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Wayne

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

Sincerely,

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Wayne



Wayne County Courthouse

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Chapter I - Administration

County Attorney

Private Acts of 2000 Chapter 96

SECTION 1. Chapter 601 of the Private Acts of 1911, and any other acts amendatory thereto, are hereby repealed.

SECTION 2. After expiration of the appointment of the current County Attorney, the County Executive of Wayne County is hereby authorized to appoint, with the confirmation of the Wayne county Legislative Body, a County Attorney of Wayne County under written contract for periods of up to four (4) years in duration. The County Attorney shall be an independent contractor of the county.

SECTION 3. The County Attorney shall be licensed to practice law in all of the courts of the State of Tennessee and in the United States District Court for Middle Tennessee.

SECTION 4. The County Legislative Body of Wayne County shall establish the compensation of the County Attorney.

SECTION 5. It shall be the function and duty of the County Attorney to render legal advice, legal opinions and other legal services to the county and any of its officials, departments, offices, boards, and commissions. It shall further be the function and duty of the County Attorney to prosecute all suits instituted by the county and to defend all suits brought against the county or any of its departments, offices, boards and commissions, to represent the county at all hearings before any board or commission, and to prepare resolutions at the request of members of the County Legislative Body. The duties of the County Attorney shall not include representation of the county in delinquent property tax suits unless separately appointed pursuant to general law.

SECTION 6. In the event that the County Attorney employed under this act shall have a conflict of interest which prevents his or her representation of the county or any of its departments, offices, boards or commissions in the prosecution or defense of any lawsuit, the county executive, with the confirmation of the County Legislative Body, is authorized to employ another attorney for the purpose of representation in such suit.

SECTION 7. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the County Legislative Body of Wayne County. Its approval or non-approval shall be proclaimed by the presiding officer of the County 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: March 2, 2000.

County Mayor

Redesignated Title to County Executive

Private Acts of 2007 Chapter 4

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

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

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

Passed: March 14, 2007.

Ferries

Public Acts of 1972 Chapter 352

SECTION 1. The Wayne County Quarterly Court is authorized to establish a ferry service in accordance with the provisions of Tennessee Code Annotated, Section 54-1201, et. seq. and is further authorized to charge fees in accordance with and to a maximum of those fees as provided in Tennessee Code Annotated, Section 54-1727, for the sole purpose of maintaining said ferry.

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 Wayne County. Its approval or non-approval shall be proclaimed by the presiding officer of the court and certified by him to the Secretary of State.

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

Passed: April 4, 1972.

Administration - Historical Notes

County Attorney

The following act once affected the appointment, election, or office of the county attorney in Wayne County. This act is included for historical reference only.

1. Private Acts of 1911, Chapter 601, created the office of county attorney for Wayne County. This act was repealed by Private Acts of 2000, Chapter 96.

County :Legislative Body

The following acts once applied to the quarterly court or the county legislative body of Wayne County and are included herein for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1819, Chapter 19, stated that the Court of Pleas and Quarter Sessions in the newly formed county of Wayne would be held at the home of William Barnett until otherwise provided for by law.
2. Acts of 1819, Chapter 154, fixed the terms for the Courts of Pleas and Quarter Sessions in some of the counties in middle and western Tennessee. Wayne County's Quarterly Courts would meet on the fourth Monday in December, March, June, and September.
3. Acts of 1824 (Ex. Sess.), Chapter 102, scheduled the terms of the Quarterly Courts for some of the counties, including Wayne County whose Court of Pleas and Quarter Session would meet on the fourth Monday in March, June, September, and December.
4. Acts of 1826, Chapter 78, allowed the Justices of the Peace in the County Courts of Maury, Williamson, Lawrence, Sumner, and Madison Counties, of the first day of the first term of each year, a majority being present, to select three of their number to hold the Court for the remainder of the year, under the same rules, regulations, and responsibilities as the regular and full numbered Court. Section 2 of this Act extended the same right to set up these Quorum Courts to several other counties among which was Wayne County.
5. Acts of 1832, Chapter 21, provided that hereafter the Court of Pleas and Quarter Sessions of Wayne County shall be held on the first Monday in March, June, September, and December. All outstanding process will be made to conform to these changes in dates.
6. Acts of 1835-36, Chapter 6, re-organized the County Courts of the State so as to establish a County Court which would meet on the first Monday of every month in each County. It also allowed each county to organize a court of three Justices which would meet on the first Monday of every month to hear the probate of wills and other matters concerning the administration of estates, but no jury trials could be scheduled. The County Court could also select 25 jurors, one from each Civil District if that many, or 37 jurors and 2 constables, whichever was better. The Court was also given the power to tax.
7. Private Acts of 1927, Chapter 353, amended Public Acts of 1875, Chapter 42, and Public Acts of 1899, Chapter 246, as set out in Shannon's Code, Section 6386, by increasing the per diem payments of the Justices of the Peace of Wayne County from \$1.50 to \$3.00 per day for their attendance at the meetings of the Quarterly County Court. This Act was repealed by Private Acts of 1974, Chapter 247.
8. Private Acts of 1965, Chapter 97, as amended by Private Acts of 1974, Chapter 247, entitled the justices of the peace to receive ten cents (10¢) per mile as travel expense to attend quarterly

county court meetings with a maximum of two days per term. This act also entitled the justices to receive a \$50 per diem for each regular meeting and \$25 per diem for each special meeting.

County Mayor

The references below are of acts which once applied to the office of county judge, or county executive in Wayne 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, provided for the election by the people of every county in the State a person, learned in the law, to be called the County Judge, for a term of four years. The County Judge would be commissioned and sworn as are other Judges. Quorum Courts were abolished and all their responsibilities transferred to the County Judge, as well as the duty of presiding over the County Court. The jurisdiction of the court was defined and provisions were made for the County Judge to be the accounting officer and general agent of the county whose duties, as such, were enumerated in the statute. The County Court Clerk would serve as the Court's Clerk and the Judge was not precluded from practicing law except in his own Court. This Act was repealed by Acts of 1857-58, Chapter 5.
2. Acts of 1891, Chapter 149, provided for the election of a person, thirty years old at least, learned in the law, a citizen of Wayne County, and of good moral character, to be the County Judge for a term of eight years. The Judge shall have all the rights and privileges and perform all the duties of other County Judges. The office of Chairman of the County Courts is abolished and all the powers of that office are conferred upon the Judge. The Annual salary was \$300, payable quarterly. This Act was repealed by Acts of 1899, Chapter 185.
3. Acts of 1905, Chapter 470, created the office of County Judge and established the same qualifications as the repealed 1891 law, conferred the same jurisdictional powers, abolished the office of Chairman of the County Court, effective the first Monday in June 1905 and transferred the duties of his office to the Judge. The first election for the Judge would take place on the first Thursday in August, 1906, when the general August election would be held. The annual salary was increased to \$400, payable quarterly. This Act was repealed by Private Acts of 1933, Chapter 681.
4. Private Acts of 1911, Chapter 407, amended Section 5, Acts of 1905, Chapter 470, by increasing the yearly salary of the county Judge from \$400 to \$600, payable quarterly out of the revenue of the county. This Act was repealed by Private Acts of 1933, Chapter 681.
5. Private Acts of 1915, Chapter 44, was an Act allowing the County Judge to issue interest bearing warrants up to \$7,500, at a legal interest rate, to mature in no longer than five years to pay the debts of the county. The Quarterly Court was empowered to levy a tax of ten cents per \$100 to amortize the warrants.
6. Private Acts of 1919, Chapter 718, provided that the County Judge of Wayne County shall receive, in addition to all the other salaries and compensations provided by law, the sum of \$300 per year for his services as the financial agent of the County, to be paid monthly out of the regular county treasury.
7. Private Acts of 1921, Chapter 136, amended Acts of 1905, Chapter 470, by adding at the end of Section 3 a provision which granted the County Judge of Wayne County the authority to grant fiats for writs of injunction and attachment and to grant extraordinary process as did Chancellors and Circuit Judges, and the authority was also given to hear and determine suits to enforce vendor's liens up to \$500 concurrently with the Chancery Court. This Act was repealed by Private Acts of 1933, Chapter 681.
8. Private Acts of 1927, Chapter 631, amended Private Acts of 1919, Chapter 718, by providing that the County Judge of Wayne County shall receive, in addition to all the other salaries and payments provided under the law, the sum of \$750 per annum, for his services performed as fiscal agent and general agent of the County, which would be paid monthly out of the regular county funds.
9. Private Acts of 1929, Chapter 831, stated that hereafter the County Judge of Wayne County would be paid the sum of \$1,800 per year, payable quarterly out of the regular county funds and revenues, which amount shall be in the place and stead of all the other salaries and compensations allowed by law.
10. Private Acts of 1933, Chapter 681, expressly repealed Acts of 1905, Chapter 470, and all its amendatory acts. This Act was in turn repealed by Private Acts of 1935, Chapter 335.
11. Private Acts of 1933, Chapter 884, stated that in Wayne County the salary of the County Judge is fixed at \$1,200 per year, payable in monthly installments, such compensation to cover both the

salary as County Judge and as the Financial Agent for the said County.

12. Private Acts of 1951, Chapter 668, empowered the county executive to be the chief financial and fiscal officer for Wayne County with a salary of \$125 per month.

County Register

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

1. Private Acts of 1955, Chapter 224, applied to counties having a population of more than 13,600 but less than 13,900 according to the Federal Census of 1940, provided that no conveyance vesting and divesting title to real estate shall be registered in the office of the county register until such conveyance shall have been first submitted to the county trustee for his information.
2. Private Acts of 1973, Chapter 5, authorized the county register to employ a clerical assistant at a salary not to exceed \$300.

County Trustee

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

1. Acts of 1845-46, Chapter 132, appointed the County Court Clerk, the Sheriff, and the County Trustee of Wayne County, as commissioners to contract with and employ some competent mathematician to make a complete plan of the said county on a scale of 200 poles per inch, for which he shall receive a compensation as may be agreed upon by the commissioners, which shall not exceed \$300. The person hired shall meander the Tennessee River as its course requires.
2. Acts of 1881, Chapter 158, instructed the Comptroller of the State to draw his warrant upon the Treasurer for the sum of \$523.50 in favor of George E. Huckaba, the former Trustee for Wayne County, on account of an error Huckaba made against himself in which he failed to credit himself with that amount which he had paid out in accordance with the law.
3. Private Acts of 1955, Chapter 224, applied to counties having a population of more than 13,600 but less than 13,900 according to the Federal Census of 1940, provided that no conveyance vesting and divesting title to real estate shall be registered in the office of the county register until such conveyance shall have been first submitted to the county trustee for his information.

General Reference

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

1. Acts of 1826, Chapter 123, granted to Wyly Ledbetter, of Maury County, the right to hawk and peddle goods, wares, and merchandise in Maury, Hardin, Lawrence, Wayne, Madison, Henderson, McNairy, Perry, and Hardeman Counties without having to buy a license to do so in any of those counties.
2. Acts of 1831, Chapter 43, directed the Cashier of the Bank of the State of Tennessee to place to the credit of Montgomery, Dickson, Robertson, Sumner, Davidson, Stewart, Humphreys, Perry, Hickman, Williamson, Lawrence, Wayne, Hardin and Wilson Counties their respective pro rata shares of the \$60,000 appropriated for the Internal Improvement of Middle Tennessee.
3. Acts of 1831, Chapter 254, made it the duty of the Sheriff to hold an election in Wayne County to ascertain the wishes of majority of the people on whether to move the county seat from Waynesboro to Carrollsville. If the voters approved the move, the Quarterly County Court shall certify that fact to the Governor who shall then appoint three Commissioners, not citizens of Wayne County, to value all lots and improvements in the town of Waynesboro and deliver a certificate thereof to their owners. The Governor could then declare Carrollsville to be the county seat.
4. Acts of 1832, Chapter 18, gave to William B. Ross and William Dickinson the privilege of entering jointly up to 5000 acres in Wayne, Perry, and Hardin Counties, which land would be situated in the Seventh, Eighth, or Ninth Surveyor Districts, provided however, that a plant to manufacture iron is completed and in operation on said lands within two years. The Act also gave to Rogal Ferguson, George R. Craft, James S. Walker, Evan Young, Adly O. Harris, and James Walker the right to enter on the general plan of the Eighth Surveyor's District any quantity of vacant land in the counties of Hardin or Wayne for the purpose of manufacturing iron.
5. Acts of 1833, Chapter 9, directed the Board of Internal Improvement to pay over to the Commissioners appointed to build a jail in Wayne County all the interest accruing on the Internal

Improvement Fund semi-annually. If they fail to do so, the Jail Commissioners may have a judgment against them. The Commissioners of the town of Waynesboro were authorized to sell the old jail and the lot to the highest bidder and apply the proceeds realized to the erection of the new one.

6. Acts of 1833, Chapter 11, was the authority given to William Thornton of Wayne County, to hawk and peddle in the Counties of Giles, Lawrence, Wayne, and Hardin without having to pay any taxes therefor.
7. Acts of 1833, Chapter 39, granted to John J. Williams of Hardin County the right to hawk and peddle his goods, wares and merchandise in Hickman, Lawrence, Wayne, Hardin and McNairy Counties without having to buy a license and to keep a grocery in Savannah without a license, provided, however, that he makes oath that the goods he proposes to sell are his own and will be sold for his benefit and no others.
8. Acts of 1833, Chapter 117, granted to Sameul Garland and Bartlett Huckabee the authority to hawk and peddle in the Tenth U. S. Congressional District composed of the Counties of Lincoln, Giles, Lawrence, Wayne and Hardin without paying for a license, but the selling must be for their own personal benefit.
9. Acts of 1833, Chapter 174, appropriated the Internal Improvement Fund of Wayne County to the use of the common schools and the Board of Commissioners of Internal Improvement shall pay the same over to the Board of Common School Commissioners. This Act, however, shall not affect or modify Acts of 1833, Chapter 9, concerning the jail for Wayne County.
10. Acts of 1835-36, Chapter 69, made it lawful for the Quarterly Court of Wayne County, two-thirds of the Justices being present and voting to lay off and to sell so much of the west and south sides of the Public Square in Waynesboro as they may think proper being careful not to reduce the square below a convenient and reasonable size, preference being given to the adjacent property owners to buy but, otherwise, selling the same at a public sale to the highest bidder. They were authorized to execute all instruments of conveyance essential to the accomplishment of the above stated object.
11. Acts of 1841-42, Chapter 34, provided that the Entry Takers of Lawrence, Hickman, Wayne, Giles and Maury Counties, shall account for all moneys received by them in payment for the vacant lands entered upon in their areas. They shall account to the Comptroller of the State at Nashville on the first Monday in September of every year, and this action shall compromise and settle all their debts to that date. The Comptroller will certify the amount due to the Treasurer to whom the Entry Takers will pay the money and thus perfect the titles to the said lands to the ones entering upon them. This Act is general and refers to all the counties south and west of the Congressional Reservation line.
12. Acts of 1843-44, Chapter 89, amended Acts of 1841-42, Chapter 34, so as to make it the duty of Clerks of the Circuit Courts in the Counties of Lawrence, Hickman, Wayne, Giles, and Maury to examine the books of the Entry Takers in their counties on the first Monday in September annually and make a report to the Comptroller of the State on or before the 15th day of September, and to perform the other duties in this connection specified in the 13th Section of the Act. The Entry Takers must then account to the Comptroller by the 20th of September each year or be subject to the penalties stated in the Act.
13. Acts of 1849-50, Chapter 93, attached Wayne County to the Nashville Bank District and the County shall have a Director in the Bank of Tennessee who shall be treated as all other Directors and have the same rights and privileges.
14. Acts of 1865-66, Chapter 19, stated that the Sheriff of Wayne County would give a 30 day notice of an election to decide whether the County Seat would be moved from Waynesboro to a place on Indian Creek called Harbour Cave Spring. The people would vote by writing the name of the place they preferred on their ballots. If the move was approved in the election, the Act named John J. Porter, John Turneau, James M. Dickerson, James A. Lawson, Joseph Holt, John H. Grimes, King Prater, E. B. Huckleba, James Hinton, and A. F. Phillips, as Commissioners to lay off the new town which shall not be more than three-fourths of a mile from the Spring.
15. Acts of 1897, Chapter 124, fixed the salaries of the various County Officials according to the population class of the county in which they served. The fees of the various offices which collected them were to become the property of the County and the salary assigned in this Act would be the total pay of the official. The officials named herein must file each month a sworn, itemized statement with the County Judge, or Chairman, showing all the fees collected in the preceding month. If the fees do not equal the salary provided, the County will pay the difference to the officer. This Act was declared unconstitutional in the case of Weaver v. Davidson County, 104

Tennessee 315, 59 SW 1105 (1900).

16. Acts of 1905, Chapter 274, granted to the Governor the right to appoint Notaries Public in Wayne County but not over two in the same Civil District. This Act would not affect the right of the Quarterly County Court to elect Notaries Public as now provided by law.

Chapter II - Animals and Fish

Animals and Fish - Historical Notes

The following is a listing of acts that at one time affected, but no longer appear to have any effect on, hunting, fishing or animal control in Wayne County. They are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1873, Chapter 54, stated that no person shall, in Lewis, Lawrence, and Wayne Counties, hunt or kill any deer from the first day of March to the first day of September. The fine was \$10 for each deer killed during that period of time with the fine going into the County Treasury.
2. Acts of 1877, Chapter 57, amended Acts of 1875, Chapter 114, a general law which prohibited a person from taking fish with seines, nets, or traps, in the waters covering the lands of another, and by forbidding the obstruction of streams which would prevent the free passage of fish up and down, by exempting the Counties of Wayne, Smith, Henderson, and Jackson from its provisions.
3. Acts of 1877, Chapter 82, repealed so much of Sections One, Two, and Three of Acts of 1873, Chapter 54, as the same were applied to Lawrence and Wayne Counties.
4. Acts of 1889, Chapter 171, made it unlawful for any person to hunt deer for profit, but declared it legal to kill deer for one's own consumption, between August 1 and January 1, of each year. The same was stated to be applicable to the hunting and killing of quail, or partridges, for profit but one was permitted to hunt, kill, net, trap, and capture the same for one's own use on his own land from November 1 to the first of March. Several counties including Wayne County, exempted themselves from the provisions of this Act.
5. Acts of 1897, Chapter 276, amended Public Acts of 1895, Chapter 127, so as to make it lawful to take fish from any of the streams, lakes, rivers, or ponds, within Wayne, Perry, Humphreys, Marshall, Union, and Campbell Counties by grabbing and by gigging except during the months of March, April, and May.
6. Acts of 1899, Chapter 33, amended Section 1, Acts of 1897, Chapter 276, so as to declare it unlawful to take, or catch, fish in any of the streams, lakes, ponds, or rivers, except the Tennessee River.
7. Acts of 1901, Chapter 297, declared it to be a misdemeanor, punishable by a \$5 to \$10 fine, for any person who is a non-resident of Humphreys, Perry, and Wayne Counties, to hunt or fish on the lands owned by another without first obtaining the written consent or permission of the owner of the land on which the hunting and fishing is done.
8. Acts of 1905, Chapter 212, termed it to be a misdemeanor, subjecting those guilty to fines ranging from \$5 to \$25, for any person, a non-resident of Lawrence, Wayne, or Lewis Counties to hunt, take, or kill game or catch fish, in those counties without the written permission of the owner or the person having control of the land upon which the hunting or fishing is done.
9. Private Acts of 1917, Chapter 720, declared it to be legal for all resident citizens of Wayne County to gig fish in the streams of the County except from May 1 to June 15 of each year. The Act further termed it lawful for resident citizens of Wayne County to hunt and kill squirrels on the unenclosed lands of the said County during the open season without the necessity of having to obtain a license therefor.
10. Private Acts of 1921, Chapter 405, exempted a large number of counties, including Wayne, from the rather rigorous provisions of a general law regulating the care and keeping of dogs, same being Public Acts of 1919, Chapter 61.
11. Private Acts of 1933, Chapter 276, declared it unlawful for any person to kill, wound, hunt, chase, or to permit knowingly a dog to chase deer, or to have a deer in one's possession knowing the same to have been killed in violation of this Act. The same was prohibited also regarding wild turkeys. Violators could be fined from \$100 to \$250 for each offense, and could be imprisoned from 30 days to six months. It was further unlawful for any owner of land, or tenant, or anyone in charge thereof to permit others to hunt and kill wild turkeys or deer on their lands. Any civil officer would be entitled to a fee of \$50 if the person he apprehended violating this law was convicted.

12. Private Acts of 1937, Chapter 664, was the authority for the Quarterly County Court of Wayne County to provide for an election in all the precincts of the county to ascertain the will of a majority of the people with reference to the enactment of a stock law for the county. The ballots would simply be marked, "For" or "Against" the law. The county would bear the cost of the election in the same manner as other election costs are paid.

Chapter III - Bond Issues

Bond Issues - Historical Notes

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

Bridges

1. Private Acts of 1929, Chapter 288, ratified, confirmed, and validated all the prior proceedings of the Quarterly Court of Wayne County held in connection with the issuance and sale of \$35,000 in Bridge Bonds, bearing an interest rate of 5¼%, and maturing \$10,000 in 1939, \$15,000 in 1949, and \$10,000 in 1954, notwithstanding any defects, errors, or omissions which may have occurred, and despite the lack, if any, of any statutory authority. The Act required a tax levy by the Quarterly Court in any amount sufficient to amortize the bonds according to the above maturity schedule.
2. Private Acts of 1931, Chapter 745, declared that all the prior proceedings of the Wayne County Quarterly Court had in reference to the issuance of \$35,000 in Bridge Bonds for the purpose of erecting two bridges across Indian Creek, one at the Sherman Phillips Ford, and the other at the ford on said Creek below the location of the old New Providence Church, and to build one bridge across Butler Creek at or near John Hayes ford were validated. The bonds had an interest rate of 5%, and would mature in 15 years. Provision for a tax levy was included.

