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# McNairy

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

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

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# McNairy



McNairy County Courthouse

**Original Compilation By:** William C. McIntyre, County Legal Specialist, December, 1981

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# Chapter I - Administration

## Budget System

### Private Acts of 1937 Chapter 864

**SECTION 1.** Be it enacted by the General Assembly of the State of Tennessee, as follows:

(A) The term "County Judge or Chairman" when used in this Act shall mean the County Judge or Chairman of McNairy County.

(B) The term "County Court Clerk" when used in this Act shall mean the County Court Clerk of McNairy County, Tennessee.

(C) The term "Sheriff" when used in this Act shall mean the Sheriff of McNairy County, Tennessee.

(D) The term "Trustee" when used in this Act shall mean the Trustee of McNairy County, Tennessee.

(E) The term "Circuit Court Clerk" when used in this Act shall mean the Circuit Court Clerk of McNairy County, Tennessee.

(F) The term "Register of Deeds" when used in this Act shall mean the Register of Deeds of McNairy County, Tennessee.

(G) The term "Highway Commissioners" when used in this Act shall mean the Commissioners of Highways of McNairy County, Tennessee.

(H) The term "Tax Assessor" when used in this Act shall mean the Tax Assessor of McNairy County, Tennessee.

(I) The term "Commissioners" when used in this Act shall mean any superintendent or person appointed or elected by the Quarterly County Court over any department or institution of McNairy County, Tennessee.

(J) The term "Quarterly County Court" when used in this Act shall mean any Justice of the Peace that is a member of the County Court of McNairy County, Tennessee.

(K) The term "Clerk and Master" when used in this Act shall mean the Clerk of the Chancery Court of McNairy County, Tennessee.

(L) The term "County Superintendent" when used in this Act shall mean the County Superintendent of Schools of McNairy County, Tennessee.

(M) The term "School Board" when used in this Act shall mean the County Board of Education of McNairy County.

(N) The term "Budget" when used in this Act shall mean the appropriation of money appropriated by the County Court for each department or activity of McNairy County for the period shown by the adoption of the budget by the Quarterly County Court and any appropriation authorized by Statute.

(O) The term "Official of the County" when used in this Act shall mean any official authorized by the Quarterly County Court or the Statutes of the State of Tennessee, to draw from the County Treasury and expend money of McNairy County.

(P) The term "Budget Committee" when used in this Act shall mean a committee of three members of the Quarterly County Court appointed by the Quarterly County Court of McNairy County, Tennessee, as hereinafter provided.

(Q) The term "Expenditure or Expend" when used in this Act shall mean the act of committing McNairy County to expend monies then and there in the County Treasury or to come into the County Treasury of McNairy County.

**SECTION 2.** That at least ninety days prior to the time when the annual tax levy or any part thereof is made, the Budget Committee of McNairy County shall prepare a budget containing a complete plan itemized and classified according to function and activity of all proposed expenditure and all estimated revenues by sources and borrowings for the county for the ensuing appropriation year, which shall begin on the first day of September each year, or at such other date as may be provided for by law for the beginning of the appropriation year. Opposite each item of proposed expenditure, the budget shall show in separate paralleled columns the amount appropriated for the preceding appropriation year, the amount expended during that year, the amount appropriated for the current appropriation year, and the increases

or decreases in the proposed expenditures for the ensuing year as compared with the appropriation for the current year. This budget shall be accompanied by:

First: A statement of the contemplated revenues and disbursements, liabilities, reserves, and surplus or deficit of McNairy County as of the date of the preparation of the budget.

Second: An itemized and complete financial balance sheet of each fund account of the said McNairy County at the close of the last preceding appropriation year.

**SECTION 3.** That a brief synopsis of the budget shall be published in a newspaper having general circulation in McNairy County, and notice given of one or more public hearings at least fifteen days prior to the date set for hearing, at which any citizen of the said McNairy County shall have the right to attend and state his views thereon. After such hearing is had, the Budget Committee shall submit to the Quarterly County Court with recommendation for adoption such budget as may be agreed upon. However, it shall not be mandatory upon the Quarterly County Court to adopt the budget recommended by the Budget Committee, but the Quarterly County Court shall by appropriate order adopt and enter on the minutes thereof a budget covering all expenditures for the county for the next appropriation year, itemized and classified as required by Section 2 of this Act; provided, however, that it is mandatory upon the Quarterly County Court to levy a tax rate, assuming that not more than 85% of the total tax aggregate produced by such rate will be collected during the ensuing appropriation year, which will produce, together with the usual miscellaneous revenues and any unexpended balances carried over from the preceding appropriation year, an amount at least equal to the amounts appropriated in the budget so adopted by the Quarterly County Court; provided, however, the requirements of this Act, relative to tax levies and disbursements of revenues therefrom, shall not be applicable to debt service requirements. (The necessary provisions in regard to debt service taxes and disbursements of revenues derived therefrom having been set out and detailed in that certain resolution passed by the Quarterly County Court assembled in adjourned session on May 12, 1937, whereunder there was authorized to be issued \$805,000.00 Refunding Bonds and \$150,000.00 Funding Bonds of McNairy County, Tennessee, Series of 1937).

**SECTION 4.** That the Budget Committee of McNairy County may require the heads of other responsible representatives of all departments, divisions, boards, commission, agencies, or offices of said county to furnish such information as may be deemed advisable and in such form as may be required in relation to their respective affairs and activities.

**SECTION 5.** That the Quarterly County Court shall cause to be made out immediately preceding the regular October session of such court in each and every year hereafter a statement showing the aggregate amount of the receipts and itemized disbursements of the twelve months period ending on the immediately preceding August 31st. A copy of such statement shall be posted at the front door of the Court House and published in one or more newspapers of the county.

**SECTION 6.** That it shall likewise be the duty of the school board on or before the first Monday of April of each year to prepare and file with the Budget Committee an itemized statement or budget as specified in Section 2 of this Act, of the funds which said Board estimates will be necessary for the maintenance and operation of the schools and expenses incident thereto for the year commencing the first day of September following the filing of such statement of budget.

**SECTION 7.** That the Quarterly County Court shall include in the county budget required by law and as a part thereof a budget for the schools of the county a brief synopsis of which shall be posted as required in Section 4, of this Act.

**SECTION 8.** That it shall be the duty of the County Judge or Chairman to install and maintain or to cause to be installed and maintained a set of accounts as prescribed by the Quarterly County Court or its representative, classified according to functions and activities, which will at all times reveal the amount appropriated, the amount expended to date chargeable against such appropriation, and the unexpended balance of such appropriation. Furthermore, it shall be the duty of each and every official of the county before making an expenditure for any purpose whatsoever, whether it be for personal services, contractual services, materials and supplies, equipment, bounties and claims, pensions and relief contributions, to issue or cause to be issued to the County Judge or Chairman a requisition and to receive from the County Judge or Chairman a purchase order which among other things shall show the unexpended balance of the appropriation against which such purchase order or requisition has been charged.

**SECTION 9.** That any official of McNairy County that has the power, right, or authority to expend County Funds from the Treasury of the county or funds coming into the County Treasury from the State of Tennessee in excess of the monies or funds then and there actually in the Treasury of the county to the credit of his or her department of the County Government or in excess of the budget adopted by the Quarterly County Court of McNairy County covering that certain period of time as shown by the budget,

such county official making any overdrafts on the County Treasury or commitments in excess of the amount appropriated for the specific purpose for which the expenditure was made by the Quarterly County Court of McNairy County, shall be personally liable, together with his sureties on his official bonds, to McNairy County for such over-drafts or over expenditures, and the county shall have cause of action of debt to recover from such official or officials and their bondsmen the amount of the overdraft or over expenditure with interest from date.

**SECTION 10.** That it shall be unlawful and a misdemeanor in office for any official or employee of McNairy County to draw, sign, issue, deliver, or to authorize the drawing, signing, issuance, or delivery of any purchase order, warrant, or other commitment during the appropriation year which such warrant, purchase order or other commitment added to amounts previously expended shall exceed the appropriation made by the Quarterly County Court for the specific purpose for which the expenditure is made. That it shall be mandatory upon the members of the Quarterly County Court to determine whether or not warrants or purchase orders or other commitments have been issued or made in violation of the intent of this Act, and if warrants, purchase orders, or other commitments are found to have been issued in violation of the intent of this Act, it shall be mandatory upon the Court or its qualified representative to certify the facts to the District Attorney General for presentation to the Grand Jury at the next term of the Circuit Court; and it shall be the duty of the District Attorney General to present the facts to the said Grand Jury and to institute such other proceedings as may be necessary to give full effect to the provisions of this Act.

**SECTION 11.** That it shall be a misdemeanor in office for any official of the county, including the members of the Highway Commission, the members of the School Board, the County Superintendent, the County Judge, the County Court Clerk, the Circuit Court Clerk, the Sheriff, the Trustee, the Register of Deeds, the Clerk and Master, the Tax Assessor, or any other official of the county, to violate any provision of this Act, to fail or refuse to perform any of the duties placed upon them or any of them by this Act, and any such officer or official failing to perform the duties imposed by this Act or otherwise violating this Act, or who procures, aids, or abets, in the violation of any provision of this Act, shall upon conviction thereof be subject to a fine of not less than \$100.00, nor more than \$500.00 or by imprisonment for a period of not exceeding one year, or both, in the discretion of the Court, provided further, that any County Official convicted under this Act, shall be subject to removal from office under the ouster laws of the State of Tennessee, and it shall be mandatory upon the Quarterly County Court to appropriate the necessary funds for the prosecution of such cause.

**SECTION 12.** That the Quarterly County Court shall at the July, 1937, regular session of such Court, and at the expiration of each second calendar year period thereafter, elect a Budget Committee consisting of three members of the Court, said Budget Committee to receive as compensation for their services a per diem fee of \$3.00 for each and every day spent in the preparation of the budget, as hereinbefore specified; provided, however, the total compensation of each member of the Committee shall not in any one appropriation year exceed the sum of \$48.00.

**SECTION 13.** That the holding of any section or part thereof, or any sub-section, sentence, clause or phrase of this Act, to be void or ineffective for any cause, shall not affect any other section or part thereof of this Act. It is hereby declared, and shall be conclusively presumed, that this Act and each section, sub-section, sentence, clause, and phrase thereof would have been passed and enacted, irrespective of the fact that any one or more sections, sentences, clauses or phrases thereof be declared unconstitutional or void or ineffective for any cause.

**SECTION 14.** That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby repealed, and this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: May 19, 1937.

## Private Acts of 1947 Chapter 588

**SECTION 1.** That the office of Secretary of the Budget Committee is hereby created in all Counties of the State of Tennessee having a population of not less than 20,400 nor more than 20,500 according to the Federal Census of 1940 or any subsequent Federal Census. The Secretary of the Budget Committee shall be elected by the Quarterly County Court of such Counties at the next regular session of said Quarterly County Court following the effective date of this Act and shall serve for a term of one (1) year or until his successor is elected and qualified. In the event of a vacancy in said office of Secretary of the Budget Committee, the same shall be filled at the next regular meeting of the Quarterly County Court after such vacancy has occurred.

**SECTION 2.** That such Secretary of the Budget Committee shall be a resident citizen of the County for

which he is elected, and shall not be related by affinity or consanguinity to any member of the Quarterly County Court.

**SECTION 3.** That it shall be the duty of such Secretary of the Budget Committee to meet with the Budget Committee when the same is in session; shall act as Secretary of said meetings and shall take down in writing proceedings had in said meetings, and shall perform such other duties as the Chairman of the Budget Committee may direct.

