved by the Quarterly County Court of Lauderdale County and never became law.

### County Clerk

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

1. Acts of 1855-56, Chapter 253, established the office of County Judge in every county in the state, assigning the Clerks of the County Courts the duty of keeping a docket of all cases to be tried in the County Courts and other clerical duties. The administration of insolvent estates, formerly the responsibility of the Clerks of the County Courts, was transferred to the County Judge. This act was repealed by Public Acts of 1857-58, Chapter 5.
2. Public Acts of 1897, Chapter 124, was a statewide act depriving County Registers, Trustees, County Court Clerks, Circuit Court Clerks, Clerks and Masters, and Sheriffs of their fees and paying them a salary according to population. It is presumed that Lauderdale County's population was just over 20,000 and the County Court Clerk would be paid \$1,800 annually under this act. This act was declared unconstitutional in Weaver v. Davidson County, 59 S.W. 1105 (Tenn. 1900).
3. Acts of 1903, Chapter 397, which created the office of County Judge, provided that the County Court Clerk was to continue as the Clerk of the County Court, with the additional duty of keeping a docket of all cases to be tried in County Court.
4. Private Acts of 1915, Chapter 300, authorized the Clerk to issue subpoenas for witnesses and to perform other acts required or authorized by law to be done in those criminal matters heard by the County Court. This act was repealed by Private Acts of 1925, Chapter 219.
5. Private Acts of 1933, Chapter 552, provided that the County Clerk in Lauderdale County would be entitled to keep no more than \$3,300 per year of the fees of his office, and the excess was to be turned over to the county treasury. This act was repealed by Private Acts of 1935, Chapter 643.

### County Mayor

The references below are of acts which once applied to the office of county judge, or county executive in



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

1. Acts of 1855-56, Chapter 253, established the office of County Judge in every county in the state. The County Judge would be elected by the qualified voters of the county to a four year term. The Quorum Courts were abolished and their jurisdiction and powers were transferred to the County Judge, who was to preside over the monthly and quarterly sessions of County Court and act as accounting officer and general agent for the county. The administration of insolvent estates, formerly the responsibility of the Clerks of the County Courts, was transferred to the County Judge. The County Judge would receive compensation of \$5 per day, together with any additional amounts appropriated by the Quarterly Courts. The County Court Clerks would keep the dockets and perform essential clerical duties. This act was repealed by Public Acts of 1857- 58, Chapter 5.
2. Public Acts of 1867-68, Chapter 30, created the office of County Judge for Perry, Decatur, Cheatham, Lauderdale, Smith, Fayette, Henry, Weakley and Obion Counties. The County Judge would be elected by the voters in each county to an eight-year term. The Quorum Courts were abolished and their jurisdiction and powers were transferred to the County Judge, who was to preside over the monthly and quarterly sessions of County Court and act as accounting officer and general agent for the county. The County Judge would receive compensation of \$200 per year, together with any additional amounts appropriated by the Quarterly Courts. The County Court Clerk was to continue as the Clerk of the County Court.
3. Public Acts of 1869-70 (2nd Sess.), Chapter 52, abolished the office of County Judge and restored the Quorum Court in Lauderdale County by repealing so much of Public Acts of 1867- 68, Chapter 30, as applied to Lauderdale County.
4. Public Acts of 1869-70 (2nd Sess.), Chapter 81, is identical to Chapter 52, and was passed on the same day.
5. Public Acts of 1875, Chapter 70, abolished all the quorum courts in the state and transferred jurisdiction to the Chairmen of the County Courts, who were also vested with all the jurisdiction, powers and duties of the Judges of the County Courts. The Quarterly County Courts were given the authority and duty to vote the stock of the county in any railroads. 6. Acts of 1903, Chapter 397, established the office of County Judge for Lauderdale County, to be learned in the law and legally qualified. The County Judge would be elected to an 8-year term, and commissioned in the same manner as other Judges of the State. The Quorum Court and Chairman's Court were abolished and the County Judge was given all the jurisdiction formerly exercised by those courts. The County Judge was to preside over the County Court at its quarterly session, and was given the same jurisdiction, authority, powers and duties formerly exercised by the Chairman of the County Court. The County Judge was given the power to grant fiats, writs of attachment and injunction, and all other extraordinary writs, and to hear and determine cases on writs of habeas corpus, to appoint receivers, and to solemnize marriages. The salary of the County Judge was \$500 per year. The County Judge was prohibited from practicing as an attorney in the court over which he presided and from acting as counsel in any case appealed from his court. If the County Judge became unable to attend his court due to sickness or other reason, the Governor was to appoint a temporary replacement. The County Court Clerk was to continue as the Clerk of the County Court, with the additional duty of keeping a docket of all cases to be tried in County Court. The County Judge was to hear all appeals from municipal courts. The act purported to repeal Chapter 120 of the Acts of 1875 as the act establishing the Chairman's Court, but the intent probably was to repeal Chapter 70. Although Acts of 1903, Chapter 397, has never been expressly repealed, it has been superseded by general law.
6. Acts of 1905, Chapter 451, amended Acts of 1903, Chapter 397, to increase the salary of the County Judge to \$650 per year, with a provision that the Quarterly County Court could raise it to \$800. This act was repealed by Private Acts of 1925, Chapter 220.
7. Private Acts of 1915, Chapter 300, amended Acts of 1903, Chapter 397, to broaden the jurisdiction of the County Judge to include vendor's liens on realty, suits for divorce, foreclosure of deeds of trust or mortgages, collection of debts, suits to allow guardians to encroach upon the corpus of their wards' estates, and misdemeanor cases pending in Circuit Court or Criminal Court where the defendant consented in writing. The Clerk of the County Court was given the authority and duty to issue subpoenas for witnesses and other acts to be done by the court clerk in criminal cases. The County Court was given full power to compel the attendance of witnesses and to enforce judgments, orders and decrees and do all other necessary acts. Juries would impaneled in the same way as in Chancery and Criminal Courts not supplied with jurors regularly, to be paid the same compensation in the same way as other jurors, with the same number of challenges as in criminal cases in other courts. The County Judge was to appoint a practicing attorney to

represent the State, who would take the same oath and have the same powers as an attorney general in the trial of the case and who would be paid a fee of \$10 only if conviction resulted. Appeals were to be sent to the Court of Civil Appeals or to the Supreme Court. The County Judge was to receive additional compensation of \$500 per year for his services as financial agent of the county and for the additional duties imposed upon him by the act. This act was repealed by Private Acts of 1925, Chapter 219.

8. Private Acts of 1919, Chapter 549, amended Private Acts of 1915, Chapter 300, to authorize the Quarterly County Court to pay the County Judge an additional salary not to exceed \$500 per year for acting as accounting officer and fiscal agent of the county. This act was repealed by Private Acts of 1925, Chapter 204.
9. Private Acts of 1927, Chapter 523, amended Acts of 1903, Chapter 397, in much the same manner as Private Acts of 1915, Chapter 300, to confer on the County Judge certain judicial functions concurrent with Circuit and/or Chancery Courts, and granting the County Judge additional compensation of \$500, making his total compensation \$1,800 per year. This act was repealed as of August 31, 1966, by Private Acts of 1965, Chapter 40.
10. Private Acts of 1951, Chapter 637, amended Private Acts of 1927, Chapter 523, to increase the additional compensation of the County Judge as financial agent from \$500 to \$1,100 annually, making his total compensation \$2,400 per year.
11. Private Acts of 1953, Chapter 586, amended Private Acts of 1927, Chapter 523, to raise the maximum salary of the County Judge from \$2,400 to \$3,000.
12. Private Acts of 1967-68, Chapter 40, vested in the County Judge of Lauderdale County concurrent jurisdiction with Circuit and Chancery Courts in divorce and annulment proceedings, suits to allow guardians to encroach upon the corpus of their ward's estates, approval of certain compromise settlements for minors, approval of compromise settlements in workmen's compensation cases, and removing the disabilities of minority. Necessary forms of pleadings, dockets, and records were established and the Judge was granted \$1,100 additional compensation for these added responsibilities. This act was repealed by Private Acts of 1973, Chapter 50.
13. Private Acts of 1973, Chapter 152, would have amended Acts of 1903, Chapter 397, granting concurrent jurisdiction in all matters mentioned in Private Acts of 1967-68, Chapter 40, except divorce and annulment, and no additional salary was provided for the Judge. This act was not acted upon by local authorities and never became law.
14. Private Acts of 1982, Chapter 313, divested the County Judge of Lauderdale County of any and all judicial powers, and transferred all probate and juvenile jurisdiction formerly held by the County Judge to the newly created Probate and Juvenile Court. (This act is currently in force and is reproduced herein under "Court System".)

### **County Legislative Body**

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

1. Acts of 1845-46, Chapter 82, provided that the Quarterly County Court of Lauderdale County would fill any vacancy which might occur on the Board of Commissioners for the City of Ripley.
2. Private Acts of 1921, Chapter 921, applied to the counties of Lauderdale, Washington, Greene, Johnson and Unicoi, fixing the compensation of Justices of the Peace at \$4 per day for attendance at county court and 5¢ per mile between their residence and the county seat.
3. Private Acts of 1967-68, Chapter 289, purported to amend Private Acts of 1957, Chapter 71, to raise the per diem of Justices of the Peace in Lauderdale County from \$10 to \$20. However, Private Acts of 1957, Chapter 71, applied to Tipton County and not to Lauderdale County. The act did not receive local approval and never became effective.
4. Private Acts of 1967-68, Chapter 469, would have amended Private Acts of 1921, Chapter 921, to increase the per diem of Justices of the Peace from \$4 to \$20, but this act was not approved by local authorities and never became law.
5. Private Acts of 1972, Chapter 341, was another attempt to amend Private Acts of 1921, Chapter 921, to increase the per diem of Justices of the Peace from \$4 to \$20, but this act was not approved by local authorities and never became law.

### **County Register**

The following acts once affected the office of county register in Lauderdale County, but are no longer operative. Also referenced below is an act which repealed prior law.

1. Public Acts of 1897, Chapter 124, was a statewide act depriving various county officials of their fees and paying them a salary according to population. It is presumed that Lauderdale County's population was just over 20,000, so that the Register would be paid \$1,000 annually under the act. This act was declared unconstitutional in Weaver v. Davidson County, 59 S.W. 1105 (Tenn. 1900).
2. Private Acts of 1933, Chapter 552, provided that the County Register in Lauderdale County would be entitled to keep no more than \$3,300 per year of the fees of his office, and the excess was to be turned over to the county treasury. This act was repealed by Private Acts of 1935, Chapter 643.

### **County Trustee**

The following acts once affected the office of county trustee in Lauderdale County, but are no longer operative. Also referenced below is an act which repealed prior law.

1. Public Acts of 1897, Chapter 124, was a statewide act depriving County Registers, Trustees, County Court Clerks, Circuit Court Clerks, Clerks and Masters, and Sheriffs of their fees and paying them a salary according to population. It is presumed that Lauderdale County's population was just over 20,000, and the Trustee would be paid \$1,800 annually under the act. This act was declared unconstitutional in Weaver v. Davidson County, 59 S.W. 1105 (Tenn. 1900).
2. Private Acts of 1933, Chapter 552, provided that the County Trustee in Lauderdale County would be entitled to keep no more than \$3,300 per year of the fees of his office, and the excess was to be turned over to the county treasury. This act was repealed by Private Acts of 1935, Chapter 643.

### **Obion and Forked Deer River - Flood 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 References**

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

1. Private Acts of 1857-58, Chapter 26, provided that the securities of William G. McClelland, the late revenue collector of Lauderdale County, were entitled to all the rights, privileges and benefits conferred by a 1852 act for the relief of revenue collectors.
2. Acts of 1903, Chapter 324, repealed Private Acts of 1835-36, Chapter 13 (an act to establish the Ashport Turnpike Company), and transferred the interest in the property mentioned in the act belonging to the State of Tennessee to Lauderdale County.
3. Acts of 1905, Chapter 438, amended Public Acts of 1897, Chapter 105 (authorizing towns with a population of 20,000 or more to establish and maintain free public libraries), to include towns of 6,000 and over.
4. Acts of 1905, Chapter 465, authorized counties with populations between 21,000 and 22,500 by the Federal census of 1900 to extend credit to railroads up to \$50,000 if the conditions of the act were complied with. The railroad had to run through the county or within one mile of the county seat. The president of the railroad company had to apply to the County Court for aid, and the Justices could call a popular election. If the proposal failed, it could be brought up again after 60 days.
5. Acts of 1907, Chapter 547, amended Acts of 1905, Chapter 465, to raise the amount of credit which could be extended to the railroad company from \$50,000 to \$150,000. Apparently some confusion has existed as to whether Acts of 1905, Chapter 465, and its 1907 amendment were

intended to apply to Lauderdale County or Sevier County, or both. The 1905 act is indexed under Sevier County, while the 1907 amendment is indexed under Lauderdale County. The population range included both counties.

6. Private Acts of 1925, Chapter 335, required that at least ½ the members of the County Board of Equalization in Lauderdale, Tipton and Haywood Counties be "dirt farmers" or persons who owned and operated a farm.
7. Private Acts of 1927, Chapter 89, quieted and perfected the title of John W. Gay in lands on Sunrise Island in Lauderdale County.
8. Private Acts of 1929, Chapter 743, quieted and validated the title of Mrs. Jennie Speed Folts to a plot of land in Ripley, in Lauderdale County.
9. Private Acts of 1933, Chapter 36, removed the disability of minority of Mrs. Jessie Sue Camp, a resident of Lauderdale County.
10. Private Acts of 1933, Chapter 484, was a repetition of Private Acts of 1927, Chapter 89, which quieted the title to Sunrise Island in Lauderdale County in John W. Gay. This act became necessary because House and Senate Journals did not show any roll call on the 1927 Act.
11. Private Acts of 1937, Chapter 323, created the Lauderdale County River Commission to develop and effectuate a plan to control the flooding of the Mississippi River and its tributaries in Lauderdale County and to provide flood relief to the citizens of the county. This Commission apparently was never formed.

## Chapter II - Animals and Fish

### Fencing Laws

#### Acts of 1901 Chapter 57

**COMPILER'S NOTE:** The general law describing sufficient fencing is found at T.C.A. § 44- 8-102.

**SECTION 1.** That in addition to the fences now declared by statute to be lawful fences, for the enclosure of lands, the following shall also be a lawful fence, in all counties of Tennessee, having a population of not less than twenty-one thousand nor more than twenty-two thousand inhabitants, according to the Federal census of 1900 or any subsequent Federal census, according to the following specifications, to-wit: Four wires, rails, or slats securely fastened to substantial post firmly stationed in the earth not more than twenty-five feet apart; the first wire, rail or slat shall be placed horizontally or with the surface, and as nearly as possible, fourteen inches from the ground; and the second fourteen inches from the first; the third fourteen inches from the second; the fourth sixteen inches from the third; Provided, said fence may consist entirely of wire strands, or of boards, or of slats, or of rails, or of wire rails, boards and slats.

As amended by: Private Acts of 1903, Chapter 222

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

Passed: April 19, 1901.

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

1. Public Acts of 1889, Chapter 171, regulated the hunting of deer, quail and partridges throughout the state. Many counties, including Lauderdale, were exempted from the provisions of this act.
2. Public Acts of 1897, Chapter 188, regulated the hunting of quail, larks, wild turkeys, wild ducks and deer in Lauderdale County.
3. Public Acts of 1899, Chapter 152, amended Public Acts of 1895, Chapter 127, to exempt Lauderdale County from the general law which made it unlawful to catch fish by any means other than rod and line or by trot line.
4. Public Acts of 1899, Chapter 423, declared it unlawful to knowingly permit horses, mules, cattle, sheep, swine or goats to run at large in Lauderdale County. Persons damaged by trespassing livestock were granted a lien upon the stock, and were authorized to take up and hold these beasts as security for damages caused by them. This act was repealed by Acts of 1901, Chapter

199.

5. Acts of 1903, Chapter 50, was a general law requiring the owners of swine, goats, geese and sheep to keep them confined. Lauderdale County was exempted from the provisions of this act.
6. Private Acts of 1913, Chapter 117, prohibited the hunting or killing of wild turkeys in Lauderdale County for a period of two years from the passage of the act. Non-residents were prohibited from hunting or killing wild ducks, wild geese, squirrels, quail, partridges, or any other game in Lauderdale County, but this section of the act was repealed by Private Acts of 1915, Chapter 501.
7. Private Acts of 1917, Chapter 205, amended Public Acts of 1913, Chapter 21, so that it became lawful to shoot and trap wild cats at any time in Lauderdale County.
8. Private Acts of 1917, Chapter 329, regulated the hunting and killing of wild turkeys, squirrels, quail and partridges in Lauderdale County. Violations of the act were punishable by fines of \$10-\$50 and imprisonment up to 30 days. One half the fines collected were to be paid to the informant who provided the information which resulted in the conviction.
9. Private Acts of 1919, Chapter 49, declared it unlawful for persons to allow horses, mules, cattle, goats, sheep, swine and geese to run at large in Lauderdale County. Persons damaged by trespassing livestock were granted a lien on the stock. Violations of the act were declared a misdemeanor punishable by fines from \$5-\$25, which fines were to be applied to the county school fund.
10. Private Acts of 1921, Chapter 35, amended Private Acts of 1917, Chapter 329, to open the season for hunting and killing quail and partridges in Lauderdale County from November 15 to February 15.
11. Private Acts of 1921, Chapter 337, directed the Lauderdale County Election Commission to hold an election on the question of a stock law and its repeal.
12. Private Acts of 1921, Chapter 374, was a revised stock law which permitted the use of unfenced lands in Lauderdale County for summer range, but otherwise prohibited livestock from running at large.
13. Private Acts of 1921, Chapter 405, exempted Lauderdale County and several other counties from the provisions of Public Acts of 1919, Chapter 61, which regulated the ownership and keeping of dogs in the state.
14. Private Acts of 1921, Chapter 533, amended Senate Bill 198, Section 6, passed March 17, 1921, which prohibited stock from running at large, to provide that the act would not take effect until it had been approved by a majority of the voters in the county.
15. Private Acts of 1925, Chapter 89, declared open season on quail from December 10 to March 1 and on squirrels from July 1 to January 1 in Fayette, Hardeman, Haywood and Lauderdale Counties. Lauderdale County was exempted for a time from the provisions of this act by Private Acts of 1931, Chapter 342, until the 1931 act was repealed by Private Acts of 1937, Chapter 591.
16. Private Acts of 1925, Chapter 620, amended Private Acts of 1925, Chapter 89, to change the open season on squirrels to June 1 to December 1. However, it is questionable whether this amendment was intended to apply to Lauderdale County. The wording of the caption of the act indicates that it was to apply only to Hardeman County, but the body of the act contains no such limitation.
17. Private Acts of 1927, Chapter 79, declared open season on wild turkeys in Lauderdale County from November 1 to January 25.
18. Private Acts of 1927, Chapter 133, made it unlawful to trap or attempt to trap any furbearing animals in Lauderdale County for a period of five years. Violators were subject to a \$25-\$100 fine.
19. Private Acts of 1927, Chapter 188, amended Private Acts of 1925, Chapter 89, to change the open season for squirrels to June 1 to January 1.
20. Private Acts of 1927, Chapter 259, is the Senate version of Private Acts of 1927, Chapter 188, passed two days afterwards. The two acts are essentially identical.
21. Private Acts of 1929, Chapter 373, declared it unlawful for non-residents to hunt or kill wild turkeys, squirrels, quail or partridges, or any other wild game, except under very limited circumstances. The bag limits for both residents and non-residents were 2 wild turkeys, 6 squirrels, and 12 quail or partridges.
22. Private Acts of 1929 (Ex. Sess.), Chapter 74, amended Private Acts of 1929, Chapter 373, to allow Tennessee residents who were not residents of Lauderdale County to kill game as residents of the county were allowed to do.