Buildings

1. Private Acts of 1945, Chapter 334, allowed the Wayne County Quarterly Court to issue and sell up to \$75,000 in bonds, at an interest rate not to exceed 3%, and to mature as the Quarterly Court might direct, to acquire a site and to erect thereon a county building which would be used for county purposes. All the essential details of valid bond legislation are present in the Act, the mandatory tax levy is authorized and the Trustee is charged with the responsibility of handling the funds and keeping records. These bonds were exempted from taxation by state and local government.
2. Private Acts of 1955, Chapter 226, was a properly ratified Act which permitted the Quarterly Court of Wayne County to purchase, or to otherwise acquire some land in Wayne County on which to buy, build, erect, construct, and maintain thereon a building or buildings for such public purposes as may be designated and the same may be accomplished in conjunction with the cities of Collinwood, Clifton, or Waynesboro, or done independently. Bonds were limited to \$200,000, the interest rate to 6%, and the maturity period to 35 years. The bonds must be issued in accordance with the prescribed details and a tax levy made sufficient to pay the yearly amortization rate.

Debts

1. Acts of 1866-67, Chapter 41, allowed Hawkins County, pursuant to a two-thirds vote of the Quarterly Court, to issue its coupon bonds to pay the amount of its indebtedness outstanding at the time, except that no debt which was incurred in aid of the recent rebellion could be included. Section 5 extended the same right and privilege to several other counties including Wayne.
2. Private Acts of 1925, Chapter 774, allowed the Quarterly Court of Wayne County to issue and sell up to \$30,000 in warrants, at 6% interest or less, to pay off and retire outstanding warrants issued for county purposes and common and high school purposes, broken down to \$15,000 for County purposes, \$10,000 for common school purposes, and \$5,000 for high school purposes. Details are supplied, a tax levy required, and the Trustee obligated to disburse the money and keep the records.
3. Private Acts of 1929, Chapter 218, provided that all the actions of the Quarterly Court of Wayne County taken with reference to the issuance of \$100,000 in Funding Bonds, dated March 1, 1929, bearing interest at 5¼% and maturing according to the schedule appearing in the Act, running through 1954, are hereby validated, confirmed, and ratified. The Quarterly Court was given the responsibility of levying a tax suitable to amortize the bonds.

4. Private Acts of 1945, Chapter 81, was the authority for the Quarterly Court of Wayne County to borrow up to \$30,000 each calendar year with which to pay the current obligations of the County for that year when the funds in the County Treasury are insufficient. The Court may issue interest-bearing notes therefor which shall mature no later than June 1 of the next ensuing year, and the interest rate shall not exceed 6%. All the revenues accrued that year shall be constituted a sinking fund to amortize any notes which may be issued.
5. Private Acts of 1945, Chapter 138, allowed the Quarterly Court of Wayne County to issue up to \$30,000 in funding bonds, at an interest rate not to exceed 6%, and for a maturity period no longer than 30 years, to discharge the outstanding floating indebtedness of the County. Substantial Compliance with the details furnished would be sufficient. The bonds were made tax exempt.

General

1. Private Acts of 1915, Chapter 44, recited that Wayne County was heavily in debt for running expense, the tax revenues were insufficient to meet them, and there was little prospect of it becoming easier, this Act granted the County Judge the power to issue interest bearing warrants up to \$7,500 a year, at legal rates of interest. The County Court was authorized to levy a tax of 10 cents per \$100 of taxable property to amortize those warrants.

Schools

1. Private Acts of 1939, Chapter 602, permitted the Wayne County Quarterly Court to issue up to \$100,000 in 4%, 25 year bonds to build a public school building at Waynesboro and to make certain additions and improvements to the schools at Collinwood and Clifton. The bonds would be general obligation bonds with a tax levy mandated.

Chapter IV - Boundaries

Creation of the County

Acts of 1817 Chapter 174

COMPILER'S NOTE: The Speakers failed to sign this Act and therefore another Act was passed in 1819.

SECTION 1. That a new county be, and the same is hereby established, west of Lawrence county and south of Hickman and Humphrey's counties, by the name of Wayne county which shall be bounded as follows, to wit: Beginning at the north west corner of Lawrence county, and running west to the Tennessee river, thence up the same to where the southern boundary line of this state crosses the same; thence east, with said line, to the corner of Lawrence county; thence north, with the western boundary of said county, to the beginning; and all that tract of territory included in the above described lines shall be included within the said county of Wayne.

SECTION 2. That for the due administration of Justice, the first court of pleas and quarter sessions and circuit court and all subsequent courts, until otherwise provided for, shall be holden at the Young Factors old place on the Natchez trace, or at such other place in said county as the justices of said county may adjourn from the Young Factors to hold their courts after the first term, under the same regulations and restrictions, and shall have and exercise the same powers and jurisdictions as are or shall be prescribed for the several counties in this state.

SECTION 3. That it shall be the duty of the sheriff of said county of Wayne, to hold an election at the place of holding courts in said county, on the first Thursday of April next, for the purpose of electing one colonel and two majors for said county of Wayne, which shall be conducted under the same rules and regulations as are prescribed by law in similar cases; and the militia of said county shall compose the sixty first regiment and be attached to the sixth brigade.

SECTION 4. That the elections for company officers for the county of Wayne shall be held at such places as the commandant of the militia of said county may think proper to appoint, which said elections shall be held on the second Monday in June next, under the same rules regulations and restrictions as are prescribed in like cases.

SECTION 5. That the county of Wayne be a part of the district for electing a Governor, representative or representatives to Congress, electors to elect a president and vice president of the United States, and members to the General Assembly, to which the county of Hickman belongs; and that the elections be held at the place of holding courts in said county at the time and in the manner prescribed by law; and

that the sheriff or returning officer of said county make a return of the polls, at the court house in the town of Charlotte in the county of Dickson, at the time directed by law for the sheriffs of Hickman, Dickson and Robertson, to compare the votes in said counties for representative and senator to the state legislature.

SECTION 6. That it shall be the duty of the clerks of the several counties, from which the counties of Lawrence, Morgan, Marion and Wayne have been principally formed, to receive and receipt for the quantum of acts and journals of the present session allotted to said new counties; and the public printer, upon procuring such receipts, shall be considered as having complied with his contract, and that one month in addition to the time now allowed by law, be given to the public printer within which time to print and deliver the journals.

SECTION 7. That it shall and may be lawful for any circuit judge, from and after the passage of this act, to take the oaths of office before any justice of the peace in any county in this state.

Passed: November 24, 1817.

Better Creation of the County

Acts of 1819 Chapter 19

SECTION 1. That a new county be and the same is hereby established, west of Lawrence county, by the name of Wayne county, which shall be bounded as follows (to wit) beginning at the North West corner of Lawrence county, and running West to the Tennessee River, thence South to the state line; thence East with said line to the corner of Lawrence county; thence North with the boundary line of said county to the beginning. And all that tract of territory included in the above described lines, shall be included in, and compose the county of Wayne.

SECTION 2. That for the due administration of justice, the first court of Pleas and Quarter Sessions, and Circuit court and all subsequent courts, until otherwise provided for by law, shall be holden at the house of William Barnett, in said county, under the same rules, regulations and restrictions, and shall have and exercise the same powers and jurisdiction as are or shall be prescribed for the several courts in this state.

SECTION 3. That it shall be the duty of the Sheriff of said county of Wayne to hold an election at the place of holding courts in said county on the first Thursday of April next, and the succeeding day, for the purpose of electing militia field officers to fill all such vacancies as have or may happen before that time by reason of the alteration of the lines of a county heretofore intended to be established by the name of Wayne, or by death, removal, resignation or otherwise.

SECTION 4. That the election for company officers for said county shall be held at such times and places as the commanding officer of said county shall appoint, whose duty it shall be, to issue his order to the sheriff of said county, requiring him to hold such elections, said Sheriff first giving ten days notice of said election, at three or more public places in the bounds of said several election districts. Whereas heretofore, to wit, at Knoxville, on the 24th of November, 1817, an act passed both houses of the Legislature which was intended to become a law, to establish a new county in this state by the name of Wayne, and providing for the due administration of justice in said county, but that act never became a law, in consequence of the Speakers of both houses omitting to sign said act; and whereas the inhabitants of the tract of county designated by the lines, intended for the lines of Wayne county, proceeded to elect militia officers who proceed to the discharge of their several duties; and to organize the several courts in the said intended county, who also have been in the discharge of the several duties assigned them, whose acts, together with the acts of all such other officers of said county both civil and military are found to be without authority and illegal, for remedy whereof;

SECTION 5. That all and every official act of all and every officer of said intended county both civil and military which would have been legal, had the before recited act become a law, are hereby declared valid, and shall have the effect both in law and equity as if the said act had been signed.

Passed: October 8, 1819.

Change of Boundary Lines

Act of 1821 Chapter 143

SECTION 1. That the lines and boundaries of Wayne county shall be as follows, (viz:) Beginning at the south west corner of Lawrence county on the state line, and running north with

the west boundary of said county to the north west corner thereof, where James Hardin marked said corner, thence running west to the Tennessee river so as to leave cedar creek in Perry county, and white oak creek in Wayne county, thence up said river so far as to include the residence of William B. Ross, thence south parallel with the range line to the south boundary of the state, thence east with said boundary line to the beginning.

SECTION 2. That James Hollis, John Ingram, John Nunley, Esq. Cary W. Pope, Arthur Choat, William Pyburn, Esq. and Malachi Wemberly or a majority of them be and they are hereby appointed commissioners to fix on a place within three miles of the center of said county, or as nearly so as a suitable situation can be procured, and the said commissioners shall purchase forty acres of land, at the place which they may fix upon as aforesaid, and shall receive a title to the same in fee simple to themselves and their successors in office, and shall lay off the said forty acres of land into a town to be known by the name of Waynesborough, reserving near the center thereof a public square of two acres, on which the court-house and stocks shall be built, likewise reserving any other lot they may think proper, for the purpose of having a jail built thereon, for the use of said county of Wayne.

SECTION 3. That the said commissioners shall sell the lots of said town at public sale on a credit of twelve months, giving due notice thereof in a public paper printed in Columbia and Nashville, and shall take bond with sufficient security from the purchasers of said lots payable to themselves and their successors in office, and shall make titles in fee simple to the respective purchasers of said lots.

SECTION 4. That the proceeds of the sales of the lots aforesaid, shall be a fund in the hands of the said commissioners for defraying the expense incurred in the purchase of the tract of land on which the town above mentioned is directed to be laid off, also for defraying the expense of building a courthouse, prison and stocks.

SECTION 5. That the said commissioners, shall superintend the building of the said courthouse, prison and stocks, and shall let the said buildings to the lowest bidder, advertising the courthouse sixty days in said paper printed in Columbia, setting forth the dimensions of which it is to consist, and the materials of which it is to be built, and shall take a bond with sufficient security from the person to whom the said courthouse is let, payable to themselves and their successors in office in the sum of ten thousand dollars; conditioned for the faithful performance of his contract, and if the proceeds of the sale of said lots, is not sufficient for the purposes above mentioned, it shall be the duty of the county court of Wayne to lay a tax, not exceeding the amount of state tax levied in said county, to be applied to the objects aforesaid, and to be continued until all arrearages are paid off.

SECTION 6. That the said commissioners before they enter on the duties of their appointment shall give bond in a sum of five thousand dollars each, payable to the chairman of the county court of Wayne, to him and his successors in office, for the use of said county, conditioned for the faithful performance of the trust reposed in them, and shall likewise take the following oath:

I, A. B. DO SOLEMNLY SWEAR (OR AFFIRM) THAT AS A COMMISSIONER TO ACT FOR THE COUNTY OF WAYNE, I WILL DO EQUAL AND IMPARTIAL JUSTICE TO THE CITIZENS OF SAID COUNTY, TO THE BEST OF MY SKILL AND ABILITY.
SO HELP ME GOD.

And the said bond shall be filed in the clerk's office for said county, and shall not be so construed as to make any one of the commissioners security for another.

SECTION 7. That so soon as the above mentioned town is laid off it shall be the duty of the court of Wayne county to hold said court in said town so laid off, and all matters, causes and things now depending in the county court of Wayne, shall and may be tried and determined in said town in the same manner as if they had been originally returnable to that place.

SECTION 8. That a majority of the commissioners by this act appoint, shall in all cases be competent to perform the duties by this act assigned them, and if any one neglects or refuses to act, a majority of the justices of said county of Wayne may appoint another in his place, and when the said commissioners shall have performed the duties above enjoined upon them, they shall lay before the county court of Wayne, a full statement of all their proceeding, and the said county court, shall make them a reasonable compensation for their services.

SECTION 9. That it shall be the duty of the county court of Wayne, to appoint some skillful person to run and mark the lines of said county of Wayne, for which they shall allow him a reasonable compensation.

SECTION 10. That this act, shall be in force and take effect from and after the first day of January in the year one thousand eight hundred and twenty-two.

SECTION 11. That all laws, and parts of laws, coming within the purview and meaning of this act, are hereby repealed.

Passed: November 5, 1821.

Acts of 1845-46 Chapter 5

SECTION 1. That all that portion of Wayne County lying north and west of a line, commencing on the Tennessee river in Wayne county, at the north of Beach Creek, running thence up said creek to the fork near John Johnson's, thence up the north fork to the next fork, thence with the dividing ridge between the forks so as to strike Buffalo river at the mouth of Canoe branch, crossing said river, thence up said Buffalo river including John Smith's, at the foot of Samuel Holmes' bend, thence one mile north, thence east to the Lewis county line, thence with the Lewis county line to the point where it passes into Hickman county, thence westwardly with the line between Hickman and Wayne to where it joins Perry county; be and is hereby attached and shall constitute a part of Perry county.

SECTION 2. That Andrew H. Guthrie, Nepthali Tracy, James Mathews, Andrew J. Helms and Simon D. Whitly be appointed commissioners to assign the citizens thus stricken off to such civil district or districts within the county of Perry as shall be most convenient for them. And that the citizens thereof shall be entitled to all the privileges and subject to all the liabilities of the citizens of the county of Perry.

SECTION 3. That the citizens within the territory thus stricken off from the county of Wayne, be required to perform military duty as the citizens in the respective districts in Perry county, to which they have been attached as provided in the second section of this act, Provided always, that if the county of Perry be divided otherwise, this act is rendered null and void.

SECTION 4. That Andrew J. Helms and Simon D. Whitly, Esqs., be appointed to open and hold an election at the Cross Roads at Alexander Oaks' old place, on Saturday the 7th day of February next, after giving fifteen days notice in at least four public places in the district, proposed to be attached. And all those in favor of being attached to Perry county, shall have on their ticket "Perry County," and those who are opposed, shall have on their ticket "Wayne County," and none but those qualified by law to vote for Governor, &c., and residing within the territory proposed to be attached shall vote, and if a majority of the legal voters residing in said territory vote in favor of being attached as aforesaid, then and in that case, it shall be considered a part of Perry county; Provided, that said county of Wayne shall not be reduced below the constitutional limits of 625 square miles: And provided further, That said line shall not approach within 12 miles of Waynesborough, the county seat of Wayne county.

Passed: November ____, 1845.

Acts of 1849-50 Chapter 197

That that portion of Hardin county, embraced within the following limits be annexed and attached to Wayne county, (viz:) beginning on the Tennessee River where the lines of Wayne and Hardin county strike said river, running from thence up said Tennessee River with its meanders to the mouth of Masses Creek, thence South to the dividing ridge between said creek and Short creek, thence with said ridge until it strikes the road leading from the old Marion Furnace to the Indian Creek road, thence with said road to the dividing ridge between Hardin's creek and Indian creek, thence east with said ridge to where it strikes the Wayne county line, thence North with said line to the beginning: Provided however, this transfer of territory does not reduce Hardin county below her constitutional area.

Passed: February 1, 1850.

Act of 1877 Chapter 157

SECTION 1. That the county line between the counties of Wayne and Lawrence be so changed as to run as follows: Beginning at a point where the Lawrenceburg, Wayland Springs and Florence road crosses the line between said counties of Wayne and Lawrence, thence in a southwesterly direction with the center of said road to the north boundary line of the State of Alabama, so as to include within the limits of said county of Lawrence all the territory south and east of said road lying in the State of Tennessee.

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

Passed: March 24, 1877.

Acts of 1897 Chapter 164

SECTION 1. That the line between the counties of Wayne and Lewis be and the same is hereby so changed as to detach all of that part of Wayne County with all its property and citizens embraced in the calls below, being a portion of the sixth civil district of Wayne County, and attach the same to Lewis

County.

SECTION 2. That the following shall be the line between the counties of Wayne and Lewis by which said land above referred to shall be detached from Wayne County and attached to Lewis County, to wit: Begins at a stake where Thos. Voorhies' line crosses the Wayne and Lewis County line; thence with his line north 87o, west 50 poles to his southern southwest corner; thence north 3o, east his line 90 poles to a white oak with chestnut and oak pointer his corner; thence north 87o, west his line 62 poles to a chestnut oak his corner; thence north his line 172 poles to a hickory, the Buffalo Iron Company's corner; thence north 87o, west their line passing their corner in all 995 poles to a stake in Robinett creek, Jones Reeves' corner; thence north 3o, east his line 60 poles to a large poplar his corner; thence north 87o, west his line 160 poles to a gum stump his corner; thence north 70o, west 92 poles to a set stone; thence north 3o, east 480 poles to the county line between Wayne and Lewis Counties.

SECTION 3. That this Act take effect from and after its passage, the public welfare requiring it.
Passed: April 8, 1897.

Acts of 1909 Chapter 441

SECTION 1. That the line between the counties of Perry and Wayne be so changed as to make the line read as follows between said counties: Beginning on a stake at the intersection of the present Perry and Wayne County line with E. S. Chappell's west boundary line, and run thence south instead of north as it now does...poles until it intersects with the McLemore line of a 70 acre tract now owned by S. T. and G. W. Sharp; thence south with said McLemore west boundary line...poles to the southwest corner of said 70- acre tract; thence east with the south boundary line of said tract....poles to Buffalo River; thence up said river....poles with its meanders to a point on said river where it turns east; thence on in an eastern direction up said river with its meanders to the southwest corner of the land now owned by J. E. Bastin; thence in a northern direction... poles with his west boundary line to O'Possum Creek; thence up said creek with its meanders....poles to Edwin Pope's west boundary line; thence in a northern direction....poles with his west boundary line to a stake in the present Perry and Wayne County line.

SECTION 2. That all real estate added to Perry County by this Act shall be added to and become a part of the Third Civil District of Perry County for all civil and school and all other purposes.

SECTION 3. That all 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: April 30, 1909.

COMPILER'S NOTE: This act formed part of the litigation in the case of State v. Marshall, 124 Tenn. 230, 135 S.W. 926 (1911).

Private Acts of 1925 Chapter 385

SECTION 1. That the county line between Lewis County and Wayne County, State of Tennessee, be and the same is hereby changed as lows; to-wit: Beginning at pile of stones in Lewis and Wayne Counties' line, one hundred eighty (180) poles west where said line crosses Nashville, Chattanooga & St. Louis Railway; running thence south crossing the road from Ruppertown to Ashland, at one hundred ninety and two-thirds (190 2-3) poles in all two hundred and nine and two-thirds (209 2-3) poles to two chestnut oaks, fifty (50) feet east of said road; thence south twenty-four (24) degrees thirty minutes (30') east one hundred forty-four poles to chestnut oak stump in Rockey Branch; thence south seventy-three (73) degrees east seventy-three (73) poles to pile of stones at the Waynesboro and Huppertown road; thence south twenty-eight (28) degrees east one hundred sixty-nine (169) poles to stake two white oak pointers on side of hill; thence south eighty-seven degrees (87) east crossing Allen's Creek at thirty-six (36) poles and the road at fifty-four (54) poles, in all one hundred thirteen (113) poles to two (2) white oaks at the edge of an old field: thence north seventy-two (72) degrees east two hundred thirty-six (236) poles to small hickory, C. H. Brewer's corner; thence east with the south boundary line of same forty-six (46) poles to chestnut stump in Lewis County and Wayne County line; thence north with Lewis County and Wayne County line four hundred forty-four (444) poles; and thence west with Lewis County and Wayne County line four hundred twenty-five (425) poles to the beginning, "so as to detach the lands between said new line and the former line from Wayne County and to attach them to Lewis County, and to annex them to the Tenth Civil District of Lewis County.

SECTION 2. That this Act shall take effect from and after its passage, the public welfare requiring it.
Passed: April 3, 1925.

Private Acts of 1929 Chapter 262

SECTION 1. That the line between the Counties of Lawrence and Wayne in the State of Tennessee be so changed as to detach all the lands of Cager McGee from the County of Wayne and attach the same to the County of Lawrence. Said land is bounded and described as follows: Lying and being on the waters of Factors Fork of Shoal Creek and beginning at a rock with sourwood, white oak and hickory pointers, the same being the S. W. corner of the Cager McGee tract, from lot No. 7, F. M. Cannon's plat of the Jones Springer lands sold to W. W. French; thence west 176 poles to black gum and pointers; thence north 108 poles to stake and pointers; thence west 136 poles to rock black oak pointers; thence north 22 poles to stake Post Oak and Black Oak pointers; thence north 46 degrees east 97 poles to hickory and pointers; thence north 82 degrees east, 66 poles to dogwood and pointers; thence north 30½ poles to White Oak and pointers; thence east 157 poles to Black Oak and pointers, the N. W. corner of said Cager McGee tract; thence south 70 poles to rock, thence south 41 degrees east 20 poles to rock walnut pointers; thence south 17 degrees east 34 poles to beech, ash, and poplar pointers; thence south 5 degrees west, 70 poles to stake on ridge hickory pointers, thence south 80 poles to beginning.

SECTION 2. That this Act take effect from and after its passage, the public welfare requiring it.
Passed: February 19, 1929.

Acts of 1821 Chapter 143

SECTION 1. That the lines and boundaries of Wayne county shall be as follows, (viz:) Beginning at the south west corner of Lawrence county on the state line, and running north with the west boundary of said county to the north west corner thereof, where James Hardin marked said corner, thence running west to the Tennessee river so as to leave cedar creek in Perry county, and white oak creek in Wayne county, thence up said river so far as to include the residence of William B. Ross, thence south parallel with the range line to the south boundary of the state, thence east with said boundary line to the beginning.