**SECTION 4.** That the salary of such Secretary of the Budget Committee shall be fixed at \$15.00 per day for each day that the Budget may be in session, but in no event shall the total salary per annum exceed \$75.00; and the salary to be paid the said Secretary of the Budget Committee shall be paid out of the general funds of the County upon a warrant drawn by the County Judge upon the County Trustee upon certification by the Chairman of the Budget Committee to the County Judge as to the amount due such Secretary of the Budget Committee under the provisions of this section.

**SECTION 5.** That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

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

Passed: March 3, 1947.

## County Register

### Recording Deeds

#### Private Acts of 1951 Chapter 89

**SECTION 1.** That in counties of this State having a population of not less than 20,400, nor more than 20,500, by the Federal Census of 1940, or any subsequent Federal Census, no conveyance vesting and divesting title to real estate shall be registered in the office of the County Register until such conveyance shall first have been submitted to the County Trustee and subsequent thereto to the County Tax Assessor for their information. Upon the conveyance being submitted to the County Trustee, that official shall enter upon the permanent records of his office a description sufficient to enable the land to be identified, the consideration paid therefor and shall note such change of ownership likewise upon the permanent records of his office and shall indorse upon said conveyance the fact of such notation.

The County Tax Assessor, when such conveyance be submitted to him, shall follow the same procedure as is required herein for the County Trustee and shall likewise indorse on such conveyance that the same has been submitted to him. Any Trustee or County Tax Assessor wilfully or negligently failing to comply with this Act shall be subject to ouster in the manner provided by law. Nothing herein shall be construed as requiring the submission of mortgages or deeds of trust to either the Trustee or County Tax Assessor. After such conveyance has been submitted to the County Trustee and Tax Assessor as hereinabove noted, it shall then be presented to the County Court Clerk for probate according to law and the Register of the Counties to which this law applies is hereby forbidden to record any conveyance failing to bear the notation of the County Trustee and Tax Assessor that the same has been submitted to them.

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

Passed: January 30, 1951.

## Obion and Forked Deer River

### Flood Control and Drainage Improvements

#### Public Acts of 1959 Chapter 129

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

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



required by law:

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

As amended by: Public Acts of 1963, Chapter 149  
Public Acts of 1974, Chapter 415

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

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

As amended by: Public Acts of 1974, Chapter 415

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

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

As amended by: Public Acts of 1974, Chapter 415

**SECTION 4.** That the State of Tennessee through its Obion-Forked Deer Basin Authority be and it is hereby authorized, empowered and directed to maintain all such works upon completion, in which

maintenance the Obion-Forked Deer Basin Authority shall use prison labor wherever possible. The Commissioner of the Department of Corrections shall make available prison labor for such purposes and shall furnish such guards and transportation as may be necessary in connection with such maintenance work.

As amended by: Public Acts of 1974, Chapter 415

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

As amended by: Public Acts of 1974, Chapter 415

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

Passed: March 11, 1959.

## Purchasing

### Private Acts of 1990 Chapter 171

**SECTION 1.** The county executive of McNairy County shall serve as purchasing agent for McNairy County and award all contracts for purchases for all departments of McNairy county according to the provisions of Title 5, Chapter 14, Part 2, Tennessee Code Annotated. Notwithstanding the above, purchases from county highway funds shall be made by the chief administrative officer of the county highway department according to the provisions of the County Uniform Highway Law found at Tennessee Code Annotated, Section 54-7-113, and purchases from county education funds shall be made according to Title 49, Chapter 2, Tennessee Code Annotated.

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

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

Passed: March 26, 1990.

## Administration - Historical Notes

### County Attorney

The following acts once affected the appointment, election, or office of the county attorney in McNairy County. These acts are included for historical reference only. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1939, Chapter 282, created the office of County Attorney for one who was a lawyer, licensed to practice law in all the courts of the State, and who is of good moral character. The County Attorney would be paid \$1,200 annually and could also attend to his private practice. Starting at the August election in 1940 he would be elected by the people for a four year term but until that time the act named John A. Shelton to the post. The duties of the position are enumerated in the act. He may with the concurrence of the County Judge and Trustee collect delinquent taxes but shall not be allowed any additional salary or fee for doing so. Any fees which might be allowed by law will go into the county treasury. This Act, as amended, was repealed by Chapter 45, Private Acts of 1947.
2. Private Acts of 1941, Chapter 224, amended Chapter 282, Private Acts of 1939, by striking Section 5 of the said Act and inserting a new Section 5 which provided that the County Attorney be designated as the one to collect delinquent taxes at no increase in pay. It was made his mandatory duty to comply with all general laws in relation thereto, and any fees which might accrue to him under the general law would become the property of the county.
3. Private Acts of 1947, Chapter 45, expressly repealed Chapter 282, Private Acts of 1939, as amended, in its entirety.

### County Mayor

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

1. Private Acts of 1856, Chapter 253, created the office of County Judge for every county in Tennessee, a person learned in the law who would be elected for four year terms. The Quorum Courts of the counties were abolished and their duties given to the County Judge who would hold regular monthly and quarterly sessions of court. The jurisdiction of the court is spelled out with provisions for the activities of the Clerk. The powers and duties of the Judge as accounting officer and general agent of the county are enumerated. The Judge would receive \$5.00 per day for every day he conducted court plus whatever other remuneration the Quarterly Court thrust upon him. This Act was entirely repealed the next year by Chapter 5, Acts of 1857-58, restoring all things as they were.
2. Private Acts of 1905, Chapter 491, created the office of County Judge for McNairy County who would be elected by popular vote for eight year terms. The first Judge would serve from 1906 to 1910 and then the 8 year terms would start. The Governor would fill any vacancies occurring. The Judge would be a citizen, 30 years of age, learned in the law, and of good moral character. The Judge would preside over the County Court with full powers and exclusive appellate jurisdiction over Justices of the Peace in cases under \$100 and concurrent jurisdiction with the Circuit Court in cases over \$100. All appeals in either case would go to the Supreme Court. The Governor would appoint a Judge until August of 1906, who would take an oath and make bond. The salary was \$450 a year but the County Court could raise to \$650. The office of Chairman of the County Court was abolished. This Act was repealed by Item 4 below.
3. Private Acts of 1907, Chapter 303, amended Chapter 491, Acts of 1905, in Section 7, by granting exclusive appellate jurisdiction over Justices of the Peace in all cases to the County Court by eliminating the \$100 limitation, and further, by increasing the Judge's salary in Section 12 from \$450 to \$600 annually.
4. Private Acts of 1913, Chapter 77, expressly repealed Chapter 491, Private Acts of 1905, and all amendatory Acts, same being the Act creating the office of County Judge in McNairy County.
5. Private Acts of 1929, Chapter 490, authorized the county judge to borrow money on the county's credit for school expenses.
6. Private Acts of 1937, Chapter 243, created and established the office of county judge for McNairy County. The county judge was elected for an eight year term and paid a salary of \$1,200 annually.
7. Private Acts of 1945, Chapter 107, amended Chapter 243, Private Acts of 1937, by adding at the end of Section 2 a provision which authorized the County Judge to issue fiats for injunctions, attachment and all extraordinary process now possessed by Chancellors and other Judges; to grant writs of and to hear habeas corpus cases to the same extent as other judges. The County Judge would be the Purchasing Agent for all county supplies and equipment and could draw warrants for these purchases. All departments, including the Highway and Roads Department, shall make requisition on the Judge for their needs. All items over \$100 must be purchased on bid procedures outlined in the Act. The Judge would be paid \$600 a year on monthly warrants for his services as Purchasing Agent. The Act was repealed by the one following.
8. Private Acts of 1947, Chapter 44, repealed specifically and entirely Chapter 107, Private Acts of 1945, above, effective February 1, 1947.
9. Private Acts of 1949, Chapter 63, provided that the County Judge of McNairy County be paid \$2,400 annually at the rate of \$200 per month out of the County treasury on his own warrant. This Act has been superseded by the current state law setting a minimum salary for the County Judge.

### **County Legislative Body**

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

1. Acts of 1823, Chapter 41, among several other things, set the time for convening the Quarterly County Court for its regular meetings on the first Monday in February, May, August and November.
2. Acts of 1824, Chapter 94, Section 12, stated that all of the official acts of Thompson M. Prince, Justice of the Peace, of McNairy County, are confirmed and made legal in as full a manner as if the said Prince had been commissioned in his proper name, and the Secretary of State was directed to issue a commission in his correct name of Thomas M. Prince.
3. Acts of 1824, Chapter 102, changed the meeting times for its regular sessions of the McNairy County Quarterly Court to the fourth Monday in February, May, August and November.

4. Acts of 1824 (Ex. Sess.), Chapter 53, provided that the County Courts and Circuit Courts of Weakley, Obion, Dyer and McNairy Counties are authorized to adjourn to such places in their respective counties as may best suit their convenience, a majority of the justices being present and voting for the same, and they were further permitted to adjourn to their county seats as soon as they might become ready after being laid out.
5. Acts of 1825, Chapter 318, changed the regular meeting time of the Quarterly County Court of McNairy County to the fourth Monday in March, June, September and December.
6. Acts of 1826, Chapter 7, set the times for the regular sessions of the Court of Pleas and Quarter Sessions of McNairy County on the second Monday in March, June, September and December.
7. Acts of 1826 (Ex. Sess.), Chapter 78, authorized several counties, including McNairy County, a majority of their Justices being present to select three of their number to be a quorum court, generally holding this position for a year.
8. Acts of 1827, Chapter 53, reset the times of the regular Quarterly County Court meetings to the fourth Monday in March, June, September and December.
9. Acts of 1875, Chapter 24, authorized an additional Justice of the Peace for the 5th Civil District of McNairy County who would have like powers, duties, and fees as any other Justice in the County.
10. Private Acts of 1921, Chapter 71, stated that the Justices of the Peace would be paid \$3.00 per day and such mileage as was permitted by law for their attendance at the meetings of the Quarterly County Court of McNairy County by using the population figures of 1920.
11. Private Acts of 1957, Chapter 53, provided that the Justices of the Peace in McNairy County would be compensated at the rate of \$8.00 per day for their attendance at all regular sessions of the Quarterly County Court and at the rate of \$4.00 a day for attending extra or called meetings with such mileage as was approved by law.
12. Private Acts of 1972, Chapter 220, provided that Justices of the Peace would receive \$25 per day for their attendance at meetings. This Act was superseded by Public Acts of 1974, Chapter 736.