23. Private Acts of 1931, Chapter 342, amended Private Acts of 1925, Chapter 89, to exempt Lauderdale County from the provisions of that act. This act was repealed by Private Acts of 1937, Chapter 591.
24. Private Acts of 1933, Chapter 573, declared it unlawful for non-residents to hunt or kill wild turkeys, squirrels, quail or partridges or any other wild game in Lauderdale County, except on their own lands or as guests of county residents. Hunting and fishing clubs which owned land in Lauderdale County were exempt. Bag limits were set at 2 wild turkeys, 6 squirrels and 12 quail or partridges. Traps, snares and deadfalls were prohibited except by landowners on their own land or by written permit from the landowner. Violations of the act were a misdemeanor, punishable by fines of \$5-\$50 and imprisonment not exceeding 60 days. This act was repealed by Private Acts of 1983, Chapter 92.
25. Private Acts of 1935, Chapter 802, declared open season for opossum and raccoon in Lauderdale County from November 1 to January 15. This act was repealed by Private Acts of 1937, Chapter 592.
26. Private Acts of 1935, Chapter 804, declared open season for wild turkeys in Lauderdale County from November 1 through December 31.
27. Private Acts of 1937, Chapter 591, repealed Private Acts of 1931, Chapter 342, and declared the general laws of the state with regard to the hunting of quail and squirrels applicable to Lauderdale County.
28. Private Acts of 1937, Chapter 592, repealed Private Acts of 1935, Chapter 802, regulating the hunting of opossum and raccoon in Lauderdale County, and made the general laws of the state applicable to the county.
29. Private Acts of 1937 (3rd Ex. Sess.), Chapter 39, declared it lawful to fish with hook and line with natural bait without a license in Lauderdale County.
30. Private Acts of 1967-68, Chapter 76, declared open season all year for red and gray foxes in Lauderdale County. This act has been superseded by general law found at T.C.A. § 70-4-103.

## Chapter III - Bond Issues

### Bond Issues - Historical Notes

A listing of the acts which authorized various bond issues for Lauderdale County is included below for reference purposes, although these acts are no longer current. Also referenced below are acts which repeal prior law without providing new substantive provisions.

#### **Debt**

1. Private Acts of 1921, Chapter 16, authorized the issuance of bonds in the amount of \$200,000 bearing interest not to exceed 6% per annum with a maturity date within 30 years, to pay outstanding indebtedness.
2. Private Acts of 1929, Chapter 127, authorized the issuance of coupon bonds in the amount of \$150,000 bearing interest not to exceed 6% per annum with a maturity date within 30 years, to pay outstanding debts of the county.
3. Private Acts of 1931, Chapter 9, authorized the Quarterly County Court in Lauderdale County to issue interest-bearing serial coupon bonds whenever it was deemed necessary or desirable to refund or pay any bonded indebtedness owed by the county for any purpose. The interest rate could not exceed 6% per annum. This act was repealed by Private Acts of 1941, Chapter 392.
4. Private Acts of 1931 (2nd Ex. Sess.), Chapter 19, amended Private Acts of 1931, Chapter 9, to allow the Quarterly County Court of Lauderdale County to authorize, by 3/4 vote, additional expenditures for the sale of the bonds and the refunding of the indebtedness, such amount not to exceed 5% of the indebtedness to be refunded. This act was repealed by Private Acts of 1941, Chapter 392.
5. Private Acts of 1935, Chapter 485, validated \$27,500 of refunding bonds issued by the town of Halls in Lauderdale County.
6. Private Acts of 1941, Chapter 392, authorized the Quarterly County Court to issue refunding bonds at such times as the Court determined. The interest rate could not exceed 5% per annum and the bonds were required to mature within 30 years. Although this act has not been specifically repealed, refunding bonds are now issued under general law found in T.C.A. Title 9,

Chapter 21.

7. Private Acts of 1947, Chapter 67, authorized the issuance of coupon bonds in the amount of \$100,000 bearing interest not to exceed 6% per annum with a maturity date within 30 years, to pay outstanding indebtedness evidenced by warrants on the county school fund.
8. Private Acts of 1947, Chapter 248, amended Private Acts of 1947, Chapter 67, to require that the bonds be issued in denominations of \$1,000.
9. Private Acts of 1955, Chapter 61, authorized the issuance of bonds in the amount of \$50,000 bearing interest not to exceed 4% per annum with a maturity date within 10 years, to pay off outstanding indebtedness.

**Revenue**

1. Private Acts of 1921, Chapter 942, authorized Lauderdale County to issue tax-exempt, interest bearing notes, warrants, or certificates of indebtedness from time to time to temporarily finance running expenses in anticipation of uncollected taxes. Tax anticipation notes are now governed by T.C.A. Title 9, Chapter 21, Part 8.
2. Private Acts of 1931, Chapter 10, authorized the Quarterly County Court to issue interest bearing warrants, notes, serial bonds, or certificates of debt, to raise funds in anticipation of taxes levied but not yet collected. The amount could not exceed 5% of the total assessed value of all property in the county, and the interest rate could not exceed 6% per annum. Notes and bonds are now issued under general law found in Title 9, Chapter 21 of T.C.A.
3. Private Acts of 1931 (2nd Ex. Sess.), Chapter 20, amended Private Acts of 1931, Chapter 10, to allow the Quarterly County Court of Lauderdale County to authorize, by 3/4 vote, additional expenditures for the sale of the bonds or other evidences of indebtedness, such amount not to exceed 5% of the indebtedness.
4. Private Acts of 1955, Chapter 63, authorized the issuance of notes, warrants, serial bonds, and other evidences of debt at any time during the years 1955 and 1956 to raise funds in anticipation of uncollected taxes. The interest rate was not to exceed 6%, and the maturity date was not to exceed 5 years.

**Hospital**

1. Private Acts of 1945, Chapter 257, authorized the issuance of bonds in an amount not to exceed \$300,000 bearing interest 6% per annum with a maturity date within 40 years, to acquire, construct, equip, operate, and maintain a hospital in Lauderdale County, subject to a public referendum held for that purpose.

**Jail**

1. Private Acts of 1945, Chapter 3, authorized the issuance of not more than \$60,000 of bonds bearing interest not to exceed 6% with a maturity date to be determined by the Quarterly County Court, to build a county jail.

**Memorials**

1. Private Acts of 1929, Chapter 386, authorized the issuance of bonds in an amount not exceeding \$100,000 bearing interest not exceeding 6% per annum and maturing within 40 years, subject to approval of the voters, to erect Memorial Building and to establish Memorial Park on the grounds of the county courthouse to commemorate the valor of the sons of Lauderdale County in World War I.

**Roads**

1. Private Acts of 1919, Chapter 353, authorized the issuance of coupon bonds in an amount not exceeding \$100,000 bearing interest at a rate not more than 6% per annum and maturing within 20 years, to construct and maintain highways.
2. Private Acts of 1927, Chapter 693, authorized the issuance of bonds in an amount not exceeding \$1,000,000 bearing interest not more than 6% per annum and maturing not less than 30 nor more than 40 years from the date of issuance, to build and maintain certain designated hard-surfaced roads and all necessary bridges and culverts.
3. Private Acts of 1929, Chapter 47, amended Private Acts of 1927, Chapter 693, to change the authorized denominations of the bonds and to change the maturity dates so that the bonds were required to mature not less than 1 year nor more than 30 years from the date of issuance.
4. Private Acts of 1947, Chapter 477, authorized the issuance of county highway bonds in the amount of \$500,000 bearing interest not to exceed 6% per annum to mature within 30 years, to construct, surface, maintain and repair hard-surfaced roads and to buy the necessary machinery.

## **Schools**

1. Private Acts of 1923, Chapter 603, authorized the newly-created Halls Special School District to issue bonds in an amount not exceeding \$50,000 bearing interest not more than 5½% per annum and maturing within 20 years, conditioned upon approval of the voters in the district, to build and equip a new school.
2. Private Acts of 1927, Chapter 376, authorized the Board of Directors of the Halls Special School District to issue coupon bonds in an amount not exceeding \$15,000 bearing interest not more than 6% per annum and maturing within 25 years, to construct, erect, improve and furnish public school buildings, gymnasiums and manual training department buildings, subject to voter approval.
3. Private Acts of 1935, Chapter 281, authorized the 7th Special School District to issue coupon bonds in an amount not exceeding \$12,000 bearing interest not more than 6% per annum and maturing within 25 years, to refund a like amount of outstanding school bonds.
4. Private Acts of 1951, Chapter 137, authorized the diversion of \$50,000 of the proceeds of an \$850,000 school bond issue, which \$50,000 had been earmarked for construction of a school at Dry Hill which was no longer necessary, so that the funds could be used to repair, build, equip and renovate other schools.
5. Private Acts of 1951, Chapter 617, authorized the issuance of up to \$88,000 of coupon bonds bearing interest not exceeding 4% with a maturity date within 20 years, to erect school buildings, build additions, and equip the same.
6. Private Acts of 1955, Chapter 110, authorized the issuance of bonds in the maximum amount of \$600,000 bearing interest not to exceed 4% per annum with a maturity date within 30 years, to build or improve Durhamville Consolidated School, Johnson Consolidated School, Ripley High School, High School addition to Halls Consolidated School, and Halls High School. According to the Comprehensive Annual Financial Report, all of these bonds matured and were paid by the close of the fiscal year ending 6/30/81.
7. Private Acts of 1959, Chapter 345, would have authorized the issuance of bonds in an amount not to exceed \$425,000 bearing interest not more than 6% per annum and maturing within 30 years, exclusively for purchasing sites, erecting, adding to, equipping, and furnishing Consolidated Negro School near Three Points, a gymnasium for Lauderdale County (Negro) High School, and additions to the old gymnasium at Halls High School. This act was not approved by local voters, and therefore never went into effect.

## **Chapter IV - Boundaries**

### **Creation of the County**

#### **Private Acts of 1835-36 Chapter 28**

**SECTION 1.** That a new county be, and the same is hereby established between the Big Hatchee and Forked Deer rivers, and west of the county of Haywood, to be known and distinguished by the name of LAUDERDALE, in honor of, and to perpetuate the memory of Colonel James Lauderdale, who fell at the battle of New Orleans on the night of the 23d December, 1814; beginning where the west boundary line of Haywood county crosses the Big Hatchee river, running thence down the said river with its main channel, and with the main channel of the upper mouth of said river, to the main channel of the Mississippi river; thence up the said river to the old channel at Needham's cut off; thence up the said old channel to the mouth of the canal connecting the Forked Deer river with said old channel; thence in a direct line east to the Forked Deer river; thence up said Forked Deer river to a point one mile due north of the two sycamores known as the Key Corner; thence due east to the South fork of the Forked Deer river; thence up the same to the northern boundary line of Haywood county; thence in a south-western direction, through said county of Haywood, so as to cut off so much of said county of Haywood as will reduce it to six hundred and twenty-five square miles, to the west boundary line of said county; thence with said west boundary line to the beginning.

**SECTION 2.** That for the due administration of justice, the different courts to be holden in said county of Lauderdale, shall be holden at the house of Samuel Lusk, until the seat of Justice for said county shall be located, and a suitable house erected for that purpose. The county court shall, in the intermediate time have full power to adjourn the courts to such other place in said county as they may deem better suited for the holding of the same, and for the public convenience, and to adjourn to the seat of justice when in



their judgment the necessary arrangements are made; and all writs and other precepts returnable to either place, shall and may be returnable to the place to which the said courts may have been removed by the county court aforesaid. And the said courts to be holden in and for the said county of Lauderdale, shall be under the same rules regulations and restrictions, and shall have, hold, exercise and possess the same powers and jurisdiction as is possessed by said courts in other counties in this State.

**SECTION 3.** That all officers, civil and military, in said county, shall continue to hold their offices and exercise all the powers and functions thereof, until others be elected under the provisions of the amended constitution and the laws made in pursuance thereof; and said county of Lauderdale shall elect her officers, civil and military, under the amended constitution, at the same time and under the same rules and regulations, and in the same manner, that may be provided by law for the election of officers in other counties in this State; and the said county of Lauderdale, shall be placed upon an equal footing, possess equal powers and privileges in all respects, as other counties in the State; *provided*, nothing in this act contained, shall be so contained as to deprive the counties of Tipton, Haywood and Dyer from having, holding and exercising jurisdiction over the territory composing said county of Lauderdale, and the citizens thereof, in as full and ample a manner as they now have, until the election of county officers under the amended constitution: *Provided*, also, nothing in this act contained shall be so construed as to prevent the counties of Tipton, Haywood and Dyer from entering up judgments or the sheriffs of said counties from selling under such judgments, any lands within the bounds of said county of Lauderdale, for taxes, costs and charges for the present or any preceding year, nor to prevent the sheriffs of either of said counties of Haywood, Tipton or Dyer from collecting from the citizens of said county of Lauderdale any taxes due for the present or any preceding year.

**SECTION 4.** That the citizens of the county of Lauderdale, in all elections for governor, for members of Congress, and for members of the General Assembly, shall vote with the counties from which they may have been stricken off, until the next apportionment of members of the General Assembly, agreeable to the provisions of the 5th section of the 10th article of the amended constitution.

**SECTION 5.** That Blackman Coleman, David Hay, Nicholas T. Perkins, Samuel Owen and Howell Taylor, all of Haywood county, be, and they are hereby appointed commissioners, (a majority of whom can act) who shall, on or before the first Monday in January next, proceed to fix on a place as near the centre of said county as an eligible site can be procured, at least within five miles of the centre of said county, at which site said commissioners shall procure by purchase or otherwise at least fifty acres of land, for which they shall cause a deed or deeds to be made to themselves and their successors in office, by general warrantee; and the said commissioners shall report and return all their proceedings relative to and concerning said county, to the county court of said county, and it shall be the duty of the clerk of said court to record the same.

**SECTION 6.** That it shall be the duty of the county court of said county to appoint five commissioners, to whom the commissioners appointed by this act shall convey the land acquired for the use of said county, on which it shall be the duty of the commissioners appointed by the county court to cause a town to be laid off, with as many streets and of such width as they may deem necessary, reserving at least four acres for a public square, and a lot sufficient for building a jail. And the said town, when so laid off, shall be known by the name of Ripley.

**SECTION 7.** That the commissioners of said county shall sell the lots in said town, on a credit of at least twelve months, first giving due notice thereof in one or more newspapers printed in this State, and shall take bond with sufficient securities, from the purchasers of said lots, payable to themselves and successors in office, and shall make titles in fee simple as commissioners to the respective purchasers of said lots.

**SECTION 8.** That the proceeds of the sales of the lots aforesaid, shall be a fund in the hands of said commissioners for defraying the expenses incurred in the purchase of said tract of land on which the said county seat is located, and also for defraying the expenses of erecting public buildings.

**SECTION 9.** That the said commissioners shall superintend the building of the court house, jail, and other necessary public buildings; and shall let out such buildings as the county court in said county shall order to be built, upon such terms and conditions as the said court shall direct, and shall take bond with sufficient securities from the person or persons to whom the same is let payable to themselves and their successors in office in the sum of ten thousand dollars, conditioned for the faithful performance of his or their contracts.

**SECTION 10.** That the said commissioners, before they enter upon the duties of their office assigned them by this act, shall take an oath or affirmation that they will truly and faithfully execute and perform the different duties by this act enjoined on them, according to the best of their judgment, and, moreover, shall enter into bond with approved security, payable to the chairman of the county court of Lauderdale county, and his successors in office, in the sum of five thousand dollars, conditioned for the due and

faithful performance of the duties enjoined upon them by this act, which bond shall be deposited in the clerk's office in said county, and shall not be so construed as to make one of the commissioners security for another.

**SECTION 11.** That the said commissioners shall keep a fair and regular statement of all monies by them received and expended, which statement, when required, shall from time to time, be laid before the county court; but said commissioners shall not be called on oftener than once a year, and when the necessary public buildings are completed, the said commissioners shall, by order of the county court, pay over all surplus money to the county trustee for county purposes, and they shall be allowed by the county court a reasonable compensation for their services.

**SECTION 12.** That the first five commissioners mentioned in this act shall each be entitled to receive as compensation for their services, the sum of three dollars for each day they may be absent from home and necessarily employed in performing the duties required of them by this act, to be paid by the said county of Lauderdale, out of any monies in the treasury not otherwise appropriated.

**SECTION 13.** That John R. Howard, of Henry County, be and he is hereby appointed to run and mark the dividing line between the said counties of Haywood and Lauderdale, and to reduce the said county of Haywood to six hundred and twenty-five square miles, and the line between the counties of Dyer and Lauderdale, and that he have full power to employ chain carriers, who shall receive a reasonable compensation for their services, to be paid by the said county of Lauderdale; and the said Howard shall receive the sum of two dollars and fifty cents for each day he may be necessarily employed in the business required by this act, to be paid by the county of Lauderdale.

**SECTION 14.** That should the county court of Lauderdale not be organized in time to appoint the commissioners to lay off the town and sell the lots, it shall and may be lawful for the county court of Tipton to appoint them, and the said county court of Tipton shall take the bonds and securities of said commissioners payable to the chairman of the county court of Lauderdale and his successors in office, and do and perform any other act or acts required by this act until the organization of said county court of Lauderdale, and it shall be as good and binding as if done by the county court of said Lauderdale.

Passed: November 24, 1835.

## Change of Boundary Lines

### Public Acts of 1869-70 (2nd Sess.) 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. Maclin'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.

### Public Acts of 1873 Chapter 52

**SECTION 1.** That in conformity with the petition of more than four-fifths of the citizens now residing on Island No. 34, or Miller's Island; and on upper Hatchie Island, in the Mississippi river, the line between Lauderdale and Tipton Counties, be extended down the Hatchie river to the lower or southern point of upper Hatchie Island; thence westwardly to the lower or southern point of No. 34, or Miller's Island, in the Mississippi river, passing the same in a direct line to the western boundary of the State.

**SECTION 2.** That the Island No. 34, or Miller's Island, and the upper Hatchie Island, be annexed to and form part of District No. 4, of Lauderdale County; and the County Court of said county have authority to appoint suitable officers to hold an election on a day of which notice shall be given in the "RIPLEY NEWS" and "TIPTON RECORD," and if three-fourths of those citizens residing on said Island, or owning real estate on the same at the date of the passage of this Act, and voting at said election, shall cast their votes in favor of annexation to Lauderdale County, upon the return made by said officer, the County Court of Lauderdale County shall cause publication of the facts to be made in such newspapers of the State as they

deem expedient, and proceed to exercise jurisdiction over the territory thus annexed; Provided, Said change shall not reduce Tipton County below the constitutional limits.

**SECTION 3.** That the said change of the line between said Counties of Lauderdale and Tipton shall in no event release the portion of Tipton County which may be cut off therefrom, and attached to Lauderdale County, from the payment of its portion of such indebtedness as may have been contracted by said County of Tipton prior to such change of the county line, and that said territory known as Island No. 34, or Miller's Island, and the upper Hatchie Island shall, notwithstanding such change in county lines, continue liable, and shall be assessed as heretofore for such portion of such previously incurred indebtedness, and which assessment shall be collected as heretofore.

Passed: March 19, 1873.

## Public Acts of 1877 Chapter 43

**SECTION 1.** That the line between Dyer and Lauderdale counties be so changed as to transfer from Lauderdale to Dyer county all the territory of Lauderdale county north of the following line: Beginning in the county line in the middle of the channel of Forked Deer river, opposite the old shingle yard below Key Corner, running thence due south to the centre of the road leading to Hale's Point from Double Bridges; thence eastwardly along said road to the centre of the road leading from Key Corner to Ripley; thence southwardly along said road to the centre of the channel of Mill Creek; thence down said creek as it meanders to the county line, to wit, the south fork of Forked Deer river.