SECTION 2. That James Hollis, John Ingram, John Nunley, Esq. Cary W. Pope, Arthur Choat, William Pyburn, Esq. and Malachi Wemberly or a majority of them be and they are hereby appointed commissioners to fix on a place within three miles of the center of said county, or as nearly so as a suitable situation can be procured, and the said commissioners shall purchase forty acres of land, at the place which they may fix upon as aforesaid, and shall receive a title to the same in fee simple to themselves and their successors in office, and shall lay off the said forty acres of land into a town to be known by the name of Waynesborough, reserving near the center thereof a public square of two acres, on which the court-house and stocks shall be built, likewise reserving any other lot they may think proper, for the purpose of having a jail built thereon, for the use of said county of Wayne.

SECTION 3. That the said commissioners shall sell the lots of said town at public sale on a credit of twelve months, giving due notice thereof in a public paper printed in Columbia and Nashville, and shall take bond with sufficient security from the purchasers of said lots payable to themselves and their successors in office, and shall make titles in fee simple to the respective purchasers of said lots.

SECTION 4. That the proceeds of the sales of the lots aforesaid, shall be a fund in the hands of the said commissioners for defraying the expense incurred in the purchase of the tract of land on which the town above mentioned is directed to be laid off, also for defraying the expense of building a courthouse, prison and stocks.

SECTION 5. That the said commissioners, shall superintend the building of the said courthouse, prison and stocks, and shall let the said buildings to the lowest bidder, advertising the courthouse sixty days in said paper printed in Columbia, setting forth the dimensions of which it is to consist, and the materials of which it is to be built, and shall take a bond with sufficient security from the person to whom the said courthouse is let, payable to themselves and their successors in office in the sum of ten thousand dollars; conditioned for the faithful performance of his contract, and if the proceeds of the sale of said lots, is not sufficient for the purposes above mentioned, it shall be the duty of the county court of Wayne to lay a tax, not exceeding the amount of state tax levied in said county, to be applied to the objects aforesaid, and to be continued until all arrearages are paid off.

SECTION 6. That the said commissioners before they enter on the duties of their appointment shall give bond in a sum of five thousand dollars each, payable to the chairman of the county court of Wayne, to him and his successors in office, for the use of said county, conditioned for the faithful performance of the trust reposed in them, and shall likewise take the following oath:

I, A. B. DO SOLEMNLY SWEAR (OR AFFIRM) THAT AS A COMMISSIONER TO ACT FOR THE COUNTY OF WAYNE, I WILL DO EQUAL AND IMPARTIAL JUSTICE TO THE CITIZENS OF SAID COUNTY, TO THE BEST

OF MY SKILL AND ABILITY. SO HELP ME GOD.

And the said bond shall be filed in the clerk's office for said county, and shall not be so construed as to make any one of the commissioners security for another.

SECTION 7. That so soon as the above mentioned town is laid off it shall be the duty of the court of Wayne county to hold said court in said town so laid off, and all matters, causes and things now depending in the county court of Wayne, shall and may be tried and determined in said town in the same manner as if they had been originally returnable to that place.

SECTION 8. That a majority of the commissioners by this act appoint, shall in all cases be competent to perform the duties by this act assigned them, and if any one neglects or refuses to act, a majority of the justices of said county of Wayne may appoint another in his place, and when the said commissioners shall have performed the duties above enjoined upon them, they shall lay before the county court of Wayne, a full statement of all their proceeding, and the said county court, shall make them a reasonable compensation for their services.

SECTION 9. That it shall be the duty of the county court of Wayne, to appoint some skillful person to run and mark the lines of said county of Wayne, for which they shall allow him a reasonable compensation.

SECTION 10. That this act, shall be in force and take effect from and after the first day of January in the year one thousand eight hundred and twenty-two.

SECTION 11. That all laws, and parts of laws, coming within the purview and meaning of this act, are hereby repealed.

Passed: November 5, 1821.

Acts of 1877 Chapter 157

SECTION 1. That the county line between the counties of Wayne and Lawrence by so changed as to run as follows: Beginning at a point where the Lawrenceburg, Wayland Springs and Florence road crosses the line between said counties of Wayne and Lawrence, thence in a southwesterly direction with the center of said road to the north boundary line of the State of Alabama, so as to include within the limits of said county of Lawrence all the territory south and east of said road lying in the State of Tennessee.

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

Passed: March 24, 1877.

Boundaries - Historical Notes

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

1. Acts of 1819, Chapter 149, stated that all that part of the territory north of Wayne County and south of Hickman County is hereby annexed to Wayne County and shall in all respects be governed by the same laws as the other portions of Wayne County.
2. Acts of 1822, Chapter 96, provided that the described territory north of Wayne County and south of Hickman County shall be a part of Wayne County and Section 4 required the County Courts of Wayne and Lawrence Counties to appoint Commissioners to run and mark the line between those two counties.
3. Acts of 1833, Chapter 127, made the island in the Tennessee River near the mouth of the Beech Creek a part of Wayne County.
4. Acts of 1837-38, Chapter 85, stated that the island in the Tennessee River by the name of "Two Sisters Island" be and is hereby detached to and made a part of Wayne County's Civil District #2.
5. Acts of 1837-38, Chapter 273, stated that all that part of Perry County on the south side of the Tennessee river, and on the east side of a line beginning on the south side of the said river, opposite the lower end of James' Island, and running a north or northern course so as to strike the said river above Issac West, Senior's place shall be attached to and become a part of Wayne County. All this part of the area shall be attached to the Civil District of Wayne County which include the town of Carrollville, and the citizens shall enjoy the same privileges as other citizens of Wayne County. This Act was repealed by Acts of 1839-40, Chapter 80.
6. Acts of 1839-40, Chapter 80, stated that the part of Perry County which was intended to be stricken off to Wayne County shall be that part of the bend of the Tennessee River lying east of a due line north from David Roach's Landing on the said River.
7. Acts of 1847-48, Chapter 15, provided that the Surveyor of Perry County and the Surveyor of Wayne County be required to examine the line between Wayne and Perry Counties, and, if it

approaches at any point nearer to Waynesboro than 12 miles, then the said Surveyors shall so alter the line as to prevent it approaching nearer than the 12 miles. The Surveyors would be paid by their respective counties what their services are reasonably worth.

8. Acts of 1847-48, Chapter 80, changed the boundaries between Wayne and Lawrence Counties so as to include the lands of William Hollis in Lawrence County, commencing where the north boundary line of the lands of William Hollis crosses the county line, thence west with the north boundary line to the northwest corner, thence south with the west boundary line to the southwest corner, and thence east to the original county line.
9. Acts of 1851-52, Chapter 55, changed the lines between Wayne and Lawrence Counties commencing on the State line between Tennessee and Alabama in the middle of the channel of Shoal Creek and run up the said creek with the middle of the channel to the mouth of Holly Creek; thence up Holly Creek with its meanders to the original line between Wayne and Lawrence Counties, thence north with said line as before.
10. Acts of 1851-52, Chapter 220, rearranged the boundary with Perry County beginning at a point on Buffalo Hill on the present line running on the dividing ridge between Beech and White Oak Creeks, to the northwest point of the said ridge; thence north forty five west to the Tennessee River; thence up the said River with its meanders to the lower end of Beech Creek Island; thence crossing said River so as to strike the line dividing the Counties of Wayne and Decatur. Perry County, however, shall not be reduced below its constitutional limits.
11. Acts of 1855-56, Chapter 159, amended Acts of 1851-52, Chapter 220, by establishing the line dividing Wayne and Perry Counties as beginning at a point on the Tennessee River west of the northwest corner of a tract of land owned by D. W. Carroll and lying on the Tennessee River, and immediately below the mouth of Beech Creek; then to the northeast corner of said tract, running thence to the northeasterly direction to the nearest point of the dividing ridge between Beech and White Oak Creeks to the line fixed by the Act which this Act amends; thence east with that said line to the beginning.
12. Acts of 1857-58, Chapter 129, Section 4, moved the lands and residence of Solomon H. Baker out of Hardin County and into Wayne County, and the line, as changed, shall be run and marked by the Surveyor at the expense of the parties involved herein.
13. Acts of 1859-60, Chapter 100, Section 4, changed the lines, between Wayne and Perry Counties so as to include wholly within Wayne County the lands belonging to W. M. Lofferty and D. W. Carroll, but Perry County shall not be reduced below its constitutional limits.
14. Acts of 1859-60, Chapter 135, Section 9, moved the land and residence of James C. Hollins out of Wayne County and into Lawrence County.
15. Acts of 1865-66, Chapter 76, Section 4, detached the home and the lands of William Hollis and Jasper Hollis from Lawrence County and attached them to Wayne County.
16. Acts of 1866-67, Chapter 28, Section 3, transferred the house and the land belonging to William H. Brown out of Hardin County and into Wayne County.
17. Acts of 1867-68, Chapter 13, changed the lines between Wayne and Lawrence Counties so that all the lands of the following would be included wholly within Lawrence County: John D. Wade, G. R. Reynolds, Jesse Bradley, Henry Mourton, James Wade, R. Hamm, Isaac Mourton, John W. Mourton, Alex G. Mourton, W. B. Richardson, William Johnson, Matthew Johnson, Robert Johnson, W. B. Smith, Edmund Smith, W. C. McDougal and James Liles. Section 4 of this same Act moved the lands of William H. Brown back to Hardin County from Wayne County.
18. Acts of 1868-69, Chapter 31, stated that so much of the territory of Maury, Hickman, Lawrence, Wayne, and Perry Counties as was taken from them to form Lewis County is hereby reattached to the county from whence it was taken. This Act was repealed by Acts of 1869-70, Chapter 30.
19. Acts of 1868-69, Chapter 36, included all that portion of Wayne County lying west of the Tennessee River in Decatur County.
20. Acts of 1877, Chapter 62, changed the lines between Wayne and Lawrence Counties so that the farm and residence of N. F. Morrow was included wholly within Lawrence County, and provided that Wayne County is not reduced below lawful limits.
21. Acts of 1887, Chapter 204, moved all the properties belonging to John Bromley and James V. Gallaher out of Lawrence County and into Wayne County.
22. Acts of 1891, Chapter 150, reported that doubts had arisen concerning the boundary lines between Wayne County and Perry County at certain points which has caused the residents of both counties some trouble and inconvenience. This Act directs the County Courts of each county to

appoint three competent men as a commission to settle these doubts who will be paid by the county appointing them. The survey shall begin at the established corner of Wayne and Lewis Counties and proceed westward as far as may be necessary.

23. Acts of 1895, Chapter 174, transferred the farms belonging to Mrs. H. A. Mauldin, Mrs. Mary Hamer, and J. C. Whittaker, out of Perry County and placed all of them in Wayne County.
24. Private Acts of 1915, Chapter 683, changed the boundary lines between Wayne and Perry Counties so that the farms belonging to J. L. Phillips, Mrs. Sallie Phillips, W. S. Stone, John J. Brumly, J. E. Baston, S. T. Kittrell, Mrs. Ed Pope, and F. M. Thomason, were all included wholly within the Flatwoods School District of Wayne County.
25. Private Acts of 1923, Chapter 632, rearranged the dividing lines between Wayne County and Lawrence County to the extent that that part of the farm of J. Monroe Carson, now lying within the confines of Wayne County, shall hereafter be a part of Lawrence County thus causing all of Carson's farm to lie within Lawrence County.

Chapter V - Court System

Court System - Historical Notes

Board of Jury Commissioners-Jurors

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

1. Acts of 1907, Chapter 589, provided for a three member Board of Jury Commissioners in Wayne County who would be appointed by the Circuit Court Judge at the next term of Court, following the passage of this Act. The members must come from different parts of the county, be a citizen and freeholder, of good moral character, and not have a suit pending. They would be sworn by taking the oath prescribed in the Act. A refusal to serve could result in their being fined up to \$15 for contempt. Each member would serve for one year and be paid \$2 per day for each day actually engaged in the performance of their duties. The members after being sworn would retire and select from the tax rolls, or other sources of public information, the jurors to serve for the next three terms of court. Their names would be entered on separate lists, one for each term of court and also in a book to be kept by the Clerk. These lists would be sealed in envelopes and presented to the Judge. Twenty days before the term of court would open, the Clerk would cause the Sheriff to summon the first 25 names on the list. Provisions are made for special panels and, in case the list becomes exhausted, to replenish it. The Grand Jury would come from the first 25 names selected for that term.
2. Private Acts of 1911, Chapter 12, provided for a three member Board of Jury Commissioners who would be appointed by the Circuit Judge holding the Circuit or Criminal Court. The Commissioners must be citizens of the County, freeholders, of good moral character, with no suit pending, and be from different parts of Wayne County. They must appear and take the oath prescribed in the Act, and their refusal to do so could subject them to penalties up to \$15 for contempt of Court. They would serve for one year and be paid \$2 per day for each day actually spent in discharging their obligations hereunder. They would then meet and select from the tax rolls, or other sources of public information, a list of jurors for the next three subsequent terms of court. Their names would be entered in a book to be furnished by the County and presented to the Clerk for safe keeping. Separate lists would be made out for the three terms of Court, each list placed in an envelope, sealed, marked with the particular term of Court and presented to the Judge. Twenty days before the term of Court opens, the Clerk will open the envelope and summon those named on the list as jurors. Provisions are made for special panels, and to replenish panels which may be exhausted, to be summoned. The Judge would decide and direct the number of jurors to be drawn for each term of Court. The Grand Jury would come from the 25 names first drawn.
3. Private Acts of 1911, Chapter 662, stated that in Wayne County when any person is summoned as a special juror under the direction or order of a Court, such person shall be paid a per diem allowance of \$1 per day for his attendance whether he serves as a juror or not, but he must be present in the courtroom ready to serve. The County Judge shall issue his warrant in payment of the above per diem allowance.
4. Private Acts of 1915, Chapter 187, amended Section 3 of Private Acts of 1911, Chapter 12, by adding a provision that if the Judge during the trial of a civil or criminal case shall see that the business of the Court will be delayed by the process of drawing names and summoning jurors in a

special panel, the Judge may direct them to be summoned from bystanders or others as provided by law.

Chancery Court

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

1. Acts of 1817, Chapter 174, which was the Act first forming Wayne County, provided that the Courts of the County would be held at the Young Factor's old place on Natchez Trace, until adjourned to another place.
2. Acts of 1819, Chapter 19, formed Wayne County again and provided for all the Courts to be held at the home of William Barnett until otherwise provided for by law.
3. Acts of 1822, Chapter 13, stated that the Justices of the Supreme Court of Errors and Appeals shall arrange among themselves to hold a Court of Equity at least once each year at the following places: At Rogersville on the first Monday in November; at Knoxville on the third Monday in November; at Charlotte on the fourth Monday in December; at Sparta on the second Monday in December; at Nashville on the fourth Monday in January; and at Columbia on the second Monday in January. All Courts would continue for two weeks unless the dockets were completed sooner, except for Nashville which could continue for six weeks.
4. Acts of 1824, Chapter 14, declared that the Supreme Court would meet only at Knoxville, Sparta, and Nashville, and that the Justices would schedule meetings so that the Chancery Courts of the State could be held by them at least twice a year at Greeneville, Rogersville, Kingston, Carthage, McMinnville, Franklin, Columbia, Charlotte, and Jackson. The Court at Columbia would hear cases originating in Maury, Bedford, Lincoln, Giles, Lawrence, Wayne, and Hardin Counties, on the first Monday in March and September of each year.
5. Acts of 1827, Chapter 79, divided Tennessee into two Chancery Divisions. The First, or Eastern, Division had in it the Courts being held at Rogersville, Greeneville, Kingston, Carthage, and McMinnville; and the Second, or Western Division was made up of the courts held at Franklin, Columbia, Charlotte, Jackson, and Paris. The General Assembly would appoint two Chancellors to hold the courts in the new divisions. The Justices of the Supreme Court of Errors and Appeals were divested of original equity jurisdiction.
6. Acts of 1829, Chapter 52, formed the 10th Judicial Circuit out of Wayne, Hardin, McNairy, Hardeman, Fayette, and Shelby Counties, and also made this a Chancery District which would meet at Bolivar on the first Monday in May and November. The Judge of the new circuit would appoint a Clerk and Master for this Court.
7. Acts of 1831, Chapter 57, Section 2, set up a Chancery Court in Pulaski in Giles County, which would be organized and held for the counties of Giles, Lincoln, Lawrence, Wayne, and Hardin, on the second Monday in April and October.
8. Acts of 1833, Chapter 40, bestowed upon the citizens of Wayne and Perry Counties the privilege of filing their Bills in Chancery at Charlotte, in Dickson County, or at Jackson, in Madison County, or at Pulaski, in Giles County, whichever might best suit their convenience.
9. Acts of 1835-36, Chapter 4, was the organizational Act for the Chancery Courts subsequent to the adoption of the 1835 Constitution. The Chancery Courts would henceforth be held by three Chancellors to be elected for 8 year terms by the General Assembly. The Chancellor must reside in the Division for which he is appointed. The State was divided into three Divisions and then each Division was further divided into Districts. Wayne and Hardin Counties composed the 10th District of the Middle Division. Court would open in Savannah, in Hardin County, on the second Monday in March and September.
10. Acts of 1847-48, Chapter 181, Section 3, established a Chancery Court at Waynesboro, for Wayne County, to meet on the third Monday in June and December. The citizens of Lawrence, Hardin, and Lewis Counties may also file their Chancery suits here, or at Lawrenceburgh, or Savannah, whichever best suited their needs. The Court at Waynesboro was attached to the Middle Chancery Division.
11. Acts of 1849-50, Chapter 70, Section 3, reset the time for opening the Chancery Court at Waynesboro to the first Monday in February and August.
12. Acts of 1851-52, Chapter 105, Section 2, changed the opening dates for the terms of the Chancery Court for Wayne and Hardin Counties. In Wayne County Chancery Court would begin its

- semi-annual terms on the third Monday in February and August.
13. Acts of 1851-52, Chapter 178, Section 3, established new terms for the Chancery Courts of all the counties in the Middle Division of the State. Wayne County would convene the Chancery Court on the first Monday in February and August.
 14. Acts of 1853-54, Chapter 54, Section 2, created the Sixth Chancery Division for Tennessee, assigning to it the equity courts of the Counties of Carroll, Benton, Humphreys, Dickson, Hickman, Perry, Decatur, Henderson, McNairy, Hardin, Wayne, and Lawrence. The Chancellor for this Division would be elected by the people.
 15. Acts of 1853-54, Chapter 55, Section 4, changed the terms of the Chancery Courts for several of the Counties. Wayne County returned to the third Monday in February and August.
 16. Acts of 1855-56, Chapter 112, Section 5, rearranged the opening dates for the terms of the Chancery Courts in the Sixth Chancery Division. The Courts would meet at Waynesboro in Wayne County on the fourth Monday of February and August.
 17. Acts of 1857-58, Chapter 88, divided the State into the Eastern, Middle, Western, Fourth, Fifth, and Sixth Chancery Divisions. Wayne County was placed in the Sixth Division along with the counties of Carroll, Henderson, McNairy, Hardin, Lawrence, Hickman, Dickson, Humphreys, Benton, Decatur, and Perry. Court would continue to meet in Wayne County on the fourth Monday in February and August.
 18. Acts of 1859-60, Chapter 59, Section 8, set the time for opening the Chancery Court of Wayne County on the first Wednesdays after the fourth Mondays in February and August.
 19. Acts of 1866-67, Chapter 4, Section 4, fixed the dates for the terms of the Chancery Court in the 5th Chancery District which consisted of the counties of Hickman, Dickson, Humphreys, Henderson, McNairy, Hardin, Lawrence, Decatur, Perry, and Wayne. Court would open in Wayne County on the fourth Monday in April and October.
 20. Acts of 1870, Chapter 32, reorganized the equity courts of the State under a new State Constitution into twelve Chancery Districts. The 9th Chancery District contained the counties of Benton, Hickman, Henderson, McNairy, Lawrence, Dickson, Humphreys, Decatur, Lewis, Perry, Hardin, and Wayne.
 21. Acts of 1870, Chapter 47, fixed the terms of the Chancery Courts for every county in the State. Wayne County would call the Chancery Court to order on the first Monday in April and October.
 22. Acts of 1870-71, Chapter 10, reset the opening dates for most of the Chancery Courts in the 9th Chancery Division. Wayne County's Chancery Court would meet on the third Monday in March and September at Waynesboro.
 23. Acts of 1873, Chapter 5, rearranged the starting days for the Court terms of the counties in the 9th Chancery Division. The Chancery Court of Wayne County would convene at Waynesboro on the fourth Monday in April and October.
 24. Acts of 1879, Chapter 88, rescheduled the terms of the Chancery Courts of some of the Counties in the 9th Chancery Division but Wayne County remained on the fourth Monday in April and October.
 25. Acts of 1881, Chapter 162, fixed the Chancery Court terms for several of the Counties in the 9th Chancery Division changing Wayne County's terms to begin on the first Monday in May and November.
 26. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the entire lower Judicial structure of the State, creating eleven Chancery Divisions in the process. Wayne County, whose Courts would begin on the first Monday in May and November, was placed in the Seventh Chancery Division which also had in it the Counties of Giles, Lewis, Lawrence, Hickman, Hardin, Perry, Decatur, Dickson, and Benton. This Act was part of the considerations of the Supreme Court in *Flynn v. State*, 203 Tenn. 337, 313 S.W.2d 248 (1958).
 27. Acts of 1887, Chapter 5, rescheduled the Chancery Court terms for the counties in the 7th Chancery Division, shifting Wayne County to the first Monday in June and December.
 28. Acts of 1899, Chapter 427, was a reorganization of the lower Court system, resulting in the formation of ten Chancery Divisions. The 5th Chancery Division was composed of the counties of Rutherford, Bedford, Marshall, Williamson, Lincoln, Lawrence, Giles, Maury, Lewis, and Wayne where the courts would meet on the first Monday in January and July.
 29. Acts of 1901, Chapter 494, reset the Chancery Court terms for the counties in the 5th Chancery Division changing Wayne County to the second Monday in June and December.