#### **Obion and Forked Deer River - Flood Control and Drainage Improvements**

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

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

#### **General Reference**

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

1. Acts of 1823, Chapter 206, appointed Abram Maury, William Hall, James Fentress, and Benjamin Reynolds, as Commissioners to fix a site for the permanent seat of justice in Weakley, Obion, Gibson, Dyer, Hardeman, Tipton, Haywood, and McNairy Counties which site would be as near as possible to the center of the county and for which they were empowered to purchase 50 acres.
2. Acts of 1824, Chapter 40, directed the Sheriffs of Weakley, Obion, Dyer, Haywood, Tipton, Hardeman and McNairy Counties to hold elections on the first Thursday and Friday in November for the purpose of electing the field officers of that county's militia. The militia of McNairy County would constitute the 80th Tennessee Regiment.
3. Acts of 1824, Chapter 132, Section 3, stated that the Commissioners, when appointed by the County Court to lay off and sell lots in the seat of justice for Gibson, Dyer, Hardeman, Tipton, Fayette, Weakley, Obion, and McNairy, would have the same powers as all other Commissioners doing the same thing. The county seat of McNairy County would be called by the name of Purdy.
4. Acts of 1831, Chapter 44, authorized the Internal Improvement Board of McNairy County at their discretion to apply that portion of the Internal Improvement Fund for the Western District of the

- State which would be given by law to the said county, to the payment of the debt the county owes, or may owe, on the court house at the county seat.
5. Acts of 1833, Chapter 39, allowed John Williams to hawk and peddle in McNairy County.
  6. Acts of 1833, Chapter 54, allowed Joseph Smith to sell dry goods and spirituous liquors at his own home.
  7. Acts of 1838, Chapter 157, Section 3, set the county drills for the militia. McNairy County was assigned to the 22nd Brigade and would drill on the first Friday and Saturday in September each year.
  8. Acts of 1841-42, Chapter 187, Section 4, altered the schedule for regimental musters in the 22nd Brigade of the Tennessee Militia changing the two regiments in McNairy County to the first Thursday and Friday in October of each year.
  9. Acts of 1869-70, Chapter 20, would move the county seat from Purdy to Bethel Springs provided the people approved such a move in an election to be called and held for that purpose. Even if approved, the courts would continue to convene in Purdy until a court house was built at Bethel Springs.
  10. Acts of 1877, Chapter 147, authorized an election to decide whether the county seat would be moved from Purdy to Bethel or Falcon on the Mobile and Ohio Railroad. The election would be conducted under the supervision of the Sheriff and the election officials. The vote would be "For" or "Against" removal of the county seat and the County Court would verify the election count. If this vote to remove carried by a two-thirds majority, then an election would be held to see whether the seat would go to Falcon or Bethel. If the county seat were moved, the buildings at Purdy would be sold and the proceeds of the sale used to build at the new seat. All county business and courts would continue at Purdy until the new county seat was ready.
  11. Acts of 1885, Chapter 33, declared that two-thirds of both houses of the 44th General Assembly of the State of Tennessee agree and consent to and concur in the removal of the county seat of McNairy County from Purdy to Falcon.
  12. Acts of 1891, Chapter 24, also declared that two-thirds of both houses concurring, the General Assembly of the State of Tennessee agrees to and concurs in the removal of the county seat of McNairy County from Purdy to Selmer.
  13. Private Acts of 1919, Chapter 320, provided that women over 21 years of age and residents of the appointing county shall be eligible to serve as Deputy Clerks of the Circuit, Chancery, and County Courts, and as Deputies in the office of County Register and Trustee with all the rights, powers, and obligations as others in similar positions.
  14. Private Acts of 1921, Chapter 411, set the compensation of the County Chairman of McNairy County, using the population figures of the 1920 Census, at \$600 a year for his services as accounting officer and general agent of the county. The money would be paid monthly out of the county treasury on the Chairman's own warrant in full settlement for all his services.
  15. Private Acts of 1923, Chapter 574, abolished the office of Commissioner of the Poor in McNairy County and provided for the election by the Quarterly County Court of a Superintendent of the County Asylum or Poor House for a three year period at a salary to be fixed by them. The Chairman of the County Court, or the County Judge, the Clerk of the County Court and the Trustee are given the power to discharge all the duties of the Commissioners of the Poor. Population figures made this act applicable to McNairy County only.
  16. Private Acts of 1935, Chapter 113, removed all the disabilities of being a minor from Traylor Harris, Jr., and granted to him the capacity of doing all things as an adult.
  17. Private Acts of 1935, Chapter 524, also removed the disabilities of infancy from Mrs. Maggie Ethlyn Robinson, Murray, and granted to her all the rights of an adult.
  18. Private Acts of 1937, Chapter 865 as amended by Private Acts 1972, Chapter 219 and Private Acts of 1978, Chapter 288 created a purchasing agency which consisted of the County Judge and/or County Chairman and County Court Clerk and County Trustee. The purchasing agency was authorized to make purchases for the county within strict guidelines but provisions for emergency purchases were established in the amending act of 1978, Chapter 288. The language of Private Acts of 1937 and its amendatory acts was deleted by Private Acts of 1990, Chapter 171. New language was inserted which instructs the purchasing agency, which would now only consist of the county executive, to act under the guidelines established in Tennessee Code Annotated Title 5, Chapter 14, Part 2.

## 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 McNairy 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 1877, Chapter 99, recites in the preamble that McNairy County is well suited to breeding and raising blooded stock and citizens are becoming more engaged in these pursuits, and that the McNairy County Agricultural and Mechanical Society (See Section on Education) has prepared a special ring for their annual Fair which could be used for speed by horses, the Society is hereby authorized to use said ring for turfracing without the payment of any privilege tax, provided that the track shall be under the control of the Society at all times.
2. Acts of 1889, Chapter 171, Section 6, in which McNairy and many other counties were exempted from the provisions of this statewide game law which prohibited the killing of deer except for one's own use and that could be done only between August 1 and January 1. The Act also included quail and partridge in its prohibition. Fines would range from \$5.00 to \$25.00 and constables, Justices of the Peace, and all Game Wardens would enforce this law and prosecute offenders.
3. Acts of 1899, Chapter 333, made it unlawful for a period of ten years after the passage of this act to chase deer with dogs or hounds, or to shoot, kill, wound, or capture the same in Anderson, Claiborne, Campbell, Cocke, Morgan, Scott, Union, and McNairy Counties. Violators could be fined from \$10 to \$50, or be imprisoned. All Judges would charge this law to the Grand Jury who would also have investigating powers of their own.
4. Acts of 1901, Chapter 312, made it unlawful to hunt, kill, net, trap, or capture quail or partridges, for pleasure or for profit, in McNairy County, from March 1 to November 1 of each year, and it was unlawful to net partridges at anytime. No one county ship any out of the county at anytime for profit. Violators were subject to fines from \$2.00 to \$10.00 for each offense.
5. Acts of 1903, Chapter 127, made it lawful for any resident citizen to catch fish from any lake, stream, or pond, by means of a seine, net, or trap, provided the meshes of the net are 1½" apart and the slats on the trap are at least 2" apart.
6. Acts of 1903, Chapter 467, amended the 1903 act, above, by taking out the word "seine" thus making that act illegal in McNairy County at that time.
7. Acts of 1905, Chapter 320, subject to a referendum on the issue, this act made it unlawful for livestock of any kind to run at large in McNairy County. Violators could be fined from \$1.00 to \$25.00 for each offense. The law gave a lien to the person who was damaged by the stock who could also take up and care for the trespassing stock and add the cost of that to the lien. All fines collected under this act would go into the school fund.
8. Acts of 1907, Chapter 52, made it unlawful for any owner or keeper of horses, mules, cattle, hogs, sheep, goats, or any livestock to permit them to run at large in McNairy County. Failure to comply could result in a \$5.00 to \$25.00 fine and up to sixty days in jail. The lien for damages granted under this law on the trespassing stock would be enforced as any other lien. The Sheriff, his Deputies, or the Constables would take up the loose stock, and, if they were not redeemed in 48 hours, sell them at public outcry from which sale all expenses would first be paid and the excess, if any, would go to the owner. The charge was twenty-five cents per head to impound and twenty-five cents per head per day to keep. All surpluses went into the school fund. No owner could be compensated because it was his duty to call one of the above officers to take up the stock. This act did not endure for long being repealed by the one following.
9. Private Acts of 1909, Chapter 506, expressly repealed Chapter 52, Acts of 1907, above, in its entirety.
10. Private Acts of 1911, Chapter 81, provided that when the lands of two or more persons are within and enclosed by a common enclosure, any person who shall turn his stock within said enclosure, or knowingly or permit his stock to trespass therein, will subject the animals to being taken up by the other party. The person taking them up shall notify the owner in five days and the owner must pay all the damages within three days after being notified. The cost of keeping the stock was twenty-five cents per head per day. Three freeholders could properly assess the damage done, and, if not paid, any Justice of the Peace could appoint three more freeholders to assess damages and issue judgment therefor the same day which would order the stock to be sold, any excess over damages and costs going to the owner.

11. Private Acts of 1915, Chapter 557, stated that any resident of McNairy County may catch fish from any of the waters of the said county by means of a trap, net, or seine, if the slats on the trap are 1½" inches apart, and the meshes on the seine are at least 1½" apart and the seine no longer than 12 feet.
12. Private Acts of 1917, Chapter 159, amended Section 36, Chapter 152, Acts of 1915, a statewide law to provide for an open season on quails in McNairy County from December 15 until February 1.
13. Private Acts of 1917, Chapter 419, made it unlawful for any person in control of or owner of a bull over seven months old and a boar over three months old to knowingly permit such animal, or animals, to run at large in McNairy County and in Marion County at the risk of being fined from \$5.00 to \$10.00 for the first offense and from \$10 to \$25 for each subsequent violation.
14. Private Acts of 1919, Chapter 28, made it the duty of the Election Commission of McNairy County to hold an election within ten days after the passage of this act to ascertain the will of the majority of the voters of the county on the question of a stock law. All who are eligible to vote in the general election could vote in this one on a simple "For" or "Against" ballot. The Election Commission shall canvass the ballots and certify the results to the delegation representing McNairy County in the General Assembly.
15. Private Acts of 1919, Chapter 392, amended Chapter 159, Private Acts of 1917, Item 12, above, by extending the open season on quails in McNairy County from February 1 to February 15.
16. Private Acts of 1921, Chapter 147, was another act calling for a referendum in McNairy County on the question of a stock law, these details being the same as Chapter 28, Private Acts of 1919, above, except that no poll tax would be needed to vote in this election.
17. Private Acts of 1921, Chapter 400, made it unlawful for anyone, owner or otherwise, having the control and management of horses, mules, donkeys, cattle, sheep, goats, and swine to allow the same to run at large in McNairy County. Any violators would be fined not less than \$5.00 nor more than \$50, and, in addition, a lien for damages would lie against the stock trespassing, plus the expenses of keeping them. This did not relieve the railroad companies of the duty of keeping their track fenced.
18. Private Acts of 1921, Chapter 405, amended Chapter 61, Public Acts of 1919, which was a statewide dog law, so as to exempt several counties from its operations by using the population figures of the various counties as shown by the Federal Census of 1920. McNairy County was among those exempted.
19. Private Acts of 1925, Chapter 744, made it illegal for any person to take or kill any quail or squirrel in McNairy County except during the time from December 20 to February 15 for quails, and during January, June, July, October, November, and December for squirrels, all other times being a closed season. This act was repealed by Item 22, below.
20. Private Acts of 1927, Chapter 257, declared it to be lawful for any person to hunt, take, trap, snare, shoot, or kill by other means rabbits, or hares, at any and all times and seasons of the year, providing that nothing in this Act authorizes any person to hunt upon the lands of another without permission. It was also legal to buy and sell, transport and ship rabbits at any time, but McNairy County was numbered among those counties exempting themselves from the provisions of this law.
21. Private Acts of 1927, Chapter 736, declared it illegal for any person, firm, or corporation to take, trap, catch, or kill any wild animals in McNairy County except cottontail rabbits could be killed, bought, sold, shipped, or transported from December 10 to February 14, following, both inclusive. Any resident of the county could chase, capture and kill wild animals at night with dogs from November 15 to February 14, inclusive, and any landowner could kill any wild animals on his own land at any season when they were a menace to his poultry or crops. This act was repealed by Item 24 below.
22. Private Acts of 1929, Chapter 121, specifically repealed Chapter 744, Private Acts of 1925, Item 19, above, which was a partial game law for McNairy County.
23. Private Acts of 1929, Chapter 181, amended Chapter 257, Private Acts of 1927, Item 20, above, which concerned rabbits and hares being on open season at all times, by exempting McNairy County from its provisions. It may have been considered essential to do this by special act since McNairy was supposed to have exempted herself then.
24. Private Acts of 1929, Chapter 182, repealed expressly Chapter 736, Private Acts of 1927, Item 21, above, in its entirety.