**SECTION 2.** That the passage of this Act shall in no wise exempt any of the citizens or property within the territory above mentioned from any liability already lawfully incurred either to Lauderdale county or for any railroad subscription.

**SECTION 3.** That the County Court of Dyer county shall provide for the assessment and collection of taxes in said territory for the year 1878, and shall provide for the election of Justices of the Peace and Constables in said territory, as soon as they see proper, looking to the public welfare.

**SECTION 4.** That the Justices of the Peace and Constables who are at present in office within the above described territory, shall serve as officers of Dyer county until their successors shall be elected and qualified.

**SECTION 5.** That nothing in this Act shall be so construed as to reduce Lauderdale county below her constitutional limits; and this Act shall become a law as soon as two-thirds of the qualified voters residing in the territory proposed to be added to Dyer county, shall so express their desire at an election to be held by the sheriff of Lauderdale county, who is hereby authorized and instructed to hold such election in the mode and manner prescribed by law, within six months after the passage of this Act, first giving thirty days' notice of said election; the polls shall be open as the law provides, in two of the most convenient places in the territory mentioned above, and the said sheriff shall make known the result of the election in writing to the Clerks of the County Courts of Dyer and Lauderdale counties, who shall publish the same: Provided, that an accurate survey shall first be made to ascertain if said proposed change will reduce the county of Lauderdale below its constitutional limits.

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

Passed: March 20, 1877.

## Public Acts of 1893 Chapter 120

**SECTION 1.** That the line between the counties of Dyer and Lauderdale is hereby so changed as to embrace in the county of Dyer the point of land called "Tiger Tail," at the junction of the Forked Deer River with the old channel of the Mississippi River, through which Obion River now runs. This change of the line between the counties of Dyer and Lauderdale is to begin at a point in the Forked Deer River about one-fourth of a mile above its junction with the old channel of the Mississippi River, at a point where the said line diverges in a north-western direction from the Forked Deer River; runs thence from that point with the center of the Forked Deer River to the junction of the Forked Deer River with the old channel of the Mississippi River, and thence with the center of the channel through which the waters of the Obion and Forked Deer Rivers flow to the Mississippi River, called Obion River, to the Mississippi River.

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

Passed: February 1, 1893.

## Private Acts of 1917 Chapter 320

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

So as to detach certain lands from Haywood County and attach them to Lauderdale County. That beginning at a point in the center of the south fork of Forked Deer River on the south margin of the Gates Levee Road, same being in the east boundary line of the Baker and Sugg tracts of land and on the line between the Counties of Haywood and Crockett and on the line of Haywood County in the 10th Civil District of said Haywood County running thence across the river bottom west to the lands of W. T. Hay that lie south of the public road; then on west with his said north boundary line and the north line of J. H. McKinnon, J. B. Lee and Thomas Lane; north 79 3-4 degrees west 3-90/100 chains to a stake, north 75 3-4 degrees 8- 84/100 chains to a stake, north 83 degrees west 29 chains to a stake, north 88 degrees west 2 1-2 chains to a stake, south 83 3-4 degrees 16 17/100 chains to an iron stake, west 102 55/100 chains to a stake, north 89 degrees, west 46 35/100 chains to a stake, in the center of the Woodville and Gates Road, with a large poplar pointer, being Thomas Lane's northwest corner and at a point about two chains north of where the present Haywood County line runs south 64 1-2 degrees west 214 29/100 chains from the south fork of Forked Deer River in a triangle in the center of the Woodville and Gates Road, and so that the lands of S. J. Pickard, Thomas Lee Estate, the Hay or Greene Bradford tract of land, Mrs. J. T. W. Milan, M. L. Wood, M. D. Coffman, K. F. Fennel, D. H. Cherry and J. B. Lucas together with a small portion of the Baker and Sugg tract of land north of the Gates Levee shall be detached from Haywood County and attached to Lauderdale County and become a part of said county and of the 17th Civil District of said County of Lauderdale.

**SECTION 2.** That the taxes for the year 1917 due upon the said lands so detached from Haywood and attached to Lauderdale County and also any other taxes that may be due by the citizens living upon the said lands shall be due and payable to the said County of Lauderdale and collected by its officers; provided that said land and all of same shall be subject to the Railroad Tax to which it was subject while a part of Haywood County, and provided that said tax shall be collected by the Trustee of Lauderdale County and by him paid to the Trustee of Haywood County.

**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: March 22, 1917.

## 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 Lauderdale County.

1. Private Acts of 1835-36, Chapter 42, granted an additional 60 days to the commissioners appointed to locate and lay off the county seat of Lauderdale County. If it were not convenient for John R. Howard to make the required survey, then William B. Jones of Gibson County was authorized to do so for the same compensation. Taxes collected from residents of those parts of

Tipton and Dyer Counties which became a part of Lauderdale County were be paid to Lauderdale County, and Lauderdale County was to receive its proportionate share of the school fund, internal improvement fund, and other public funds.

2. Acts of 1837-38, Chapter 256, appointed Abel H. Pope of Lauderdale County to run and mark the boundary line between Lauderdale and Haywood Counties to reduce Haywood County to its constitutional limit of 625 square miles, and run and mark the line between Lauderdale and Dyer Counties, all in accordance with Private Acts of 1835-36, Chapter 28 (reproduced hereinabove).
3. Public Acts of 1869-70, Chapter 30, changed the boundaries between Lauderdale and Haywood Counties to include all the lands of Lewis S. Maclin and Champ C. Connor in Lauderdale County, provided that Haywood County would not be reduced below the constitutional limits.

## Chapter V - Court System

### Chancery Court

#### Clerk and Master

### Private Acts of 1963 Chapter 262

**COMPILER'S NOTE:** The general law providing for the appointment of deputies and assistants to the Clerk and Master is found at T.C.A. § 8-20-101 et seq.

**SECTION 1.** That the Clerk and Master of the Chancery Court of Lauderdale County, Tennessee, is hereby allowed to employ secretarial assistance and compensate such person in an amount of One Hundred and Fifty Dollars (\$150.00) per month, payable from the general funds of the County.

**SECTION 2.** That this Act shall have no effect unless the same shall have been approved by a two thirds vote of the Quarterly County Court of Lauderdale County 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, and shall be certified by him to the Secretary of State.

**SECTION 3.** That this Act shall be effective from and after its passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 2 herein.

Passed: March 20, 1963.

### Circuit Court

#### Clerk

### Private Acts of 1961 Chapter 269

**COMPILER'S NOTE:** The appointment of deputies and assistants to the Circuit Court Clerk is governed by general law found in T.C.A. § 8-20-101 et seq., which formerly was T.C.A. § 8- 2001 et seq., referenced in the act above.

**SECTION 1.** That in all counties of this state having a population of not less than 21,800 nor more than 21,850, such county may provide for compensating an assistant to the Circuit Court Clerk as follows:

In the event the Circuit Judge of such County, under the provisions of Section 8-2001 et seq. of the Tennessee Code Annotated, enters an order allowing an Assistant to such Clerk and fixes the amount of the salary therefor, payment to such Assistant shall be made in equal monthly installments by warrants drawn on the County Trustee and signed by the County Judge or Chairman of the County Court from surplus fees and costs turned in to the County General Fund from the Circuit Court Clerk, over and above the salary allowed him by law. Provided, however, that if such surplus funds are not sufficient to pay such Assistant the amount fixed as his salary by the Circuit Judge as above provided, the same shall be supplemented to such extent from the general funds of the County and the County Court of such County shall appropriate sufficient funds therefor.

**SECTION 2.** That this Act shall have no effect unless the same be approved by a two-thirds (2/3) vote of the Quarterly County Court of any County to which this Act applies. The presiding officer of such body shall proclaim its approval or nonapproval and certify the same to the Secretary of State.

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

Passed: March 14, 1961.

## Law Library Commission

### Private Acts of 1963 Chapter 265

**SECTION 1.** That there is hereby created the Lauderdale County Law Library and Courtroom Commission which shall be composed of five members.

Two members of said Commission shall be attorneys at law appointed by the President of the Lauderdale County Bar Association for terms of two years, or until their successors are appointed. The Clerk and Master of the Chancery Court, the Clerk of the Circuit Court, and the Sheriff of Lauderdale County shall be members of the Commission. The members of the Commission shall elect from among its membership a chairman and a secretary.

The members of the Commission shall receive no compensation for their services as such.

**SECTION 2.** That a litigation tax of fifty cents (50¢) shall be taxed as part of the cost in all cases filed in the General Sessions Court, the Chancery Court, and the Circuit Court of Lauderdale County.

Said tax shall be collected by the Clerks of said courts and shall be paid into a separate fund, which shall be designated Law Library and Courtroom Fund. Said fund shall be maintained by the County Trustee and expenditures from said fund for the purposes herein authorized shall be made by warrants signed by the chairman and secretary of the Commission upon proper authorization by the Commission.

**SECTION 3.** That the Commission shall establish and maintain a Law Library for the use of the courts, judges, public officials, attorneys, and the public. The Commission shall have power to acquire by gift, purchase, loan or otherwise such codes, treatises, court reports and other books, periodicals and services which it shall deem beneficial for those persons authorized to use the same.

The Commission shall have authority to acquire in like manner furniture, equipment and supplies necessary or useful in the establishment and operation of the library.

The Commission shall make rules and regulations governing the operation and use of said library and shall be responsible for the protection and safekeeping of the library, its contents, equipment and supplies. The Commission shall have authority to exclude from using the library facilities any persons who damage the library, or its contents, or who refuse to conform with the rules and regulations promulgated.

The Commission shall have authority to expend the funds herein provided for the purpose of improving the facilities of the courtrooms in the Lauderdale County Courthouse.

**SECTION 4.** That the Quarterly County Court of Lauderdale shall provide suitable facilities for the housing and safekeeping of the library, its contents and equipment. The library, its contents, equipment and supplies shall be the property of Lauderdale County.

**SECTION 5.** That the Commission shall hold regular meetings and special meetings upon the call of the chairman. Four members shall constitute a quorum and the affirmative vote of at least three members shall be necessary for any affirmative action of the Commission. The secretary shall keep a record of the meetings, which record shall reflect all action of the Commission.

**SECTION 6.** That this Act shall have no effect unless the same shall be approved by a two-thirds vote of the Quarterly County Court of Lauderdale County at its next regular meeting held more than ten days after its approval by the Chief Executive of this 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 7.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 21, 1963.

## Probate and Juvenile Court

### Private Acts of 1982 Chapter 313

**SECTION 1.** There is hereby created a Probate and Juvenile Court in and for Lauderdale County, Tennessee to be known as the "Probate and Juvenile Court of Lauderdale County, Tennessee".

**SECTION 2.** Such court shall have jurisdiction over all matters over which jurisdiction is now or shall hereafter be vested in probate or juvenile courts by the general laws of the State of Tennessee, including,

but not limited to the jurisdiction as now vested in the County Court of Lauderdale County, Tennessee, by the general laws of the state and those judicial powers vested in the County Judge of Lauderdale County, Tennessee, by public or private acts, and by Tennessee Code Annotated, Sections 16-16-107 through 16-16-119, inclusive; Tennessee Code Annotated, Title 30, Chapters 1 through 20, inclusive; Tennessee Code Annotated, Title 31, Chapters 1 through 8, inclusive; Tennessee Code Annotated, Title 32, Chapters 1 through 5, inclusive; Tennessee Code Annotated, Title 34, Chapters 1 through 11, inclusive; Tennessee Code Annotated, Title 35, Chapters 1 through 11, inclusive; Tennessee Code Annotated, Title 37, Chapters 1 through 17, inclusive; all to the extent that under such laws the jurisdiction thereunder was vested heretofore in any juvenile court or any county court or any court exercising the jurisdiction thereof formerly known as a Quorum County Court or Monthly County Court.

**SECTION 3.** The Office of County Judge of Lauderdale County, Tennessee as heretofore created by public or private acts is hereby divested of any and all judicial powers as therein created and to the extent thereof such former act is repealed.

**SECTION 4.** The County Clerk of Lauderdale County, Tennessee shall act as the Clerk of the Probate Court of Lauderdale County, Tennessee as herein established and when acting as clerk of such court, shall be designated as the "Clerk of the Probate and Juvenile Court of Lauderdale County, Tennessee" and such minute books and other necessary records for such court as shall be necessary and required shall so reflect. The clerk shall charge all fees and be entitled to receive such fees and charges as shall be fixed by the general laws of the State of Tennessee from time to time for any county, probate or juvenile court in the State of Tennessee, and which such fees when collected shall be accounted for and disbursed as all fees and charges are similarly done by such courts. The County Clerk shall be empowered to designate one or more persons employed by him as deputies from time to time to be a deputy clerk for the court herein created.

**SECTION 5.** The judge of the court herein created shall have all jurisdiction to punish for contempt and to issue extraordinary writs and processes as now or shall hereafter be exercised by any judge or chancellor or any circuit or chancery court of the State of Tennessee.

**SECTION 6.** Appeals from the court herein created, or any contest of any will being probated therein, or the demand for a jury trial upon any issue therein provided shall be the Circuit Court of Lauderdale County, Tennessee or such other court as may by the general laws of the state be from time to time provided, or to such appellate court of the State of Tennessee as may be from time to time provided by law, all according to the general laws of the State of Tennessee.

**SECTION 7.** If the judge of the court herein created shall fail to attend or cannot preside in any pending case, or for any other reason shall not be able to hold court, he may designate in writing some person otherwise qualified to hold such court in his place and stead or in default thereof a majority of the attorneys then present may elect one of their number who has the qualifications of such judge, and when such person shall have been so appointed or elected, he shall take the same oath and have the same authority as the regular judge of such court to hold court and perform all of the duties thereof for such occasion.

**SECTION 8.** In case of a vacancy for any cause in the office of the judge of the court herein created, the same shall be filled by an election and appointment of the County Commission of Lauderdale County, Tennessee of some person otherwise qualified to fill such vacancy and which such person when so elected and appointed by the County Commission shall serve until the first day of September following the next biennial August election occurring more than thirty (30) days after such vacancy occurs and until such person's successor is duly elected and qualified.

**SECTION 9.** The court herein created shall at all times be treated and considered as a court of record. That such court shall be in continuous session without the intervention of any term or terms, it being provided herein that such court shall be held by the judge thereof at such time and during such periods as shall be required to provide for the orderly dispatch and disposition of all business properly coming before it.

**SECTION 10.** There shall be one judge for the court herein created who shall be a duly licensed lawyer within the State of Tennessee, and who shall be at least thirty (30) years of age at the time of his election or appointment and who shall otherwise have all of the qualifications and shall have the same term as provided by the Constitution of the State of Tennessee for inferior court judges and who shall take the same oath that shall be required for other judges of the State of Tennessee.

**SECTION 11.** The compensation of the judge of the court herein created shall be set, prior to the beginning of each term, by the County Commission, and such compensation shall be subject to annual cost of living increases equal to the percentage increase established annually by the General Assembly for other county officials. Such salary or compensation shall be payable in equal monthly installments out of

the General Fund of Lauderdale County, Tennessee. The salary or compensation of such judge shall not be otherwise increased or decreased during the term of office.

**SECTION 12.** The County Commission of Lauderdale County, Tennessee shall annually appropriate from the General Fund of Lauderdale county such funds as are necessary and appropriate for the orderly operation and administration of the court herein created.

**SECTION 13.** This act shall not be construed to prohibit the judge of the court herein created from the private practice of law except that he shall be prohibited from practicing law in any matter over which the court herein created may exercise jurisdiction.

**SECTION 14.** The judge of the court herein created shall from time to time be authorized and empowered to adopt rules of practice and procedure for the court not otherwise inconsistent with the substantive and procedural laws of the State of Tennessee relative to matters within the jurisdiction of such judge, or that shall not otherwise be inconsistent with such rules as may be from time to time promulgated by any superior court having supervisory jurisdiction over the court herein created.

**SECTION 15.** Every provision of this act is declared to be severable and should any portion of the same be held unconstitutional or invalid for any reason the same shall not affect the remainder of this act, it being the intent herein that such unconstitutionally declared portions shall be elided, and that the General Assembly declare that it would have thus enacted this act with such unconstitutional or invalid portions elided therefrom.

**SECTION 16.** Notwithstanding any provision of Tennessee Code Annotated, Title 2, Chapter 5, Part 1 or any other provisions of the law to the contrary, for the 1982 election only, if this act is approved pursuant to Section 17 after the final date for filing nominating petitions for the 1982 regular August election, the county election commission of Lauderdale County shall establish a time for filing such nominating petitions for the office of judge of the court of general sessions [sic].

**SECTION 17.** This act shall have no effect unless it shall have been approved by a twothirds (2/3) vote of the County Commission of Lauderdale County, Tennessee and such approval being certified and proclaimed by the presiding officer thereof to the Secretary of State.

**SECTION 18.** For the purpose of approving or rejecting the provisions of this act as provided in Section 16 [sic], it shall take effect upon becoming a law, the public welfare requiring it. For all other purposes it shall take effect upon the earliest occurrence of the following:

(a) September 1, 1982, provided that for the purpose of filling the office of judge herein created by election of the people it shall be effective for purposes of candidates qualifying for election thereto as of the first day for qualifying as provided by the general election laws of the State of Tennessee; or

(b) Upon the death or resignation of the incumbent or vacancy otherwise occurring in the office of County Judge of Lauderdale County, Tennessee as now exists pursuant to Chapter 162 of the Acts of the General Assembly of the State of Tennessee of 1887.

**COMPILER'S NOTE:** Acts of 1887, Chapter 162, referenced in Section 18(b) above, created the office of County Judge for Humphreys County, and not Lauderdale County.

Passed: April 8, 1982.