30. Private Acts of 1915, Chapter 173, changed the Chancery Court terms in Lewis and in Wayne Counties. Wayne was changed from the second Monday in June and December to the second Monday in May and November.
31. Private Acts of 1919, Chapter 761, reset the terms of the Chancery Court in Williamson, Lewis, Perry, and Wayne Counties. Wayne's Courts would meet at Waynesboro on the third Monday in June and the second Monday in November.
32. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, was a major overhaul of the lower judicial system of the State. Fourteen Chancery Divisions were formed under this Act plus some special Chancery Divisions. The Chancery Division of the 7th Judicial Circuit would be held by the Circuit Judges of the 17th Circuit. Williamson County, Lewis County, Perry County, and Wayne County were assigned to this special Division. Wayne's Chancery Court would continue to meet on the third Monday in June and the second Monday in November.
33. Private Acts of 1937, Chapter 599, provided that the regular terms of the Chancery Court of Wayne County would begin at Waynesboro on the third Monday in June and the fourth Monday in November of each year.

Chancery Court - Clerk and Master

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

1. Acts of 1907, Chapter 562, provided that the Clerk and Master of Wayne County would be paid an annual salary of \$750, provided a sworn, itemized statement is filed on January 1st of each year with the County Judge, or Chairman, showing the total amount of fees collected in that office. If the fees do not equal the annual salary, the county shall pay the difference to the Clerk and Master out of the regular county funds. If the fees exceed the salary, the Clerk and Master may keep the excess as his own.
2. Acts of 1909, Chapter 173, amended Acts of 1907, Chapter 562, by reducing the amount of the annual salary from \$750 to \$500, all other terms and conditions to remain as they appeared in that Act.
3. Private Acts of 1911, Chapter 8, restored the annual salary of the Clerk and Master of Wayne County to \$750, retaining all the other terms and conditions stated in the 1907 Act.
4. Private Acts of 1925, Chapter 550, amended Private Acts of 1911, Chapter 8, by increasing the salary of the Clerk and Master of Wayne County from \$750 to \$100 per year provided all the conditions of the prior Acts are observed.
5. Private Acts of 1929, Chapter 683, averred that in Wayne County the Clerk and Master shall be paid an annual salary of \$1,250 provided a sworn, itemized statement is filed with the County Judge, or Chairman, on January 1st, of each year, showing the total amount of fees collected in the office, except that fees received as a special commissioner or Receiver, do not have to be included in the total. If the fees are less than the salary, the county will pay the difference to the Clerk and Master on the warrant of the County Judge, but, if the fees exceed the annual salary, the Clerk and Master shall pay the excess to the County Treasury for the use and benefit of the County.

Circuit Court

The following acts were once applicable to the circuit court of Wayne County but now have no effect, having been repealed, superseded, or having failed to win local approval.

1. Acts of 1817, Chapter 138, made Wayne County a part of the Sixth Judicial Circuit and the 9th Solicitorial District. The Circuit Court be held in Wayne County on the Second Monday of March and September.
2. Acts of 1817, Chapter 174, stated that the Circuit Court in Wayne County would be held at Young Factor's old place on Natchez Trace.
3. Acts of 1819, Chapter 19, re-established Wayne County and provided that all courts should be holden at the house of William Barnett until otherwise provided for by law.
4. Acts of 1819, Chapter 154, placed the Counties of Wayne, Montgomery, Dickson, Hickman, Humphreys, Stewart, Robertson, Hardin, and Perry in the Fifth Judicial Circuit. This Act further set the times for the terms of Court for the Counties fixing Waynes' Circuit Court terms to start on the first Monday in May and November.
5. Acts of 1821, Chapter 42, established the 8th Judicial Circuit for Tennessee placing in it the counties of Henry, Carroll, Henderson, Madison, Shelby, Wayne, Hardin, and Perry. The General

Assembly would elect a judge for the Circuit. Appeals would be heard at Charlotte.

6. Acts of 1821, Chapter 65, provided that appeals and writs of error from the counties of Wayne, Hardin, Perry, Henderson, Madison, and Shelby shall be to the Supreme Court of Errors and Appeals for the Sixth Circuit at Columbia. 7. Acts of 1823, Chapter 41, set the court terms for the 8th and 9th Judicial Circuits. The 8th and 9th Judicial Circuit were composed of the counties of Shelby, Hardeman, McNairy, Wayne, Hardin, Madison, Haywood, Perry, Henderson, Carroll, Henry, Weakley, Obion, Dyer, and Gibson. Wayne County's Circuit Courts would meet on the first Monday in April and November.
7. Acts of 1823, Chapter 67, made it the duty and responsibility of the presiding Judge of the 8th Judicial Circuit to hold the Circuit Courts of Wayne County in the town of Waynesboro, the present seat of justice for the county. The Clerk of the Court will transfer the records of all pending cases to the Court at Waynesboro.
8. Acts of 1824, Chapter 102, set the terms of the Circuit Courts in the 8th and 9th Judicial Circuits. Wayne's Circuit Courts would call their dockets on the first Monday in May and November.
9. Acts of 1829, Chapter 52, formed the Tenth Judicial Circuit of Tennessee out of the counties of Wayne, Hardin, McNairy, Hardeman, Fayette, and Shelby. The Judge of the new Circuit would be elected by the joint ballot of both Houses of the General Assembly.
10. Acts of 1835-36, Chapter 5, was a reorganization of the judicial circuits in the State pursuant to the new State Constitution. Circuit Courts were grouped into eleven Judicial Circuits for each of which court would hereafter be held three times annually. The Eleventh Judicial Circuit had in it the counties of Shelby, Fayette, Hardeman, McNairy, Hardin, and Wayne where the terms of court would being on the first Monday in March, July, and November.
11. Acts of 1837-38, Chapter 3, Section 5, created the 14th Judicial Circuit of the State of Tennessee which was composed of the counties of Lawrence, Wayne, Hardin, Perry, Carroll, and Benton. Terms of the Circuit Court in Wayne County would begin on the third Monday in March, July, and November.
12. Acts of 1837-38, Chapter 116, Section 10, listed the terms of the Circuit Court for all the counties in the 14th Judicial Circuit but Wayne County remained on the third Monday in March, July, and November.
13. Acts of 1839-40, Chapter 140, reset the Circuit Court terms in Carroll, Benton, Perry, Hardin, Lawrence, and Wayne Counties where the Circuit Court terms would commence on the first Monday in February, June, and October.
14. Acts of 1849-50, Chapter 70, rescheduled the Circuit Court terms for some of the counties in the 14th Judicial Circuit among which was Wayne County whose courts would convene on the fourth Monday in January, May, and September.
15. Acts of 1851-52, Chapter 105, reset the term of the Circuit Courts in Wayne, Hickman, and Perry Counties. Wayne County would start the terms of the Circuit Court on the first Monday in February, June, and October.
16. Acts of 1853-54, Chapter 125, Section 3, rearranged the starting dates for the terms of the Circuit Courts of Lawrence and Wayne Counties. Wayne's would begin on the fourth Monday in January, May and September at Waynesboro.
17. Acts of 1857-58, Chapter 98, organized the lower circuit court system in Tennessee into 16 Judicial Circuits. The 12th Circuit was composed of the counties of Wayne, Lawrence, Hickman, Perry, Decatur, McNairy, and Hardin. Circuit Court terms would begin in Waynesboro on the fourth Monday in January, May, and September.
18. Acts of 1865, Chapter 37, named the counties in the 12th Judicial Circuit as Wayne, Hickman, Perry, Decatur, Henderson, McNairy, and Hardin. Court in Wayne County would begin on the fourth Monday in March, June, and September.
19. Acts of 1865-66, Chapter 14, scheduled the terms of the Circuit Courts in the 12th Judicial Circuit which now consisted of the counties of McNairy, Hardin, Hickman, Perry, Decatur, and Wayne whose courts would open on the third Monday in March, July, and November.
20. Acts of 1866-67, Chapter 40, reset the terms of the Courts in the 12th Judicial Circuit and although Wayne County is listed, the terms of her Circuit Courts remained on the third Monday of March, July and November.
21. Acts of 1867-68, Chapter 8, rescheduled the opening dates for the Circuit Court terms in the 12th Judicial Circuit moving Wayne County's Circuit Court terms to the second Monday in March, July, and November.

22. Acts of 1870, Chapter 31, reorganized the Circuit Courts of Tennessee into fifteen regular and one special judicial circuits. The 11th Judicial Circuit contained the counties of Hardin, Wayne, Lewis, Hickman, Perry, Decatur, Henderson, and McNairy.
23. Acts of 1870, Chapter 46, fixed the terms of the Circuit Courts of every county in the State. Wayne County would begin the terms of the Circuit Court on the second Monday in January, May, and September.
24. Acts of 1871, Chapter 17, made some changes in the Circuit Court terms of some of the counties in the 11th Judicial Circuit including Wayne County whose Circuit Courts would start their terms on the first Monday in January, May, and September.
25. Acts of 1871, Chapter 70, rescheduled the terms of the Circuit Courts in the 11th Judicial Circuit. Wayne County was moved to the third Monday in January, May, and September.
26. Acts of 1875, Chapter 18, made some changes in the opening dates for the Circuit Courts of the 11th Judicial Circuit. Wayne County is listed among them but would continue to open the Circuit Courts on the third Monday in January, May, and September.
27. Acts of 1881, Chapter 83, changed the court terms for the counties in the 11th Judicial Circuit. Wayne County would convene the Circuit Court on the first Monday in February, June, and October.
28. Acts of 1881 (Ex. Sess.), Chapter 2, made some changes in the schedules of the terms of the Circuit Courts in some of the counties of the 11th Judicial Circuit, moving Wayne County's opening dates to the first Monday in February, June and October.
29. Acts of 1885 (Ex. Sess.), Chapter 20, was a major revamping of the lower judicial structure of Tennessee forming fourteen Judicial Circuits. The 9th Judicial Circuit Comprised the counties of Maury, Giles, Lawrence, Wayne, Hardin, Lewis, and Hickman. Wayne County's Circuit Court would begin the terms on the first Monday in March, July, and November.
30. Acts of 1897, Chapter 322, brought about term changes in the Circuit Courts of Hardin, Lawrence, Giles, Lewis, Maury, and Wayne Counties. Wayne County would open the Circuit Court terms on the fourth Monday in March and December and on the third Monday in September.
31. Acts of 1899, Chapter 409, scheduled the Circuit Court terms in the 9th Judicial Circuit. Wayne County being scheduled to begin the terms on the first Monday in March, July, and November.
32. Acts of 1901, Chapter 382, created a new 9th Judicial Circuit composed of the counties of Lawrence, Giles, Lewis, Maury, Hardin, and Wayne whose Circuit Courts would meet on the first Monday in April, the third Monday in September, and the fourth Monday in December.
33. Acts of 1903, Chapter 18, made some changes in the Court terms of the counties of the 11th Judicial Circuit, naming Wayne County among them. The Circuit Court at Waynesboro would meet on the first Monday in April, the third Monday in September, and the third Monday in December of each year.
34. Private Acts of 1923, Chapter 239, reset the opening dates for the Circuit Court of Wayne County to the fourth Monday in March, the second Monday in September, and the second Monday in December.

Circuit Court - Clerk

The following acts have no current effect, but once applied to the Wayne County circuit court clerk. They were repealed, superseded, or never received local approval.

1. Acts of 1903, Chapter 255, was a general State act fixing the salaries of the Circuit Court Clerks according to the population classification of the county in which they served. The Circuit Court Clerk of Wayne County would have been paid \$500 per year under the terms of this law. The Clerk was required to file an annual, itemized, sworn statement with the County Judge, or Chairman, showing the total amount of fees collected in his office. If the fees were less than the salary, the county would make up the difference to the clerk but, if the fees exceeded the salary, the Clerk was allowed to retain the excess.
2. Private Acts of 1915, Chapter 397, provided that the Circuit Court Clerk in Wayne County would be paid an annual salary of \$600, if he filed a sworn, itemized statement as required in the 1903 Act and then the same conditions of payment would prevail. If, the Clerk should leave the office for any reason and there were fees which were due and unpaid, they would become the property of the county when paid.
3. Private Acts of 1919, Chapter 614, increased the salary of the Circuit Court Clerk to \$750 per year

subject on the very same terms and conditions expressed in the Private Acts of 1915, Chapter 397 concerning the filing of the statement and the leaving of the office.

4. Private Acts of 1927, Chapter 189, was a new act which restated all the terms and provisions of the Private Acts of 1919, Chapter 614, concerning the Circuit Court Clerk except his salary is increased to \$1,000 annually.
5. Private Acts of 1949, Chapter 897, amended Private Acts of 1927, Chapter 189, by raising the annual salary of the Circuit Court Clerk of Wayne County from \$1,000 to \$1,500.
6. Private Acts of 1961, Chapter 88, provided that the circuit court clerk receive \$1,800 per annum as compensation for her duties as clerk of the general session court.

District Attorney General - Assistants and Criminal Investigators

The following acts once affecting Wayne County are no longer in effect but are listed here for historical purposes. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Acts of 1819, Chapter 154, Section 4, established a new Solicitorial District, to be called the 12th Solicitorial District, composed of the counties of Hickman, Wayne, Hardin, and Perry, for which a Solicitor General shall be elected by the joint ballot of both Houses of the General Assembly.
2. Acts of 1835-36, Chapter 28, made each Solicitorial District in the State to coincide exactly with each Judicial Circuit. An Attorney-General would be elected by the General Assembly for each District.
3. Private Acts of 1911, Chapter 672, created the office of Assistant Attorney- General for Scott County, but is listed as being applicable to Wayne County. This Act, according to our population figures for 1910, does not apply to Wayne County. In any event, this Act was repealed by Private Acts of 1919, Chapter 168.
4. Public Acts of 1959, Chapter 271, Public Acts of 1967, Chapter 139, Public Acts of 1973, Chapter 56 and Public Acts of 1977, Chapter 368, each created additional positions for assistant district attorneys general or investigators for the Eleventh Judicial Circuit. Wayne County is now in the Twenty-second Judicial District, according to T.C.A. 16-2-506, which also stipulates the number of judges, assistant district attorneys and investigators for the district.

General Reference

The following private acts were once a part of the Court System of Wayne County but are no longer effective, having been superseded by State law. Acts of 1829, Chapter 104, Section 8, provided that the residents of Wayne, Hardin, and Perry Counties may take the cases they have on appeal from their courts to the Supreme Court at Huntington, Reynoldsburgh, or Nashville whichever way may best suit their convenience.

1. Acts of 1833, Chapter 14, moved the Supreme Court of Errors and Appeals from Reynoldsburgh to Centerville in Hickman County and the Counties of Lawrence, Wayne, Hardin, Humphreys, Hickman, and Perry shall hereafter direct their appeals to the Court at Centerville.
2. Acts of 1835-36, Chapter 3, provided that the Supreme Court of Tennessee shall hold at least one session each year at Knoxville, Nashville, and Jackson. Wayne County and 23 other counties constituted the Middle Division whose cases would be heard at Nashville.

Chapter VI - Education/Schools

Board of Education

Private Acts of 1953 Chapter 89

SECTION 1. That in all the Counties of the State of Tennessee, having a population of more than 13,600, but less than 13,900, according to the Federal Census of the year 1940, or any subsequent Federal Census, the administration, management, supervision and control of all high schools and all elementary schools, and all the affairs connected with or governing such school affairs, including the employment of teachers, letting of contracts, repairing and erecting public buildings for school uses and purposes shall be vested in a County Board of Education and a Superintendent of Public Instruction, to be elected by popular votes of the voters in such Counties, as other County officials are elected, and possessing the powers and authority herein given and granted, as given and granted by the general laws of the State of Tennessee relating to the subject.

As amended by: Private Acts of 1992, Chapter 196

SECTION 2. Wayne County shall be divided into school districts which shall be coextensive with the county legislative body districts established by the county legislative body of Wayne County from time to time. The Wayne County Board of Education shall consist of the same number of members as the number of county legislative body districts in Wayne County, with one (1) member of the board of education being elected by the qualified voters in each school district. Board members shall be elected to staggered four (4) year terms beginning with the 1992 General Election. Beginning with the August 1992 election, members from the first, fourth and seventh districts shall be elected. In the August 1994 election, members from the second and fifth districts shall be elected. Members from the third and sixth districts shall be elected in the August 1996 election, thus establishing staggered terms of four (4) years. Persons elected in the regular August election shall take office on September 1 following the election.

As amended by: Private Acts of 1998, Chapter 199

Private Acts of 1992, Chapter 196

SECTION 3. That at the general August Election to be held in August, 1956, a County Superintendent of Public Instruction shall be elected from the county at large, by the qualified voters of the County, in the same manner as other County officials are then elected. He shall have the same qualifications fixed by the general laws of the State of Tennessee, shall receive the same pay as may be determined by the general laws of the State, and shall hold his office for a term of four (4) years from and after September 1, 1956, and until his successor shall be elected and qualified. His duties shall be the same as fixed by the general laws of the State for similar officials, and he shall, in addition, carry out and perform the duties and services that may be required of him by the Board of Education. If there is a vacancy in the office of County Superintendent of Public Instruction, the vacancy shall be filled as provided by law. Terms of office under the provisions of this Act shall begin on September 1, following the general election, as other county officials.

As amended by: Private Acts of 1988, Chapter 199.

Private Acts of 1992, Chapter 196.

SECTION 4. Except as otherwise provided herein, the Wayne County Board of Education shall have the same powers, duties, privileges and qualifications specified in Tennessee Code Annotated, Title 49.

As amended by: Private Acts of 1992, Chapter 196.

SECTION 5. [Deleted by Private Acts of 1992, Chapter 196.]

SECTION 6. [Deleted by Private Acts of 1992, Chapter 196.]

SECTION 7. [Deleted by Private Acts of 1992, Chapter 196.]

SECTION 8. [Deleted by Private Acts of 1992, Chapter 196.]

SECTION 9. That it is the expressed intention of this Act to provide for the full and complete administration of the affairs of public schools in the Counties to which this Act shall apply, and that the provisions of this Act are severable. If any section, sub section, or part be declared unconstitutional and void for any reason, then it is declared to be the legislative intent to enact all remaining provisions and parts as if such matter had first been omitted, and the remaining parts of such Act shall remain in full force and effect.

The Board of Education herein created and provided shall be the only Board having charge of the public school affairs in said Counties, and the present Board of Education set up and established in each county is hereby abolished to make room and give way to the present system established. The provisions of the Compulsory School Laws shall be enforced by such Board of School Commissioners and Superintendent of Public Instruction.

As amended by: Private Acts of 1992, Chapter 196

SECTION 10. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 4, 1953.

Education/Schools - Historical Notes

Board of Education

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

1. Private Acts of 1927, Chapter 629, created a County Board of School Commissioners for Wayne County to be composed of one member from each Civil District, elected to a two year term by the people of that District. The County Election Commission was directed to hold an election in the county within ten days after the passage of this Act to elect a District School Commissioner from

- each Civil District to serve until September 1, 1928, when their successors would take office. Vacancies would be filled by an election in that district. The Commissioner so elected would meet at the Court House and select one of their members as Chairman. They would hold regular meetings on the first Monday in June, September, December, and March of each year and special meetings whenever the Chairman called one, but no member would be paid for more than 15 days each year. The County Superintendent of Public Instruction would serve as Secretary to the Board without additional compensation and keep accurate records of all meetings and acts of the Board, but would have no vote on any matter. The powers, authority, and duties of the Board are generally described, and the compensation of the members set at \$4 per day and the Chairman at \$5 per day. All County Boards of Education were abolished in the counties affected by this Act. This Act was repealed by Private Acts of 1933, Chapter 682.
2. Private Acts of 1933, Chapter 682, provided for a five member County Board of Education who would be elected by the County Court and serve a term of five years. The initial terms of those to be selected at the July, 1934, meeting of the Quarterly Court were staggered up to five years, so that the Quarterly Court would be selecting one member of the Board of Education every year for a five year term. No two members may come from the same Civil District, and vacancies shall be filled for the unexpired term by the Quarterly Court. The Board shall elect one of its members to serve as Chairman for a year. The Quarterly Court could fix the compensation of the members of the Board which is limited by the Act to \$25 per year, and the Chairman may be paid up to \$50 per year. This Act was repealed by Private Acts of 1935, Chapter 831.
 3. Private Acts of 1935, Chapter 831, provided for a County Board of School Commissioners and a County Superintendent of Public Instruction in whom was vested the complete supervision and management of the public school system of the county, and all of whom would be elected by the popular vote of the people. One District School Commissioner would be popularly elected from each civil district to a two year term. Vacancies in the Board would be filled by a special election. The Board would select one of its members as Chairman and would meet regularly on the first Monday in June, September, December and March. Specific qualifications for the County Superintendent of Public Instruction were enumerated in Section 8. The Superintendent would receive the compensation as provided by general law but not to exceed \$1,800 per year. Compensation of the Board was set at \$3 per day, and of the Chairman at \$4 per day. Section 8 of this act which imposed a higher qualification on the Superintendent of Public Instruction for Wayne County than the general law of the state placed on other counties, was declared unconstitutional in *Gallien v. Miller*, 170 Tenn. 93, 92 S.W.2d 403 (1936). This act was the subject of litigation again in a case involving the contract of a school bus driver entered into without taking bids in *State ex rel. Butler v. Dugger*, 172 Tenn. 281, 111 S.W.2d 1032 (1938). This Act was repealed by Private Acts of 1945, Chapter 364, Page 1175.
 4. Private Acts of 1945, Chapter 139, amended Private Acts of 1935, Chapter 831, in Section 8, by increasing the annual salary of the Superintendent of Public Instruction from a \$1,800 ceiling to a \$2,400 ceiling, including all State contributions. 5. Private Acts of 1965, Chapter 98, provided that the Wayne County Board of School Commissioners should receive a per diem allowance of \$10 per day for their attendance at the meetings of the Board, and a mileage rate of ten cents per mile from home to the County seat, provided the member lived more than five miles away. This Act was properly ratified by the Quarterly County Court and was in effect until repealed by Private Acts of 1974, Chapter 252, Page 319.
 5. Private Acts of 1970, Chapter 345, was intended to amend Private Acts of 1953, Chapter 89, by transferring the authority of the remaining members of the Board of School Commissioners to fill vacancies on the Board to the Quarterly County Court at any of its regular or special sessions. This Act was not acted on by local authorities and did not become operative law.
 6. Private Acts of 1971, Chapter 143, would have amended Private Acts of 1953, Chapter 89, by removing the limitation of eligibility to serve by a commissioner of two consecutive terms, and by adding a provision that vacancies on the Board would be filled according to law instead of by the remaining members of the Board and by removing the authority of the Board of School Commissioners to fill vacancies in the office of the Superintendent. This Act was never acted by the local authorities and therefore never became operative under the provisions of the Home Rule Amendment to the Constitution of Tennessee.