25. Private Acts of 1937, Chapter 639, authorized the Board of Veterinary Surgery Examiners to issue a license to Dee Hammond, of Finger, Tennessee, to practice veterinary medicine in McNairy, and adjoining counties, upon his filing proof with them that he has successfully practiced veterinary surgery for the five years next preceding the date of the issuance of the license and that he is a person of good moral character.
26. Private Acts of 1939, Chapter 14, made it lawful in McNairy County to hunt and take rabbits and gray foxes at any season of the year without a license, (2) to hunt and kill possums by lights, dogs, and guns between October 15 and January 1 without a license, (3) that open season in squirrels would be from June 1 to July 1 and from November 1 to January 1, and (4) to fish in any running stream with hand lines and natural bait without a license. This act was repealed by the one below.
27. Private Acts of 1941, Chapter 422, expressly repealed Chapter 14, Private Acts of 1939, above.
28. Private Acts of 1945, Chapter 304, authorized the State Board of Veterinary Medicine Examiners to issue a license to J. E. Henson to practice veterinary medicine and surgery upon proof being admitted to them that he has successfully practiced the same for the five years next preceding the issuance of the license.
29. Private Acts of 1945, Chapter 305, also authorized the State Board of Veterinary Medicine Examiners to issue a license to practice to T. E. Moore under the same conditions as stated in Chapter 304, above.

## Chapter III - Bond Issues

### Bond Issues - Historical Notes

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

#### **County Buildings**

1. Private Acts of 1945, Chapter 8, validated, confirmed, and legalized all the prior proceedings of the Quarterly County Court held in connection with the issuance of \$50,000 in 3½%, 15 year County Building Bonds. The form of the bonds, the details of the issue and the required tax levy were all validated by this Act.
2. Private Acts of 1945, Chapter 39, also validated all the prior proceedings of the Quarterly County Court of McNairy County held on July 1, 1944 in the issuance of \$30,000 in 3½% bonds in \$1,000 denominations to be called County Building Bonds. All things were legitimated and the bonds declared to be the obligations of the County.

#### **Courthouse and Jail**

1. Private Acts of 1945, Chapter 20, allowed the Quarterly County Court of McNairy County to issue \$250,000 in 5%, 40 year bonds to construct and equip a county courthouse and jail. The Act also validated the actions of the Court on January 1, 1945, in which \$150,000 of the above amount was issued. These Resolutions and all the expenses connected with the issue are legitimated.

#### **Debts**

1. Private Acts of 1927, Chapter 821, permitted the McNairy Quarterly County Court to issue bonds to pay its outstanding debts evidenced by warrants already issued and due. The bonds could not bear any interest rate higher than 6% and could mature upon any timetable determined by the Court but generally according to the schedule of maturity in the Act. The amount would not exceed \$72,000. The County Judge, the County Trustee, and H. P. Wood, Terry Abernathy and Millard Lee would be the Funding Commission of the county and supervise the issuance of the bonds and the payment of the debts.
2. Private Acts of 1929, Chapter 205, allowed the County Court and County Chairman to issue \$122,000 in 6% 25 year bonds, to pay off the outstanding debts of the county incurred for school purposes, and which were evidenced by warrants already issued and past due. All the details were fixed and the tax levy for the sinking fund required. These bonds were declared to be exempt from taxation by other governments.
3. Private Acts of 1935, Chapter 811, validated all the prior actions taken on October 1, 1934, with reference to an issue of \$98,000 in bonds to pay outstanding debts and the debts to which they



would be applied were also validated by this Act.

4. Private Acts of 1937, Chapter 863, legalized all prior actions taken on May 12, 1927 in the issuance of \$308,000 in Refunding Bonds as they are all declared to be the legal and binding obligations of McNairy County. Several different blocs of bonds are written into the act with different maturity days and with interest rates running from 3 to 5.75%. This Act further validated a \$150,000 bond issue authorized on the same day, May 12.

### **General**

1. Private Acts of 1929, Chapter 524, provided that all bonds heretofore issued in McNairy County upon the full faith and credit of the county which have been negotiated and sold, and all actions taken in connection therewith are hereby confirmed and validated despite any defects, errors, or omissions occurring in such bonds or proceedings declaring them to be the incontestable obligations of the county.
2. Private Acts of 1939, Chapter 353, recites in the preamble that the normal issue of county warrants which have been lost and which it is desirable to identify and liquidate, will be honored upon the holders presenting them to the County Judge the County Court Clerk, and the County Trustee to be identified and certified, whereupon the County Court may issue up to \$150,000 in bonds at interest not to exceed 4½% and to mature no later than 20 years from date of issuance. The bond forms, details, and tax levy would all be decided by the County Court.

### **Roads**

1. Private Acts of 1907, Chapter 214, allowed the issuance of \$100,000 in 5%, 20 year bonds to build public roads and bridges and to make necessary and incidental repairs to the existing roads but all of this would be subject to the approval of the voters in a referendum which would be initiated by a petition. The County Court would have the bonds prepared and fix the details of the issue. The program would be supervised by a "Good Roads Commission" composed of three citizens appointed by the Court who must execute bond and select a chairman who would be paid \$300, a Secretary, paid \$200 and the other member would draw \$100 a year. Their duties and responsibilities were enumerated including the right to employ an engineer, appoint overseers for sections of the road and generally take the place of the District Road Commissioners and the County Bridge Commissioners as they were provided in the general state law. The tax levy to liquidate these bonds was not to exceed forty cents per \$100 property valuation. This Act was repealed by the one below.
2. Private Acts of 1913, Chapter 1, specifically repealed Chapter 214, Private Acts of 1907, above, in its entirety.
3. Private Acts of 1935, Chapter 810, validated and legalized all the prior proceedings of the County Court held in connection with the issuance of \$219,000 in Highway Refunding Bonds at 5% interest and on a 15 year maturity schedule, making them the incontestable obligations of the County.
4. Private Acts of 1947, Chapter 581, appointed Otis Plunk, Calvin Hamm, W. W. Thompson, Robert Burns, and Lyde Gooch to the "Gravel Road Board" which the act created. The Board would be concerned with supervising the improvement of those roads over which the school busses and rural mail carriers traveled. The Board would exist as long as there was any money left in the bond issues. The maximum interest was 5% and the maturity schedule could not exceed 20 years but the Board could not issue any bonds until the project was approved by the people in a referendum. The act contained a long list of roads from which the Board could draw.

### **Schools**

1. Private Acts of 1929, Chapter 93, ratified, confirmed, and legalized all the prior actions of the County Court of McNairy County heretofore had with reference to a \$50,000, 5%, 13 year bond issue, dated September 1, 1928 and called School Building Warrants. The authority to levy a tax as long as any amount remained outstanding was granted to the court.
2. Private Acts of 1929, Chapter 282, authorized the Quarterly County Court to issue \$50,000 in 5%, 25 year bonds in substitution for a like amount of interest bearing warrants previously issued as a temporary means of paying cost of the construction, equipping, and repairing school buildings in the County. They would become general obligation bonds of the County.
3. Private Acts of 1931, Chapter 138, recites in the preamble that the Board of Education of McNairy County issued bonds to pay off all the debts of the Michie-Tulu and McNairy Special School Districts in order that they could be abolished but some question has been raised concerning the

validity of the said bonds whereupon this Act ratifies, confirms, validates, and legalizes all actions in connection therewith, and abolishes the School Districts created by Chapter 572 of the Private Acts of 1923, and Chapter 303, of the Private Acts of 1923.

4. Private Acts of 1939, Chapter 133, concerns warrants more than bonds but granted authority to the Board of Education to borrow money up to \$5,000 to equip high school buildings in the county.
5. Private Acts of 1941, Chapter 479, validated \$41,380 in school bonds issued April 1, 1940, by Resolution of the County Court at 4½% interest, and at 22 years maturity; and also validated \$40,000 issued the same day which was due in 25 years at 4½% interest. All the actions of the Court, the Building Committee and every other agency having a part were completely ratified.
6. Private Acts of 1947, Chapter 209, allowed the Quarterly County Court to issue \$250,000 at 4%, for 30 years, for the purpose of building, erecting, and equipping an elementary school at or near the town of Selmer. All the essential details were present in the Act and a tax levy for the sinking fund was required.

## Chapter IV - Boundaries

### Creation of the County

#### Private Acts of 1823 Chapter 96

**SECTION 1.** That a county to be called and known by the name of McNairy, be, and the same is hereby established west of Hardin county; beginning at the southwest corner of Hardin county, running thence north with the west boundary of the same twenty-seven and one half miles; thence west, passing the southeast corner of Madison county, to a point three miles west of the first range line in the ninth district; thence south, parallel with said range line, on the south boundary of this state; thence east, on said boundary, to the beginning.

**SECTION 2.** That for the due administration of justice for said county, the courts of Pleas and Quarter Sessions and circuit courts of said county shall be held at the house of Abel V. Maury, near the center of said county, until otherwise provided for by law, viz: The courts of Pleas and Quarter Sessions, on the second Mondays in January, April, July and October, and the succeeding days, and the circuit courts on the third Mondays in May and November, and the succeeding days, in each and every year, under the same rules, regulations and restrictions, and to have and exercise the same powers and jurisdiction, that other courts of judicature of like grades in this state now or hereafter may have.

**SECTION 3.** That the sheriff of said county shall open and hold an election on the first Friday and Saturday in April next, at the place of holding courts for said county for the purpose of electing field offices for the militia of said county under the same rules, regulations and restrictions as are pointed out by law in similar cases; and the militia of said county shall compose the eightieth regiment of Tennessee militia, and be attached to the eleventh brigade.

**SECTION 4.** That it shall be the duty of the commandant of said regiment, having been first commissioned and sworn according to law, to divide his regiment into such number of companies as he shall think best for the convenience of said companies; and it shall further be the duty of said commandant to issue writs of election for company officers according to law, as provided for in other cases of elections for captain and subaltern officers.

**SECTION 5.** That this act shall take effect, and be in force, from and after the first day of January next.

Passed: October 8, 1823.

### Boundaries - Historical Notes

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

1. Acts of 1823, Chapter 137, provided that the surveyor appointed to run the line between Hardin and Henderson Counties would also run the line between Henderson and McNairy Counties at the same rate of pay as may seem reasonable and right and which would be shared by the two counties.
2. Acts of 1823, Chapter 238, Section 2, appointed John H. Bills as surveyor to run, measure, and