## Court System - Historical Notes

### **Board of Jury Commissioners - Jurors**

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

1. Public Acts of 1835-36, Chapter 6, directed the County Courts of each county to designate and cause to be summoned either 25 or 37 citizens of the county who were land owners and over 21 years of age to serve as jurors for circuit court, with one juror to be selected from each civil district if there were 25 civil districts in the county. Jurors were to be paid \$1 for each day of service.
2. Private Acts of 1947, Chapter 865, set the compensation of jurors in Lauderdale County at \$3 per day for each day of service.
3. Private Acts of 1957, Chapter 230, would have created a Board of Jury Commissioners for Lauderdale County, but this act was not approved by the quarterly county court and never became law.
4. Private Acts of 1959, Chapter 319, would have set the compensation of jurors on both grand and



petit juries in Lauderdale County at \$7.50 per day for each day's attendance, with the Foreman of the Grand Jury to be paid \$10 daily. This act also would have repealed Private Acts of 1947, Chapter 865, but this act was not approved by the quarterly county court and never became law.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Lauderdale 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. Public Acts of 1835-36, Chapter 4, created three chancery divisions in Tennessee to be known as the Eastern, Middle and Western Divisions. The Western Division was composed of Weakley, Obion, Dyer, Gibson, Carroll, Benton, Perry, Henderson, Madison, Haywood, Tipton, Lauderdale, Fayette, Shelby, Henry, Hardeman and McNairy Counties. The chancery court for the counties of Lauderdale, Tipton and Haywood was designated the 6th District of the Western Division, to be held at Brownsville on the third Mondays in May and November.
2. Acts of 1853-54, Chapter 105, placed Lauderdale County in a separate chancery district with court to be held at Ripley on the first Mondays in January and July. The chancellor was to appoint a clerk and master.
3. Acts of 1855-56, Chapter 158, changed the dates for holding chancery court at Ripley to the second Mondays in June and December.
4. Public Acts of 1857-58, Chapter 88, set the dates for holding chancery court in the Eastern, Middle, Western, Fourth, Fifth and Sixth Chancery Divisions. The terms of the chancery court at Ripley in Lauderdale County would begin on the first Thursday after the fourth Monday in May and on the first Thursday after the third Monday in November.
5. Public Acts of 1866-67, Chapter 33, set the dates for holding chancery court at Ripley in Lauderdale County on the first Monday after the fourth Monday in May and the fourth Monday in November.
6. Public Acts of 1869-70 (2nd Sess.), Chapter 32, divided the state into 12 chancery districts. Lauderdale County was in the 10th District along with Hardeman, Madison, Haywood, Tipton and Fayette Counties. The twelve chancery "districts" created by Public Acts of 1869-70 (2nd Sess.), Chapter 32, were referred to as "divisions" in subsequent legislation.
7. Public Acts of 1869-70 (2nd Sess.), Chapter 47, set the dates for holding chancery court throughout the state. In the 10th Division, the chancery court in Lauderdale County would begin on the third Mondays in May and November.
8. Public Acts of 1879, Chapter 17, changed the dates for holding chancery court in Lauderdale County to the first Mondays in May and November.
9. Acts of 1885 (Ex. Sess.), Chapter 20, established chancery divisions, judicial circuits and special criminal circuits throughout the state. Lauderdale County remained in the 10th Chancery Division along with Fayette, Tipton, Haywood, Dyer, Obion, Weakley and Gibson Counties. Chancery court terms in Lauderdale County would begin on the first Mondays in March and September.
10. Public Acts of 1887, Chapter 17, changed the dates for holding chancery court in Lauderdale County to the first Mondays in June and December.
11. Public Acts of 1889, Chapter 23, changed dates for holding chancery courts in the 10th Division. The chancery court at Ripley in Lauderdale County would continue to be held on the first Mondays in June and December.
12. Public Acts of 1895, Chapter 99, changed the dates for holding chancery court in the 10th Division. Lauderdale County was changed to the second Mondays in June and December.
13. Public Acts of 1899, Chapter 427, reorganized the judicial circuits and chancery divisions of the state. Ten chancery divisions were established, and Lauderdale County was placed in the 9th Division along with Dyer, Obion, Lake, Weakley, Gibson, Fayette, Haywood, Tipton and Hardeman Counties. The chancery court terms in Lauderdale County would begin on the first Mondays in April and October.
14. Acts of 1903, Chapter 591, changed the court terms for the 9th Chancery Division. Lauderdale County was set on the third Mondays in May and November.
15. Public Acts of 1931 (2nd Ex.Sess.), Chapter 38, restructured the chancery divisions and judicial and criminal circuits, dividing the state into 13 chancery divisions. Lauderdale County remained in the 9th Division, with chancery court terms to begin on the third Mondays in May and November.

16. Public Acts of 1974, Chapter 547, provided for an additional Chancellor for the 9th Chancery Division, and divided the division into Part I and Part II. The Chancellor for Part II was designated the Senior or Presiding Chancellor. The additional Chancellor was allowed \$4,800 per year to employ secretarial assistance.
17. Public Acts of 1976, Chapter 577, amended Public Acts of 1974, Chapter 547, to provide that the Chancellor for Part I would preside over Fayette, Hardeman, Hardin, McNairy and Chester Counties, and the Chancellor for Part II would preside over Tipton, Lauderdale, Haywood and Crockett Counties. Part II would be held in Lauderdale County on the third Mondays in May and November.

### **Chancery Court - Clerk and Master**

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

1. Public Acts of 1897, Chapter 124, provided that the clerk and masters of the chancery courts would no longer be allowed to keep all of the fees received by their offices, and instead would be paid a fixed salary. Assuming that the population of Lauderdale County was just over 20,000, the Clerk and Master would have received \$1,800 annually. This act was declared unconstitutional in *Weaver v. Davidson County*, 59 S.W. 1105 (Tenn. 1900).
2. Public Acts of 1835-36, Chapter 4, placed Lauderdale, Tipton and Haywood Counties in the 6th District of the Western Division, with the Chancellor for the Western Division to appoint a Clerk and Master for the court at Brownsville, to serve a term of 6 years.
3. Acts of 1853-54, Chapter 105, placed Lauderdale County in a separate chancery district and directed the Chancellor for the western division to appoint a Clerk and Master at Ripley.
4. Private Acts of 1931, Chapter 488, fixed the salary of the Clerk and Master of Lauderdale County at \$2,400 annually, provided that he filed a sworn itemized statement with the Judge or Chairman of the County Court showing the total amount of fees paid into the office, less commissions or fees as receivers. If the fees were less than the salary, the county would make up the difference, but if the fees exceeded the salary, the Clerk and Master could retain the excess.

### **Circuit Court**

The following acts were once applicable to the circuit court of Lauderdale County but now have no effect, having been repealed, superseded, or having failed to win local approval. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Public Acts of 1835-36, Chapter 5, established eleven judicial circuits with one circuit judge in each circuit. Circuit court was to be held three times each year in each county. Lauderdale, Perry, Henderson, Madison, Haywood and Tipton Counties constituted the 10th Judicial Circuit. Circuit court in Lauderdale County was set on the third Mondays in February, June and October.
2. Acts of 1839-40, Chapter 21, changed the dates for holding certain circuit and chancery courts in the state. Circuit court in Lauderdale County would begin on the first Mondays in February, June and October.
3. Acts of 1841-42, Chapter 149, set the dates for holding circuit court in Lauderdale County on the first Mondays in February, June and October.
4. Acts of 1843-44, Chapter 155, changed the dates for holding certain circuit and chancery courts in the state. Circuit court in Lauderdale County would begin on the third Mondays in February, June and October.
5. Acts of 1855-56, Chapter 157, attached Lauderdale County to the 11th Judicial Circuit and provided that circuit court would begin on the third Mondays in March, July and November. This act was passed on February 14, 1856, and the portion of the act which attached Lauderdale County to the 11th Judicial Circuit was repealed on February 21, 1856, by Acts of 1855-56, Chapter 150.
6. Public Acts of 1857-58, Chapter 13, established a new 15th Judicial Circuit consisting of Gibson, Obion, Dyer and Lauderdale Counties. Court terms would begin in Lauderdale County on the third Mondays in April, August and December.
7. Public Acts of 1857-58, Chapter 21, set the dates for holding circuit court in Lauderdale County on the second Mondays in January, May and September, and directed the judges of the 9th and 10th Circuits to hold court in the counties in the new 15th Circuit until the judge of the 15th Circuit could be elected.
8. Public Acts of 1857-58, Chapter 98, divided the State into sixteen judicial circuits. Lauderdale County was placed in the 16th Judicial Circuit along with Dyer, Obion and Gibson Counties. Circuit

court terms would begin in Lauderdale County on the third Mondays in January, May and September.

9. Private Acts of 1857-58, Chapter 82, set the dates for holding circuit court in Lauderdale County on the third Mondays in January, May and September.
10. Private Acts of 1859-60, Chapter 125, changed the dates for holding circuit court in Lauderdale County to the second Mondays in March, July and November.
11. Public Acts of 1867-68, Chapter 1, attached Lauderdale County to the 14th Judicial Circuit.
12. Public Acts of 1869-70 (2nd Sess.), Chapter 31, established fifteen judicial circuits in the state. Lauderdale County was in the 14th Judicial Circuit along with Fayette, Tipton and Hardeman Counties, and the circuit court at Bartlett in Shelby County.
13. Public Acts of 1869-70 (2nd Sess.), Chapter 46, set the dates for holding circuit courts across the state. Circuit court was to begin in Lauderdale County on the fourth Mondays in January, May and September.
14. Acts of 1885 (Ex. Sess.), Chapter 20, divided the state into fourteen judicial circuits, as well as chancery divisions and criminal court circuits. Lauderdale County was placed in the 13th Judicial Circuit along with Dyer, Hardeman, Fayette, Tipton and Lake Counties. Court would begin in Lauderdale County on the first Tuesdays in March, July and November.
15. Public Acts of 1891, Chapter 179, amended Acts of 1885 (Ex. Sess.), Chapter 20, to change the times for holding circuit court in Lauderdale, Dyer and Tipton counties. Circuit court in Lauderdale County was changed to the second Tuesdays in March, July and November.
16. Public Acts of 1899, Chapter 427, divided the state into fourteen judicial circuits, as well as chancery divisions and special criminal circuits. Lauderdale County was placed in the 14th Judicial Circuit with Obion, Lake, Dyer, Tipton, Fayette and Weakley Counties. Lauderdale County circuit court would begin on the third Mondays in February, June and October.
17. Acts of 1905, Chapter 57, amended Public Acts of 1899, Chapter 427, to create a new 16th Judicial Circuit which comprised Lauderdale, Tipton, Fayette, Hardeman, McNairy and Madison Counties (criminal jurisdiction in Madison County remained in the 12th Judicial Circuit). Court terms would begin at Ripley in Lauderdale County on the second Mondays in April, August and December.
18. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, reorganized the state into twenty judicial circuits, as well as chancery divisions and special criminal circuits. Lauderdale County remained in the 16th Judicial Circuit, along with Hardeman, McNairy, Madison, Tipton and Fayette Counties. Circuit court terms in Lauderdale County would begin on the first Mondays in February, June and October.

### **Circuit Court - Clerk**

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

1. Public Acts of 1897, Chapter 124, provided that the clerks of the circuit courts would no longer be allowed to keep the fees received by their offices, and instead would be paid a fixed salary based upon the county population. The Circuit Court Clerk in Lauderdale County would have received \$1,500 annually, based upon the available population figures. This act was declared unconstitutional in Weaver v. Davidson Co., 59 S.W. 1105 (Tenn. 1900).
2. Acts of 1903, Chapter 255, set the salaries for circuit court clerks across the state according to population. The Circuit Court Clerk in Lauderdale County would have been paid \$1,000 annually. The clerks were required to file an itemized sworn statement of all fees received by their offices. If the fees were less than the salary the county would pay the difference, but if the fees exceeded the salary the clerk was allowed to retain the excess.
3. Private Acts of 1929, Chapter 239, set the salary of the Circuit Court Clerk of Lauderdale County at \$1,500 per year, with no other compensation. All fees collected by the office had to be turned over to the county by the first of each month.

### **District Attorney General - Assistants and Criminal Investigators**

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

1. Public Acts of 1857-58, Chapter 13, established the 15th Judicial Circuit consisting of Gibson, Obion, Dyer and Lauderdale Counties, and provided for the election of an Attorney for the State for the new judicial circuit.

2. Public Acts of 1973, Chapter 91, created the office of Assistant District Attorney for the 16th Judicial Circuit, consisting of the counties of Fayette, Hardeman, Lauderdale and Tipton, to be appointed by the District Attorney General. This act was superseded by Public Acts of 1984, Chapter 931, T.C.A. §§ 16-2-506 and 16-2-508.

### **General Sessions Court**

The following acts never received local approval, but are included herein as a reference to our readers.

1. Private Acts of 1993, Chapter 51, would have conferred domestic relations jurisdiction on the General Sessions Court of Lauderdale County.
2. Private Acts of 1993, Chapter 52, would have conferred probate jurisdiction on the General Sessions Court of Lauderdale County. This act failed to receive local approval.
3. Private Acts of 1994, Chapter 193, would have determined the salary of the general sessions judge according to county classifications in Tennessee Code Annotated.

### **Secretarial Assistance**

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

1. Public Acts of 1957, Chapter 150, set the salary of the stenographer to the Chancellor of the 9th Chancery Division at \$2,400 annually.
2. Public Acts of 1963, Chapter 309, increased the salary of the stenographer to the Chancellor of the 9th Chancery Division from \$2,400 to \$3,600 annually.
3. Public Acts of 1967, Chapter 137, increased the salary of the stenographer to the Chancellor of the 9th Chancery Division from \$3,600 to \$4,800 annually.

## Chapter VI - Education and Schools

### Board of Education

#### Private Acts of 2002 Chapter 79

**SECTION 1.** Chapter 211 of the Private Acts of 1982, and all other acts amendatory thereto, is hereby repealed.

**SECTION 2.** Lauderdale County shall be divided into eight (8) school districts of substantially equal population, which shall be identical to the county legislative body districts established by resolution of the county legislative body from time to time.

**SECTION 3.** The Lauderdale County Board of Education (the Board) shall consist of eight (8) members, with one (1) member of the Board being elected by the qualified voters in each school district, on a nonpartisan basis. Board members shall be elected to staggered four-year terms so that every two (2) years the terms of one-half (½) of 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 general elections shall take office on September 1 following the election and shall serve until their successors are duly elected and qualified.

**SECTION 4.** During the transition from nine (9) districts, as provided under prior law, to the eight (8) districts provided for in this act, all incumbent Board members shall remain on the Board until the expiration of their current terms. Members in odd-numbered districts shall be elected to four-year terms in the August 2002 election and members in even-numbered districts shall be elected to four-year terms in the August 2004 election.

**SECTION 5.** The Board shall have the same powers, duties, privileges, and qualifications as the Board of Education established pursuant to Title 49 of Tennessee Code Annotated.

**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 legislative body of Lauderdale County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified 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 as provided in Section 7.

Passed: February 14, 2002.

## Superintendent or Director of Schools

### Private Acts of 1925 Chapter 696

**COMPILER'S NOTE:** This act was repealed on April 18, 1935 by Private Acts of 1935, Chapter 742. The repealing act was repealed on July 26, 1935 by Private Acts of 1935 (Ex. Sess.), Chapter 68, and the 1925 act was revived on August 3, 1935 by Private Acts of 1935 (Ex. Sess.), Chapter 153 (reproduced hereinbelow). The Education Improvement Act of 1991 (Public Acts of 1992, Chapter 535) mandates a transition to a Director of Schools who will be employed by the local board of education pursuant to written contract.

**SECTION 1.** That in all counties of this State having a population of not less than 21,494 nor more than 21,500 inhabitants, according to the Federal Census of 1920, or any subsequent Federal Census, the County Superintendents of Public Instruction shall be elected by the qualified voters of said counties, for a term of two years; and Superintendents of Public Instruction shall be elected at the regular August election, and their term of office shall be on the first day of January thereafter, provided the first election held under this Act shall be held in August, 1926, and the Superintendents then elected shall take office January 1, 1927, and shall serve for a term of two years, or until their successors are elected and qualified as herein provided.

**SECTION 2.** That this Act shall in no way affect the duties or qualifications of the County Superintendents, but the same shall remain as now fixed by law, except that certificate of qualification be furnished to the Judge or Chairman of the County Court in each county affected by this Act, not later than the first Monday in April preceding any regular 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: April 10, 1925.

### Private Acts of 1935 (Ex. Sess.) Chapter 153

**SECTION 1.** That Chapter 696, Private Acts of 1925, the caption of which is set forth in the caption of this Act, be and the same is hereby expressly revived and shall continue in full force.

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

Passed: August 3, 1935.

## Education/Schools - Historical Notes

### **Board of Education**

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

1. Acts of 1905, Chapter 234, established a County Board of Education in Lauderdale County, composed of one member from each civil district, the Judge or Chairman of the County Court, and the County Superintendent of Public Instruction who would be ex-officio chairman of the Board of Education.
2. Acts of 1907, Chapter 236, established County Boards of Education in all counties except those which were declared exempt. Lauderdale County initially was exempt from the provisions of this act, but the act was amended by Private Acts of 1911, Chapter 564, to include Lauderdale County.
3. Acts of 1909, Chapter 471, amended Acts of 1905, Chapter 234, to authorize each member of the Lauderdale County Board of Education to make contracts of consolidation with public or private city schools, academies and the like for the education of children in his district.
4. Private Acts of 1911, Chapter 580, amended Acts of 1905, Chapter 234, to set the regular meetings of the County Board of Education in Lauderdale County on the first Thursdays in July, October, January and April.

5. Private Acts of 1925, Chapter 693, created a County Board of Education in Lauderdale and Monroe Counties, with one member to be elected from each civil district in the county.
6. Private Acts of 1933, Chapter 684, divided Lauderdale County into seven school districts and provided that each school district would elect one member of the County Board of Education. This act was repealed by Private Acts of 1982, Chapter 211.
7. Private Acts of 1935, Chapter 280, amended Private Acts of 1933, Chapter 684, to authorize the County Board of Education to issue certificates to teachers who had continuously taught in the county school system for twenty years or more. This act was repealed by Private Acts of 1982, Chapter 211.
8. Private Acts of 1939, Chapter 450, authorized the Lauderdale County Board of Education to set the salary of its Chairman at an amount not to exceed \$25 per month.
9. Private Acts of 1965, Chapter 169, amended Private Acts of 1933, Chapter 684, to change the composition of the school districts and the terms of the school board members in Lauderdale County. This act was repealed by Private Acts of 1982, Chapter 211.
10. Private Acts of 1982, Chapter 211, authorized Lauderdale County to divide the county into school districts, provide for the number, election and terms of members of the board of education. This act was repealed by Private Acts of 2002, Chapter 79.
11. Private Acts of 1982, Chapter 222, was an alternate bill to Private Acts of 1982, Chapter 211 (reproduced hereinabove) which would have delayed the election of new school board members in certain districts so that no incumbent would have been removed from office prior to the expiration of his or her term. This act was not approved by the Lauderdale County Board of County Commissioners and never became effective.

### **Superintendent or Director of Schools**

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

1. Private Acts of 1935, Chapter 680, provided for the election of the Lauderdale County Superintendent of Public Instruction by the County Board of Education for a two year term, which would have repealed by implication those conflicting provisions of Private Acts of 1925, Chapter 696, providing for the election of the Superintendent of Public Instruction by popular vote. However, this act was superseded by the revival of the 1925 act in Private Acts of 1935 (Ex. Sess.), Chapter 153 (reproduced hereinabove).
2. Private Acts of 1935, Chapter 742, passed on the same day as Private Acts of 1935, Chapter 680, briefly repealed Private Acts of 1925, Chapter 696. This act was repealed approximately three months later by Private Acts of 1935 (Ex. Sess.), Chapter 68.

### **General Reference**

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

1. Acts of 1853-54, Chapter 206, authorized the establishment of the Ripley Female Academy in Lauderdale County. The first Board of Trustees would consist of Hiram Partie, Isaac M. Steele, P. T. Glass, Edmond Fitzpatrick and R. F. Maclin.
2. Private Acts of 1857-58, Chapter 97, incorporated the Ripley Female Institute and confirmed the charter and stock subscriptions of Hiram Partee, H. H. Richardson, Joseph Wardlow, Thomas Fitzpatrick, Henry Pillow, M. F. Lake, P. T. Glass, James A. Lackey, R. H. Oldham, and any other stockholders. The shareholders were directed to elect nine Trustees for one-year terms. The duration of the corporation was 99 years. The act also incorporated the Lauderdale Female Institute in or near Durhamville, and Durhamville Male Academy, both in Lauderdale County with perpetual duration. The Articles of Association for each entity were set out in the act. The act also incorporated the Beech Grove Academy in Lauderdale County. The original Board of Trustees were Wm. B. Sawyer, James Lenard, Wm. P. Suggs, W. T. Roundtree and Benjamin T. Porter.
3. Private Acts of 1868-69, Chapter 1, authorized the Trustees of the male academy at Ripley which had burned to sell or exchange the real property of the academy, provided that they used the proceeds of the sale to buy another lot upon which to build another male academy.