General Reference

The following acts constitute part of the administrative and political heritage of the educational structure of Wayne 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 1825, Chapter 229, established the Waynesborough Academy whose Trustees were granted the power to operate and manage the said school as other county academies in the state. This Act appointed William Burns, John Hill, Fletcher F. Edwards, David Gallaher, James Campbell, James Riley, and Benjamin Hardin as the Trustees for the Academy. The Commissioners of the town of Waynesborough were directed to set aside a vacant lot for the use of the Academy.
2. Acts of 1833, Chapter 42, declared that the Chairman of the Board of Trustees of any free school, or the Clerk of any church in Lawrence, Wayne, Hardin, and McNairy Counties, shall be entitled to have surveyed and laid down on the general plan of the District any quantity of vacant land under four acres which could be used for the erection of a school house and meeting house, and the same land when so laid down shall be considered as belonging to the school or church.
3. Acts of 1839-40, Chapter 25, created the Ashland Academy in Wayne County by incorporating the Trustees. The Act named Thomas M. East, John M'Dugal, Lemuel D. Mack, David Gallaher, Richard Kindle, Nathaniel Biffle, Jonathan Elliott, Abram Montague, and William B. Ross as Trustees of the Academy and conferred specific powers upon them as well as all the powers incidental to the position of Trustee for corporate institutions.
4. Acts of 1847-48, Chapter 75, Section 4, stated that Ashland Academy in Wayne County would be divided into two branches, one for the education of boys and the other for the education of girls, each of which would be separately organized but would share equally in the distribution of all funds. The Act named R. A. Hill, A. T. Hassell, A. P. Cook, L. L. Mack, John McDougal, and A. J. McDougal as additional Trustees for the Academy.
5. Acts of 1907, Chapter 236, abolished the office of District Directors of the schools and placed them under the management and control of a County Board of Education and a District Board of advisors in every County of the State. The County Court would divide the County into five school Districts, composed of whole civil districts, from each of which they would select one member of the Board of Education to serve until September, 1908, when other members, elected by the people in the August, 1908, election would succeed them for two year terms. The County Superintendent would serve as the Secretary of the Board. The duties of the Chairman, the Secretary and the Board are specifically catalogued in the Act, which did not preclude those obligations imposed upon them by general law. The members would receive from \$1.50 to \$3.00 per day, as the amount was determined by the County Court, for not more than 30 days per year. A three member Advisory Board would be elected biennially by the people of each District, and would exercise the powers and perform the duties specifically mentioned in this law. Several counties exempted themselves from this law but Wayne County was not listed among them. This Act did not apply to city schools.
6. Private Acts of 1913, Chapter 237, declared that the Quarterly Court of Wayne County shall levy at its January or April term, or at any term in which the general county assessment shall be made, a tax of not less than 12½ cents per \$100 property valuation, for the purpose of maintaining one or more County high schools. This Act was repealed by Private Acts of 1915, Chapter 672.
7. Private Acts of 1919, Chapter 383, created the Collinwood School District in the Fourth and Seventh Civil Districts of Wayne County, as the area embraced in the District was described in the Act. N. C. Jeter, J. E. Wilburn and T. A. Martin were appointed as Directors of this special School District. The County Trustee was directed to set apart for this School District all the school funds collected within the said District. A special tax of fifty cents per \$100 property valuation was levied against the property owners of the District which would be used to keep the schools open for 9 months each year as a free school which tax would be a lien on the real property of the owners. This tax would be in addition to all other taxes but must be approved by the voters of the District before being levied. This Act was repealed by Private Acts of 1929, Chapter 160.
8. Private Acts of 1921, Chapter 502, allowed the Board of Directors of the Collinwood School District in Wayne County to issue up to \$30,000 in coupon bonds to erect and furnish a public school building and playground or campus. The bonds must be issued at an interest rate not to exceed 6%, could be called in for payment at any time after one year but the maturity period could not exceed 20 years. The bond issue must be approved by the people in a referendum vote. The Directors were authorized to levy a special tax of one dollar per \$100 property valuation and a poll tax of \$1 for these purposes in addition to the taxes authorized under Private Acts of 1919, Chapter 383.
9. Private Acts of 1925, Chapter 266, authorized, subject to the approval of the people as expressed in a referendum to be held for that purpose, the Board of Directors of the Collinwood School District to issue up to \$12,000 in coupon bonds, at an interest rate of 6%, and payable annually

on May 1 of each year over a period not to exceed five years, in order to pay and retire the outstanding warrants of the School District. An additional tax levy of fifty cents per \$100 worth of property was authorized which would be collected as other taxes are collected and paid into the sinking fund to amortize these bonds.

10. Private Acts of 1929, Chapter 160, expressly repealed Private Acts of 1919, Chapter 383, which created the Collinwood School District in Wayne County. Any debts owed by the School District were declared to be the debts and obligations of the County and shall be paid as are other debts of the County.
11. Private Acts of 1929, Chapter 179, also repealed Private Acts of 1919, Chapter 383, and seems to be a duplication of Private Acts of 1929, Chapter 160.

Chapter VII - Elections

Districts - Reapportionment

Acts of 1903 Chapter 388

SECTION 1. That there be and are hereby created and established for and within the county of Wayne in this State and in lieu of the fourteen districts therein as now laid out eight civil districts only.

SECTION 2. That the boundaries of said civil districts shall be as follows:

1. The territory embraced in the First District to include the Fourth and Fifth Districts as now laid out.
2. The territory in the Second Civil District shall include the territory embraced in the Second Civil District as laid out by the County Court of Wayne County in the year 1866.
3. The territory in the Third Civil District shall include the territory embraced in the First and Third Districts as laid out by the County Court of Wayne County in the year 1866.
4. The Fourth District shall embrace the territory which is now embraced in the Seventh and Eighth Districts as now laid out.
5. The Fifth District shall consist of the territory now embraced in the Ninth and Tenth Districts as now laid out.
6. The Sixth District shall be composed of the same territory now included in the Sixth District as now laid out.
7. The Seventh District shall embrace the territory that is included in the Eleventh and Thirteenth Districts as now laid out.
8. That the Eighth District shall embrace the territory now included in the Fourteenth District excluding any part thereof included in the Tenth District as herein created.
9. That the Ninth Civil District shall remain as established by the Quarterly Court of Wayne County.
10. The Tenth District shall include the territory embraced in the following boundaries: Beginning at the Tennessee Electric Power Company's tower No. 481 which stands on the east side of the Natchez Trace road about two and one half miles south from U. S. Highway No. 64; running thence east to the Wayne and Lawrence County line; thence south with the Wayne-Lawrence County line to the line of District No. 7; thence in a westward direction with the line of said District to the east boundary of District No. 4; thence North with said east boundary and continuing with the east boundary of District No. 1 to the dividing ridge between the waters of Forty Eight Mile Creek and the waters of Factors Fork of Shoal Creek; thence with said dividing ridge eastward to the beginning.

As amended by: Private Acts of 1909, Chapter 53
Private Acts of 1937, Chapter 398

SECTION 3. [Repealed by Private Acts of 1909, Chapter 53.]

SECTION 4. That all laws or parts of laws in conflict with this Act are hereby repealed.

SECTION 5. That this Act take effect from and after its passage, the public welfare requiring it. Provided, that this Act shall in no way interfere with the right and tenure of office of the present acting Justices of the Peace of said county.

Passed: April 10, 1903.

Run-Off Elections

Private Acts of 1977 Chapter 110

SECTION 1. When no candidate for any county elective office in Wayne County receives a majority of votes cast in an election, a run-off election shall be held three (3) weeks from the day of the initial election. The names of the candidates placing first and second in the initial election shall be placed on the ballot in the run-off election as to all contests where no candidate received a majority of the votes cast, subject to the following exceptions: (1) Where there was a tie for first place in the initial election, only the names of the candidates so tying shall be placed on the ballot in the run-off election; and (2) Where there is a tie for second place in the initial election and the candidate placing first did not receive a majority of votes cast, only the names of the candidates placing first and tying for second shall be placed on the ballot in the run-off election.

SECTION 2. The candidate who receives the highest number of votes cast for the office in the run-off election shall be declared the winner. If two or more persons receive an equal and the highest number of votes cast for the same office in the run-off election, the winner shall be decided by the Quarterly County Court of Wayne County.

SECTION 3. This act shall have no effect unless it is approved by a majority of the voters voting in an election to be held for the purpose of approving or rejecting it. Within sixty (60) days after this act becomes a law, the County Election Commissioners of Wayne County shall call an election for Wayne County to be held not less than thirty (30) days nor more than ninety (90) days from the date of the call. The ballots used in the election shall have printed on them the title of this act and voters shall vote for or against its approval. The votes cast in the election shall be canvassed and the results proclaimed by the County Election Commissioners and certified by them to the Secretary of State as provided by law in the cases of general elections. The qualifications of voters voting on the question shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of the approval or rejection of this act. The cost of the election shall be paid by Wayne County.

SECTION 4. For the purpose of calling a referendum to approve or disapprove this act, it shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, it shall take effect upon being approved as provided in Section 3.

Passed: May 16, 1977.

Elections - Historical Notes

Districts - Reapportionment

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

1. Acts of 1835-36, Chapter 1, provided for the appointment of five persons by the General Assembly in each county to lay off the respective counties into districts of convenient size according to population and territory. The number of districts ranged from 8 to 25 based on the population table in the Act. There would be two justices and one constable elected from each district, except districts including the county town which would have three and two, respectively.
2. Acts of 1835-36, Resolution #3, appointed Nathaniel Biffle, James Carr, William B. Ross, William B. Curtis and George Whetton to lay off Wayne County into districts.
3. Acts of 1835-36, Resolution #25, appointed William R. Curtis as a Commissioner to lay off Wayne County into Magistrate's and Constable's Districts. He was erroneously listed as William B. Curtis in Resolution #3.

Elections

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

1. Acts of 1819, Chapter 69, placed Wayne, Hickman, Lawrence, and Hardin Counties in one of the 20 State Senatorial Districts and Wayne and Hardin Counties would jointly elect one of the forty State Representatives.
2. Acts of 1821, Chapter 46, put Wayne, Hardin, and Shelby Counties into one Electoral District and they will elect one Representative between them. Wayne County was placed in a State Senatorial District composed of Hickman, Lawrence, Hardin, Shelby and Madison.
3. Acts of 1822, Chapter 1, divided Tennessee into nine U. S. Congressional Districts. The 9th District was composed of the counties of Wayne, Hardin, Perry, Lawrence, Henry, Carroll, Henderson, Madison, and Shelby.
4. Acts of 1823, Chapter 47, provided for the election of eleven Presidential Electors. The 11th

Electoral District was made up of the counties of Wayne, Hardin, Perry and all the counties west of the Tennessee River.

5. Acts of 1824, Chapter 1, divided the State into eleven Presidential Electoral Districts, assigning Wayne, Perry, Hardin and all counties west of the Tennessee River to the 11th District, and providing that the polls be counted at Jackson in Madison County.
6. Acts of 1826, Chapter 3, apportioned the State for representation in the General Assembly. Of the 20 Senators, Hickman, Lawrence, Wayne, Hardin, and McNairy Counties would jointly elect one. Lawrence, Wayne, and Hardin Counties would share one of the 40 State Representatives. Polls were to be counted at Waynesboro.
7. Acts of 1827, Chapter 17, established eleven Presidential Electoral Districts in the State. The 8th Electoral District had in it the counties of Lincoln, Giles, Lawrence, Hardin, and Wayne.
8. Acts of 1832, Chapter 4, placed the counties of Lincoln, Giles, Lawrence, Wayne and Hardin in the Tenth U. S. Congressional District, that being one of 13 fashioned in the State.
9. Acts of 1832, Chapter 9, established 15 Presidential Electoral Districts in the State of which the Twelfth District was composed of Maury, Hickman, Perry and Wayne Counties.
10. Acts of 1833, Chapter 71, reapportioned the State for representation in the General Assembly. Hickman, Wayne, Lawrence, Hardin, and McNairy Counties would bond together to elect one Senator, counting the polls at Waynesborough and Lawrence and Wayne Counties would elect one Representative between them.
11. Acts of 1833, Chapter 76, provided for the election of sixty delegates to the coming State Constitutional Convention who would be elected on the first Thursday and Friday in March and meet in Nashville on the third Monday in May, 1834. Hickman, Lawrence and Wayne Counties would compose a District and elect two delegates. The returning officers would meet at Catron's Iron Works in Lawrence County.
12. Acts of 1835-36, Chapter 39, divided the State into 15 Presidential Electoral Districts. The 12th Electoral District was composed of Maury, Hickman, Perry and Wayne Counties.
13. Acts of 1839-40, Chapter 79, made each one of the U. S. Congressional Districts in Tennessee equal one Electoral District for the purpose of the Presidential elections. In addition to the one elector from each of the 13 congressional districts, two electors would be chosen at large.
14. Acts of 1842 (Ex. Sess.), Chapter 1, fixed 25 Senatorial Districts and 50 Representative Districts for the General Assembly of the State. Hickman, Lawrence, Wayne and Hardin Counties would jointly elect one Senator, and Wayne County would elect one Representative alone.
15. Acts of 1842 (Ex. Sess.), Chapter 7, set up eleven U. S. Congressional Districts in Tennessee. The 6th District was composed of the counties of Hickman, Maury, Giles, Lawrence, Wayne, and Hardin.
16. Acts of 1851-52, Chapter 196, created ten U. S. Congressional Districts in the State. The 7th District contained the counties of Giles, Lawrence, Wayne, Hardin, McNairy, Perry, Decatur, Benton, Humphreys, Hickman, and Lewis.
17. Acts of 1851-52, Chapter 197, reapportioned the State for the General Assembly. Wayne County would elect one Representative alone, and be part of a Senatorial District with Lawrence and Giles Counties.
18. Acts of 1865, Chapter 34, established eight U. S. Congressional Districts in Tennessee in the immediate post Civil War period. The Sixth District had in it the counties of Lawrence, Wayne, Hardin, Decatur, Perry, Lewis, Maury, Hickman, Humphreys, Dickson, Montgomery, and Stewart.
19. Acts of 1871, Chapter 146, set up the apportionment of the State for the General Assembly according to the 1870 Federal Census. Lawrence and Wayne Counties would share a Representative between them and the 15th State Senatorial District was made up of the counties of Giles, Lawrence, Wayne and Lewis.
20. Acts of 1872 (Ex. Sess.), Chapter 7, apportioned the State into nine U. S. Congressional Districts of which the 6th District contained the counties of Williamson, Maury, Giles, Lawrence, Wayne, Lewis, Hickman, and Dickson.
21. Acts of 1873, Chapter 27, set up ten U. S. Congressional Districts in the State. The 7th District was composed of the counties of Wayne, Lawrence, Giles, Lewis, Maury, Hickman and Williamson.
22. Acts of 1881 (Ex. Sess.), Chapter 5, fixed the membership in the General Assembly at 33 Senators and 99 Representatives.
23. Acts of 1881 (Ex. Sess.), Chapter 6, apportioned the State for the General Assembly according to

Acts of 1881 (Ex. Sess.), Chapter 5, and according to the populations statistics of the 1880 Federal Census. Wayne and Lawrence Counties would share a Representative and join Perry and Hardin Counties as members of the 23rd Senatorial District.

24. Acts of 1882 (2nd Ex. Sess.), Chapter 27, divided Tennessee into ten U. S. Congressional Districts. The Seventh District contained the counties of Williamson, Maury, Giles, Lawrence, Wayne, Lewis, Hickman and Dickson.
25. Acts of 1891 (Ex. Sess.), Chapter 10, redistricted Tennessee for representation in the General Assembly. The 22nd Senatorial District comprised the counties of Giles, Lawrence, and Wayne. Humphreys, Perry and Wayne Counties would share a Representative as the 15th District.
26. Acts of 1901, Chapter 109, delineated ten U. S. Congressional Districts. The 7th U. S. District was made up of the counties of Houston, Humphreys, Dickson, Hickman, Williamson, Lewis, Maury, Giles, Lawrence and Wayne.
27. Acts of 1901, Chapter 122, reapportioned the General Assembly of the State. Giles, Lawrence and Wayne Counties composed the 22nd State Senatorial District. Giles, Lawrence, Lewis, and Wayne would jointly elect one Representative in the 17th District.
28. Acts of 1905, Chapter 323, created voting precincts in the town of Ashland in the Sixth Civil District and in the town of Flatwoods in the Third Civil District of Wayne County. The officers holding the elections in these two new precincts shall demand and receive the same compensation for doing so as other officers of elections. These precincts shall remain as they are now constituted until changed by the General Assembly.
29. Private Acts of 1977, Chapter 36, provided for run-off elections for county officers in Wayne County. This Act did not receive local approval and never became operative.

Chapter VIII - Health

Hospital

Private Acts of 1961 Chapter 40

SECTION 1. That there is hereby created and established in Wayne County, Tennessee, a board of trustees to be known and designated as the "Wayne County General Hospital Board of Trustees", to have full charge of the operation and maintenance of the Wayne County General Hospital in Waynesboro, Tennessee.

SECTION 2. That the Board of Trustees shall have and be vested with full, absolute, and complete authority and responsibility for the operation, management, conduct, and control of the business and affairs of the Wayne County General Hospital, including the selection and approval of a competent medical staff, and shall:

1. Determine the policies of the hospital with relation to the patients therein and to the needs of the community.
2. To provide all necessary equipment and facilities consistent with the needs of the patients of said hospital.
3. To see that the professional standards are maintained in the care of the sick.
4. Coordinate professional interests with administrative, financial, and community needs.
5. Provide adequate finances by securing sufficient income and by enforcing businesslike control of expenditures.
6. To provide for the safe administration of funds entrusted to said Board of Trustees.
7. To keep adequate records of the hospital finances and all of its activities.
8. Surround the patients of said hospital with every reasonable protection thereby fulfilling the moral and legal responsibility of the institution by exercising proper care and sound judgment in the selection of a qualified administrator and of the authority and responsibility of the Board of Trustees shall include but not be limited to the establishment, promulgation, and enforcement of the rules, regulations, and policies of the hospital, the upkeep and maintenance of all the property belonging to the hospital, the administration of all fiscal affairs of the hospital, the execution of all contracts, agreements, and other instruments.

SECTION 3. That the Board of Trustees shall be composed of five (5) in number, whose compensation is hereby fixed at Five Dollars (\$5.00) per month and who shall receive ten cents (10¢) per mile, one way, to attend all meetings of the Board and who shall be reimbursed by the hospital administrator out of

funds in his hands, for such expenses as they may reasonably incur in the proper performance of their duties. The County Judge of Wayne County shall serve as chairman of the Board of Trustees and shall preside at its meetings but shall not be allowed to vote in matters pertaining to the affairs of the Board of Trustees. The County Attorney shall serve with the County Judge in an advisory capacity only but shall have no voice or vote in the matters to come before the Board.

SECTION 4. That the initial members of the Board of Trustees shall be as follows: J. H. Haggard, J. R. Roberts, T. C. Winford, Joe W. Butler, and R. L. Scott. All of said Trustees shall take office on April 20, 1961, and the said J. H. Haggard, J. R. Roberts, and Joe W. Butler shall serve for a term of three (3) years; their terms expiring March 31, 1964. T. C. Winford and R. L. Scott shall serve for a term of two (2) years, and their terms of office shall expire March 31, 1963, and as the respective terms of the Trustees expire, the Quarterly Court of Wayne County, Tennessee, at the regular January session prior thereto shall elect successors for a term of three (3) years.

SECTION 5. That the Trustees shall be citizens of Wayne County, Tennessee, but no person shall be a member of the Board of Trustees if he is:

1. An employee of the Board.
2. A member of the medical staff or a licensed doctor or physician or a registered nurse.
3. The holder of a full time remunerative position in the County Government, or physician with the Tennessee Department of Public Health, the Department of Public Welfare, or United States Public Health Service.

SECTION 6. That a Trustee whose term has expired shall continue to serve until his successor shall have been elected in the manner hereinbefore provided. In the event of death or resignation of a trustee prior to the expiration of his term, his successor shall be elected by the Quarterly Court of Wayne County, Tennessee, for the unexpired term. Any incumbent trustee shall be eligible for re-election to the Board of Trustees.

SECTION 7. That at the first meeting of the Board of Trustees it shall elect one of its members as secretary who shall keep minutes and records of the proceedings of the Board reflecting all business transacted by the Board. The Board of Trustees shall hold a regular meeting on the fourth Tuesday of each month at such hour as the Board may decide proper and such other meetings as the Board may deem necessary and proper, and the Board is hereby empowered and authorized to change the date of the regular meeting of the Board by resolution duly entered upon the minutes of that body.

SECTION 8. That the Board of Trustees shall have authority to employ and appoint a hospital administrator for said hospital who shall hold office at the pleasure of the Board. The administrator shall not be a member of the Board of Trustees but shall be a qualified person experienced in hospital administration, whose duties and responsibilities shall be as herein designated and shall be determined and prescribed by the Board of Trustees. The Board of Trustees shall select and approve the medical staff of the hospital and all doctors, physicians, and surgeons composing the medical staff thereof.

SECTION 9. That the administrator employed by the Board:

1. Shall be chief executive officer of the hospital subject to the bylaws, rules, and regulations adopted by the Board and shall be under the control and direction of the Board of Trustees.
2. Shall, with the consent of the Board of Trustees, equip the hospital with all necessary furniture, appliances, fixtures, equipment, and medical facilities for the care and treatment of patients and for the use of the officers and employees thereof.
3. Shall be the purchasing agent for the hospital and shall purchase all necessary supplies in the manner and subject to the rules as laid down by the Board of Trustees.
4. Shall have general supervision and control of the records, accounts, and bills of the hospital and all internal affairs and shall maintain discipline therein and shall enforce compliance with and obedience to all rules, regulations, bylaws, adopted by the Board of Trustees for the government, discipline and management of the said hospital and the employees and patients thereof.
5. Shall make such other rules, regulations, and orders as he may deem necessary not inconsistent with law or the rules and regulations of the Board of Trustees.
6. Shall, under the rules and regulations and within the limit and in the manner prescribed by the Board of Trustees and with the advice and consent of said Trustees, employ such necessary personnel, including nurses aides, supervisors, technicians, and such other technical and general employees as shall be necessary or proper for the efficient performance of the business of the hospital, and shall prescribe their duties and discharge such employees at his discretion.
7. Shall keep or cause to be kept proper records and accounts of the business and operations of the hospital regularly, from day to day, in the books and records provided for that purpose and prescribed by the Board of Trustees and see that such records and accounts are correctly made up for the report of the Board of Trustees to the Quarterly Court of Wayne County, Tennessee, as hereinafter required.