- mark the line between McNairy and Hardeman Counties, the cost of which would be equally borne by the two counties. Their respective County Courts were required to appropriate enough money between them to pay Bills \$3.00 a day and his chain bearers and markers \$1.50 a day each.
3. Acts of 1833, Chapter 467, asserted that a new southern boundary between Tennessee and Mississippi had been established by John Thompson, the commissioner for the state of Tennessee, and instructed the principle surveyors of a number of counties, among them McNairy, to extend their dividing lines from what was called "Winchester's Line" to the new boundary established by John Thompson.
  4. Acts of 1837, Chapter 7, Section 3, made it the duty of the County Surveyors in Hardin, McNairy, Hardeman, Fayette, and Shelby Counties, if not done already, to extend the dividing lines of said counties to the line recently run by the Commissioners seeking to establish the line between Tennessee and Mississippi.
  5. Acts of 1857-58, Chapter 11, Section 14, changed the lines between McNairy and Hardeman Counties so as to include all the land, dwelling, and out houses of Francis Clement in McNairy County.
  6. Acts of 1875, Chapter 68, created a new County, called Wisdom County, out of portions of Madison, Henderson, McNairy, and Hardeman Counties. This Act which was apparently defeated in the election required therein never became active as far as we can tell although the customary Commissioners were named.
  7. Acts of 1885, Chapter 131, moved the lands of S.D. Anderson from McNairy County into Chester County.
  8. Acts of 1889, Chapter 59, detached the lands of C.C. Jones and J.S. Ball from McNairy and attached them to Chester County.
  9. Acts of 1889, Chapter 61, moved all the lands of J. H. Mitchell which were in McNairy County into Hardin County. This Act was repealed by Item 12 below.
  10. Acts of 1889, Chapter 142, transferred all the property of J. Short and Ben Smith which was in McNairy County, into Chester County.
  11. Acts of 1889, Chapter 252, is an exact duplicate of Chapter 142, Acts of 1889, above, which happened occasionally as the same Bill, or another like it, was passed on two different occasions by the Legislature.
  12. Acts of 1889, Chapter 253, changed the boundaries between McNairy and Hardin Counties so as to include all the properties of W. S. White in Hardin County.
  13. Acts of 1893, Chapter 19, repealed Chapter 61, Acts of 1889, above, which involved Hardin County.
  14. Acts of 1893, Chapter 44, moved all the properties belonging to C. H. Joyner from McNairy County and placed them into Hardin County.
  15. Acts of 1893, Chapter 53, changed the properties of the residence and the premises of W. W. Scott from Hardin County into McNairy County. This act had a very brief description of the property. This act was repealed by Chapter 112, Acts of 1899, below.
  16. Acts of 1899, Chapter 112, expressly repealed Chapter 53, Acts of 1893, which was passed on March 28, 1893, in its entirety.
  17. Acts of 1903, Chapter 266, transferred all the properties belonging to Tom Sipes, Charles Tull, James Tull, and James Jeans from the Third Civil District of McNairy County into Chester County. This act was probably never acted on, being repealed by the act below.
  18. Acts of 1903, Chapter 369, expressly repealed the Act above, Chapter 266, Acts of 1903.
  19. Private Acts of 1911, Chapter 246 addressed an apparent boundary disagreement between Hardin and McNairy counties. This act instructed the county judges of each county to procure a copy of the original act establishing the dividing line between the two counties and to hire surveyors who would follow the act and mark the line which would remain the legal line between the two counties.
  20. Private Acts of 1939, Chapter 364, detached that portion of the farm belonging to J. C. Kent which was located in the 12th Civil District of McNairy County and attached the same to the First Civil District of Chester County.
  21. Private Acts of 1947, Chapter 611, transferred all the parts of the farms of Mrs. J. A. Parker and Mrs. H. B. O'Neal, consisting of approximately 20 acres, from the old 12th Civil District of McNairy County to the First Civil District of Chester County.

22. Public Acts of 1973, Chapter 149, removed a tract of land owned by Bobby Mullins, Gilbert Hutcherson, and Edward Felton from the 10th Civil District of McNairy county to Chester county.
23. Public Acts of 1974, Chapter 501, changed the dividing lines between McNairy and Chester counties by moving all of the property of Clarence Bullman from McNairy county to Chester county.
24. Public Acts of 1975, Chapter 141, moved the Pugh property, the Bethune property, and the Davis property from McNairy county to Chester county.
25. Public Acts of 1977, Chapter 308, moved the property of Billy Latham from McNairy county to Chester county.
26. Public Acts of 1977, Chapter 309, moved certain lands belonging to Roy Whitten from McNairy county to Chester county.
27. Public Acts of 1977, Chapter 310, moved certain lands belonging to Amo Smith from McNairy county to Chester county.
28. Public Acts of 1977, Chapter 311, moved certain lands belonging to R. A. Talley and Eugene Morris from McNairy county to Chester county.
29. Public Acts of 1977, Chapter 312, moved certain lands belonging to Kenneth Essary from McNairy county to Chester county.

## Chapter V - Court System

### Chancery Court

#### Public Acts of 1974 Chapter 547

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

**SECTION 1.** In order to more equally distribute the work of the Ninth Chancery Division, there is created an additional Chancellor for such Division, who shall receive the same compensation and be subject to the same liabilities as the present Chancellor thereof. This additional Chancellor shall be elected in the regular August election in 1974 in the same manner as the present Chancellor of the Ninth Chancery Division is elected, shall take office September 1, 1974, and shall serve for the constitutional term, and until his successor is elected and qualified.

**SECTION 2.** Beginning with the August election, 1974 and thereafter, the two Chancellors elected by the qualified voters of the Ninth Chancery Division shall be separately designated at the Chancellor holding Part I of the Chancery Court of the Ninth Chancery Division, and the Chancellor holding Part II of the Chancery Court of the Ninth Chancery Division, and candidates for the office of Chancellor in said division in qualifying for election shall designate whether they are candidates for Part I or Part II of said Chancery Division, and shall be elected and hold office accordingly. The Chancellor selected for Part I of the Ninth Chancery Division shall preside over,(sic) and Part I of the Division shall consist of Fayette, Hardeman, Hardin, McNairy and Chester Counties. The Chancellor selected for Part II of the Ninth Chancery Division shall preside over,(sic) and Part II shall consist of Tipton, Lauderdale, Haywood and Crockett Counties.  
As amended by: Public Acts of 1976, Chapter 577

**SECTION 3.** The Chancellor elected to hold Part I of the Ninth Chancery Division shall be deemed the Senior Chancellor and shall become the Presiding Chancellor of the Division, and as such shall have the prerogatives, powers, and duties heretofore vested in such Senior or Presiding Chancellor, and the Chancellor elected to hold Part II of said Chancery Court shall perform the duties, and have the powers, of the other or additional Chancellor, as herein provided.

**SECTION 4.** The Chancellor of Part I shall assign to the Chancellor of Part II such duties as may be deemed proper. Whenever either of the Chancellors shall be disqualified or incompetent to try any case assigned to him, he may transfer the same to the other Chancellor for hearing. If there be no Chancellors within the Division competent to try the case, the Presiding Chancellor shall notify the Chief Justice of the Supreme Court, who shall assign a competent Chancellor to try such case. Likewise, preliminary matters which normally would fall to either of the Chancellors, may with the consent of the Chancellor to whom they would normally fall be transferred to the other Chancellor for discharge. Either of the Chancellors may sit in interchange or by designation with any other Judge in the State as provided by statute and they may sit jointly upon the hearing of any case if the presiding Chancellor deems the same advisable.

As amended by: Public Acts of 1976, Chapter 577

**SECTION 5.** The presiding Chancellor of the Ninth Chancery Division, is vested with exclusive authority to make and promulgate rules of the Court in all of the Counties of the Ninth Chancery Division. The presiding Chancellor shall also have the exclusive authority to appoint Clerks and Masters as vacancies occur from time to time in such division.

**SECTION 6.** No decree will be invalid due to the fact that another term of the Chancery Court is in session in another county at the time of the making of said decree, it being one of the purposes of the Act to specifically authorize the holding of the Chancery Courts in two of the counties of said Division simultaneously in order to dispose of the business of the Chancery Courts of said Division with reasonable promptness.

**SECTION 7.** All pleadings in any of said Courts shall be addressed to the presiding Chancellor.

**SECTION 8.** Each of the Chancellors for said Division will be reimbursed for their respective expenses as provided by law.

**SECTION 9.** The additional Chancellor, whose office is created by this Act, is hereby empowered to appoint a suitable stenographer to assist him in the performance of his duties, to serve at his will and not otherwise. Such Chancellor will certify the name and address of the person so appointed, together with the date of said appointment, to the Secretary of State and said secretarial assistant will then be compensated from the date of appointment out of the State of Tennessee in the amount of four thousand eight hundred dollars (\$4,800.00) per annum payable in equal monthly installments.

**SECTION 10.** 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 11.** For the purpose of electing an additional Chancellor for the Ninth Chancery Division as provided in Section 1, this act shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective on September 1, 1974.

Passed: March 7, 1974.

## General Sessions Court

### Private Acts of 1963 Chapter 1

**SECTION 1.** That the Judge of the Court of General Sessions of McNairy County, Tennessee, shall have concurrent jurisdiction with Circuit and Chancery Courts of this State in the trial and determination of suits for divorce, and for this purpose hereby vested with all jurisdiction and powers possessed by said Courts.

**SECTION 2.** That the said Court shall keep a special docket and complete record and be a Court of record with respect to all proceedings held under the authority herein conferred.

**SECTION 3.** That all process issued under the jurisdiction conferred by this chapter shall be returnable to the first Monday coming five (5) days after the service of such process, unless otherwise ordered by the Court.

**SECTION 4.** That the Judge of the Court of General Sessions for the performance of these extra duties shall receive the additional sum of One Thousand Eight Hundred Dollars (\$1800.00), per annum, payable in equal monthly installments out of the general fund of said County.

**SECTION 5.** That this Act shall have no effect unless the same shall be approved by a two-thirds vote of the Quarterly County Court of McNairy County and its approval or nonapproval shall be proclaimed by the presiding officer of said body having jurisdiction to approve or the reverse, and the same shall be certified by him to the Secretary of State.

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

Passed: January 9, 1963.

## Court System - Historical Notes

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

The following acts once affected jurors or boards of jury commissioners in McNairy County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive

provisions.

1. Private Acts of 1907, Chapter 538, was the first act found which set up this Board for McNairy County. The Circuit Judge of the county would appoint three citizens and householders of the county to hold this office for six years. The members could not be attorneys or have a suit pending in the courts. Vacancies would be filled in the same way. The members were required to take an oath and select one of their number as a chairman. The Circuit Court Clerk who was also required to take an oath of secrecy from the tax rolls or other sources of public information a list of names of reputable citizens equal to one-fifth of the number voting in the last presidential election but no more than 1500 nor less than 250 which would constitute the jury list for the next two years. The names chosen would be entered into a special book with the initials of the Commissioner selecting him by its side and all the commissioners would certify the whole list as being correct. The names were also placed on individual cards or scrolls, and placed in a box which was locked, sealed, and kept in the clerk's custody. Ten to fifteen days before court would start, the box would be entered and a child under ten years of age would draw the required number of names from the box which would be the jury list for that term of court. This list would be kept by the Clerk who would turn it over to the Sheriff at least five days before court. The Sheriff would summon these people from whose number the grand and petit juries would be selected. One could be excused but only by the judge and only for those causes stated in the act. Procedures for summoning special panels of jurors were in the act also.
2. Private Acts of 1913 (Ex. Sess.), Chapter 56, stated that any person in McNairy County, using population figures, in attendance before any court as a juror in obedience to a duly issued and properly served summons, who is excused or who does not serve for some reason, shall be entitled to and receive one day's pay as other jurors get.
3. Private Acts of 1915, Chapter 454, amended Chapter 225, Private Acts of 1911, which also created a Board of Jury Commissioners, to make that act apply to counties with no less than 16,336, and no more than 16,350. These population figures would not, as some authorities state, make the act apply to McNairy County whose population according to the 1910 Federal Census was 16,356.
4. Private Acts of 1939, Chapter 463, repealing all laws in conflict with it, established a Board of Jury Commissioners for McNairy County. Most of the provisions in this act were similar to the older one with the following exceptions: The Commission terms were for four years and J. B. Huggin, Lee Basinger, and H. E. Erwin were named in the Act as the first Board. The Board would select at least 200 names as the jury list and a child under ten years of age would draw 40 names from the box who would constitute the grand and petit jury list for that term of court. From there the procedures paralleled the earlier act. Any extra list which might be needed would be drawn from the box in the same way in open court in the presence of the judge. The clerk would certify the list to the sheriff to be summoned at least ten days before the opening of court. The jury commission would be paid \$3.00 per day up to \$15 each year. This Act was repealed by the one below and McNairy presumably operated under the state law from then on.
5. Private Acts of 1951, Chapter 528, specifically repealed Chapter 463 of Private Acts of 1939, above, in its entirety.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in McNairy County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1824, Chapter 14, stated that the Justices of the Supreme Court will arrange among themselves a schedule which would permit them to hold the Chancery Courts of the counties twice a year. All counties west of the Tennessee River including McNairy County, would conduct their Chancery Court dockets at Jackson, in Madison County, on the second Monday in April and October.
2. Acts of 1827, Chapter 79, divided Tennessee into two Chancery Divisions. The Eastern Division was composed of the courts held at Rogersville, Greenville, Kingston, Carthage, and McMinnville. The Western Division Court would be held at Columbia, Franklin, Charlotte, Jackson and Paris. In 1835 the State was organized into three Divisions.
3. Acts of 1829, Chapter 52, created a new Tenth Judicial Circuit composed of Wayne, Hardin, McNairy, Hardeman, Fayette, and Shelby County and provided that this would also be a Chancery Division which would meet at Bolivar in Hardeman County on the first Monday of May and November.