4. Public Acts of 1882 (Ex. Sess.), Chapter 10, authorized the Trustees of the Ripley Male Academy to transfer to the Trustees of the Lauderdale Institute any or all of its property to be used for school purposes within the civil district in which the town of Ripley was located.
5. Acts of 1907, Chapter 4, authorized the Board of Directors of Henning High School in Lauderdale County to sell the lot, buildings and all appurtenances of Henning High School.
6. Private Acts of 1919, Chapter 615, established a Special School District of the 17th Civil District of Lauderdale County, including the town of Gates. The Special School District was authorized to purchase the school property of the town of Gates, and to assume the related debt if necessary, for the betterment of its schools. A five-member Board of Trustees was created, no more than three of whom could be residents of the town of Gates. The organization of the Board of Trustees and the duties of the Secretary-Treasurer and Chairman were enumerated. A tax levy and the issuance of bonds were authorized under specified conditions.
7. Private Acts of 1921, Chapter 45, is erroneously listed as applying to Lauderdale County. This act amends Private Acts of 1919, Chapter 252, which by population figures applies only to McMinn County, to allow the taxes authorized therein to be collected annually.
8. Private Acts of 1923, Chapter 603, established Halls Special School District which comprised all of the 12th Civil District of Lauderdale County, including the town of Halls. The act authorized the issuance of bonds not exceeding \$50,000 bearing interest not exceeding 5½% per annum and maturing in 20 years, and authorized a property tax of 20¢ on every \$100 property value and a poll tax of \$1 for so long as the bonds were outstanding.
9. Private Acts of 1925, Chapter 122, established Ripley Special School District coextensive with the 2nd Civil District of Lauderdale County, including the town of Ripley. The act authorized the issuance of serial bonds not exceeding \$100,000 bearing interest not exceeding 6% per annum and maturing in 20 years, conditioned upon voter approval, and authorized a property tax of 40¢ on every \$100 property value for so long as the bonds were outstanding.
10. Private Acts of 1925, Chapter 726, amended Private Acts of 1925, Chapter 122, to provide that the bonds authorized thereunder would be serial bonds and that the interest thereon would be paid either annually or semi-annually.
11. Private Acts of 1927, Chapter 13, established the Seventh Special School District coextensive with the 7th Civil District of Lauderdale County. The Board was authorized to issue up to \$15,000 bonds bearing interest not more than 6% per annum, conditioned upon voter approval, the proceeds of which were to be used only for acquiring, building and equipping school properties and operating a public school system within the district. The act authorized a property tax of 30¢ per \$100 taxable property for so long as any bonds remained outstanding. This act was repealed by Private Acts of 1951, Chapter 245.
12. Private Acts of 1927, Chapter 376, authorized Halls Special School district to issue coupon bonds in an amount not exceeding \$15,000 bearing interest not more than 6% per year and maturing within 25 years, for the purpose of constructing or improving public school buildings, gymnasiums and manual training department buildings within the school district, conditioned upon voter approval. The act authorized a property tax of 8¢ per \$100 taxable property for so long as the bonds remained outstanding.
13. Private Acts of 1933, Chapter 645, raised the tax rate to 50¢ per \$100 taxable property in Halls Special School District to pay the principal and interest on outstanding school bonds. This tax was in lieu of the property taxes authorized under Private Acts of 1923, Chapter 603, and Private Acts of 1927, Chapter 376.
14. Private Acts of 1935, Chapter 281, authorized the 7th Special School District to issue refunding bonds not exceeding \$12,000 to refund \$12,000 coupon bonds previously issued, without voter approval, and authorized a special tax of 60¢ per \$100 property value to pay the principal and interest on the bonds.
15. Private Acts of 1935, Chapter 291, amended Private Acts of 1927, Chapter 13, to change the authorized property tax from 30¢ to 60¢ per \$100 taxable property.
16. Private Acts of 1945, Chapter 605, again created Halls Special School District embracing all of the 12th Civil District of Lauderdale County, including the town of Halls. The act authorized the issuance of bonds not exceeding \$40,000 bearing interest not exceeding 5½% per annum and maturing in 20 years, conditioned upon voter approval, and authorized a property tax of 20¢ on every \$100 property value and a poll tax of \$1 for so long as the bonds were outstanding.
17. Private Acts of 1947, Chapter 848, again created Halls Special School District embracing all of the 12th Civil District of Lauderdale County, including the town of Halls. The act authorized the

issuance of bonds not exceeding \$80,000 bearing interest not exceeding 5½% per annum and maturing in 20 years, and authorized a property tax for so long as the bonds were outstanding in an amount sufficient to pay the principal and interest on the bonds. No other tax was authorized under the act so that when the bonds were paid in full, this special school district ceased to be a taxing district and would have been abolished pursuant to T.C.A. § 49-2-501.

18. Private Acts of 1951, Chapter 245, repealed Private Acts of 1927, Chapter 13, and all amendatory acts, which created the Curve Special School District in the 7th Civil District of Lauderdale County. All of the assets of the special school district were transferred to the Board of Education of Lauderdale County to be used to improve the Curve Elementary School.

## Chapter VII - Elections

### Elections - Historical Notes

#### **Districts - Reapportionment**

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

1. Public Acts of 1835-36, Resolution No. 4, appointed a commission composed of Joseph Whitson, Isaac M. Steel, Benjamin Porter, Wm. Calhoun, and \_\_\_\_\_ [sic] Givens, to lay off the districts for the newly established Lauderdale County.
2. Private Acts of 1857-58, Chapter 122, established and laid off the 10th Civil District in Lauderdale County.

#### **Elections**

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

1. Public Acts of 1835-36, Chapter 2, provided that the Tipton County Sheriff or Coroner, or their deputies, would hold the initial election in Lauderdale County for Justices of the Peace, Constables, Sheriff, Trustee, County Court Clerk, Circuit Court Clerk, Register of Deeds, and all other officers as prescribed by the act. After this initial election, elections would be held by those who were designated under the act to hold regular county elections.
2. Acts of 1842 (2nd Sess.), Chapter 1, apportioned the free white male voters of the State into 25 senatorial districts, placing Lauderdale County in the 23rd Senatorial District along with the counties of Madison, Haywood and Tipton, with the votes to be counted at Brownsville. Lauderdale County would elect one of the 75 State Representatives jointly with Tipton County. This act was repealed by Public Acts of 1978, Chapter 597.
3. Acts of 1842 (2nd Sess.), Chapter 7, divided the state into eleven U. S. Congressional Districts, placing Lauderdale County in the 10th District along with the counties of McNairy, Hardeman, Fayette, Shelby, Tipton, Haywood and Dyer.
4. Public Acts of 1865, Chapter 34, divided the state into eight U. S. Congressional Districts. Lauderdale County was placed in the 7th District along with the counties of Henderson, Benton, Henry, Weakley, Obion, Dyer, Gibson and Carroll.
5. Public Acts of 1871, Chapter 146, provided that Lauderdale County would elect one State Representative. Lauderdale, Haywood and Dyer Counties were placed in the 22nd Senatorial District to elect one State Senator.
6. Acts of 1872 (Ex. Sess.), Chapter 7, divided Tennessee into nine U. S. Congressional Districts, placing Lauderdale County in the 8th District along with the counties of Madison, Crockett, Haywood, Dyer, Gibson, Weakley, Obion and Lake.
7. Public Acts of 1873, Chapter 27, divided the state into ten U. S. Congressional Districts, placing Lauderdale County in the 9th District along with the counties of Weakley, Obion, Lake, Dyer, Gibson, Crockett, Haywood and Tipton.
8. Public Acts of 1881 (Ex. Sess.), Chapter 5, fixed the number of Senators in the General Assembly at 33 and the number of Representatives at 99.
9. Public Acts of 1881 (Ex. Sess.), Chapter 6, placed Lauderdale, Haywood and Crockett Counties in the 30th Senatorial District to elect one of the 33 State Senators. Lauderdale County would elect



one State Representative alone.

10. Public Acts of 1882 (Ex. Sess.), Chapter 27, divided the state into ten U. S. Congressional Districts, placing Lauderdale County in the 9th District along with the counties of Weakley, Gibson, Crockett, Haywood, Dyer, Obion and Lake.
11. Public Acts of 1890 (2nd Sess.), Chapter 25, required that voters be registered at least twenty days before election in counties over 70,000 in population (later reduced to apply to midsize counties) and in towns and Civil Districts over 2,500 in population before they would be allowed to vote.
12. Public Acts of 1891, Chapter 131, apportioned the state into ten U. S. Congressional Districts, placing Lauderdale County in the 9th District along with the counties of Weakley, Gibson, Crockett, Haywood, Dyer, Obion and Lake.
13. Acts of 1891 (Ex. Sess.), Chapter 10, provided that Lauderdale County would elect one State Representative and share another with Tipton, Haywood, Shelby, Fayette and Hardeman Counties. Lauderdale County was placed in the 30th Senatorial District along with Dyer and Haywood Counties, to elect one State Senator.
14. Acts of 1901, Chapter 109, created ten U. S. Congressional Districts in the state, placing Lauderdale County in the 9th District along with the counties of Weakley, Gibson, Crockett, Haywood, Dyer, Obion and Lake.
15. Acts of 1901, Chapter 122, provided that Lauderdale, Dyer and Crockett Counties constituted the 29th Senatorial District, and Lauderdale County would elect one Representative alone and one jointly with Tipton County.
16. Private Acts of 1921, Chapter 751, amended Public Acts of 1890 (2nd Sess.), Chapter 25, to exempt Lauderdale County from the voter registration law.
17. Private Acts of 1935, Chapter 803, required each voter in Lauderdale County to be registered before being allowed to vote in any election thereafter held in the County, civil district, ward, or voting precinct. This law was repealed three months later by Private Acts of 1935 (Ex. Sess.), Chapter 86.
18. Private Acts of 1963, Chapter 69, provided that any person serving as an election official in Lauderdale County would be paid \$7 per day for their services. This act has been superseded by general law found at T.C.A. §§ 2-4-108 and -109.
19. Private Acts of 1969, Chapter 95, would have made elections of county-wide officers in Lauderdale County subject to a run-off election when no candidate received a majority of the votes cast. This act failed to receive local approval and never went into effect.

## Chapter VIII - Health

### General Hospital District

#### Private Acts of 1996 Chapter 166

**SECTION 1.** Chapter 626 of the Private Acts of 1937; Chapter 190 of the Private Acts of 1961; Chapter 354 of the Private Acts of 1974; Chapter 169 of the Private Acts of 1979 and Chapter 58 of the Private Acts of 1989, and any other acts amendatory thereto, relative to hospital districts and related funds in Lauderdale County, are repealed.

**SECTION 2.** All moneys in the hospital maintenance fund of Lauderdale County and all proceeds from the sale of any property formerly in the custody of the Lauderdale County General Hospital District shall be transferred by the County Trustee to the county general fund of Lauderdale County, to be appropriated and used for such purposes as the County Legislative Body of Lauderdale County shall determine.

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

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

Passed: April 4, 1996.

## Health - Historical Notes

The following summaries are included herein for reference purposes.

1. Private Acts of 1937, Chapter 626, created the Lauderdale County Special Hospital District in Lauderdale County, naming W. E. Harlaw, M. H. Durham, San Seigel, W. D. Barfield, S. S. Neighbors, R. H. Chishold, and Tom M. Scott as the first board of directors of the district. The board was given authority to issue up to \$200,000 in bonds, subject to local voter approval, and to levy a property tax of an unspecified amount for the payment of principal and interest on the bonds. In addition, a tax of 10¢ per \$100 of property valuation was authorized to provide funds for the operation and maintenance of the hospital.
2. Private Acts of 1937, Chapter 630, provided that since R. S. Jackson had practiced veterinary medicine for over 24 years in Lauderdale and neighboring counties and those counties needed veterinarians, Dr. Jackson was authorized to practice veterinary medicine and surgery in Lauderdale and neighboring counties and those state agencies responsible were directed to issue a license to him without examination upon payment of the license fee.
3. Private Acts of 1945, Chapter 257, authorized Lauderdale County to acquire, operate and maintain a hospital; to issue up to \$300,000 in bonds for that purpose, subject to local voter approval, and to levy a tax of unspecified amount to pay the principal and interest on the bonds; and to levy a property tax of 10¢ per \$100 to be used for the operation and maintenance of the hospital.
4. Private Acts of 1955, Chapter 62 (reproduced herein), authorized a 10¢ property tax for the Lauderdale County Hospital authorized by Private Acts of 1945, Chapter 257.
5. Private Acts of 1989, Chapter 58, would have amended Private Acts of 1961, Chapter 190, to authorize the Lauderdale County Hospital Commission to operate a nursing home, and to sell the assets of the Lauderdale County Hospital District with the approval by 2/3 vote of the county legislative body. This act was not acted upon by the county legislative body, and therefore never went into effect.
6. Private Acts of 1996, Chapter 166, (reproduced herein), repealed Private Acts of 1937, Chapter 626, Private Acts of 1961, Chapter 190, Private Acts of 1974, Chapter 354, and Private Acts of 1989, Chapter 58, relative to hospital districts and related funds in Lauderdale County.

## Chapter IX - Highways and Roads

### Road Law

#### Private Acts of 1929 Chapter 304

**SECTION 1.** (a) The County Highway Department shall be operated under authority of one (1) Highway Commissioner, who shall be responsible for the overall supervision of the County Highway Department. Presently serving members of the former Highway Commission in office on the effective date of this act shall remain in office until the expiration of the term for which such members were elected and until the successor Highway Commissioner is elected and qualified. The Highway Commissioner shall be elected to serve a four (4) year term at the January 2003, meeting of the County Legislative Body.

(b) The Highway Commissioner shall be a resident of Lauderdale County, and shall not be eligible for election to any other elected County Office. The Highway Commissioner shall be nominated by the County Executive, or the Chairman of the County Commission if someone other than the County Executive. Nominations shall be made and submitted to the County Legislative Body, who by majority vote of members present shall elect a Highway Commissioner to serve a term of four (4) years from the date such person is elected and until a successor is elected and qualified.

(c) Each Commissioner so elected shall immediately after his election, qualify by making and subscribing to an oath before the County Legislative Body, to faithfully and impartially perform the duties of the office, to the best of his skill and ability, and without favor towards, or prejudice against, any person, section or community of Lauderdale County. Such Commissioner shall also enter into bond, in the sum of one hundred thousand dollars, with good and solvent sureties, approved by the County Executive or Chairman conditioned for the faithful performance of his duties, and for the faithful expending of, and accounting for all, monies coming into his hands, or under his control as such Commissioner, or by virtue of his office, and which oath and bond shall be delivered to and kept on file by the Clerk of the County Legislative Body.

(d) In the event of a vacancy on the Commission, caused by the death, resignation, or removal of residence from the County, the same shall be filled by the Commissioner so vacating the office. Such successor shall be elected at the next meeting of the County Legislative Body following the date the vacancy occurs; said Commissioner to be nominated by the County Executive, the Chairman of the County Legislative Body, if the Chairman is a person other than the County Executive, or any member of the County Legislative Body who is present at the meeting of the County Legislative Body when the vacancy is to be filled.

As amended by: Private Acts of 1931, Chapter 373  
Private Acts of 1999, Chapter 21  
Private Acts of 2001, Chapter 34

**SECTION 2.** That said Commission shall have full and complete control of all public roads, bridges, and levees in the County, except such as of [sic] or may hereafter be under the supervision and control of the State Highway Department or the Hard Road Commission of the County, and control and supervision of all funds arising from taxes, or other sources designed or set apart for general road, levee or bridge purposes, in the County, and including all funds, arising or collected from County license, or registration of automobiles, motor vehicles, or log wagons, as provided by statute, and all funds allocated, set apart, or appropriated by State Highway Department from automobile tax, or registration fees, or license, gasoline tax or other sources under the general laws of the State of Tennessee. And all such funds shall be placed and kept in one general fund in said counties, to be known and designated as "The County Road and Bridge Fund," and which shall be appropriated to said roads, levees, and bridges, by the County Highway Commission, and paid out upon its order or warrant, signed by the Chairman/Secretary of said Commission. And said County Highway Commission shall also have the right and power to direct and control the place and time when and where those living in the county and owing road time, shall work out the same on the roads, levees and bridges in the county.

As amended by: Private Acts of 1931, Chapter 373  
Private Acts of 2001, Chapter 34

**SECTION 3.** That in addition to the full and complete general powers with which said Commission is hereby invested for the purpose of constructing, working, and maintaining an ample and serviceable system of public roads, in said counties, and all powers necessarily and reasonably implied, to secure such purposes, the said Highway Commission is hereby invested with the following other and additional authority and powers, and the naming of such specific rights, powers, duties, and etc., shall not be construed to restrict but rather to amplify the general power and authority given to it, in this Act, to wit:

(a) To appoint and employ a Superintendent of Roads for said counties, and place him in active control of the construction, working and maintaining of same, under the direction of the said Commission, and to pay him a salary for his services, not to exceed One Hundred Seventyfive Dollars per month, to be paid out of the County Road and Bridge Fund of the County. Said Superintendent of Roads shall be a man of experience, and skill in road, bridge and levee building, and shall have sufficient clerical skill and ability to keep an accurate record of the work, he is carrying on, and to make such reports to the Commission and the Quarterly County Court, as is provided for in this Act. He shall hold his office at the pleasure only of the Commission, and shall obey and carry out the instruction given him in writing by the Commission, as hereinafter provided, and to do and perform all things necessary and expedient to secure the best and most permanent system of public roads, bridges and levees in the County. He shall be required to inspect and oversee all work done by day labor, under overseers or foremen, or by independent contractors, and make report of same to the Commission and no work shall be received and paid for or any contractor settled with, until inspected and approved by the Superintendent of Roads and ordered by the Commission. It shall be the duty of the Superintendent to make constant inspection of the roads in the County under supervision of the Commission and to see that they are properly maintained and kept free from obstructions, and that there are no encroachments on the right of way thereof, and that they are always in the best possible condition for travel, and to do and perform any and all other services with respect to the roads, levees and bridges required of him by the Highway Commission of the County.

**COMPILER'S NOTE:** The Tennessee Uniform County Road Law, codified in Title 54, Chapter 10 of Tennessee Code Annotated, has superseded or expanded portions of this section. The qualifications of a "Chief Administrative Officer" (which includes among its definitions county road supervisor) elected after 1974 are set out at T.C.A. § 54-7-104. The salary of the Chief Administrative Officer, under T.C.A. § 54-7-106, must be at least 10% higher than the salary of the county trustee. Under T.C.A. § 54-7-108, the Chief Administrative Officer must post a \$100,000 bond, and T.C.A. § 54-7-105 sets a four-year term for Chief Administrative Officers.

(b) To appoint and employ in the several districts of the County as they may deem necessary and expedient, overseers or foremen, to assist and work under the orders of the Superintendent of Roads in constructing, working and maintaining public roads, bridges and levees and to pay them such amounts out of the County Bridge and Road Fund, as they may decree proper and right, and which overseers and

foremen shall hold their employment at the will and pleasure of the Highway Commission.

(c) To let out by independent contract, the construction, working and maintaining such roads or section of roads, levees, and bridges, as they deem proper, and to pay for the same, when accepted, by warrant drawn upon the County Bridge and Road Fund; or the Highway Commission may authorize all such work done by hired labor under the supervision of the Superintendent of Roads, and such overseers or foremen as the Commission may direct, and to pay for the same, upon warrants drawn on the County Bridge and Road Fund.

(d) To acquire by purchase or rental contract, necessary graders, tractors, drags, engines or other equipment, which they deem necessary or advisable for construction, working or maintaining public roads, levees or bridges, and to place same under the supervision, control, and management of the Superintendent of Roads, who shall take care of same, keep an inventory of same all of the time, and to pay for same, its repair or upkeep, out of the County Road and Bridge Fund.

(e) To make any and all contracts and arrangements which they may deem expedient or advisable with the State Highway Department, or with the Hard Road Commission of the County, for the construction, working, upkeep or maintenance of any of the roads, bridges or levees under their control, or for the services of its force, or employees or the use and operation of such machinery as said State Highway Department or Hard Roads Commission may own or control, on any of the roads, levees and bridges under the control of the Highway Commission and to pay such contract or rental price, as they may agree upon, out of the County Road and Bridge Fund. The Chairman of the Highway Commission shall be the agent to bind the County and make such contracts with the State Highway Department or County Hard Road Commission.