8. Shall collect, or cause to be collected, and receive all monies due the hospital and shall deposit said monies in the bank or banks as designated by the Board of Trustees in the same form as received; shall keep an accurate account of the same; shall pay the expenses of the operation of the hospital from funds available only by check drawn on the bank or banks designated by the Board of Trustees in such manner as the Board of Trustees may direct. A complete report of the operation of the hospital shall be presented by the Administrator to the monthly meetings of the Board of Trustees.

9. Shall, before entering upon the discharge of his duties, give a bond in such sum as the Board of Trustees may determine to secure the faithful performance of his duties, the cost of the same to be included in the expense of the operation of the hospital.

10. Shall perform such other duties as the Board of Trustees may prescribe.

SECTION 10. That the Board of Trustees shall fix the salary of the Administrator and, with the advice and consent of the said Administrator, the salary or salaries of any other employees or employees of the hospital, within the limit of the funds available for the maintenance and operation of said hospital.

SECTION 11. That the Board of Trustees shall have the general superintendence, management and control of the said hospital, the hospital grounds, buildings, officers and employees thereof, of the patients therein, and of all matters relating to the government, discipline, contracts, and fiscal matters concerning the same, and to make such other bylaws, rules, and regulations as may be deemed by said Board necessary for the efficient and proper management and operation of the said hospital, and for carrying out the purposes for which said hospital was established.

SECTION 12. That the Board of Trustees shall have the books, records, and accounts of hospital audited by a reputable firm of certified public accountants for each fiscal year for the operation of the hospital; said fiscal year to begin on July 1 of each year; the audit to be completed within a reasonable time after the close of the fiscal year of the hospital. One copy of the audit shall be filed with the County Court Clerk of Wayne County, Tennessee, and said audit shall correctly set forth the operation of the fiscal year. The Board of Trustees shall annually present to the Quarterly Court of Wayne County, Tennessee, at the October term of said Court, a report setting forth the operation of said hospital, both financially and otherwise, with such recommendations to the financial needs of said hospital and as to the equipment needed or improvements necessary or desirable to be made to the hospital as shall appear to the Board to be necessary for the efficient and proper operation of the hospital in order to furnish the patients therein the proper care and attention.

SECTION 13. That the Quarterly Court of Wayne County, Tennessee, is hereby authorized to appropriate to the Wayne County General Hospital for the use of the Board of Trustees from the general funds, or from such other funds not appropriated by said county, such sum as may be required to operate said hospital, and said Quarterly Court is authorized and empowered to levy a tax in addition to all other taxes upon all taxable property within Wayne County, Tennessee, for the purpose of supplying funds necessary for the proper and efficient operation of said hospital.

SECTION 14. That if any clause, paragraph, sentence, section, or any part of this Act shall be declared or held to be unconstitutional and void, it shall not affect the remaining part or parts of this Act, it hereby being declared to be the legislative intent to have passed the remainder of this Act notwithstanding the part held to be invalid, if any. All act, or parts of acts, in conflict herewith are hereby repealed.

SECTION 15. That this Act shall have no effect unless the same shall have been approved by a two-thirds (2/3) vote of the Quarterly County Court of Wayne County, Tennessee, on or before the next regular meeting of said Court occurring more than thirty (30) days after its approval by the Chief Executive of the State. Its approval or non-approval shall be proclaimed by the County Judge of the County Court of Wayne County, Tennessee, and shall be certified by him, if approved, to the Secretary of State.

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

Passed: February 1, 1961.

Private Acts of 1970 Chapter 250

SECTION 1. The Wayne County General Hospital Board of Trustees, created by Chapter 40 of the Private Acts of 1961, is authorized to establish and operate a nursing home, rest home or home for the aged, or all of them, in connection with the facilities of the Wayne County General Hospital, and to designate the portions of the hospital properties to be used for such activities. The authority vested by this Act shall be exercised in the same manner and subject to the same provisions as provided by Chapter 40 of the Private Acts of 1961 for the operation of the Wayne County General Hospital.

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 Wayne County. Its approval or non-approval shall be proclaimed by the presiding officer

of the Court and certified by him to the Secretary of State.

SECTION 3. For the purpose of approving this Act as provided in Section 2, it shall take effect on becoming a law, but the other provisions of the Act shall be effective only upon such approval.

Passed: February 12, 1970.

Chapter IX - Highways and Roads

Dick Boyd Memorial Bridge

Public Acts of 2001 Chapter 420

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

SECTION 1. Notwithstanding any other provision of law to the contrary, the bridge spanning Hardin Creek on U.S. Highway 64 in Wayne County is hereby designated as the "Dick Boyd Memorial Bridge".

SECTION 2. The Department of Transportation is directed to erect suitable signs or to affix suitable markers designating such bridge as the "Dick Boyd Memorial Bridge".

SECTION 3. The erection of such directional signs shall be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices.

SECTION 4. This act shall become operative only if the Federal Highway Administrator advises the Commissioner of Transportation in writing that the provisions of this act shall not render Tennessee in violation of federal laws and regulations and subject to penalties prescribed therein.

SECTION 5.

(1) This act shall become operative only if Wayne County, Tennessee, either remits the estimated cost of the erection of such signs to the Department of Transportation within one (1) year of the effective date of this act or manufacturers such signs in accordance with the provisions of subdivision (2). Wayne County shall make such payment prior to any expenditure by the state for manufacture or installation of such signs. The department shall return any unused portion of the estimated cost to Wayne County within thirty (30) days of the erection of such signs. If the actual cost exceeds the estimated cost, Wayne County shall remit an amount equal to the difference in such costs to the department within thirty (30) days of receiving an itemized invoice of the actual cost from the department.

(2) Wayne County may manufacture and erect such signs provided that such signs are manufactured and erected pursuant to state and federal guidelines and approved by the department.

SECTION 6. This act shall take effect July 1, 2001, the public welfare requiring it.

Passed: June 22, 2001.

Mae Tom and Judge Russ Davidson Memorial Bridge

Public Acts of 2001 Chapter 393

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

SECTION 1. Notwithstanding any other provision of law to the contrary, the bridge that spans Hardin Creek on U.S. Highway 64 in Wayne County approximately one-quarter (1/4) mile west of such highway's junction with State Route 114 is hereby designated as the "Mae Tom and Judge Russ Davidson Memorial Bridge" as a lasting tribute to these two remarkable public servants and human beings.

SECTION 2. The Department of Transportation is directed to erect suitable signs or to affix suitable markers designating such bridge as the "Mae Tom and Judge Russ Davidson Memorial Bridge".

SECTION 3. The erection of such directional signs shall be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices.

SECTION 4. This act shall become operative only if the Federal Highway Administrator advises the

Commissioner of Transportation in writing that the provisions of this act shall not render Tennessee in violation of federal laws and regulations and subject to penalties prescribed therein.

SECTION 5.

(1) This act shall become operative only if Wayne County, Tennessee, either remits the estimated cost of the erection of such signs to the Department of Transportation within one (1) year of the effective date of this act or manufacturers such signs in accordance with the provisions of subdivision (2). Wayne County shall make such payment prior to any expenditure by the state for manufacture or installation of such signs. The department shall return any unused portion of the estimated cost to Wayne County within thirty (30) days of the erection of such signs. If the actual cost exceeds the estimated cost, Wayne County shall remit an amount equal to the difference in such costs to the department within thirty (30) days of receiving an itemized invoice of the actual cost from the department.

(2) Wayne County may manufacture and erect such signs provided that such signs ;are manufactured and erected pursuant to state and federal guidelines and approved by the department.

SECTION 6. This act shall take effect July 1, 2001, the public welfare requiring it.

Passed: June 7, 2001.

Road Law

Private Acts of 1941 Chapter 32

SECTION 1. That there be and is hereby created and established for the County of Wayne, State of Tennessee, the administrative Department of Highways and Accounts of the County government, and a chief executive officer of such Department to be known and designated as the Commissioner of Highways and Accounts of Wayne County, Tennessee, for the purposes hereinafter stated, and with the duties and privileges herein vested in such Commissioner.

SECTION 2. That for the more efficient, economical and competent administration, management and control of the system of public roads, highways and levees in Wayne County, such Commissioner of Highways and Accounts shall be and is vested with the full authority and control over the public roads, highways, levees and bridges of said County of Wayne, and be charged with the proper laying out, construction, maintenance and repairing of all such public roads, highways and bridges in such county and the expenditures of all necessary funds for such purposes.

SECTION 3. That the full management and control of the laying out, the construction, the repair and maintenance of all the public roads, highways, levees and bridges of Wayne County, Tennessee, shall be vested in the Commissioner of Highways and Accounts, and it shall be his duty to see that such public roads, highways, levees and bridges are constructed, maintained and kept in proper repair, and in as good condition as the nature of the weather, the availability of funds and labor, and other conditions, will reasonably permit. And to this end the Commissioner of Highways and Accounts is empowered and directed to employ all necessary foremen, employees, agents and laborers both common and skilled, as may be needed to effectively, efficiently, and speedily carry on such work in the best manner possible, economy and permanency considered, such foremen, laborers and others to be paid such sums per day or per hour as may be fair and customary in the community where such work is done or labor and services performed, but no laborer, foreman or other employee or agent shall be retained or kept employed unless he render faithful, full, efficient and proper service, and wages and compensation to such laborer, foreman, or employee shall not be paid except for the days or hours actually employed and put in on the job, or required in going to and from such job or work by the nearest usually travelled route. (sic)

SECTION 4. That such Commissioner of Highways and Accounts shall keep and maintain for his Department an office in the Courthouse of Wayne County, or at the county seat and in some other building in a public place provided at public expense, and he shall keep in such office all the records, maps, plats, copies of reports and other books, blanks, estimates, and all other records pertaining to his office, all of which shall be open at all reasonable hours to public inspection.

The Chief Administrative Officer shall have supervision and control over and shall be responsible for all the machinery, equipment, tools, supplies and materials owned or used by the county in the construction, reconstruction, repair and maintenance of the county roads and bridges. He shall make or cause to be made a complete inventory of all machinery, equipment, tools, supplies, and materials and file copies of

the complete inventory with the county governing body, the Comptroller of the Treasury and the State Rural Roads Division within sixty (60) days after taking office and thereafter a revised current inventory shall be submitted effective July 1 of each year. Said revised inventory shall be submitted by September 1 of each year. All machinery, equipment and tools shall be plainly marked as the property of the County Road Department and each item shall be numbered and the number entered on the inventory filed by the Chief Administrative Officer.

The Chief Administrative Officer shall maintain an inventory of all machinery, equipment, tools, supplies, and materials owned or used by the county in the construction, reconstruction, repair and maintenance of the county roads and bridges. Such inventory shall, at all times, reflect the whereabouts of the machinery, equipment, tools, supplies, and materials. When such machinery, equipment and tools are initially received by the county, they shall immediately be assigned a permanent number which shall be permanently affixed to the property in question. Such permanent number shall be entered on the inventory required herein. When the property received consists of vehicles and other rolling equipment, it shall be permanently marked, on either side, in letters at least four inches high with words, "Wayne County Highway Dept." and the permanent Highway Department number.

The inventory maintained of all machinery, equipment, tools, supplies and materials must contain the vendor from whom the property was purchased, the price, the quantity, to whom and for what project or equipment the property was issued, the identification number and the signature of the person to whom it was issued. Such inventory shall at all times indicate the whereabouts of the property.

The Chief Administrative Officer of the Highway Department shall submit quarterly a complete inventory of all machinery, equipment, tools, supplies and materials owned or used by the Highway Department to the Quarterly County Court of Wayne County. Such inventory shall also be released to the media. Within the first ten (10) days of each calendar month, the Chief Administrative Officer shall submit to the Quarterly County Court a list of all property, both real and personal, leased for that month. Such list shall be filed with the county court clerk and released to the media.

The Chief Administrative Officer shall require that all employees submit time records showing the time worked, where the work was performed, and the project for which the work was done.

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

The Chief Administrative Officer shall estimate, at the beginning of the fiscal year, that year's expected usage of supplies and materials. Bids shall be solicited and awarded as provided in this section. Such bids shall be to provide the Highway Department's needs for a particular commodity for the entire year. The vendor who is awarded the contract will supply all of the Highway Department's needs for that commodity during the fiscal year. Examples of materials and supplies which shall be purchased in this manner are: tires, batteries, gas, oil, spark plugs and construction materials.

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

If the amount of the expenditure or sale is estimated to exceed five hundred dollars (\$500.00), sealed bids shall be solicited. The Chief Administrative Officer shall solicit sealed bids by public notice inserted at least once in a newspaper of county wide circulation five (5) days prior to the final date for submitting bids or by posting notices on a public bulletin board in the county courthouse. The Chief Administrative Officer shall also, when deemed necessary or desirable, solicit sealed bids by sending requests by mail to prospective suppliers. All such notices shall include a general description of the commodities or contractual services to be purchased or property to be sold and shall state where bid blanks and specifications may be obtained and the time and place of opening bids. The Chief Administrative Officer shall also, when deemed necessary or desirable, solicit sealed bids by sending requests by mail to prospective suppliers and by posting notices on a public bulletin board in the county courthouse.

All purchases or sales of less than five hundred dollars (\$500.00) in amount may be made by the Chief Administrative Officer in the open market without newspaper notice, but shall wherever possible be based upon at least three (3) competitive bids. Requisitions for items estimated to cost more than five hundred dollars (\$500.00) shall not be subdivided in order to circumvent the requirement for public newspaper notice herein provided for. All sales by the Chief Administrative Officer shall be made to the lowest

responsible bidder. Bids on purchases shall in all cases be based on such standards as may be adopted and promulgated by the Chief Administrative Officer and approved by the Quarterly County Court.

All open market purchases orders or contracts made by the Chief Administrative Officer or in extreme emergencies by any county department or agency shall be awarded to the lowest or best bidder, taking into consideration the qualities of the articles to be supplied, their conformity with specifications, their suitability to the requirements of the county government, and the delivery terms. Any, or all, bids may be rejected for good cause.

All bids taken under the requirements of this chapter, and all other documents, including purchase orders, pertaining to the award of contracts on such bids, shall be preserved for a period of five (5) years.

If all bids received on a pending contract are for the same unit price or total amount, the Chief Administrative Officer shall have authority to reject all bids and to purchase the required supplies, materials, equipment or contractual services in the open market, provided the price paid in the open market does not exceed the bid price and the goods are equal in quality to those bid on.

All sealed bids received shall be opened publicly at the time and place fixed in the advertisement. Each bid, with the name and address of the bidder, shall be entered on a record, and each record with the names of the bidders, the amounts of the bids, and the name of the successful bidder indicated thereon, shall, after the award or contract or order, be open to public inspection.

All contracts shall be approved as to form by the county attorney and the original copy of each long-term contract shall be filed with the county court clerk.

No purchase shall be made or purchase order or contract of purchase issued but in consequence of a written requisition for the supplies, materials, equipment or contractual services required, which requisition shall be signed by the employee of the Highway Department requiring such articles or services. Original copies of all such requisitions shall be kept on file in the Office of the County Purchasing Agent.

No purchase shall be made or purchase order or contract of purchase issued for tangible personal property or services by county officials or employees, acting in their official capacity, from any firm or individual whose business tax or license is delinquent.

The Chief Administrative Officer is authorized to purchase and contract to purchase materials, supplies, equipment and contractual services on a fiscal year basis, but no commitment shall be made which extends beyond the end of the current fiscal year for which appropriations have been made by the Quarterly County Court, except such commitments as are authorized by resolution of the Quarterly County Court.

No road surfacing materials shall be purchased without specific authority of the Quarterly County Court.

Willful failure to follow the requirements of this section by any person hereby declared to be a misdemeanor, punishable by a fine of not less than five hundred dollars (\$500.00) and grounds for ouster from office under Title 8, Chapter 27 of the Tennessee Code Annotated. (sic)

Notwithstanding any provision of this act or any other law to the contrary, when selling county-owned property which has become surplus, obsolete, or unusable, the chief administrative officer may, in the officer's discretion, choose to sell such property by public auction in lieu of selling the property by sealed or competitive bids. The use of a public auction to sell surplus, obsolete or unusable property shall be permissible regardless of the value of the property being so disposed.

As amended by: Private Acts of 1977, Chapter 109
Private Acts of 2007, Chapter 18

SECTION 5. That at the public office kept and maintained for and by such Commissioner of Highways and Accounts there shall be kept on file for public inspection a map or maps of Wayne County showing the boundaries of each civil district in the county, all the public roads, highways and bridges in said county, and the point or points where work is being done on any such road, highway or bridge at public expense; estimates of the cost of construction, maintenance or repairs; copies of all public contracts; a list of all foremen, laborers, or other employees and the amount of salary, wages or compensation being or has been paid to each; the amounts of receipts for highway purposes and the amounts expended during each calendar month; all of which shall be open to the public and inquiries concerning same answered.

SECTION 6. That the office of Commissioner of Highways and Accounts for Wayne County shall be kept open during the business hours of the day, Sundays and legal holidays excepted. The Commissioner shall have the authority and power to employ all necessary clerical help, stenographers, filing clerks, and others to keep and maintain such office at a high standard of efficiency and in the best interest of the public and for the giving of information to all citizens and taxpayers inquiring. The Commissioner shall also employ all necessary surveyors, engineers, abstracters, draftsmen, or other skilled employees and laborers, and contract for and procure all necessary professional services, the compensation to be paid such clerks,

common or skilled employees, or others, and for such professional services, to be fixed at a salary, wages or fee commensurate with the character and amount of services performed, to be paid for by warrant drawn on the Trustee of Wayne County, issued by such Commissioner, and paid by the County Trustee out of funds in the general highway account or funds held for highway purposes.

SECTION 7. That in the laying out, construction, repairing and maintaining the public roads, highways and bridges under the provisions of this Act, due regard shall be given to the needs of the several communities, and the condition of the roads and bridges from time to time. Public roads over which rural free delivery routes pass shall be given first consideration, and in other respects there shall be, as nearly as practicable, a fair distribution of funds in the several civil districts of the county, condition of roads, bridges, and amounts previously expended, considered.

SECTION 8. That the County Court of Wayne County, in quarterly session, at the usual time of levying taxes for other purposes, shall levy a tax upon all the taxable property in said County for general highway purposes in such amount as may be needed to meet the demands of the Department of Highways and Accounts and to pay existing indebtedness evidenced by outstanding warrants legally and properly issued for labor and services actually performed, supplies actually furnished and shown by receipted bills, and for other purposes. And the said County Court at its April, 1941, quarterly sessions, and at each January term thereafter, shall fix the number of days for the eligible road hands to work on the public roads of said county, as provided by the general laws, which provisions of the general laws are not intended by this Act to be repealed.

SECTION 9. That such Commissioner of Highways and Accounts shall demand of and receive from all persons, officials and individuals heretofore connected in any manner or capacity with any of the public road and highway affairs of Wayne County, the construction or maintenance of same, all the warrants, books, stubs, blanks, books, accounts, maps, plats, plans, records, and all machinery, equipment and supplies kept or used in the administration and conduct of such public road and highway affairs. And if any person, official, or individual assuming authority or control over such books, records, machinery, equipment or supplies, or any funds belonging to said department, or other property belonging or pertaining in any way to the public road system or affairs in said County, or in the former administration or control of same, shall fail or refuse to promptly deliver over and surrender to the Commissioner of Highways and Accounts of said County all such books, funds, records, machinery, equipment or other property in his or her hands, such Commissioner, after due demand for same in writing shall proceed to institute proper proceedings in law or in equity to recover the same, and to this end may employ necessary counsel, execute costs and prosecution bonds, and to recover the same in his name for the use and benefit of the Department of Highways and Accounts of Wayne County.

SECTION 10. That the said Commissioner of Highways and Accounts shall be the agent of Wayne County in dealing with the Department of Highways and Public Works of the State of Tennessee, and he shall be recognized as such by said State Department.

SECTION 11. That the said Commissioner of Highways and Accounts shall possess and have all authority over the eligible road hands of the County, and all male persons over the age of 21 years, and under the age of 50 years, are hereby declared eligible, and are required to work on the public roads upon or near which they live not less than 6, nor more than 10, days in each and every year, but they may, in lieu of work, commute by paying to the County Trustee of Wayne County, the sum of 75¢ per day for every day's labor they have failed to perform, as required by this Act, provided the payments are made to the Trustee on or before the 1st day of October of each and every year, but should they fail to work or commute by paying to said Trustee the aforesaid sum of 75¢ per day, for every day's work they have failed to perform as required by this Act, by the aforesaid date of October 1st, they can only commute by paying 85¢ per day for every day's work they have failed to perform, as required by this Act, the payment of which may be made to the County Trustee, Commissioner of Highways and Accounts, or the employees authorized by said Commissioner to warn in for work, and collect from such eligible road hands, the amount provided by this Act, and for this purpose the said Commissioner is hereby authorized and empowered with authority to employ suitable persons to warn in said hands to work said road, and to collect the amount they are required to pay in lieu of work.

SECTION 12. That for the purpose of carrying out the provisions of this Act, the Quarterly Court of Wayne County is hereby authorized, empowered with authority and directed to fix the number of days for the eligible road hands to work on the public roads of said County for the year 1941 at its April, 1941, session, and at the January term of the Quarterly Court each year thereafter for other years, but which time shall in no event be less than six days, nor more than ten days, in accordance with the provisions of this Act.