4. Acts of 1835, Chapter 4, laid off the State of Tennessee into three major Chancery Divisions and divided each grand division into smaller districts. Each major division would be attended by a chancellor of the State instead of being held by the Supreme Court Justices. McNairy County was in the Ninth District of the Western Division with Hardeman County. Court terms would start on the first Monday in June and December, at Bolivar.
5. Acts of 1837, Chapter 14, P. 38, reorganized the lower Chancery Districts. The Chancery Courts at Paris, Dresden, Trenton, Jackson, Lexington, Bolivar and Clarksville were abolished. New Districts were created containing more counties and therefore were fewer in number. McNairy County was in the First District of the Western Division with Fayette, Shelby and Hardeman Counties. Court for this District would be at Somerville on the fourth Monday in May and November. The Chancellors would appoint Clerks and Masters for the Courts at Somerville, Huntingdon and Charlotte.
6. Acts of 1837, Chapter 116, P. 181, changed all the Court terms for the Chancery Court in the Eastern and Middle Grand Divisions of the State but did not mention the Western Division, probably because of the above Act.
7. Acts of 1839-40, Chapter 21, P. 45, Section 17, stated that the Chancery Court at Somerville would hereafter be held on the third Monday in May and November.
8. Acts of 1839-40, Chapter 108, P. 199, provided that the Chancellor of the Western Division would hold a special term at Somerville of the Chancery Court with general power to try all cases which may come before him.
9. Acts of 1853-54, Chapter 54, P. 126, created new Fifth and Sixth Chancery Divisions. The 6th Division was composed of Carroll, Benton, Humphreys, Dickson, Hickman, Perry, Decatur, Henderson, Hardin, Wayne, Lawrence and McNairy Counties. Court for McNairy would be at Purdy on the second Monday in June and December. The chancellor would appoint a Clerk and Master at Purdy but all citizens could still file their complaints in the old Courts until the new ones were ready. This organization of the lower judicial system was necessitated by the rapid creation of several new counties in the western portion of the state.
10. Acts of 1853-54, Chapter 55, P. 128, changed the starting dates for the Chancery Court at Purdy in McNairy County to the fourth Monday in June and November.
11. Acts of 1855-56, Chapter 112, P. 121, changed Court terms for the Chancery Courts in the 6th Chancery Division, reassigning the McNairy County Chancery Court at Purdy to the third Monday in February and August.
12. Acts of 1857-58, Chapter 88, P. 96, Section 1, showed the Chancery Court structure of the state as consisting of the Eastern, Middle, Western, Fourth, Fifth and Sixth Divisions. The Chancery Court at Purdy in McNairy County would begin on the third Monday of February and August. McNairy was in the 6th Division with the same counties named in Item 9, above.
13. Acts of 1866-67, Chapter 4, P. 6, Section 4, restructured the Chancery Courts in this post Civil War law. The fifth Chancery Division consisted of Hickman, Dickson, Humphreys, Henderson, Hardin, Wayne, Lawrence, Decatur and McNairy Counties. McNairy's Court would commence at Purdy on the second Monday in April and October.
14. Acts of 1870, Chapter 32, P. 60, divided Tennessee into twelve Chancery Districts. The Ninth District consisted of Benton, Hickman, Henderson, Lawrence, Dickson, Humphreys, Decatur, Lewis, Perry, Hardin, Wayne and McNairy Counties.
15. Acts of 1870, Chapter 47, P. 81, scheduled court terms for all the Chancery Courts in the State. McNairy County in the 9th Division would start Chancery Court terms at Purdy on the first Monday in March and September.
16. Acts of 1870-71, Chapter 10, P. 11, changed all the court terms in the 9th Chancery Division. McNairy County stayed at the first Monday in March and September.
17. Acts of 1873, Chapter 5, P. 6, Section 1, again rearranged court terms for the Chancery Courts of the 9th Division. Court would commence at Purdy on the first Monday in April and October.
18. Acts of 1879, Chapter 88, P. 115, changed the court terms in the 9th Chancery Division but left the Court for McNairy County at the same dates, the first Monday in April and October.
19. Acts of 1881, Chapter 162, P. 218, changed the Chancery Court terms for the 9th Chancery Division rescheduling McNairy County to the Second Monday in April and October. The same counties remained in the Division.
20. Acts of 1885, Chapter 46, P. 102, provided for the holding of the Chancery Court in McNairy County at Falcon instead of Purdy, the county seat having been moved by law to that city and amends Chapter 162, Acts of 1881 to that effect, also making the process returnable there. See

Braden v. Stumph, 84 Tenn. 581 (1886).

21. Acts of 1885 (Ex. Sess.), Chapter 20, P. 96, reorganized all of the lower Judicial system in Tennessee. The State was partitioned into eleven Chancery Divisions. McNairy County remained in the 9th Division with Hardeman, Chester, Madison, Crockett, Henderson, Carroll, and Henry Counties. Court would start on the second Monday in April and October. This Act was the subject of the litigation in Flynn v. State, 203 Tenn. 341, 313 S.W.2d 249 (1958), although the case involved only the Criminal Court in Memphis.
22. Acts of 1887, Chapter 111, P. 201, amended Chapter 20, Acts of 1885 (Ex. Sess.), above to change the starting dates for the Chancery Court terms in several of the counties of the 9th Division. McNairy was switched to the third Monday in April and October.
23. Acts of 1891 (Ex. Sess.), Chapter 4, P. 17, amended the 1887 Act, above, which amended Chapter 20, Acts of 1885 (Ex. Sess.), so as to change the starting dates for the McNairy County Chancery Court to the second Monday in April and October.
24. Acts of 1899, Chapter 111, P. 189, changed the Chancery Court terms in McNairy County to the third Monday in April and October, all process to be adjusted accordingly.
25. Acts of 1899, Chapter 427, P. 991, reorganized the entire State of Tennessee into ten Chancery Divisions. McNairy County, whose court terms would begin on the second Monday in February and August, was in the 8th Chancery Division with Decatur, Hardin, Chester, Benton, Crockett, Henderson, Carroll, Henry, Madison, and Perry Counties.
26. Acts of 1903, Chapter 36, P. 68, changed court terms for all the counties in the 8th Chancery Division, assigning McNairy County to the first Monday in March and September.
27. Private Acts of 1919, Chapter 331, P. 841, provided that the Chancery Court of McNairy County would hereafter be held beginning on the fourth Monday of February and August to which all process would be made to conform and all acts in conflict were repealed notwithstanding.
28. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, P. 267, restructured the lower court systems of the State into fourteen Chancery Divisions. Court would start in McNairy County on the fourth Monday in February and August. McNairy was in the 8th Division with Carroll, Henry, Crockett, Hardeman, Henderson, Decatur, Hardin, Benton and Chester Counties.

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

The reference list below contains acts which once applied to the clerk and master in McNairy County. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1913 (Ex. Sess.), Chapter 55, fixed the annual salary of the Clerk and Master of McNairy County, using population figures, at \$600 provided he would file with the County Judge or Chairman, a sworn, itemized statement showing the total amount of fees collected that year in the office. If the fees were less than the salary amount, the county would pay the difference but only if the above statement were filed. This Act was repealed by the one below.
2. Private Acts of 1919, Chapter 545, increased the annual salary of the Clerk and Master of McNairy County to \$900 under the same terms and conditions stated above. This act specifically repealed Chapter 55, Private Acts of 1913 (Ex. Sess.) above.
3. Private Acts of 1929, Chapter 568, amended Chapter 55, Private Acts of 1913 (Ex. Sess.), (although this Act had already been repealed) by striking out all of Section One beginning with the word "and" in the last line on page 1402, and adding a provision that the Clerk and Master shall receive all the fees of the office and the salary, also, which was set up in that Act.
4. Private Acts of 1949, Chapter 657, set the salary of the Clerk and Master of McNairy County, using population figures of 1940, at \$1,200 a year, payable \$100 a month, from the general funds of the county, same to be in addition to all the fees and emoluments of the office.
5. Private Acts of 1951, Chapter 685, compensated the Clerk and Master of McNairy County using population figures, at the rate of \$2100.00 annually, payable monthly out of the county treasury but all fees of the Clerk and Master's office shall be collected by the Clerk and Master and paid over to the county as its property.

### **Circuit Court**

The reference list below contains acts which once applied to the clerk and master in McNairy County. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1913 (Ex. Sess.), Chapter 55, fixed the annual salary of the Clerk and Master of McNairy County, using population figures, at \$600 provided he would file with the County Judge or Chairman, a sworn, itemized statement showing the total amount of fees collected that year in



the office. If the fees were less than the salary amount, the county would pay the difference but only if the above statement were filed. This Act was repealed by the one below.

2. Private Acts of 1919, Chapter 545, increased the annual salary of the Clerk and Master of McNairy County to \$900 under the same terms and conditions stated above. This act specifically repealed Chapter 55, Private Acts of 1913 (Ex. Sess.) above.
3. Private Acts of 1929, Chapter 568, amended Chapter 55, Private Acts of 1913 (Ex. Sess.), (although this Act had already been repealed) by striking out all of Section One beginning with the word "and" in the last line on page 1402, and adding a provision that the Clerk and Master shall receive all the fees of the office and the salary, also, which was set up in that Act.
4. Private Acts of 1949, Chapter 657, set the salary of the Clerk and Master of McNairy County, using population figures of 1940, at \$1,200 a year, payable \$100 a month, from the general funds of the county, same to be in addition to all the fees and emoluments of the office.
5. Private Acts of 1951, Chapter 685, compensated the Clerk and Master of McNairy County using population figures, at the rate of \$2100.00 annually, payable monthly out of the county treasury but all fees of the Clerk and Master's office shall be collected by the Clerk and Master and paid over to the county as its property.

### **Circuit Court - Clerk**

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

1. Acts of 1827, Chapter 69, provided that McLin Cross, the Circuit Court Clerk of McNairy County, of the town of Purdy, was permitted to keep the office of the Clerk at his home if his home were located within one-half mile of Purdy.
2. Acts of 1903, Chapter 255, regulated the compensation of the Circuit Court Clerks in Tennessee by using population figures of the Federal Census of 1900. A population of 17,760 would require the Circuit Court Clerk to be paid \$750 annually. The Clerks were also compelled to file an annual, itemized, sworn statement with the County Judge, or Chairman, showing the total amount of fees collected in the office. If the fees were less than the salary, the county was required to pay the difference. If the fees exceeded the amount of the salary, the Clerk could retain the excess.
3. Private Acts of 1919, Chapter 384, provided that the Circuit Court Clerks in McNairy County, using population figures, would be paid \$900 annually. If the fees did not equal the salary, the County Judge would issue a warrant for the difference if the Clerk had filed a sworn, itemized statement showing the total amount of fees collected in his office.
4. Private Acts of 1931, Chapter 597, amended Chapter 384, Private Acts of 1919, by increasing the annual salary of the Circuit Court Clerk from \$900 to \$1,200, all other conditions remaining as they were.
5. Private Acts of 1949, Chapter 61, increased the annual salary of the Circuit Court Clerk to \$2,000 and, in addition, he would receive all the fees collected by his office. The salary would be paid each month on warrant from the County Judge.
6. Private Acts of 1951, Chapter 686, set the salary of the Circuit Court Clerk at \$2,100 per year, plus all the fees collected by the office, the salary to be paid monthly on warrant from the County Judge.
7. Private Acts of 1994, Chapter 140, instruct that the duties of the clerk of Juvenile Court be transferred from the county clerk to the clerk of the Circuit Court. All of the records of the Juvenile Court in the custody of the county clerk are to have been transferred from the county clerk to the circuit court clerk within 30 days of the approval of this act which was approved on March 16, 1994.