(f) To employ such engineers or skilled workmen as the Commission may deem necessary from time to time, in opening, laying out, constructing, abandoning, working or maintaining roads, levees, and bridges in the County, and to pay them for such services, by warrants drawn on the County Road and Bridge Fund.

(g) To designate the location of all telephone, telegraph, or other poles permitted by law to be placed, along public roads, and to require them to be placed where they will not obstruct the side ditches, or the flow of water, or the working or the maintaining of the road, and the Commission is hereby given the power and authority to move or have moved from the road, or right of way, and such poles or other obstructions, which interfere with the flow of water or proper working or maintaining of public roads. They are further authorized and empowered to prevent abutting property owners from encroaching upon the right of way or road, or from building levees or dams which hold or obstruct the natural flow of water along said roads, or its side ditches, and they are hereby given such powers, as may be necessary to remove such obstructions, to prevent same and to institute legal proceedings, if necessary, to prevent or remove same and to pay the cost of such proceedings out of the County Road and Bridge Fund. But nothing in the Act or any provision thereof, shall be construed as giving the Highway Commission the right or authority to abandon, tear down, or destroy, the levee built under the orders of the Quarterly County Court across Cold Creek and adjacent to State Highway No. 19, in the 5th Civil District of Lauderdale County, and commonly known as Cold Creek levee, or any jurisdiction or control of same.

(h) To acquire by gift, purchase of [sic] condemnation proceedings, all lands and rights of way, necessary for opening, constructing, building, changing or re-locating public roads, bridges and levees, and to pay for the same out of the County Road and Bridge Fund. It shall be the duty of the Highway Commission to keep in a well bound book in its office, a definite and sufficient record, of all such rights of way or lands so acquired for said purposes showing the County's title to, or rights therein. The Commission is hereby given the power, by and through proceedings to be instituted by the Superintendent of Roads in his name, and under the direction of the Highway Commission in the manner provided by statute, to condemn and take lands and rights of way for roads, bridges and levee purposes, and to employ a counsel to conduct such proceedings or for any other purposes where legal council [sic] and services are deemed necessary to accomplish the purposes of the Act, and to pay the costs and expenses of such suits or proceedings and counsel fees, out of the County Road and Bridge Fund. In all condemnation suits, instituted as herein provided for, the County shall be made a party Plaintiff, and the Commission and Superintendent are authorized to make the County a party Plaintiff to such suits or proceedings, and it shall not be necessary for the County Commission or Superintendent to execute any cost or indemnity bond or any other bond in such proceedings, and immediately upon the filing of or institution of any suit of condemnation under the provisions of this Act, the Commission, its agents, servants and employees, shall have full power and authority to proceed to take the necessary lands, sought to be condemned, and no appeal or other dilatory plea shall delay the opening, changing, construction, or working of any such condemned rights of way or roads.

Provided that it shall not be compulsory with the said Highway Commission to select and appoint a

Superintendent of Roads; and if in their discretion they do not do so, then the members of said Commission themselves shall perform all the duties prescribed above for the Superintendent of Roads in addition to their general powers and duties prescribed by this Act, and for which services they shall receive the compensation herein provided for the Superintendent of Roads in addition to the salary of Twenty-five Dollars each per month allowed them by this Act as such Commissioners, it being the purpose of this Act to empower the Quarterly County Court of the county to supplement their salary of Twenty-five Dollars per month only when they have selected and contracted to pay a Superintendent of Roads as provided in this Act.

As amended by: Private Acts of 1931, Chapter 373

(i) To employ an attorney to represent and advise such Commission whenever in the opinion of a majority of the Commission such employment is to the public interest and to fix a reasonable compensation for the services of such attorney.

As amended by: Private Acts of 1947, Chapter 856

**SECTION 4.** That the members of the County Highway Commission may draw a salary of Twenty-five Dollars each, per month, to be paid to them monthly, upon warrant drawn on the County Road and Bridge Fund, signed by the Chairman/Secretary, but the Quarterly County Court, may at any time authorize the payment to any member of the Commission such additional amount for services rendered, as it may deem proper and just.

As amended by: Private Acts of 2001, Chapter 34

**SECTION 5.** That the said Highway Commission shall maintain an office in the County Seat of the County, where all the books and records, etc., pertaining to its work shall be kept, and it is authorized to employ such clerical help as may be necessary and to pay this or such other expenses, out of the County Road and Bridge Fund, as may be necessary to carry on its work, and to keep such records and to maintain such office at the County Seat of the County. The Commission shall be required to set a day, at least once each month, on which the Commission is going to conduct Commission business. Such day shall be a fixed and regular day to be selected, designated, and published, for the purpose of carrying out the work of the Commission and to hear and consider petitions and complaints. The Chairman/Secretary of the Commission shall keep an accurate account of all business transacted, and accurate minutes of the meetings, in a well-bound book and which minutes at the next meeting shall be read, approved and signed by the Chairman/Secretary. It shall be the duty of the Chairman/Secretary to list all claims and accounts against the Commission in a well bound book and to keep all such claims and vouchers always on file in his office and shall keep a list of all warrants drawn on the County Road and Bridge Fund in the order drawn as well as all stubs of warrants drawn on said fund and all paid vouchers or receipts shall be carefully filed and kept, and all of which records shall be at all reasonable times, subject to the inspection of any official of the County or any tax payer or other person having an interest therein.

As amended by: Private Acts of 2001, Chapter 34

**SECTION 6.** That no claim or account or other amount shall be paid out of the County Road & Bridge fund except upon warrant drawn by the Highway Commission, and signed by the Chairman/Secretary of the Commission, and which warrants shall be drawn upon the funds in the hands and custody of the County Trustee, and no such warrant shall be drawn unless and until an itemized statement of such claims for which it is drawn, has been filed with Commission, and passed, approved, and ordered paid in a regular meeting of the Commission, or special meeting called for that purpose, and only upon a vote of the majority of the said Commission. In all matters and transactions of the Commission, unless otherwise provided by law or this Act, pertaining to their duties, said Highway Commission shall act as a body, and not as individuals and no act or transaction shall have been deemed to be authorized and directed by the said Commission, unless done in a regular or called meeting in which all members are present, or have had ample notice to be present, or ample notice of the purpose of said meeting, and shall be passed on and ordered by a majority of said Commission, and in all matters pertaining to the business of the Commission, the Chairman shall have the right, and be required to vote like the other Commissioners. A majority of such Commissioners, shall constitute a quorum for the transaction of any and all business coming before the Commission. The papers, books and records of the said Highway Commission shall be open to the inspection of the revenue agents and revenue or financial committee of the County. And the revenue or financial committee of the County shall make quarterly audits of the books, papers, vouchers, and other acts of the commission with reference to finances just as it is required to do of the other officials of the County, and report said audit to the Quarterly County Court. The Commission shall require the Superintendent of Roads to make out and file with it, at each monthly meeting, an itemized and detailed statement of the work done by him, and likewise to make a report to each meeting of the Quarterly County Court of the work done by him and the funds expended for same, and on what account and also an inventory of all tools, machinery, equipment, and road material on hand, and under his supervision and control. The Highway Commission shall give its instruction to the Superintendent of Roads and its overseers and foremen working under him in writing signed by the Chairman/Secretary, and then only such instructions as its minutes show were adopted and ordered in a meeting of the Commission and

passed in the way above prescribed.

As amended by: Private Acts of 2001, Chapter 34

**SECTION 7.** That no member of the Highway Commission or Superintendent of Roads shall be interested, directly or indirectly in a financial way in any road contract or the sale or purchase of any material or equipment for road work, nor shall any such contract, purchase, or sale, be made with any person related to any member of the Commission, or the Superintendent of Roads, within the third degree.

**COMPILER'S NOTE:** The general law prohibiting conflict of interest in county highway department contracts and purchases is found at T.C.A. § 54-7-203.

**SECTION 8.** That neither the County Highway Commission, nor any one working under their direction, shall make any contract calling for the expenditure of a greater sum of money or incur any liability for any one year, in excess of the amount of cash on hand or under the control of the County Highway Commission, or in excess of sixty per cent of the uncollected, anticipated, tax levy, or funds reasonably expected to be collected for roads, bridges, or levee purposes, from all sources as provided by law for that year, and all such contracts in excess of said amounts, or liabilities incurred above said amounts shall not be an indebtedness of, or collectible against the County, the Highway Commission, nor out of the future and succeeding years income, or collections from all sources of taxes, and other sources for roads, bridges or levee purposes. But it is hereby expressly provided that the County Highway Commission be and it is hereby authorized and empowered, to borrow each year, the sum of not exceeding Ten Thousand Dollars (\$10,000.00), in anticipation of that year's income from taxes and all other sources, for roads, bridges and levees, but they shall not at any time, borrow or have outstanding indebtedness exceeding Ten Thousand Dollars, and before any further borrow can be made by the Highway Commission, it shall first repay the Ten Thousand Dollars or any part thereof, then borrowed, unpaid and outstanding. Said loan or loans, if made under these provisions shall be the direct obligation of the County, and a first lien and charge against the taxes and other moneys to be thereafter collected by law for Highway [sic], bridge and levee purposes, and shall be repaid first out of said funds, when collected by the Trustee. Said County Highway Commission will evidence said loans by a warrant or certificate of indebtedness, or short time note signed by the Secretary and countersigned by the Chairman of the Highway Commission, and signed also by the County Judge or Chairman, same may bear interest at a rate not exceeding 6% per annum, but shall not be sold for less than par and such certificate shall be exempt from all state, county and municipal taxes in Tennessee, and shall not be payable in a greater length of time from date than one year, and before any money may be borrowed under the provisions of this Section, all outstanding loans, must have been paid.

**SECTION 9.** That it is hereby made the duty of the said Highway Commission and they are hereby empowered to have prepared by the Superintendent of Roads or such other persons, as they may see proper to employ, during January or February, a list of all persons subject to road duty, for that year, or any part of that year in said County, and they are authorized to pay out of the County Road & Bridge Fund for said services not exceeding Ten Cents for each name so listed and reported; and when said list is prepared, it shall be approved, by the Superintendent of Roads, and a copy of same furnished by the maker to him, a copy filed with the Commission, and a copy filed with the Trustee of the County.

**SECTION 10.** That the said Highway Commission is hereby authorized and empowered to construct, work, lay out, maintain, acquire by purchase, gift or condemnation under the general laws of the State, and hold and control public roads in the county of such width and grade, kind or character, either dirt roads or hard surface roads, as they may desire to or see proper to do, and may abandon, open, close, restore, widen, open up new roads, or change location of any existing road or any public bridge or levee, whenever they, in their discretion, see proper to do so, and whenever such is deemed by them to be for the public interest and benefit. All such applications for opening up new roads, or closing, changing, restoring, abandoning or widening any public road, levee or bridge already existing and falling under the provisions of this act, may be done by petition filed, by the Highway Commission, the Superintendent of Roads (in which case the County shall also be joined as petitioner) or any citizen or tax payer of the county, in the County Court addressed to the County Judge or Chairman of the County Court; and ten days written or printed notice or summons accompanied with a copy of the petition, shall be served on all land owners [sic] over whose land said opening, closing, or changing would occur, and on any person or landowner, who would be affected by opening up a new road or changing the location of any such road. And any such person or landowner, so affected, who desires to contest the matter of said petition, or the changing of any such road, bridge or levee or re-locating and opening up any such new road, may file such defense to the same as he may desire to deem proper, within ten days after being served with such notice or summons. After the pleadings are filed, or any party so summoned fails to appear and plead within the time provided herein, the cause shall be heard by the Judge or Chairman of the County Court upon the pleadings any proof introduced orally before the court or in writing in the form of depositions, records or certified copies by any of the parties to the cause; and the Court will decide upon the whole

case and decree whether it is to the public interest and benefit to open up such new road, or close, abandon, change, re-locate or widen any such road, bridge or levee, and shall adjudge the amount of damages, if any, and the value of any lands taken for such road purposes to be paid any party to the suit so affected and to render judgment for the same against the county, and the said Highway Commission is authorized to and will be ordered by the Court to pay the same or any costs adjudged against the county out of the county road and bridge funds under their control; and the court is authorized to adjudge the costs in such case in such way as in his sound discretion he deems proper. But in all cases where the Highway Commission or the Superintendent of Roads files such petition to appropriate land or property for such road purposes or locating new roads or re-locating existing roads it shall not be necessary for the County Highway Commission or the Superintendent of Roads to execute any cost of [sic] indemnity bond or any other bond in such proceedings, and immediately upon the filing of or institution of any such suit for condemnation of property under the provisions of this section, and the service of the notice or summons on the party owning or interested in such property, the County, its Highway Commission, the Superintendent of Roads or their agents, servants or employees, shall have full power and authority to proceed to take the necessary land or property sought to be condemned for that purpose, and no appeal or other dilatory plea shall delay the opening of such road or the changing, construction, re-locating, widening or building such proposed road, bridge or levee. Any party dissatisfied with the judgment or decree of the court, may pray and have perfected an appeal to the next term of the Circuit Court for the county, upon the execution of a cost and appeal bond, in the manner provided for the appeal of other civil cases; and the case shall be tried de novo in the said Circuit Court. Provided, That where the Highway Commission, the County, or the Superintendent of Roads prays an appeal it shall not be necessary to execute an appeal bond for such appeal unless the Court trying the case shall expressly order that such appeal bond be so executed.

As amended by: Private Acts of 1929 (Ex. Sess.), Chapter 34

**SECTION 11.** That it shall be the duty of the Highway Commission to give attention to all of the public roads of the County, without favor or partiality to any section of the County, without neglect to any section of the County. And while they are given wide latitude and discretion in working, constructing, repairing, and maintaining the bridges and levees and roads in the County, they are specially directed to apply this Act justly with its benefits to all parts of the County, and they are hereby expressly required to construct, work, repair, and maintain the roads, bridges, levees, and to open up new roads, to serve the public travel in each civil district of the County, in reasonable proportion to the taxes collected from said district for said purposes, and they may be required to do so by appropriate legal proceedings, instituted for that purpose, by any person materially affected, damaged or injured or deprived of the benefits of this Act, by their neglect or refusal to do so.

**SECTION 12.** That all male inhabitants of any county coming under the provisions of this Act, twenty-one years old, and under fifty years of age, except those living within incorporated towns, and those exempted by the Quarterly County Court of the County at its January term of any year (and no later term), and then for only one year at a time, shall work on the public roads in his county, six days, of nine hours per day, in two periods, with an hour for dinner, between the two periods, during each year; and those moving into the county or out of any incorporated town in the county into the country in said county, or those moving out of the county or out of the country into any incorporated town in the country [sic], and those coming twenty-one years old, or becoming fifty years of age. [sic] shall work or commute for the proportionate part of the year, during which they are of road working age, under the provisions of this Act. Any one so subject to road duty, shall be required to work upon two days personal or written notice of the time and place to commence, either served in person, or left at their known place of residence, with some adult member of his family, which two days notice shall include the day upon which it is served, all road hands shall be warned and required to work upon the road, in the civil district of the County, in which they reside at the time they are warned. Such notice may be served by the Superintendent of Roads, or any contractor, overseer, foreman, or any other person designated by the County Highway Commission or having charge of said work; and any person, so owing road duty may be warned in one notice; to work any number of consecutive days or all the times he owes on his six days work required of him under this Act. But any person subject to road duty may commute and be relieved of working on said roads, by paying to the County Trustee of the County the sum of Five Dollars (\$5.00), before April 1st of the year during which he owes road duty, provided for the year 1929, he may commute by June 1, 1929. But, if he fails to so commute by that time, he cannot do so thereafter, except upon the written permission of the Highway Commission, and then only, by paying to the Trustee, One Dollar per day, for each and all of the remaining six days work, he owes for that year. Any person who wilfully fails, or refuses to work, after being warned, or to commute, as provided above, shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than Eight Dollars (\$8.00), or more than Twenty-five Dollars, for each offense and confined in the County Jail or workhouse until he pays or secures such fines and costs of the case; and each day's refusal or wilful failure to so work, in response to such notice so served on him, shall constitute a separate offense, and subject him to a separate punishment.

It shall be the duty of the Superintendent of Roads or one or more of the County Highway Commissioners to swear out a warrant before some Justice of the Peace of the County, and to prosecute all persons wilfully failing or refusing to work, after being so warned, unless they commute as herein provided; and such persons shall not be allowed to commute after being so arrested, without consent of the Justice of the Peace before whom he is brought, and the Superintendent of Roads or the said County Highway Commission and then only, upon the payment of all costs and such fine, as the Justice of the Peace may impose, if he pleads guilty, and submits his case to the Justice of the Peace. Grand Juries of such Counties are given inquisitorial powers over such offenses, and Justices of the Peace of the County, are given jurisdiction of such cases under the small offense laws; and they shall issue a warrant for the arrest of such persons, whenever it shall be made to appear in writing, that the offense has been committed, and any Justice of the Peace, shall have jurisdiction to try and determine the case under the law governing small offenses, before Justices of the Peace. All fines collected for the violation of this law, shall be paid into the hands of the County Trustee, and be credited to and accounted for as a part of the Road & Bridge Fund of the County, and be under the supervision and control of the County Highway Commission. The Highway Commission or the Superintendent of Roads under the direction of the Highway Commission, is authorized to make such contracts, with persons owing road time, for the use of teams and tools on the road, in payment of road time, as they may deem proper and just.

As amended by: Private Acts of 1931, Chapter 11

**SECTION 13.** That the Quarterly County Court of any County, to which this Act applies, may at its January or any subsequent term of any year, assess a special privilege tax not in excess of the amount assessed by the State, upon any or all privileges, declared to be and assessed as privilege tax by the State, for the purpose of raising a special fund, to be used on the public roads, levees and bridges of said County, and provide for the collection of same, and when so collected, the same shall become a part of, and be controlled and expended as a part of the County Road & Bridge Fund, by the Highway Commission. Or, the Quarterly County Court may assess a special tax on any article of commerce or merchandise assessed by the State, not in excess of the amount so assessed by the State, and provide for the collection of same and shall become a part of the County Road & Bridge Fund, and expended by the Highway Commission in the construction, working, and maintenance of the roads, levees, and bridges in the County.

**SECTION 14.** That if for any reason, any part, or any section of this Act, shall be held invalid, or unconstitutional, then that fact shall not invalidate the balance of this Act, it being the legislative intent to have passed all of the rest of the Act, irrespective of the illegal part, and the balance of this Act, shall be considered good and valid and in force, without reference to the invalid part.

**SECTION 15.** That all laws and parts of laws in conflict with this Act, be and the same are hereby repealed, and this Act take effect from and after April 2, 1929, the public welfare requiring it.

Passed: March 25, 1929.

## Highway Funds

### Private Acts of 1931 Chapter 670

**SECTION 1.** That upon the receipt from the State of the gasoline tax allocated and paid over by law to the Trustee of all counties of the State having a population of not less than 23,400 and not more than 23,410, under the Federal Census of 1930, or any subsequent Federal Census, the Trustee shall pass said funds to the account of "The County Highway and Bridge Funds" of said Counties and said funds after being so deposited shall be subject to the control and may be expended by the County Highway Commission or County road authorities of said counties in constructing, maintaining and improving the county highways or roads, and for purchasing such machinery, material and equipment, or paying salaries allowed by law to such Highway Commissioners or authorities, necessary clerk or office hire and expenses, as the said Highway Commission or County Highway authorities may deem proper or direct, and in the manner provided by law in such cases; provided that the administrative expenses of the Lauderdale County Highway Commission, consisting of commissioners [sic] salaries, clerk hire, office rents, lights, telephone bills, fixture repairs, office supplies, stamps, stationery, forms, etc., or other necessary administrative expenses, not to exceed, \$ [sic] not exceeding 10% of the total of such funds received from the State during the year for any one year. [sic] or so much thereof as may be necessary, shall be paid out of the amounts received from the two cents gasoline tax fund allocated and paid over to the Trustee of Lauderdale County and taken into account in determining any surplus to be applied at the end of the year to the payment of bonds or interest thereon.