SECTION 13. That the Commissioner of Highways and Accounts shall make a list of all eligible road hands in said County of Wayne, and to assign each hand to a public road as near to the place of residence of

such hand as practicable; and he shall notify each hand by U.S. mail the road to which he has been assigned, and such hand has the right and privilege to be transferred upon his request to any other public road he may desire if he appear at the office of such Commissioner and make such application; but not more than one such application shall be made in any one calendar year.

SECTION 14. That a failure of any such eligible road hand to work on the public road or roads to which he has been assigned by the Commissioner, or commute by paying the amount in lieu thereof as provided by this Act, is hereby declared to be a misdemeanor, punishable by a fine not less than five nor more than fifty dollars, and the grand jury of said County of Wayne is hereby given inquisitorial power over the offense created by this Act, and it shall be the duty of the Commissioner of Highways and Accounts to make a list of such delinquent road hands, and report the same to the grand jury, or he may procure the issuance of a warrant for the arrest of the road hands guilty of such offenses, before any Justice of the Peace of the County, and upon the plea of guilty being entered they may be fined as now provided by law by such Justice of the Peace within the limitations fixed by this Act.

SECTION 15. That all sums and amounts paid to the Commissioner of Highways and Accounts for his salary and to all employees and laborers and for all special and professional services, and for all equipment, materials and supplies, shall be paid by a warrant drawn by such Commissioner upon the County Trustee, out of funds in his hands to the credit of the general road fund, or similar fund derived from whatever source for road and highway purposes.

As amended by: Private Acts of 1971, Chapter 153
Private Acts of 1972, Chapter 418

SECTION 16. That the Commissioner of Highways and Accounts shall have complete control and authority over all public road equipment, and he is hereby authorized to purchase such additional equipment as in the judgment of the Commissioner is necessary to the proper working, repairing and maintaining of the public roads, highways, levees and bridges of the County, but in the event a single purchase should be made in excess of \$500.00, it shall not be binding upon the County until approved by the Quarterly County Court.

That no highway funds will hereinafter be paid out by the Commissioner of Highways and Accounts to the owners or lessees, etc. of private road machinery and equipment for work upon the roads and bridges of the County or for other highway purposes without the prior specific approval of the Quarterly County Court.

As amended by: Private Acts of 1971, Chapter 153

SECTION 17. That the right of eminent domain conferred by general statutes of the State of Tennessee upon counties for county purposes shall be exercised by the Department of Highways and Accounts herein created and established, and the Commissioner of Highways and Accounts shall have full authority and power to institute, in the name of the County, such suits as may be necessary for the condemnation of lands, or other property, for the proper and necessary construction of public roads, levees, highways and bridges, and the right of entry upon giving proper bond pending the assessment of damages or any litigation, as now provided by Code of Tennessee, 1932, Sections 3159 to 3161, both included, may be exercised by such Commissioner.

SECTION 18. That when in the opinion of the Commissioner of Highways and Accounts he deems it economical and in the interest of the public that prisoners confined in the workhouse be used to clean any public building, or to paint, repair, or do other work upon any public building, the courtyard, public square, or the buildings, fences and premises of the County Farm, he may require such services, and such services when rendered by workhouse prisoners shall be credited to such prisoners as work on the public roads by them, or upon such other work set apart for them by the workhouse commissioners, or others in authority, or by law.

SECTION 19. That nothing in this Act shall require any person to do double duty in work upon the public roads, and all persons paying street tax to any municipal corporation the governing body of which has assessed such tax, shall be exempted from doing personal duty in labor upon the public roads, or from the payment of the tax required to commute for the same, the payment of such corporation tax being in lieu of the labor required by this Act.

SECTION 20. That the Commissioner of Highways and Accounts is hereby vested with the custody and control of the Courthouse and County Farm in Wayne County, the several offices in said Courthouse, the grounds, courtyard and public square around such Courthouse, and of the buildings and premises of the County Farm, and he shall have the power and authority to assign the several rooms and offices in the Courthouse to officials, agents, and agencies requiring rooms and offices in which to carry on the public work in said County of Wayne, or in the interest of its citizens and taxpayers; to employ a jointor (sic) for the Courthouse, and for the convenience of the several officers and officials maintaining offices in the Courthouse; and to contract for the operation of the County Farm, the keeping of poor persons kept there,

and for the proper maintenance, management and control of the County Farm; and to receive applications from persons or on behalf of persons desiring to live and be kept at the County Farm at public expense.

And to enforce the provisions of this section, and for the efficient conduct and control of the public affairs in connection with the County Farm, its management and control, and in the custody, management and control of the Courthouse of Wayne County, all the duties now imposed by law or by resolution of the Wayne County Court upon the Sheriff, County Farm Commissioners, the County Judge or Chairman, or other officials, commissioners, agents, or others, in conflict herewith shall be and are hereby vested in the said Commissioner of Highways and Accounts.

SECTION 21. That in addition to the duties fixed and the authority given in the preceding sections of this Act over the public roads, highways, levees and bridges of the County of Wayne, and the management and control of the public road system and affairs as herein provided, the said Commissioner of Highways and Accounts of Wayne County shall have the further authority and power to supervise the erection, construction, maintenance and repairs of all public buildings for Wayne County, and to see that all contracts are complied with and suitable materials and proper workmanship enter into such construction, maintenance and repairs of such buildings. He shall be charged with the purchasing of all materials, supplies, and equipment for the use of the courthouse, the county farm, the county workhouse and the county jail (except food for prisoners confined therein), and of the several offices, officers and officials of Wayne County, and to check and approve all accounts for fuel, light, heat and all other items used by all officials, agencies and departments of said County, to see that all expenditures are proper and necessary and that full value is received for all sums expended for whatever purposes. He shall contract for and purchases all such materials, equipment and supplies at such places and upon such terms deemed by him most economical and where best values may be obtained for sums expended. In all contracts for materials, equipment or supplies where the sum to be expended upon any one contract or job, or where the amount to be purchased amounts to or exceeds One Hundred Dollars (\$100.00), the Commissioner of Highways and Accounts shall make due advertisement of the character and amount of such supplies, equipment or other materials required, for as many as three consecutive issues in any newspaper published in Wayne County, and to request for sealed bids upon same, fix the date for filing same, and for completion of the contract, and the lowest bid so received shall be accepted if the bidder shall enter into proper bond or make cash deposit sufficient in amount to guarantee the full performance of such contract. But this provision shall not apply to the employment of foremen, laborers, skilled or common, janitors, technical services and professional services, nor to the purchase of road machinery, motor trucks, or other equipment, machinery or supplies where certain types and sizes are needed or required for the purposes for which they are to be used.

SECTION 22. That for the more efficient and economical administration of the financial affairs of said County of Wayne, such Commissioner of Highways and Accounts shall be and is also vested with the full and exclusive authority and control over and supervision of all public contracts, the collection of delinquent public revenues and other debts, accounts, defalcations, misappropriations and other items due to the County of Wayne (excepting State, County and Municipal taxes, current and delinquent); the purchasing of all materials, supplies and equipment needed by the several offices, officers, officials, representatives, agents or departments of said County of Wayne; and the checking and auditing of all officers, officials, agents, employees and departments of such County of Wayne, as hereinafter provided.

COMPILER'S NOTE: Private Acts of 1951, Chapter 668, Page 1965, transferred the financial and fiscal affairs enumerated in Sections 20, 21 and 22 to the County Judge of Wayne County.

SECTION 23. That the Commissioner of Highways and Accounts for Wayne County shall also check and audit the reports of revenue and accounts, the books, papers and dockets of all the Justices of the Peace, the County officials and others from whom County revenue is derived. Such check and audit of such books, papers, reports and accounts shall be made at least two times each year, and such Commissioner may summon before him at his office any such official, Justice of the Peace, or other person from whom revenues are derived, and the failure or refusal of such officials, Justices of the Peace, or other person so summoned to appear with his books, papers, reports and dockets at the time and place mentioned in the summons, issued by such Commissioner and served by an officer of the County shall be a misdemeanor in office, and upon conviction, shall be required to pay a fine or undergo imprisonment in the County workhouse, or both, as in other misdemeanors, and shall forfeit his office and be ineligible to hold other public office in Wayne County for five years. Such Commissioner of Highways and Accounts shall keep on file in his office and subject to public inspection a copy of all reports and accounts of all such officials, together with the approval or disapproval of such Commissioner of same upon such audit and check. He shall also require the County Judge or Chairman of Wayne County to open his books, papers, warrant books, stubs, and other records belonging to the office of County Judge or Chairman of the County of Wayne, to ascertain and determine the amount and number of outstanding warrants on the County treasury, to whom and for what purpose given, the County's indebtedness, revenues, income,

expenditures, and all other matters necessary to determine the true financial condition of said County of Wayne. Such Commissioner shall publish semi-annually in two consecutive issues of some newspaper published in said County his full report of all revenues and sums paid into the County Treasury, from what sources derived; the amount and sums expended, to whom and for what purposes; the amount and number of warrants on all accounts outstanding and unpaid; and a true statement of the financial condition of the County of Wayne, and the delinquencies, if any. The expenses of making and publishing such reports shall be paid out of the general funds of the County of Wayne by warrant of the County Judge or Chairman upon the County Trustee, a certified copy of such warrant to be issued to the person or firm entitled thereto by the said Commissioner.

COMPILER'S NOTE: The provisions of Section 24 requiring the issuance and filing of certificates of accounts were repealed by Private Acts of 1951, Chapter 668. However, the 1951 Act requires the County Judge (County Executive) to verify that supplies or services have been received before issuing disbursement warrants. Such written verification must remain open to public inspection in the County Judge's (County Executive's) office for at least 2 years.

SECTION 25. That the duty of the said Commissioner of Highways and Accounts as herein set forth relating to the examination, checking and auditing of accounts of the several officials, Justices of the Peace, and others, shall be in lieu of any auditing committee or revenue committee heretofore performing such services under appointment by the County Quarterly Court, and no such committee or individual, other than the Commissioner, shall have any right or authority to make such audit, check, or examination, or make report of such findings to the Quarterly Court.

SECTION 26. That the said Commissioner of Highways and Accounts for Wayne County shall be elected by the people of said County for a term of four (4) years, such election to be held at the regular August election for county officials and officers in the year 1962 and each four (4) years thereafter at such General Election. Such Commissioner of Highways and Accounts shall before entering upon the duties of his office enter into a bond in the penal sum of One Hundred Thousand Dollars (\$100,000.00) with solvent surety, substantially as follows:

I, _____, principal, and _____, surety, acknowledge ourselves jointly and severally bound unto the State of Tennessee for the use of the County of Wayne in the penal sum of Five Thousand Dollars. But this obligation is to be void and of no effect if the above bound principal who has this day assumed the duties of the office of Commissioner of Highways and Accounts of said County of Wayne, shall faithfully perform and discharge all the duties as may be imposed upon him, and shall safely keep and preserve the records of such office as required by law.

This ____ day of _____, 19____
Principal. _____
Sureties. _____

Approved: (Give Date.) _____ County Judge (or Chairman).
Filed: (Give date.) _____ County Court Clerk

Such bond and the oath of office shall be filed in the office of the County Court Clerk of Wayne County.

The premium for such bond charged by any reliable surety company, shall be paid by warrant issued upon the general public road funds and signed by such Commissioner of Highways and Accounts. And there shall be also filed with such bond or attached thereto and filed, an oath substantially as follows:

I, _____, so solemnly swear that I will perform with fidelity the duties of the office of Commissioner of Highways and Accounts of Wayne County, Tennessee, to which I have been appointed (or elected, as the case may be) and which I am about to assume; and I do further swear that I have neither given nor will I give any person any gratuity, gift, fee or reward in consideration of his or her support for my office; and will perform all the duties required by law to the best of my skill and ability, So help me God.

_____, 19____. _____
_____, 19____. _____ (Official Title) (Seal of Office)

Such Commissioner of Highways and Accounts when so appointed, and/or elected and qualified, shall hold his office until his successor is elected and qualified. The term of office shall expire on September 1, following date of the general August election for County officials, and no special election shall be held to fill any vacancy occurring in said office by death or resignation, but in the event of such a vacancy the same shall be filled by the County Court at its next Quarterly session after the happening of such vacancy, or upon being specially called for such purpose. But until the office of Commissioner of Highways and Accounts for Wayne County shall be filled by the election by the people at the regular August, 1942, election for County officers, W.L. Bell, a citizen of such county, and qualified to serve hereunder, shall fill such office, and be vested with all the duties and powers hereunder, as if elected by the people.

As amended by: Private Acts of 1961, Chapter 22
Private Acts of 1971, Chapter 153

SECTION 27. That in the event the person named herein to serve as Commissioner of Highways and Accounts until the election herein provided for shall be held and such official duly elected and qualified, shall fail or refuse to serve, or is otherwise unable to or refuses to accept said appointment and be qualified hereunder, the Governor of the State of Tennessee is hereby authorized and empowered to appoint a person meeting the requirements of the Act to serve hereunder until the election of a Commissioner of Highways and Accounts at the general election to be held in said County in August, 1942.

SECTION 28. That no person shall be eligible to serve as the Commissioner of Highways and Accounts of Wayne County unless he shall be a citizen of said County, at least twenty-one years of age, and has had actual and practical experience in the laying out, construction, maintenance and repairing of public roads and bridges, and unless he is also trained and experienced in the keeping of accounts, and with sufficient education and training to be able to check and audit the accounts of County officials and Justices of the Peace, and to otherwise efficiently and skillfully perform all the duties imposed by this Act.

SECTION 29. That such Commissioner of Highways and Accounts shall to the best of his skill and ability faithfully perform all the duties imposed upon him by this Act, and his failure so to do is hereby declared to be a misdemeanor in office, and upon indictment or presentment and conviction he shall be fined not more than Five Hundred Dollars, and be imprisoned for not more than twelve months in the County jail or workhouse, at the discretion of the Court, and it shall moreover be the judgment of the Court that such official shall be removed from his office, and be disqualified from holding any office in said County for a period of five years from the date of the final judgment against him.

SECTION 30. That the Commissioner of Highways and Accounts for Wayne County shall receive as his compensation and salary the sum of Eight Thousand Five Hundred Dollars (\$8,500) annually, which shall be payable in twelve equal monthly installments, by warrant drawn by the Commissioner of Highways and Accounts upon the County Trustee to be by such Trustee paid out of the general highway account, or funds to the credit of the Department of Highways and Accounts. And he shall, in addition to such monthly salary, receive, use and be furnished necessary gasoline and oil from any supplies on hand belonging to the Department of Highways and Accounts of such County, required and needed for use while upon official business. But no gasoline, oil, or other equipment, machinery or supplies shall be used for private purposes or individual use. And the said Commissioner of Highways and Accounts shall not become or be the owner or holder of any other warrant, or be due any other or further sum, payable out of funds belonging to such Department, or drawn upon any account or source over which he has any supervision or control.

As amended by: Private Acts of 1951, Chapter 722
Private Acts of 1971, Chapter 153
Private Acts of 1972, Chapter 418

SECTION 31. That the provisions of this Act are several (sic) and if any of its provisions, sections, paragraphs, clauses, phrases, word or words, shall be held unconstitutional by the valid judgment or decree of any court of competent jurisdiction the same shall not affect any of the remaining provisions, sections, paragraphs, clauses, phrases, word or words of this Act. It being hereby declared that it is the legislative intention that this Act, and every section, paragraph, clause, phrase, word or words thereof, would have been enacted had such unconstitutional section, paragraph, clause, phrase, word or words, not been included herein.

SECTION 32. That all laws and parts of laws, general, local and special, in conflict with the provisions of this Act be and the same are hereby repealed, it being the expressed intention of the General Assembly by the passage of this Act to provide for the full and complete administration of such of the affairs of Wayne County as are herein regulated and directed.

SECTION 33. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: January 20, 1941.

Private Acts of 1959 Chapter 111

SECTION 1. That the Commissioner of Highways and Accounts for the County of Wayne, State of Tennessee, the head of the administrative department of highways and accounts, and the chief executive officer of such department, be, and he is hereby allowed, and he is expressly authorized a monthly expense allowance up to the amount of One Hundred Eightythree and 33/100 (\$183.33) Dollars to be paid monthly out of the County Highway Fund of Wayne County, Tennessee.

SECTION 2. That it is found and declared that the present provisions of the law which provide compensation for the office of Commissioner of Highways and Accounts in said County, make no provision

for the payment of such expenses, and it is hereby found and declared that the Commissioner of Highways and Accounts of said County incurs expenses in connection with the performance of his duties in excess of the amount hereinbefore provided and authorized.

ECTION 3. That this Act shall not be in any way construed as an increase or supplement to the monthly salary or compensation paid to the Commissioner of Highways and Accounts of said County but is a provision to provide for a refund of expenses incurred by said Commissioner of Highways and Accounts to the extent hereinbefore provided, but no further or otherwise.

SECTION 4. That all laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict, and that this Act will not take effect until and unless the same shall have been approved by two-thirds (2/3) vote of the Quarterly Court of Wayne County, Tennessee, on or before the next regular meeting of said Quarterly Court occurring more than thirty (30) days after its approval by the Chief Executive of the State. Its approval or non-approval shall be proclaimed by the County Judge of the Quarterly Court of Wayne County, Tennessee, having jurisdiction to approve or disapprove this Act, and shall be certified by him, if approved, to the Secretary of State.

Passed: February 26, 1959.

Highways and Roads - Historical Notes

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

1. Acts of 1821, Chapter 6, required the Courts of Pleas and Quarter Sessions of all the counties in the State to index and classify the public roads into three district classes. The primary basis for the classification of the roads was width and use. The roads would be maintained according to the requirements of the particular class to which they may have been assigned. The three classes ranged from stage roads to a road wide enough to permit the passage of a horse and rider. The Court would assign a competent number of hands to maintain the roads.
2. Acts of 1841-42, Chapter 11, incorporated Thomas Lanier as the sole owner of a turnpike road beginning on the Alabama line and running through the corner of Wayne County to the Hardin County line. The road would be at least 20 feet wide, and bridges and causeways would be built and maintained wherever they were needed on the road. The Act appointed John McFalls, George Cook, Andrew South, James McFalls, and William McFalls, as Commissioners to inspect and examine this road and, if properly done, to issue a license for a toll gate. Inspections would then be made every six months thereafter, and, if the road was not kept in good repair, the authorized toll gates would be shut down. The tolls to be charged were rated according to vehicle type and must conform to those specified in the Act.
3. Acts of 1847-48, Chapter 44, incorporated the Indian Creek Turnpike Company, naming J. J. Gibson, John Kervin, Martin Cook, A. Montague, George F. Benton, John Hardin, J. L. Smith, John S. Broyles and Thompson Hurst, as Commissioners, whose duty it was to open books and take stock subscriptions up to \$75,000. The corporation would build a macadamized road from Waynesboro to Savannah in Hardin County, according to some other general specification in the Act. This road must be started within 18 months from the passage of this Act and be completed within 6 years.
4. Acts of 1901, Chapter 136, was a general road law which applied to every county in Tennessee under 70,000 in population. The County Court of each county under this Act would select a Road Commissioner from each Road District, which were coextensive with the Civil Districts, who would serve two year terms, who would be sworn and bonded, and who would be paid \$1 per day for each days service actually rendered up to ten days per year. The Court would also fix the number of days between five and eight which a road hand would work and assign the hands to a section of the roads to be worked. The County Court would levy a special road tax of 2 cents per \$100 property valuation for each day decided upon for road hands to work, which would be collected as other taxes, except that two-thirds of this tax could be worked out by the taxpayer on the public roads. District Commissioners would name the Overseers who would be in immediate supervision of different sections of the roads in that District. The Commissioners shall furnish a certified list to the County Judge of the prospective road hands in their Districts. All male residents of the county between the ages of 21 and 45 were subject to labor on the roads, or pay the commutative fee of seventy-five cents a day. Prisoners could be worked on the roads. Some general specifications for roads were contained in the Act. The Road Commissioner of the District would receive, hear, and make recommendations to the County Court on all petitions to open, close, or change a road under the guidelines specified in the Act. The County Court was empowered to contract road work

- out under special provisions. The County Courts could levy a general road tax of up to twenty cents per \$100. The legality of the Act was the subject of the suit in *Carroll v. Griffith*, 117 Tenn. 500, 97 SW 66 (1906).
5. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, in several minor particulars but principally in the procedures for handling and disposing of petitions to open, close, and change roads, especially where the exercise of the power of eminent domain was necessary.
 6. Private Acts of 1913 (Ex. Sess.), Chapter 41, created a three member Board of Road Supervisors, who must be at least 21 years of age, male and who would be appointed by the County Judge, or Chairman, for a period of two years. Those appointed must appear within 20 days of their appointment to be sworn into office, and to select a Chairman, and a Secretary, from among their own members. The Board would be in full and complete charge of all public roads and bridges and dispense all funds for roads which were collected by taxes, or otherwise. The Chairman of the Board would serve as the Superintendent of Roads at a salary of \$600 to \$750 per year, the Secretary would be paid from \$150 to \$300 per year, and the other member of the Board would be paid \$2 for each meeting attended. The Board would meet at least once each month. The Superintendent of Roads would devote full time to the duties imposed by this Act. "Section Foremen" could be hired at \$1.50 per day and laborers, as needed, at \$1.25 per day, all of whom would work 10 hours each day. A road tax was authorized between 15 and 30 cents per \$100 property valuation, and all males between the ages of 21 and 50 who lived outside of cities, must pay from \$5.00 to \$7.50 per year, as the County Court may decide or work the stipulated amount out at \$1 per 10 hour day. In addition, a vehicle tax of \$5 per year was imposed upon some specified vehicles. The Board would receive and dispose of, under the regulations provided in the Act, all petitions to open, close, or change roads, and was empowered to use condemnation proceeding. A report of all activities must be rendered periodically to the County Judge, or Chairman. This Act was repealed by Private Acts of 1915, Chapter 690.
 7. Private Acts of 1915, Chapter 606, provided for a three member Board of Road Supervisors, 21 years of age, or older, who would be elected by the County Court for two year terms but could not be a member of the Court. Vacancies would be filled by the Chairman of the said board for the unexpired term. The Board would meet promptly, select one of their number to be Chairman, and a Secretary, and be sworn into office. The Board would be in charge of the roads and bridges of the county and would disburse all road funds from whatever source. The Chairman would be paid \$2.50 per day up to \$450 per year, and the other members would receive \$2 per day up to \$100 a year. The Superintendent of Roads, who was also the Chairman, would devote full time to the position, and the Board would meet at least once each month. The Superintendent and the Board would visit and inspect each road in the county, would classify and index them for which they could employ an engineer to assist them, and could appoint "Section Foremen" at \$1.50 a day wages up to \$12 a year, and laborers, who would be paid \$1.00 a day. The County Court would be responsible to make proper budget appropriations. Work on roads would be done principally during the period from April to November. The provisions for the compulsory road work for males between 21 and 50 years of age remained as they were in the 1913 Act. A road tax of from 15 to 30 cents per \$100 property valuation was mandated. No new roads would be laid off, or built except they have a right-of-way twenty feet wide, and a road bed fourteen feet wide. The Board would entertain and dispose of all petitions to open, close, or change roads, exercising the right of eminent domain whenever necessary and proper.
 8. Private Acts of 1917, Chapter 539, amended Private Acts of 1915, Chapter 606, by deleting Section One and adding a new Section One which provided for a three member Board of Road Supervisors, one of whom shall be appointed as Chairman and Superintendent of Roads by the County Judge, and the Chairman would then appoint the other two members, one of whom would be designated as the Secretary. Terms were for two years, and vacancies would be filled in the same manner in which the original appointments were made. The salary of the Superintendent would be set by the County Judge, while the Secretary would be paid \$150 a year, and the other member of the Board \$2 per day. The total amount of money to be spent by the Board of Supervisors could not exceed the amount of taxes to be collected from all sources for that purpose.
 9. Private Acts of 1919, Chapter 451, stated that the Quarterly County Court would appoint a Road Supervisor in each Civil District for two year terms who would have charge of the roads in the District. He must be a resident of the District and be sworn and bonded when appointed. The Road Supervisor must keep accurate records of all expenditures for labor, materials, use of tools and equipment, etc., and the accounts must be approved by the County Judge. The Supervisor would be paid \$2.50 a day up to 20 days a year. The tax assessor would assess all those subject

to labor on the roads the sum of \$7.50 which could be worked out by the hands at the rate of \$1.50 per day. The Supervisors would appoint overseers for each Section of the roads in their District who would first work the number of days assigned to road hands without compensation then be paid \$2 per day for all in excess of that number up to \$10.00 per year. The Quarterly Court was authorized to levy a special road tax of 20 cents per \$100. This Act was repealed by Private Acts of 1939, Chapter 571.