### **Criminal Court**

The following acts once pertained to the McNairy County Criminal Court, but are no longer current law. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1895, Chapter 46, established a separate criminal division in the 11th Judicial Circuit which consisted at this time of Madison, Chester, McNairy, Henderson, Decatur, Perry and Benton Counties. Three regular terms of court would be held in each county according to the schedule contained in the Act. McNairy Criminal Court would begin in Selmer on the first Monday in April, August and December, and would continue as long as there was business for that term. The court would exercise the same criminal jurisdiction as was formerly possessed by the Circuit Court,

whose Clerk would transfer all the records in every case. The County Court would supply jurors as it had in the past. The Governor would appoint a judge to serve until September 1, 1896, when the elected Judge would take office and be elected every eight years thereafter. The Judge could not practice law but would devote his full time to the duties of his office. The Attorney-General of the 11th Judicial Circuit would prosecute the cases. This Act was repealed in 1899 by the act below. See McCulley v. State, 102 Tenn. 531, 53 S.W. 134 (1899).

2. Acts of 1895, Chapter 124, changed the court terms for the criminal division of the 11th Judicial Circuit assigning McNairy County to the fourth Monday in March, July and November.
3. Acts of 1899, Chapter 155, abolished the criminal court of the 11th Judicial Circuit and repealed Chapter 46, Acts of 1895, and Chapter 124, Acts of 1895, specifically and entirely. This Act would take effect thirty days after the final adjournment of the General Assembly.

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

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

1. Acts of 1899, Chapter 199, Section 5, stated that the Attorney-General of the Eleventh Judicial Circuit shall attend upon and perform the duties of that office, as prescribed by law, in the Circuit Courts of those counties composing that Circuit, i.e. Madison, Chester, McNairy, Henderson, Decatur, Perry and Benton.
2. Acts of 1899, Chapter 311, amended Section 5, of Chapter 199, Acts of 1899, above by requiring the Attorney-General of the 11th Judicial Circuit to prosecute the cases in Henderson, McNairy, Chester, Decatur, Perry and Madison Counties, as that court was held by the Judge of the 18th Judicial Circuit, and the Attorney-General of the 12th Judicial Circuit shall prosecute in Benton County.

#### **General Sessions Court**

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

1. Private Acts of 1955, Chapter 355, would have created a General Sessions Court for McNairy County but was not approved at the local level by the Quarterly County Court and, therefore, under the Home Rule Amendment to the State Constitution, never became a law. The Court had the jurisdiction formerly enjoyed by Justices of the Peace in both civil and criminal matters and would operate under the procedures mentioned in the Act. The Judge, who was prohibited from practicing criminal law, would be paid \$3,600 a year and be assisted by a clerk who would draw \$2,400 per annum. Lamar S. Doss was appointed to be Judge and Joe Cecil Kirby to be Clerk until September 1, 1956 when their successors would be elected.

#### **Secretarial Assistance**

The following act is no longer in effect but is listed here for historical purposes.

1. Public Acts of 1939, Chapter 71, established a position of Stenographer to the Chancellor of the 8th Chancery Division to which McNairy County was allocated at the time.

## Chapter VI - Education/Schools

### Board of Education

#### Private Acts of 1949 Chapter 364

**SECTION 1.** That from and after the effective date of this Act the salary and compensation of members of the Board of Education of McNairy County shall be increased so that each of said members shall be paid the sum of \$200.00 per annum for their services as members of the Board of Education.

**SECTION 2.** That the compensation provided herein shall be payable quarterly to the said members by warrants drawn against the school fund.

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

Passed: March 23, 1949.

## Private Acts of 1992 Chapter 239

**SECTION 1.** Chapter 83 of the Private Acts of 1943, and any other acts amendatory thereto, is hereby repealed.

**SECTION 2.** McNairy County shall be divided into school districts which shall be coextensive with the county legislative body districts established by the county legislative body of McNairy county from time to time. The McNairy County Board of Education shall consist of the same number of members as the number of county legislative body districts in McNairy County, one (1) member of the Board of Education being elected by the qualified voters in each school district. Beginning with the 1992 General Election, as current board members' terms expire, board members shall be elected to four (4) year terms so that the terms of the board members shall be staggered. Persons elected in the regular August election shall take office on September 1 following the election.

As amended by: Private Acts of 1993, Chapter 85

**SECTION 3.** Except as otherwise provided herein, the McNairy County board of Education shall have the same powers, duties, privileges and qualifications specified in Tennessee Code Annotated, Title 49.

**SECTION 4.** The members of the McNairy County Board of Education shall be elected to four (4) year terms beginning with the 1994 regular August Election. Nothing in this act shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which such official was elected.

**SECTION 5.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of 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 6.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of McNairy County and certified to the Secretary of State.

**SECTION 7.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 6.

Passed: April 30, 1992

## Bonds

### Private Acts of 1939 Chapter 605

Whereas, there are five school districts in McNairy County, Tennessee, each of which has heretofore issued bonds for the acquisition of school buildings, equipment and improvements and each of which is now operating the public schools in the district; and

Whereas, the bonds issued by each of said school districts for the acquisition of public schools, equipment and improvements are in default as to interest and some of said bonds are in default as to principal; and

Whereas, it is considered to be to the best interests of McNairy County and the inhabitants thereof to incorporate part or all of said schools into the county school system, to operate said schools as county schools and as a part of the county school system and to that end to purchase the school buildings, equipment and improvements existing in said districts; Now, therefore, be it enacted by the General Assembly of the State of Tennessee:

**SECTION 1.** That the Quarterly County Court of McNairy County, Tennessee, is authorized by appropriate resolution or resolutions to provide that McNairy County shall acquire the public schools, equipment and improvements in any or all of the school districts in McNairy County and to operate said schools as a part of the county school system of said county.

**SECTION 2.** That for the purpose of paying the cost of the acquisition of the schools, equipment and improvement to be so acquired the Quarterly County Court of McNairy County is empowered by appropriate resolution or resolutions to authorize and issue the public school bonds of said county. One series of such bonds shall be authorized to pay the cost of the acquisition of the school buildings, equipment and improvements in each district, the schools of which are determined to be incorporated into the county system as herein provided. The price to be paid for the acquisition of such schools, equipment and improvements in each district shall be a sum equivalent to the total amount of the bonds of such district now outstanding, together with all interest accrued and unpaid on such bonds to the date of the county bonds herein authorized and the bonds of each series shall be in such principal amount.

**SECTION 3.** That the bonds of each series shall mature not more than twenty (20) years from the date of such series, shall bear interest at the rate borne by the outstanding bonds of the corresponding district and shall otherwise have such details and be issued in such manner as may be provided by the Quarterly County Court in the enabling resolution.

**SECTION 4.** That the bonds of each series shall be delivered to the holder or holders of the outstanding bonds and interest obligations of the corresponding district, such exchange to be made in such manner that the county bonds so delivered shall be in like amount as the district bonds received in exchange plus accrued interest on such district bonds to the date of the county bonds. In the event that not all of the district obligations are available for surrender a like amount of the county bonds may be delivered to such bank in the City of Nashville as is designated by the Quarterly County Court, to be held by such bank for delivery to the holders of the proper outstanding bonds and interest obligations as such bonds and interest obligations are surrendered. All bonds and interest obligations surrendered in exchange for county bonds shall be cancelled and delivered to the County Trustee.

**SECTION 5.** That Clark and Company of Nashville, Tennessee, are hereby designated as the fiscal agent of McNairy County for the purpose of effecting the exchange of bonds herein authorized. All bonds and interest obligations surrendered in exchange for county bonds shall be surrendered through Clark and Company as exchange agent and the Quarterly County Court of McNairy County is authorized to pay such fiscal agent's fee to Clark and Company for services rendered in obtaining the surrender of the district obligations as it may in its discretion deem proper.

**SECTION 6.** That the bonds herein authorized shall be known as "Public School Bond, Series \_\_\_\_\_"(sic), and shall be executed in behalf of the county by the County Judge and County Court Clerk under the seal of the county and shall be delivered by the County Trustee from time to time in exchange for the proper district bonds and interest obligations, provided that as to such of said bonds as may be escrowed with the bank in the City of Nashville as hereinabove provided, the exchange may be made by such bank.

**SECTION 7.** That in order to remove any question as to the validity of the school district bonds and obligations in exchange for which the county bonds herein authorized are to be issued all such bonds and interest accrued thereon are hereby validated, confirmed and found to be the legal and validly binding obligations of the respective school districts of McNairy County.

**SECTION 8.** That the Quarterly County Court of McNairy County is authorized to adopt all resolutions and do all things considered by it necessary or convenient to the authorization and issuance of the bonds herein authorized and to the acquisition by McNairy County of said public schools, equipment and improvements.

**SECTION 9.** That the Quarterly County Court of McNairy County is authorized and directed annually to levy taxes on all taxable property in McNairy County at such rates and in such amounts as will be fully sufficient to pay interest on all bonds issued hereunder from time to time outstanding and to provide a sinking fund adequate to retire said bonds at maturity.

**SECTION 10.** That all bonds issued hereunder and the interest thereon shall be exempt from all taxation in the State of Tennessee.

**SECTION 11.** That all laws or parts of laws in conflict herewith are to the extent of such conflict hereby repealed and that this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 10, 1939.

## Ramer Special School District

### Private Acts of 1921 Chapter 674

**COMPILER'S NOTE:** The Tennessee Department of Education has no record of this special school district. It is included in this compilation, however, because it has not been specifically repealed or superseded by law.

**SECTION 1.** That a Special School District, be and the same is hereby created and established in McNairy County, Tennessee, out of a part of the Fourth Civil District to be known and designated as the Ramer Special School District. The boundaries of the same are as follows: Beginning at a stake on the bank of Cypress Creek on the line between A. B. Hamm and Co. and Petty and Son, running in an easterly, then southern direction, following the present line between the Fourth and Fourteenth Civil Districts, to the Muddy Canal, crossing the Canal on the line between J. A. Houston and Sam Houston; then east with E. W. Mitchell's line to his southeast corner; then north with Tom Baker's east line crossing the Mobile and Ohio railroad near the old Muddy Bridge to Jas. S. Lawson's southwest corner, then east with his line to a

stake on the Selmer and Guys road, then north with the road to J. A. Houston's line following said line to his northeast corner, then west with the said J. A. Houston line to the line of M. H. Hamm, then with his line north to the line of John H. Hamm, then with the line of John H. Hamm to W. P. McMahan's line, then west with the line of John H. Hamm to the line of T. P. Rammer, then south with the line of T. P. Rammer to Jas. S. Lawson's corner, following the line between Jas. S. Lawson and Chandler to J. C. Houston's northeast corner, then following the J. C. Houston's north line running west to Cal Tate's line then north to J. C. Reeder's line ; then north with Prairie Branch between J. C. Reeder and T. H. Prather and Robert Sheldon's line to his northeast corner; then west to his northwest corner, then south to Luther Engle, following line to his northwest corner, going west; then south to the line of Oscar Wallace; then west on the line between Oscar Wallace and L. S. Bell to his southwest corner, then north with Mrs. Lena Swain's line to her corner on the Darby land; then west to W. B. Johnson's line following his line to Bob Knight's line, then north on Bob Knight's line to his northeast corner, following line (sic) west with A. W. Smith's to Bob Knight's northwest corner, then north with A. W. Smith and Lee Richard's line to a thistle on Cypress Creek, then west with Lee Richard's north line to a stake on the present line between the Fourth and the First Civil Districts following this Civil District line between the two Civil Districts to the line of the Eighteenth Civil District, then to the beginning at the corner of the Fourth and Fourteenth Civil Districts.