In the event of sickness or other disability of any member of the commission provided for in the law



pertaining to the construction and maintenance of public roads in Lauderdale County, Tennessee, so that such commissioner is unable to perform his duties as such, then any other member of the commission is authorized and empowered to perform his said duties in his place and stead, and for such services the commissioner so performing said duties shall receive a salary equal in amount to the salary to which the disabled commissioner is entitled, and this provision shall be construed to become operative from and after January 1, 1937, said salary to be in addition to the salary to which the commissioner so performing said services is entitled. And in the event of the sickness or other disability of more than one of the said commissioners, the commission [sic] still performing his services and duties as such is empowered to employ any person deemed by him to be competent to perform the duties of the second one of the commissioners which has become so disabled, to perform his duties, for which the active commissioner is entitled to contract and pay out of the said road funds for the services of the person so employed an amount not to exceed \$75.00 per month. Any commissioner so disabled for a longer term than 12 months shall not be entitled to draw any salary for his services as such commissioner after the expiration of the 12 months period. And in the event of the sickness or inability of the Secretary (who is also the bookkeeper) to the commission to perform his duties as such, then the commissioner or the active member or members thereof are empowered to employ an Assistant Secretary and Bookkeeper to perform such duties and to pay such Assistant Secretary a salary not to exceed the sum of \$75.00 per month, until such time as the regular Secretary and Bookkeeper may be able to resume his work, and during the time that such Assistant Secretary is employed and performing said duties the regular Secretary shall receive no compensation for services as such Secretary.

As amended by: Private Acts of 1933, Chapter 16  
Private Acts of 1937, Chapter 590

**SECTION 2.** That at the end of each calendar year, the County Highway Commissioners or County Road authorities in such counties, shall notify the Trustee of any and all warrants drawn against said funds and unpaid and any and all outstanding contracts entered into which will necessitate any of said funds received during that year to meet and liquidate and the amount of same, whether said contracts are to be performed in that year or not. Any of said funds received during the year and not expended by the Highway Commission or the County Road authorities, or against which no warrants have been drawn and unpaid, or not necessary to meet and liquidate any contracts as referred to above, at the end of the calendar year, shall be passed by the Trustee to a County Highway Liquidation Fund, and used by the Trustee in paying off the principal and/or interest, or buying in the county highway bonds of said county, as distinguished from county bonded indebtedness incurred for building State Aid Roads or Federal Aid Roads, whether said bonds be due or not; and the Trustee of the County is authorized to use the same for said purposes whenever said bonds, whether due or not, can be paid with accrued interest or purchased at par or less and accrued interest on such bonds, it being the intent and purpose of this amended Act to direct that any surplus of funds received during any calendar year be applied to the payment or purchase of said county highway bonds and accrued interest, as distinguished from bonded indebtedness of said counties incurred in building State Aid or Federal Aid Roads in said county.

As amended by: Private Acts of 1933, Chapter 16

**SECTION 3.** That when said bonds are purchased or paid off by the Trustee it shall be his duty to carry same to the proper authorities of the county and have the same cancelled and recorded and filed as cancelled bonds in the same way and manner as the law requires when said bonds are present by the owners or holders of same and presented for payment and paid when they fall due, it being the purpose of this Act to have said bonds cancelled and retired as a part of the said bonded indebtedness of the county whenever the Trustee either pays same off when due or purchases same with said funds. If at any time the Trustee has not sufficient funds to purchase any of said bonds or pay the same off, he is authorized and directed to use such of said funds as he has in his hands in paying semi-annual interest then due on any or all of the said county highway bonded indebtedness; and if no such interest is due, he is directed to hold and deposit any such funds as he may have in his hands and which he has not been able to use in the purchase or payment of any of said bonds as directed hereinabove on interest just as he does other county funds until such time as he may have the opportunity to purchase or pay same; and the interest collected by him on such funds shall be deposited and kept and used by him as a part of the principal for the purposes set out in this Act.

**SECTION 4.** [Deleted by Private Acts of 1933, Chapter 16]

As amended by: Private Acts of 1933, Chapter 16

**SECTION 5.** [Deleted by Private Acts of 1933, Chapter 16]

As amended by: Private Acts of 1933, Chapter 16

Passed: June 29, 1931.

# Sand and Gravel

## Private Acts of 1923 Chapter 256

**COMPILER'S NOTE:** The sale of rock, crushed stone and other road materials by counties to individuals under certain circumstances is prohibited by T.C.A. § 54-7-202 and T.C.A. § 12-8- 101. See also Op. Tenn. Att'y Gen. 85-063. Dredging in navigable waters is regulated by federal law, see, e.g., 33 U.S.C. § 403, and by various state laws, rules and regulations.

**SECTION 1.** That hereafter, for the purpose of building and improving public roads and highways, in counties of this State having a population of not less than Twenty-one Thousand Four Hundred and Ninety and not more than Twenty-one Thousand Five Hundred, and in counties of this State having a population of not less than Thirty Thousand One Hundred and Fifty and not more than Thirty Thousand Four Hundred, by the Federal Census of 1920, or by and subsequent Federal Census, that any Road Commissioner, Road Superintendent or other road official provided for by law, shall have the right to remove and use for improving or building public roads in said counties, sand, gravel, or other road building material, from beds of navigable streams, below low-water mark, within the boundaries of their respective counties, provided that in so doing no such official, acting under this authority, shall interfere with or obstruct the free us [sic] of any stream for the purpose of navigation.

**SECTION 2.** That said counties, acting by and through the County Trustee, are hereby given and granted the exclusive right to sell sand, gravel or other road material from the beds of navigable streams, within said counties, below low-water mark, and acting by and through the County Trustee, are hereby authorized and empowered to sell and enter into contracts for the sale of the same, as hereinafter stipulated and provided, and the Trustee of the county shall receive the money in payment for the same and shall be by him placed in the general road fund of the county, to be expended and disbursed only for road purposes, as now provided by law for the expenditure and disbursement of the general road fund of the county.

**SECTION 3.** That any person, firm or corporation desiring to purchase and remove, sand, gravel, or other road building material, from the beds of navigable streams, within the boundaries of said counties, shall have the right to do so, by first entering written agreement, contract or stipulation with the Trustee of the county, agreeing to pay to the county and into the hands of the County Trustee, one and one-half cents for each cubic yard of gravel, sand or other road building material so taken or removed by it or them and that an accurate and correct account and record of all gravel, sand or other road building material so taken or removed by it or them from the beds of navigable streams, below low-water mark, within said counties, will at all times be kept and that a complete itemized statement and account of the same will be rendered monthly to the Trustee of the county and payment made to him at said time at the rate of one and one-half cents per cubic yard, as aforesaid, for the amount removed or taken during the preceding month, and further agreeing that the County Trustee or any other person appointed by him, shall at all times have access to and the right to inspect all books, records, accounts and papers kept as aforesaid and to permit the Trustee at any and all times, if he desires to do so, to put an inspector on the job to check up and keep an account of the material of sand, gravel and other material being removed and taken, as aforesaid, and provided, further, that any person, firm or corporation so agreeing shall also before commencing operations for the removal of said sand, gravel or other material, enter into a bond, payable to the county, in the sum of One Thousand Dollars, conditioned for the faithful performance of said contract and agreement and guaranteeing the payment of the amount due the county for the material so removed, as hereinbefore provided.

**SECTION 4.** That any person, firm, or corporation who shall hereafter remove any sand, gravel or other road building material from the beds of navigable streams, below low-water mark, in said counties without first having fully complied with all the provisions, stipulations and conditions set forth in Section 3 of this Act, shall be guilty of a misdemeanor and upon conviction thereof shall pay a fine of not less than Five Hundred Dollars nor more than One Thousand Dollars, in the discretion of the Count and jury, for each offense, and provided that each day of unauthorized removal of such sand, gravel or other material from said streams shall constitute a separate offense. And the grand juries of said counties are given inquisitorial powers of the violation of this Act.

**SECTION 5.** That the said counties are hereby given the right and are authorized and empowered to institute and prosecute civil action and suits in the courts of this State to recover from and person, firm or corporation the value of any sand, gravel or other material removed from the beds of navigable streams in said counties, as fixed by this Act, and to bring civil action and suits on said agreements and bonds provided for in this Act, or to bring any other civil action that may be deemed right and necessary to enforce the provisions of this Act. And the Trustee of the county is hereby authorized to bring such suits

above provided in the name of the county and to employ counsel for that purpose.

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

Passed: March 13, 1923.

## Highways and Roads - Historical Notes

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

1. Acts of 1837-38, Chapter 251, incorporated the Ripley and Covington Turnpike Company to build a causeway and bridge across the Hatchie River and bottom from Ripley to Covington, and appointed Reason T. Byrn, Guy Smith, Griffy L. Rutherford, Joseph Wardlaw, Samuel V. Gilliland, Dabney Philips, F. R. Smith, William C. Hazen, James N. Smith, Joseph Collier and Samuel Holmes as Commissioners.
2. Private Acts of 1857-58, Chapter 131, authorized the Quarterly County Court of Lauderdale County to classify the county roads and to assess property and poll taxes to be applied to keeping up and repairing the county roads. The Quarterly Court was directed to appoint one or more county road supervisors who would be paid \$1.50 per day for their services. The first nine sections of this Act, which were all that applied to Lauderdale County, were repealed by Private Acts of 1859-60, Chapter 180.
3. Public Acts of 1899, Chapter 368, was a road law applying to all counties under 110,000 in population. The county courts in every county in the state were directed to elect one Road Commissioner every two years to be responsible for all of the roads and bridges in the county. The Road Commissioner was to be paid \$2 per day for his services up to a maximum amount which depended upon the population of the county. Road labor was to be performed only during May, June, July, August and September. Each county was directed to levy a road tax of not less than 5¢ nor more than 40¢ per \$100 property value. The position of road overseer was abolished and all road work was to be done by contract, with each contractor having the benefit of the road hands assigned to his section of the road. All males between 18 and 50 were required to perform road labor and pay poll tax.
4. Acts of 1901, Chapter 136, was a road law applying to all counties under 70,000 in population. The County Courts were directed to elect a Road Commissioner for each road district (co-extensive with civil districts), to hold office for two years and to receive for his services \$1 per day, not to exceed \$10 per year. The Road Commissioners were directed to appoint an overseer for each section of public road, to be responsible for the road work on his section of road. Males between the ages of 21 and 45 were required to perform road labor. The County Courts were directed to levy a road tax not exceeding 20¢ per \$100 property value on all taxable property outside cities and towns.
5. Acts of 1905, Chapter 146, was a road law applying only to Lauderdale County. The Quarterly County Court was given general supervision of the public roads and bridges, and was directed to classify the roads into four classes: (1) 30 to 60 feet wide; (2) 25 to 40 feet wide; (3) 18 to 25 feet wide; and (4) 14 to 20 feet wide. Petitions to open, close or change roads were to be heard by the County Judge or Chairman. Road Districts and Road Commissioners were abolished. The County Court was directed to appoint road overseers for each section of road. All males between 21 and 50 years old were required to work six days on the road or pay a commutation fee of \$6.
6. Acts of 1905, Chapter 478, amended the general road law contained in Acts of 1901, Chapter 136, to change the method for opening, closing and changing roads.
7. Acts of 1907, Chapter 9, was a road law applying only to Lauderdale County. The County Court was directed to appoint a road commissioner in each civil district to serve a two year term. The road commissioners were to appoint and supervise the road overseers. Repairs and ditching could be done at any time, but plowing and grading could only be done between May 15 and October 1. All males between 21 and 50 years old were required to work the number of days established by the County Court or send an able-bodied substitute, or pay \$1 per day. The district road commissioners were authorized to have the road work in their district performed by contract if they so desired, with the district commissioner to supervise the work in conjunction with the magistrates in the district.
8. Acts of 1907, Chapter 268, amended Acts of 1907, Chapter 9, to require that all petitions to open, close or change roads be in writing and filed with the County Judge or Chairman, and to change the procedure for determining damages. The age at which males were required to begin road

labor was lowered from 21 to 18.

9. Acts of 1909, Chapter 198, amended Acts of 1907, Chapter 268, to change the minimum age for road labor back to 21.
10. Private Acts of 1911, Chapter 460, was a new road law for Lauderdale County. The County Court was directed to appoint three road commissioners for the county. The road commissioners were to appoint a district commissioner for each civil district. The road commissioners and district commissioners were to serve three-year terms. The district commissioners were to take charge of and supervise the overseers. All males between the ages of 21 and 50 were required to perform road labor or send an able-bodied substitute, or pay 50¢ per day not worked if paid before April 1 or \$1 per day if paid after April 1. Districts were permitted to have their road work done by contract, to be supervised by the District Commissioner in conjunction with the Justice of the Peace in the district. The district commissioner was given broad discretion with regard to widening of roads. Applications to open, close or change roads were to be made by written petition to the County Judge or Chairman. The County Court was authorized to levy a road tax between 15¢ and 25¢ per \$100 property valuation. This act was repealed by Private Acts of 1919, Chapter 216.
11. Private Acts of 1915, Chapter 67, amended Private Acts of 1911, Chapter 460, to permit the road commissioner to live within or outside the corporate limits of any town and residence within the limits of a city or town would not disqualify him from office, and to require those who were excused from road duty because of a physical disability to show they were also released from poll taxes at the same time.
12. Private Acts of 1915, Chapter 414, amended Private Acts of 1911, Chapter 460, to abolish the system of three road commissioners and create the office of County Superintendent of Public Roads, who would assume and discharge all the duties of the commissioners and serve a three-year term. The superintendent was required to be a civil engineer but was not required to be a resident of the county. The superintendent was given charge of all roads and road projects in Lauderdale County. This act was repealed by Private Acts of 1919, Chapter 215.
13. Private Acts of 1917, Chapter 37, amended Private Acts of 1915, Chapter 414, to remove the requirement that the road superintendent be a civil engineer.
14. Private Acts of 1919, Chapter 215, repealed Private Acts of 1915, Chapter 414, abolishing the office of County Superintendent of Public Roads.
15. Private Acts of 1919, Chapter 216, repealed Private Acts of 1911, Chapter 460.
16. Private Acts of 1919, Chapter 368, was a road law applicable only to Lauderdale County. The County Court was directed to appoint a road commissioner for each civil district for two year terms, who would take charge of and supervise the road work in their districts, including the road overseers and all assigned road hands. The Commissioner would be paid 35¢ per hour for all time in excess of the required road work days if he filed a sworn statement with the County Judge. All males between the ages of 21 and 50 were required to work the number of 8-hour days specified by the County Court or furnish an able-bodied substitute, or pay a fine of at least \$5 but not more than \$25 per offense. Districts were permitted to have their road work performed by contract. Petitions to open, close, widen or change a road were to be heard by the County Judge. The county court was directed to appoint committees for the building of bridges and levees, and a three-member committee to have charge of all heavy road equipment.
17. Private Acts of 1923, Chapter 553, was a road law which applied only to Lauderdale County. The act provided for a County Road Supervisor, to be appointed by the Quarterly County Court each January. The supervisor was to be in charge of all roads and bridges, tools, vehicles and equipment, and purchase supplies as needed with the approval of the County Judge. The salary of the supervisor was \$1,200 per year, which could be supplemented by the Quarterly County Court. Districts would continue to have commissioners and overseers. All males between the ages of 21 and 50 were required to work the number of days specified by the County Court or furnish an able-bodied substitute, or pay \$6 per day not worked. Districts were permitted to have their road work performed by contract. Petitions to open, close, widen or change a road were to be heard by the County Judge or Chairman. This act was repealed by Private Acts of 1925, Chapter 72.

## Chapter X - Law Enforcement

### Law Enforcement - Historical Notes

#### **Jails and Prisoners**

The following act once affected jails and prisoners in Lauderdale County, but is no longer operative.

1. Private Acts of 1925, Chapter 456, provided that when any person was committed to the jail or workhouse for failure to pay any fine and/or costs in Lauderdale County, such person would be allowed a credit of \$1 per day for each day of confinement, including Sundays.

### **Militia**

Those acts once affecting Lauderdale County, which related to the militia and to other law enforcement agencies other than the sheriff, are mentioned below in chronological order. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1835-36, Chapter 21, provided that Lauderdale County would constitute the 134th Regiment, and the counties of Lauderdale, Haywood and Tipton would constitute the 21st Brigade, and provided regular drill and muster times.
2. Acts of 1837-38, Chapter 157, scheduled the county drills for every unit of the State militia. The 21st Brigade was composed of the militia units located in the counties of Lauderdale, Haywood and Tipton. Lauderdale County would hold its county drills on the second Friday and Saturday in September each year. This act was repealed by Public Acts of 1978, Chapter 595.

### **Sheriff**

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

1. Public Acts of 1897, Chapter 124, was a statewide act depriving County Registers, Trustees, County Court Clerks, Circuit Court Clerks, Clerks and Masters, and Sheriffs of their fees and paying them a salary according to population. It is presumed that Lauderdale County's population was just over 20,000, and the Sheriff would be paid \$1,800 annually under the act. This act was declared unconstitutional in Weaver v. Davidson County, 59 S.W. 1105 (Tenn. 1900).
2. Private Acts of 1921, Chapter 734, set the annual salary at \$1,500 for the sheriff in counties having a population of not less than 21,485 nor more than 21,492 according to the 1920 census, to be paid semi-annually on January 1 and July 1 out of the county treasury. The Sheriff was required to file a sworn itemized statement with the County Judge showing the fees collected by his office. If the fees collected were less than the salary, the county would make up the difference. The sheriff was prohibited from donating any portion of the fees collected to the persons from whom they were due. This act was repealed by Private Acts of 1927, Chapter 788. Private Acts of 1921, Chapter 734, applied to counties having a population of not less than 21,485 nor more than 21,492 according to the 1920 census, which would have included Carter County whose 1920 population was 21,488. Although the index to the 1921 private acts volume and a notation in the margin of the act indicate that it applied to Lauderdale County, the census figures in Tennessee Code Annotated indicate that in 1920 Lauderdale County's population was 21,494.
3. Private Acts of 1943, Chapter 379, authorized the Quarterly County Court of Lauderdale County to appropriate up to \$1,200 annually to enable the sheriff to employ assistants. The act stated that economic conditions due to the war had rendered it virtually impossible for the Sheriff to obtain competent assistants out of the fees of the office.
4. Private Acts of 1949, Chapter 147, fixed the compensation of the sheriff of Lauderdale County at \$2,000 per year to be paid quarterly out of the county treasury, which amount was over and above the fees of his office which he was expressly permitted to retain.
5. Private Acts of 1949, Chapter 489, was a senate bill which was almost identical to Private Acts of 1949, Chapter 147, and was passed approximately two months later.

## Chapter XI - Taxation

### Hotel/Motel Tax

### Private Acts of 1989 Chapter 11

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

- (1) "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.

(2) "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.

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

(5) "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.

(6) "County" means Lauderdale County, Tennessee.

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

(8) "Clerk" means the County Clerk of Lauderdale County, Tennessee.

**SECTION 2.** The legislative body of Lauderdale 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. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided in this act.

**SECTION 3.** The proceeds received by the county from the tax shall be designated and used for county general revenue.

**SECTION 4.** Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of his hotel and to be given directly or transmitted to the transient and shall be collected by such operator from the transient and remitted to Lauderdale 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, 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 clerk or such other officer as may by ordinance or resolution be charged with the duty of collection thereof, such tax to be remitted to such officer not later than the twentieth (20th) day of each month for the preceding month. The operator is hereby required to collect the tax from the transient at the time of the presentation of the invoice for such occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient, then the obligation to the county entitled to such tax shall be that of the operator.