10. Private Acts of 1921, Chapter 690, amended Private Acts of 1919, Chapter 451, by correcting the population figures so as to make the 1919 Act apply to Wayne County. The Act also amended details as to road hands and owners of wagons and teams. This Act was repealed by Private Acts of 1939, Chapter 571.
11. Private Acts of 1921, Chapter 717, provided that any person, firm, or corporation operating a turnpike, or toll road, in Wayne County is authorized to charge the amount of tolls scheduled in this Act for the vehicles using the road or turnpike. The schedule ranged from five cents for a one-passenger motorcycle to \$1.25 for a five ton truck, and the amount specified was the maximum amount which could be lawfully charged.
12. Private Acts of 1929, Chapter 211, was the authority for the Quarterly Court of Wayne County to transfer from the Sinking Fund created for the purpose of retiring bonds issued by the County for highway purposes under the authority of Public Acts of 1913 (Ex. Sess.), Chapter 26, as amended, an amount not to exceed \$10,000, to such other account or accounts as the County may deem to be in the best interests of the County.
13. Private Acts of 1931, Chapter 697, stated that the State Highway Department shall have and exercise full control, direction and supervision over the expenditure of all funds received by Wayne County for road purposes from the State from all sources, whether they arose from auto registration fees, or gasoline taxes. The Wayne County Highway Commission shall select the bridges to be built, or repaired, plus the roads to be worked on, and the State Highway Department shall spend the funds on the bridges and roads thus selected by the Commission. This Act was repealed by the Private Acts of 1935, Chapter 333.
14. Private Acts of 1935, Chapter 333, gave the Tennessee Department of Highways and Public Works full control, direction, and supervision over the expenditure of all funds payable to Wayne County from all sources for road and highway purposes. The Commissioner of the Department of Highways and Public Works would designate someone in Wayne County to be the County Highway Supervisor who would be in immediate charge of the programs in that county and who must be experienced in that line of endeavor. The County Supervisor was required to keep the State District Engineer advised fully of plans in Wayne County and would fully cooperate with him at all times. The State would remit to the County Trustee all the funds of this nature to be dispensed on the voucher of the Supervisor who would also make monthly reports to the Commissioner. The Supervisor would serve two years and be paid \$1,500 per year. This Act was declared unconstitutional by the Supreme Court in Hassell v. Walters, 170 Tenn. 206, 93 S.W.2d 1268 (1936). The court stated that this act deprived the county of control over its revenues which was contrary to the general law and it violates the constitutional provision requiring county offices created by the legislature to be filled by the people or the county court.

Chapter X - Law Enforcement

Sheriff

Radio Dispatcher

Private Acts of 1969 Chapter 40

SECTION 1. The County Sheriff of Wayne County shall have the right to employ a suitable person as radio dispatcher for the Wayne County Sheriff's Department at a salary of two thousand four hundred dollars (\$2,400.00) per annum. Such radio dispatcher is to be employed at the county jail on a twelve-hour per day basis and to be paid monthly in twelve (12) equal installments 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 in the Quarterly County Court in Wayne County at or before the next regular meeting of the Court occurring more than thirty (30) days after its approval by the Governor. Its approval or non-approval shall be proclaimed by

the presiding officer of the Court and certified by him to the Secretary of State.

SECTION 3. This Act shall take effect upon becoming a law, the public welfare requiring it.
Passed: March 27, 1969.

Law Enforcement - Historical Notes

Jails and Prisoners

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

1. Acts of 1833, Chapter 9, authorized and required the Board of Internal Improvement of Wayne County to pay to the commissioners appointed to superintend the building of a county jail all the interest arising from the internal improvement fund to be used to build the jail. The commissioners of the town of Waynesboro were authorized to sell the old jail and lot and apply the proceeds towards the construction of the new jail.

Militia

Those acts once affecting Wayne County, which related to the militia and to other law enforcement agencies other than the sheriff, are mentioned below in chronological order.

1. Acts of 1823, Chapter 310, stated that the militia of Wayne County would compose the 68th Regiment of the Tennessee Militia and would hold their regimental musters on the first Saturday in October each year.
2. Acts of 1825, Chapter 69, stated that the Militia would be made up of free men and indentured servants between the ages of 18 and 45. The unit in Wayne County was designated as the 61st Regiment of the 11th Brigade, 3rd Division, mustering and drilling on their annual inspection on the first Saturday in November. This Act identified every military unit in the state, set up schedules for their drills, and covered the whole range of military affairs, including internal organization and discipline.
3. Acts of 1835-36, Chapter 21, was the Militia Law enacted pursuant to the new State Constitution and covered all phases of the state military operations. Wayne County's Regiments were designated the 101st and 102nd Regiments of the 17th Brigade which also contained Hickman, Hardin, and Lawrence Counties.
4. Acts of 1837-38, Chapter 157, scheduled the annual musters and drills for every militia unit in the state requiring a county drill in the month of September annually at the County seat. The 17th Brigade had Hickman County mustering on the first Friday and Saturday in September, Wayne County on the next Wednesday and Thursday, Hardin County on the next Friday and Saturday after that, and Lawrence County on the next Friday and Saturday.

Offenses

The acts briefly summarized below fell into this category in Wayne County. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1913, Chapter 198, made it unlawful for anyone to construct a building, the principal material of which is wood or similar combustible materials within two hundred feet of a Court House in any unincorporated county seat in Wayne County. Violators may be fined upon conviction from \$100 to \$500 and further, be required to remove the building, and pay all the costs of any suit involved. If one refuses to remove the building, others may remove it and the costs of the same be charged to the owners. This Act was repealed by Private Acts of 1920 (Ex. Sess.), Chapter 64.

Sheriff

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

1. Acts of 1821, Chapter 101, required the Sheriffs of Wayne and Hardin Counties to advertise all lands which were required under the law to be advertised, either for execution or taxes, in some paper printed in Nashville. Rangers were directed to make their advertisements in some paper printed in Columbia regarding strays they had picked up which the law required them to sell.
2. Acts of 1829, Chapter 111, allowed the Sheriff and the Ranger of both Wayne and Lawrence Counties to hereafter advertise in any newspaper printed in the town of Nashville, or printed in the town of Columbia at their option.
3. Acts of 1909, Chapter 536, stated that in Wayne County the Sheriff and his Deputies, shall be

paid for summoning jurors of a regular venire, for each juror summoned, the sum of 25 cents, to be paid by the county, and for special venires summoned, the Sheriff or his Deputies, shall be paid 15 cents for each juror.

4. Private Acts of 1911, Chapter 602, provided that in Wayne County, the Sheriff shall be paid \$750 per year, semi-annually, on the first day of January and July out of the regular county funds on the warrant of the County Judge, or Chairman; provided that the Sheriff files a sworn, itemized account of all the fees collected and the source from which they came. Fees for the boarding of prisoners shall not be counted and if the other fees fail to equal the salary, the county shall pay the difference to the Sheriff but if the fees exceed the salary the Sheriff may retain the excess. The Sheriff was allowed to retain the compensation provided by law for keeping prisoners in addition to the salary provided in this Act. This Act was repealed by Private Acts of 1915, Chapter 386.
5. Private Acts of 1919, Chapter 192, stated that, in Wayne County, the Sheriff shall receive the sum of \$1,200 per year, payable quarterly, on the first day of January, April, July, and October, out of the regular county funds, provided he keeps and files quarterly, a sworn, itemized statement showing the total amount of fees collected in the office and the source from which they came, excepting the fees received for the boarding of prisoners. The County would pay the difference if the fees did not equal the salary, but the Sheriff could retain any excess. The Sheriff was also entitled to the compensation as now provided by law for keeping and boarding prisoners, in addition to the salary fixed in this Act.
6. Private Acts of 1949, Chapter 275, amended Private Acts of 1919, Chapter 192, by increasing the annual salary of the Sheriff from \$1,200 to \$2,400, all other terms and conditions to remain as they were specified.
7. Private Acts of 1959, Chapter 110, provided that the Sheriff of Wayne County would be paid up to \$200 per month out of the county treasury as expenses for doing patrol work, public services, auto expenses, and other activities over and above the duties required by law for which no compensation is provided by law. This amount was not to be considered as an increase in salary but as reimbursement for expenses of the Sheriff since the fees of the office are insufficient.

Chapter XI - Taxation

Assessor of Property

Clerk

Private Acts of 1961 Chapter 268

SECTION 1. That in all counties of this State having a population of not less than 11,905 nor more than 11,915 according to the Federal Census of 1960, or any subsequent Federal Census, the County Tax Assessor is hereby authorized to employ a clerk to assist him in the performance of his duties and such clerk shall be paid not less than ONE HUNDRED (\$100.00) DOLLARS per month, such payment to be made by the County Trustee upon a warrant issued by the County Judge, such payment to be provided for by the Quarterly Court of any county to which this Act shall apply.

SECTION 2. That such clerk as provided for above shall assist the Tax Assessor in the preparation of his assessment books and perform such other duties as may be assigned by the County Tax Assessor. Such clerk shall also perform any and all other duties as shall be designated by the Tax Assessor and may keep the office of the Tax Assessor open during business hours while the Tax Assessor is out of the office viewing lots and tracts of land for assessment purposes as provided by law.

SECTION 3. That no payment for such clerk or clerical help as hereinbefore provided shall be made by the County Judge of any county to which this Act may apply prior to July 1, 1961.

SECTION 4. 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 any county to which it may apply, such vote to be at the next regular meeting of such Quarterly County Court occurring not more than six (6) months after the approval of this Act by the Governor. Its approval or non-approval by the Quarterly County Court shall be proclaimed by the presiding officer of the same, and such approval shall be certified by him to the Secretary of State.

SECTION 5. That this Act shall take effect from and after its passage, the public welfare requiring it.
Passed: March 14, 1961.

Hotel/Motel Tax

Private Acts of 1989 Chapter 100

AN ACT relative to the levy of a privilege tax on the occupancy of any rooms, lodgings or accommodations furnished to transients by any hotel, inn, tourist camp, tourist court, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished for transients for a consideration in Wayne County.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION I. 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 Wayne County, Tennessee.
- 7) "Operator" means the person operating the hotel, whether as owner, lessee or otherwise.
- 8) "Clerk" means the county clerk of Wayne County, Tennessee, or such other person appointed by the county legislative body of Wayne County by resolution to act as collector of the tax imposed by this act.

SECTION 2. The legislative body of Wayne County is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient, by resolution of the county legislative body, in an amount up to five percent (5 %)

of the consideration charged by the operator. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided in this act.

SECTION 3. The proceeds of the tax authorized by this act shall be allocated to and placed in the county general fund, to be designated and used for such purposes as specified by resolution of the county legislative body.

SECTION 4. Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of his or her hotel and to be given directly or transmitted to the transient and shall be collected by such operator from the transient and remitted to the clerk as provided in Section 5 (b).

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

SECTION 5. (a) The tax levied shall be remitted by all operators who lease, rent or charge for any rooms or spaces in hotels within the county to the clerk or such other officer as may by 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 in the form of a deduction in submitting his or her report and paying the amount due by such operator, provided the amount due was not delinquent at the time of payment.

SECTION 6. The clerk shall be responsible for the collection of such tax and shall place the proceeds of such tax in 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 percent (12 %) per annum, and shall be liable for an additional penalty of one percent (1 %) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Each occurrence of willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is 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 or she 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 or her 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 67-1-707, shall be applicable to adjustments and refunds of such tax.

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

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

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

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

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

Passed: May 23, 1989.

Motor Vehicle Tax

Private Acts of 1984 Chapter 198

SECTION 1. Any resident of Wayne County who operates a vehicle subject to the motor vehicle privilege tax of Wayne County, or other individual who operates a vehicle subject to such tax, who fails to pay such motor vehicle privilege tax within the time allowed, shall be subject to a civil penalty of a fifty dollars (\$50.00) fine for each violation.

SECTION 2. The General Sessions Court of Wayne County shall have jurisdiction of violations of this chapter.

SECTION 3. This Act may be enforced by all state and local law enforcement agencies.

SECTION 4. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Wayne 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 5. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 4.

Passed: April 19, 1984.

Private Acts of 2004 Chapter 75

SECTION 1. For the privilege of using the public roads and highways in Wayne County, Tennessee, there is levied upon motor-driven vehicles, and upon the privilege of the operation thereof, except motor-driven bicycles and scooters, farm tractors, self-propelled farm machines not usually used for operation upon public highways or roads, and motor-driven vehicles owned by any governmental agency or governmental instrumentality, and except for other exemptions provided by general law, a special privilege tax for the benefit of such county, which tax shall be in the amount of thirty (\$30.00) dollars for each such motor-driven vehicle, the owner of which resides within Wayne County. This tax is in addition to any other such privilege tax. This tax applies to, is a levy upon, and shall be paid on each motor-driven vehicles, the owner of which resides within Wayne County.

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

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

SECTION 4. The privilege tax or wheel tax herein levied, when paid, together with full, complete and explicit performance of and compliance with all provisions of this act by the owner, shall entitle the owner of the motor-driven vehicle for which the tax was paid and on which any required decal or emblem has been affixed, as herein provided, to operate or allow to be operated his vehicle over the streets, roads, and highways of the county for a period of one (1) year which shall run concurrently with the period established by Tennessee Code Annotated § 55-4-104 for state registration fees.

SECTION 5. Any person violating the provisions of this act, or any part thereof, shall be subject to a civil penalty of a fifty dollar (\$50.00) fine for each violation of this act.

SECTION 6. Chapter 198 of the Private Acts of 1984 is repealed.

SECTION 7. 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 8. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Wayne County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified to the secretary of state.

SECTION 9. 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 12, 2004.

Pulpwood Severance Tax

Private Acts of 1989 Chapter 61

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

- (1) "County" means Wayne County.
- (2) "Person" means an individual, corporation, partnership, limited partnership, conglomerate, or any other entity owning or possessing an interest in lands located in the county.
- (3) "Pulpwood" means trees severed from the ground, both hardwood and softwood, whether whole or part, that is ground or chipped and manufactured into salable wood or paper products.

SECTION 2.

- (a) There is hereby levied a severance tax on all pulpwood products severed from the ground in the county. The tax is levied upon the entire production in the county regardless of the place of sale or the fact that delivery may be made outside the county.
- (b) The tax shall accrue at the time such products are severed from the earth and in their natural or unprocessed state.
- (c) The tax levied shall be a lien upon all such products severed in the county and upon all property from which it is severed, and such lien shall be entitled to preference over all judgments, encumbrances or liens whatsoever created.

SECTION 3. The measure of the tax shall be fifteen cents (15¢) per ton on all pulpwood products severed from the ground in the county.

SECTION 4. Every interested owner shall be liable for this tax to the extent of his interest in such products. The owner shall become liable at the time the pulpwood products are severed from the earth and ready for sale, whether before processing or after processing as the case may be.

SECTION 5.

- (a) The tax levied by this act shall be due and payable monthly on the tenth day of the month next succeeding the month in which the pulpwood is severed from the soil.
- (b) For the purpose of ascertaining the amount of tax payable, it shall be the duty of all owners to transmit to the county trustee, on or before the fifteenth day of the month next succeeding the month in which the tax accrues, a return upon forms provided by the county trustee. The return shall be accompanied by a remittance covering the amount of tax due as computed by the taxpayer.

SECTION 6.

- (a) The tax levied by this act shall become delinquent on the sixteenth day of the month next succeeding the month in which such tax accrues.

(b) When any owner shall fail to make any return and pay the full amount of the tax levied on or before such date, there shall be imposed, in addition to other penalties provided herein, a specific penalty in the amount of ten percent (10%) of the tax due. A further penalty of fifty percent (50%) of the amount due may be added if the nonpayment of the tax is due to an intent to evade payment.

(c) All such penalties and interest imposed by this act shall be payable to and collectible by the county trustee in the same manner as if they were a part of the tax imposed.

SECTION 7. If the nonpayment of the tax is due to an intent to evade payment, the person liable for such payment may be restrained and enjoined from severing pulpwood from all production units administered, owned or possessed by that person in the county from which such products may be severed and sold and upon which the tax is due. Restraint proceedings shall be instituted in the name of the county by the sheriff upon the request of the county trustee.

SECTION 8. The proceeds of the tax levied by this act shall be deposited in the general fund of the county, with the school system having first priority, all or part may be designated by the county commission.

SECTION 9.

(a) It shall be a violation of this act for any person required by this act to make a return, pay a tax, keep records, or furnish information deemed necessary by the county trustee for the computation, assessment, or collection of the tax imposed by this act, to fail to make the return, pay the tax, keep the records, or furnish the information at the time required by law or regulation. It shall be a violation for any person to willfully or fraudulently make and sign a return which he does not believe to be true and correct as to every material fact.

(b) Violations of the provisions of this act shall be punishable by a fine of not more than one thousand dollars (\$1,000).

(c) For purposes of this section the word "person" also includes an officer or employee of a corporation or a member or employee of a partnership who is under duty to perform the act in respect to which the violation occurs.

SECTION 10. This act shall have no effect unless it is approved by two-thirds (2/3) vote of the County Legislative Body of Wayne County. Its approval or non-approval shall be proclaimed by the presiding officer of the County Legislative Body and certified by him to the Secretary of State.

SECTION 11. For the purposes of approving or rejecting the provisions of this act, as provided in Section 10, it shall be effective on becoming a law, the public welfare requiring it. For all other purposes it shall become effective July 1, 1990.

Passed: April 13, 1989.

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 assessor in Wayne County.

1. Private Acts of 1911, Chapter 411, set the salaries of the Tax Assessors for several counties by amending Acts of 1907, Chapter 602, which had established guidelines for the assessor's salary. Wayne County was among those counties fixing the annual salary of the Tax Assessor of that County at \$600 per year.
2. Private Acts of 1921, Chapter 924, stated that the Tax Assessor of Wayne County should be paid an annual salary of \$900 on warrant drawn on the county treasury as now provided by law and that amount is hereby appropriated for that purpose.
3. Private Acts of 1937, Chapter 742, amended Private Acts of 1921, Chapter 924, by increasing the amount of the annual salary of the Tax Assessor provided for therein from \$900 to \$1,200 to be paid out of the county treasury.
4. Private Acts of 1945, Chapter 243, declared that in Wayne County the Tax Assessor shall be paid an annual salary of \$1,800 in equal monthly installments out of the general funds of the County on the warrant of the County Judge or Chairman.

Taxation

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

1. Acts of 1869-70, Chapter 30, which re-established Lewis County, directed the tax collectors of Wayne, Maury, Hickman and Lawrence Counties to pay over to the Trustee of Lewis County all taxes collected within Lewis County.
2. Private Acts of 1975, Chapter 2, applied to counties with a population of not less than 12,050 and no more than 13,000, which would include Wayne County. The Act specifically mentions Hickman County. This Act levied a privilege tax of \$15 on all motor driven vehicles, except farm tractors and farm machines not usually driven on roads, scooters and government owned vehicles. The tax was \$7.50 on motorcycles. The tax was to be paid to the County Court Clerk at the same time the State auto licenses were sold and a decal would be issued representing payment. The County Court Clerk would be paid 50 cents for each decal issued. Duplicates could be obtained if the original were destroyed, or stolen. Failure to comply was a misdemeanor. This Act was rejected by the Quarterly Court of Wayne County and never became an effective law under the Home Rule Amendment to the Constitution.
3. Private Acts of 1967, Chapter 32, established a litigation tax of \$2 to be assessed and taxed as a part of the costs in all civil and criminal actions brought in the General Sessions Court of Wayne County, and a \$4 cost in all civil or criminal actions originating in Circuit and Chancery Court. The Clerk of said Courts collected the litigation tax and paid the same into a separate fund designated as the "Wayne County Capital Improvement Fund" to be used exclusively toward erecting and equipping a new jail to be constructed in Wayne County. This act was repealed by the Private Acts of 1992, Chapter 241.

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