(b) For the purpose of compensating the operator in accounting for remitting the tax levied by this act the operator shall be allowed two percent (2%) of the amount of the tax due and accounted for and remitted to the clerk in the form of a deduction in submitting his 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 authorized by this act shall be responsible for the collection of such tax and shall place the proceeds of such tax in such accounts for the purposes 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 a 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 clerk on or before the due dates are delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of twelve (12%) percent per annum, and shall be liable for an additional penalty of one (1%) percent

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 be punishable by a civil penalty 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 may have been liable for the collection of and payment to the county, which records the clerk shall have the right to inspect at all reasonable times.

**SECTION 10.** The 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 services in administering and enforcing the provisions of this act, the clerk shall be entitled to retain as a commission five percent (5%) of the taxes collected.

Upon any claim of illegal assessment and collection, the taxpayer shall have the remedies provided in Tennessee Code Annotated, Title 67, it being the intent of this act that the provisions of law which apply to the recovery of state taxes illegally assessed and collected shall also apply to the tax levied under the authority of this act. The provisions of Tennessee Code Annotated, Section 67-1-107, shall be applicable to adjustments and refunds of such tax.

With respect to the adjustment and settlement with taxpayers, all errors of county taxes collected by the clerk under authority of this act shall be refunded by the clerk. Notice of any tax paid under protest shall be given to the 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 (or other fund) of Lauderdale County to be used for the purposes stated in Section 3 of this act.

**SECTION 12.** The tax levied pursuant to the provisions of this act shall only apply in accordance with the provisions of Tennessee Code Annotated, Section 67-4-1425.

**SECTION 13.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

**SECTION 14.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Lauderdale 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 15.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 14.

Passed: February 22, 1989.

## Institutional Maintenance

### Private Acts of 1955 Chapter 62

**SECTION 1.** That the Quarterly County Court of Lauderdale County be and is hereby authorized to levy an annual tax on every one hundred dollars' worth of property in said county not exceeding thirty cents upon the one hundred dollars' worth of property for the maintenance and operation of county institutions.

**SECTION 2.** That said tax is to include the ten cent levy for the Lauderdale County Hospital authorized by Chapter 257, Private Acts, 1945.

**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 Lauderdale County 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 non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse, and shall be certified by him to the Secretary of State.

Passed: February 9, 1955.

## Litigation Tax

## Private Acts of 1963 Chapter 265

**SECTION 1.** That there is hereby created the Lauderdale County Law Library and Courtroom Commission which shall be composed of five members. Two members of said Commission shall be attorneys at law appointed by the President of the Lauderdale County Bar Association for terms of two years, or until their successors are appointed. The Clerk and Master of the Chancery Court, the Clerk of the Circuit Court, and the Sheriff of Lauderdale County shall be members of the Commission. The members of the Commission shall elect from among its membership a chairman and a secretary.

The members of the Commission shall receive no compensation for their services as such.

**SECTION 2.** That a litigation tax of fifty cents (50¢) shall be taxed as part of the cost in all cases filed in the General Sessions Court, the Chancery Court, and the Circuit Court of Lauderdale County.

Said tax shall be collected by the Clerks of said courts and shall be paid into a separate fund, which shall be designated Law Library and Courtroom Fund. Said fund shall be maintained by the County Trustee and expenditures from said fund for the purposes herein authorized shall be made by warrants signed by the chairman and secretary of the Commission upon proper authorization by the Commission.

**SECTION 3.** That the Commission shall establish and maintain a Law Library for the use of the courts, judges, public officials, attorneys, and the public. The Commission shall have power to acquire by gift, purchase, loan or otherwise such codes, treatises, court reports and other books, periodicals and services which it shall deem beneficial for those persons authorized to use the same.

The Commission shall have authority to acquire in like manner furniture, equipment and supplies necessary or useful in the establishment and operation of the library.

The Commission shall make rules and regulations governing the operation and use of said library and shall be responsible for the protection and safekeeping of the library, its contents, equipment and supplies. The Commission shall have authority to exclude from using the library facilities any persons who damage the library, or its contents, or who refuse to conform with the rules and regulations promulgated.

The Commission shall have authority to expend the funds herein provided for the purpose of improving the facilities of the courtrooms in the Lauderdale County Courthouse.

**SECTION 4.** That the Quarterly County Court of Lauderdale shall provide suitable facilities for the housing and safekeeping of the library, its contents and equipment. The library, its contents, equipment and supplies shall be the property of Lauderdale County.

**SECTION 5.** That the Commission shall hold regular meetings and special meetings upon the call of the chairman. Four members shall constitute a quorum and the affirmative vote of at least three members shall be necessary for any affirmative action of the Commission. The secretary shall keep a record of the meetings, which record shall reflect all action of the Commission.

**SECTION 6.** That this Act shall have no effect unless the same shall be approved by a two-thirds vote of the Quarterly County Court of Lauderdale County at its next regular meeting held more than ten days after its approval by the Chief Executive of this 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 7.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 21, 1963.

## Motor Vehicle Tax

### Private Acts of 1969 Chapter 2

**SECTION 1.** That for the privilege of using the public roads and highways, except Statemaintained roads, in Lauderdale County, Tennessee, there is levied upon motor-driven vehicles and upon the privilege of the operation thereof, except farm tractors, self-propelled farm machines not usually used for operation upon public highways or roads, motorcycles, motordriven bicycles and scooters, and except all motor-driven vehicles owned by any governmental agency or governmental instrumentality, a special privilege tax for the benefit of such County, which tax shall be in addition to all other taxes, and shall be in the amount of Fifteen Dollars (\$15.00) for each such motor-driven vehicle.

This tax applies to, is a levy upon, and shall be paid on each motor-driven vehicle, the owner of which lives within, or usually stays within, or who operates such a motor-driven vehicle on, over, or upon the streets, roads, or highways of said County, State-maintained roads excluded, for a period of as many as thirty (30) days, during any year thereafter, beginning April 1st and ending the next succeeding March



31st.

It shall be and is hereby declared a misdemeanor and punishable as such for any owner of a vehicle to operate any motor-driven vehicle over the streets, roads, or highways of such County, State-maintained roads excluded, without the payment of the tax herein provided having been made as herein required, prior to such operation thereof. Provided further that nothing in this Act shall be construed as permitting and authorizing the levy of and the collection of a tax against non-residents of the County to which this Act applies and to owners of such vehicles using the streets, roads, and highways of such County, who live or reside without the bounds of said County, but who do not come within the provisions of this Act, and within a reasonable construction of the provisions hereof.

As amended by: Private Acts of 1979, Chapter 124

**SECTION 2.** That the tax herein levied shall be paid to and collected by the County Court Clerk of Lauderdale County, who shall collect this tax at the same time he collects the State privilege tax levied upon the operation of a motor-driven vehicle over the public highways of this State. The Clerk of Lauderdale County shall not issue to a resident of such County, a State license for the operation of a motor-driven vehicle taxable hereunder, unless, at the same time, such owner shall purchase the license or pay the privilege tax levied hereunder, for the operation of each of his motor-driven vehicles under the provisions of this Act.

Payment of the privilege tax imposed hereunder shall be evidenced by a receipt, issued in duplicate by the Clerk, the original of which shall be kept by the owner of the motor-driven vehicle, and by a decal or emblem, also issued by the Clerk, which decal or emblem shall be displayed by affixing the same on and to the lower right-hand side of the windshield of the motor-driven vehicle for which same was issued.

The design of the decal or emblem shall be determined by the Clerk and the expense incident to the purchase thereof, as well as the expense of obtaining proper receipts and other records necessary for the performance of the duties herein and hereby incumbent upon the Clerk shall be paid from the general funds of the County.

The privilege tax or wheel tax herein and hereby levied, when paid together with full, complete, and explicit performance of and compliance with all provisions of this Act, by the owner, shall entitle the owner of the motor-driven vehicle for which said tax was paid, and on the windshield of which the decal or emblem has been affixed as herein provided, to operate this vehicle over the streets, roads, and highways of the County from April 1 of each year to the next succeeding March 31st. When a motor-driven vehicle becomes taxable under the terms and provisions of this Act, at a later date than April 1st, of each year, the same proportionate reduction shall be made as to the cost of the privilege tax or wheel tax, or the amount to be paid into the hands of the Clerk therefor, as is now made in the issuance of the privilege tax payable to the State of Tennessee and collected by the Clerk, under the provisions of the general laws of this State.

For his services in collecting the aforesaid tax, and in issuing the receipt therefor and delivering the decal or emblem to the owner, he shall be entitled to a fee of 5% (five per cent) of the proceeds. The Clerk will faithfully account for, make proper reports of, and pay over to the Trustee of the County at monthly intervals, all funds paid to and received by him for the aforesaid privilege tax, or wheel tax. It shall be and is hereby declared a misdemeanor and punishable as such for any motor-driven vehicle, taxable hereunder, to be driven or impelled over or upon the streets, roads, or highways of the County to which this Act is applicable, Statemaintained roads, excluded, without payment of this privilege tax levied hereunder and without full and complete compliance with all provisions hereof.

In the event any motor-driven vehicle for which the privilege tax or wheel tax has been paid and the emblem or decal issued and placed thereon, becomes unusable, or is destroyed or damaged to the extent that this motor-driven vehicle can no longer be operated as such, and the owner ceased to operate same on the public streets, roads, or highways of said County, or in the event the owner transfers the title to the motor-driven vehicle, and completely removes therefrom and destroys the emblem or decal issued and placed thereon or affixed thereto, and the owner makes proper application for the issuance of a duplicate decal or emblem to be used by him on the same or on another motor-driven vehicle for the unexpired term for which the original decal or emblem was issued, and the Clerk is satisfied that this owner is entitled to the issuance of such a duplicate decal or emblem, and the owner pays into the hands of the Clerk the sum of 50 cents, the Clerk will then issue to such owner a duplicate receipt, cancelling the original receipt delivered to him by the owner, and will deliver to the owner a duplicate decal or emblem, which shall be affixed to the windshield of the motor-driven vehicle for which it is issued, as hereinabove provided, and this shall entitle the owner to drive the vehicle on the streets, roads, and highways of such County until the next following March 31st. Likewise, in the event a decal or emblem becomes obliterated, erased, or defaces [sic] or is destroyed under the provisions of this Act, and is therefore illegible and unusable by the owner, upon proper application made by the owner and filed with the Clerk, showing such

circumstances and facts to be true, then the Clerk, upon receipt from the owner of 50 cents, may issue and deliver to the owner, a duplicate decal or emblem.

**SECTION 3.** That the proceeds of the tax herein and hereby imposed, when collected by the Clerk, and paid into the hands of the Trustee of the County, shall be used one-third (1/3) for Educational purposes, and one-third (1/3) for County road purposes, and one-third (1/3) for County General purposes.

As amended by: Private Acts of 1979, Chapter 124

**SECTION 4.** That it is the intent of the General Assembly of the State of Tennessee, that this Act be construed as a measure providing for additional revenue for the County affected.

**SECTION 5.** That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of the magistrates present and constituting a quorum of the Quarterly County Court of Lauderdale County. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or disapprove the passage of this Act, and the action of the body shall be certified by him to the Secretary of State.

**SECTION 6.** That any person violating the provisions of this Act, or of any part thereof, shall, upon conviction, be fined not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00).

**SECTION 7.** That the tax levied under this Chapter shall be collected for the tax year beginning April 1st, 1969, and for every year thereafter. This Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 25, 1969.

## Redemption of Real Estate

### Private Acts of 1959 Chapter 318

**SECTION 1.** That hereafter, in counties of this State having a population of not less than 25,000 nor more than 25,100 according to the Federal Census of 1950 or any subsequent Federal Census, whenever the owner of lands is in possession of the same, subject to a tax sale made to the county, such owner may petition the county court to be permitted to pay the total taxes, interests [sic], penalties, court costs, and attorneys' fees due on said lands; and if the County Judge or Chairman, together with the County Tax Assessor and the Trustess [sic] of said county agree that under the facts of the case the owner should be permitted to pay the amounts owing on any or all of the above items as a full settlement of taxes due, the County Judge or Chairman or other chief fiscal officer is authorized to execute a tax deed to the owner without any warranties.

**SECTION 2.** That if the County Judge or Chairman, the Tax Assessor, and the Trustee believe that the total amount of taxes, interest, penalties, court costs and attorneys' fees are so great as to be inequitable, they may agree to a compromise payment, the amount of which shall not be less than all of the county taxes in full without interest and penalty, plus all attorneys' fees, plus all of the court costs. Under this state of facts the interest and penalties may be compromised at some sum which appears equitable to said officials; and if the compromise amount herein provided for is paid, the County Judge or Chairman or other chief fiscal officer of the county shall make a deed to the owner without any warranties.

**SECTION 3.** That this Act shall have no effect unless the same shall have been approved by a two-thirds (2/3) vote of the Quarterly County Court or [sic] any county to which it applies on or before January 15, 1960. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse, and shall be certified by him to the Secretary of State.

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

Passed: March 17, 1959.

## Taxation - Historical Notes

### **Assessor 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 Lauderdale County Assessor.

1. Private Acts of 1921, Chapter 682, set the salary of the tax assessor in counties having a population of not less than 21,488 and not more than 21,495 (Lauderdale County's population was 21,494) at \$1,500 annually to be paid out of the county treasury on July 1 each year.
2. Private Acts of 1925, Chapter 310, amended Private Acts of 1921, Chapter 682, to raise the salary

of the tax assessor from \$1,500 to \$1,600 annually, and to change the payments from July 1 to quarterly on the first Mondays in January, April, July and October. The caption of Private Acts of 1925, Chapter 310, recites population figures of 21,487 to 21,490 (which does not apply to Lauderdale County and does not agree with the figures given in the 1921 act), and the notation in the margin of the 1925 act indicates that the act applies only to Carter County. The body of the act contained no reference to population. The population figures given in the body of the 1921 act included both Lauderdale and Carter Counties.

3. Private Acts of 1929, Chapter 709, amended Private Acts of 1925, Chapter 310, to raise the salary of the tax assessor from \$1,600 to \$2,500 annually. However, the caption of this act recited population figures of 21,487 to 21,490, which affected only Carter County.
4. Private Acts of 1931, Chapter 584, amended Private Acts of 1929, Chapter 709, to authorize the Quarterly County Court to levy a tax of 5¢ per \$100 property valuation to pay the salary of the tax assessor, but again the population figures in the caption of the act applied to Carter County and not to Lauderdale County.
5. Private Acts of 1941, Chapter 258, amended Private Acts of 1929, Chapter 709, to provide a travel allowance of \$996 for the tax assessor, but again the population figures in the caption of the act applied to Carter County and not to Lauderdale County.
6. Private Acts of 1961, Chapter 115, would have required owners of real property to report to the tax assessor of Lauderdale County any improvements or demolition which increased or decreased the value of the property by \$500 or more, but the act was rejected by the Quarterly County Court and never became effective.
7. Private Acts of 1963, Chapter 271, would have authorized the Quarterly County Court to fix the salary of the tax assessor in Lauderdale County at an amount not to exceed \$6,000 annually payable in monthly installments out of the county general fund, would have required the Quarterly County Court to furnish him office space and furnishings, and would have require him to devote full time to his duties. This act was rejected by the Quarterly County Court and never became effective.
8. Private Acts of 1967-68, Chapter 468, would have required any owner of real property to obtain a building permit from the county tax assessor before making any alteration valued over \$500 to the property, and to pay a fee for the permit not exceeding \$5. This act was disapproved by the Quarterly County Court of Lauderdale County and never became law.

### **Taxation**

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

1. Private Acts of 1857-58, Chapter 131, authorized the County Court of Lauderdale County to assess a tax upon all property and polls of the county to be applied to keeping up and repairing public roads of the county. All property and polls in incorporated towns were exempt from the road tax. The first nine sections of this act, which were all that applied to Lauderdale County, were repealed by Private Acts of 1859-60, Chapter 180.
2. Private Acts of 1921, Chapter 942, authorized the Quarterly County Court of Lauderdale County to borrow money from time to time and issue interest-bearing notes, warrants or certificates of indebtedness of the county in anticipation of taxes levied but uncollected, to temporarily finance the running expenses of the schools, the building of roads, bridges and levees, or other internal improvements. The notes, warrants or certificates were to be paid out of taxes collected for the various funds for which the funds were borrowed.
3. Private Acts of 1929, Chapter 80, created the office of Delinquent Poll Tax Collector in Lauderdale County, to be elected by the County Court for a two year term. The collector was allowed a fee of 25¢ on each tax he collected.
4. Private Acts of 1929, Chapter 497, levied a privilege tax in specified amounts on all automobiles, automobile trucks, motorcycles, and other motor driven vehicles using the public roads or highways in Lauderdale County. The act specifically taxed log wagons pulled by horses, and exempted transient vehicles. This act was repealed by Private Acts of 1933, Chapter 7.
5. Private Acts of 1929 (Ex. Sess.), Chapter 31, amended Private Acts of 1929, Chapter 497, to reduce the tax on log wagons pulled by horses, to make all trucks or other vehicles hauling logs subject to the same tax no matter how they were propelled, to reduce the fee of the County Court Clerk for collecting the tax, and to provide for proration of the tax for applicants after July 1. This act was repealed by Private Acts of 1933, Chapter 7.

6. Private Acts of 1931, Chapter 223, again created the office of Delinquent Poll Tax Collector in Lauderdale County, and in other counties having a population between 22,193 and 30,000. He was to be appointed to a two year term by the County Judge or Chairman and would be paid 70¢ for each delinquent tax collected plus the usual fee given to a constable or Trustee for collecting delinquent poll taxes. This act was repealed by Private Acts of 1931, Chapter 757.
7. Private Acts of 1931, Chapter 518, amended Private Acts of 1931, Chapter 223, to provide that the Delinquent Poll Tax Collector would collect back taxes from persons on the list provided by the Trustee of all those who were delinquent, plus any additional persons who came to his attention, but he would no longer be required to make an independent investigation.
8. Private Acts of 1931, Chapter 757, repealed Private Acts of 1931, Chapter 223, and restored all acts which may have been repealed or abrogated by that act.
9. Private Acts of 1933, Chapter 7, repealed Private Acts of 1929, Chapter 497, as it had been amended.
10. Private Acts of 1957, Chapter 42, validated a tax levy made by the Quarterly County Court of Lauderdale County for the year 1956, totalling \$5.06 per \$100, to the extent that it exceeded the limitation fixed by T.C.A. § 67-1001.
11. Private Acts of 1957, Chapter 43, authorized the Quarterly County Court of Lauderdale County to levy a tax for general county purposes to be designated "County Fund," and in addition to levy special taxes for specified purposes at specified rates. General law found at T.C.A. § 67-5-102 repealed all private acts which set limitations on local property tax levies effective January 1, 1973.
12. Private Acts of 1959, Chapter 286, would have levied a wheel tax of \$5 per vehicle for the privilege of using the roads of Lauderdale County, conditioned upon the outcome of an election to be held at the request of the governing body of Lauderdale County. However, the act was never presented to the Quarterly County Court and therefore never went into effect.

## Chapter XII - Utilities/Franchises

### Utilities - Franchises Historical Notes

#### **Public Utilities**

The following act is no longer effective but is listed here as a reference to laws which once affected public utilities in Lauderdale County.

1. Acts of 1909, Chapter 245, authorized the issuance of a single charter for the operation of water, electric and ice companies, so that the same entity could operate waterworks, ice plants, electric lighting plants, and water, ice and electric power plants or systems in cities and towns with a population of less than 5,000 in Gibson, Lauderdale, and Sevier Counties. This act was declared unconstitutional in Etowah Light and Power Co. v. Yancey, 197 F. 845 (E.D. Tenn. 1911).

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