**SECTION 2.** That the officers of the said Ramer Special School District shall be and consist of a Board of three members, to be called a Board of Directors, who and their successors in office shall be a body politic and corporate by and under the name of the Ramer School District, a majority of the said Board shall be a quorum for the transaction of business. The first Board of Directors shall be J. A. Houston, J. R. Hamm, and E. T. Kirk, and they shall serve until their successors are elected and qualified. The said Board of Directors shall be elected by the qualified voters within the boundaries herein defined, and the first election for said Board of Directors shall be the election in August, 1922. Said members shall be freeholders, and 25 years of age, and of good moral character, and each to possess at least an elementary school education. Any vacancy that may occur in the Board shall be filled by the remaining members of the Board. The Board of Directors herein named, and hereinafter elected, shall organize by the election of one of their number as President or Chairman, one as Secretary, and one as Treasurer.

**SECTION 3.** That said Board of Directors and their successors in office are hereby declared to be the Board of Directors of the said Ramer Special School District, and by that name may sue and be sued, plead and be impleaded, and have continual succession for the purposes designated and stated in this Act. They may have a common seal, and may make such by-laws and rules and regulations as may be necessary to properly carry out the purposes of the Act, so as not to be inconsistent with the authority herein conferred and the laws of the State of Tennessee. The members of the said Board of Directors shall each serve for a term of two years; and until their successors are elected and qualified, but the Board of Directors herein named shall as before designated, serve until the next regular election in August, 1922, and until their successors are elected and qualified.

**SECTION 4.** That the powers and duties of the said Board of Directors are as herein set out and generally as follows: to establish and maintain in conjunction with the County Boards of Education, a High School and Elementary School or Grammar School; to employ teachers, and to fix the salaries of such; and to discharge the same for sufficient reasons; to fix the time of the opening of such schools and the length of the term of such; to build or keep in repair all necessary buildings for school purposes, to suspend or dismiss pupils when in the judgement of the said Board, it is to the best interests of the school to do so; to use and expend as they may see fit and proper the funds that may come into their hands from any and all sources for school purposes; to fix the time of holding the meetings of the said Board , as well as the place of the said meetings; to hold in trust school property, real and personal, and to dispose of the same by deed or otherwise as they in their judgement and discretion may determine, and apply the proceeds of same to the benefit of the said school district.

**SECTION 5.** That for the purposes of supporting and maintaining the schools as herein named and designated in the said Special School District, and to raise funds with which to supplement the general school fund now used and available to the end that there shall be at least an eight month's term of free school in each year, there is hereby for the year 1921 and for each following and subsequent year, levied a tax of fifty cents on every \$100 worth of taxable property; both real and personal situated within the said Special School District, and also a poll tax of one dollar on each and every person now subject to poll tax under the general law or that may be subject to such when the assessment is made. The basis for the assessment for the tax shall be the assessed valuation of all such property named as shown from the tax books of the County Trustee; all taxes assessed as to any real estate shall be in lien on such real estate. All taxes herein mentioned shall be due and payable as all other taxes are under the general law, and shall be collected by the County Trustee as other taxes are collected by him, authority is given the said Board of Directors to lower the rate, if in their judgement by so doing a sufficient amount can be thus realized to maintain the schools as herein provided, by supplementing the amount realized as hereinbefore set out.

The tax collected under this special assessment by the County Trustee , shall be turned over to the Treasurer of the said Board of Directors and by him expended on the order of the said Board for the use and benefit of the said schools in the way of supplementing with the same the funds derived under the general law for school purposes. The Trustee of the County will as soon as convenient after the collection of the taxes or any portion of the same, turn same over to the said Treasurer. Nothing in this Act shall be construed as to in any way interfere with the collection of or the expenditure of the taxes under the general law.

**SECTION 6.** That within ten days after the passage of this Act, the said Board of Directors herein named shall meet and organize by the election of the President or Chairman, Secretary and Treasurer. All of them shall serve without compensation, except the Secretary may be paid as allowed under the law for taking of the scholastic population of the said Ramer Special School District so that the same shall not exceed \$15.00. The Secretary shall keep a correct record of all the proceedings of the said Board in a well bound book kept for that purpose. The Treasurer shall execute and give a bond in the amount and penalty fixed by the said Board of Directors, payable to the State of Tennessee, and he shall properly account for all funds coming into his hands. The amount of the bond shall be sufficient to cover all the money that may come in to his hands, the hands of the Treasurer of the said Board of Directors , as before stated it shall be payable to the Sate of Tennessee, and for the use and benefit of the said Special School District. The bond is to be approved by the President of the said Board of Directors and filed with the Secretary of the same. The Secretary shall draw all warrants on the Treasurer for school purposes, and the warrant or warrants shall be countersigned by the Chairman or President of the said Board of Directors.

**SECTION 7.** That all laws and parts of laws in conflict with this Act, be and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 4, 1921.

## Education/Schools - Historical Notes

### Board of Education

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

1. Public Acts of 1907, Chapter 236, established a Board of Education and a District Board of Advisors for every County in the State, abolishing all District Directors offices. The County Court was directed to divide each county into five school districts, composed of whole civil districts from which one member of the Board of Education would be elected for two year terms. There would be a Chairman and a Secretary whose duties are enumerated in the act and the County Superintendent of Instruction was named as ex-officio Secretary. The responsibilities of the Board were listed and the compensation of the members set at no lower than \$1.50 nor higher than \$3.00 per day. Three citizens from each civil district would constitute an Advisory Board and their duties were likewise specifically themselves from this Act but McNairy was not among them. This Act did not apply to city schools and was the basis for the court case of Whitthorne v. Turner, 155 Tennessee 303, 293 S.W. 147 (1927).
2. Public Acts of 1909, Chapter 302, has been called a Public Act but under its terms it applies only to ten counties, including McNairy County. The act amends Chapter 25, Acts of 1873, beginning with Section 10, by creating a County Board of Education composed of one member from each Civil District, the Judge, or chairman of the County Court, and the County Superintendent of Public Instruction, who would be the ex-officio Chairman of the Board of Education. Members would be elected in the civil districts for two year terms, and the members would select one of their number to be Secretary. The duties of the Chairman, the Secretary, and the Board are listed in the sections of the Act. Section 14 lists a group of population figures which makes the act applicable only to the ten counties.
3. Private Acts of 1931, Chapter 138, recited that the Board of Education of McNairy County had issued bonds to pay off the debts of two special school districts in order to abolish them and some questions had been raised concerning the validity of these bonds. This act ratifies the bond issue and expressly abolishes the Michie-Tulu and McNairy Special School Districts.
4. Private Acts of 1937, Chapter 429, provided that the members of the County Board of Education elected by the County Court under existing law shall be elected for a term of two years instead of the seven years as required under the state law, but this act shall not affect the term of any current member of the Board of Education.
5. Private Acts of 1939, Chapter 13, created a County School Board in McNairy County of seven members elected one from each of seven school districts delineated in the act. They would serve

four year terms beginning on September 1 after the election and the Quarterly County Court would fill vacancies as they occur. No member would serve more than four years unless appointed to fill a vacancy. The candidates must have at least an 8th Grade education and be of good moral character. They would have the same powers and authority and be paid the same compensation as provided by general law of the State for members of the various Boards of Education. The school districts would be composed of whole civil districts.

6. Private Acts of 1939, Chapter 589, amended Chapter 13, Private Acts of 1939, above, by naming the following to serve as members of the Board of Education until the elections in August, 1940; Linnye Colman, District #1; Otis Plunk, District #2; Hugh Yancy, District #3; Lacy Ervin, District #4; Lyde Gooch, District #5; J.R. Smith, District #6; and W.M. Littlejohn, District #7.
7. Private Acts of 1939, Chapter 133, permitted the Board of Education of McNairy County to issue interest-bearing warrants up to \$5,000 and to sell the same to equip any recently constructed high school building in said county. The interest rate could not exceed 5% nor the maturity period five years, and the Board of Education could determine the form of the warrants. The County Court was required to levy a sinking fund tax to amortize these warrants and the County Trustee must handle and disburse the money.
8. Private Acts of 1943, Chapter 82, specifically and entirely repealed Chapter 13, Private Acts of 1939, above.
9. Private Acts of 1943, Chapter 83, divided McNairy County into school districts and provided for the qualifications, duties, and powers of the McNairy County School Board. 10. Private Acts of 1957, Chapter 247, would have increased the compensation of members of the School Board in McNairy County to \$360 per annum and one member, who would serve as Chairman, would be paid \$500 per annum but this Act was rejected by the Quarterly County Court and therefore did not become a law under the Home Rule Amendment to the Tennessee Constitution.
10. Private Acts of 1961, Chapter 105, would have raised the pay of members of the Board of Education of McNairy County to \$365 a year by amending Chapter 364, Private Acts of 1949, which set the pay at \$200 but this act was also rejected by the Quarterly County Court and never did become a law.
11. Private Acts of 1961, Chapter 106, would have repealed Chapter 83, Private Acts of 1943, as amended, in its entirety but this Act was likewise disapproved by the Quarterly County Court.
12. Private Acts of 1961, Chapter 107, created 9 school districts in McNairy County composed of whose civil districts from each of which one member of the Board of Education would be elected. Staggered terms were provided so that three members of the Board would be elected every two years. This act was not approved at the local level and thus was rendered null and void.

### **Special School Districts**

The following acts once affected the special school districts in McNairy County but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1907, Chapter 261, created an independent school district in McNairy County out of the Seventh and Eighth Districts which was described as follows "Beginning at Caleb Cox; runs north down Tar Creek to Hanskon Ford on Tar Creek; then east to Hugh Lott place; thence south to Bogely Ross' old place on the head of Smith's old mill pond, thence west up Snake Creek to Bear Spring; thence to Caleb Cox place at the beginning." The County Superintendent of Public Instruction was required to appoint three school directors for the new district to which no name or number was given.
2. Private Acts of 1907, Chapter 272, created a special school district out of the Fourth and Sixth Districts of McNairy County, giving it no name or number, and requiring the County Superintendent of Public Instruction to appoint three Directors. Its description was "Beginning at the Reed Oil Mill on the east side of Cypress Creek, running east to I. H. Keddy's; thence southwest to E. L. Blasengaws; thence south to Ike Hill's; thence west to the Dan Garrett old field; thence northwest to the Reed Crossing on the Mobile and Ohio Railroad; thence with Cypress Creek to the beginning.
3. Private Acts of 1921, Chapter 764, created a special school district out of the Fourth Civil District of McNairy County, including the town of Ramer, which would be called the Ramer Special School District. The act contains a lengthy metes and bounds description for the District. J. A. Houston, J. R. Hammer, and E. T. Kirk were named as the first School Directors to serve until the 1922 election when their successors would be elected to terms of two years. The powers of the Directors were enumerated and a tax of fifty cents per \$100 was levied plus a poll tax of \$1.00 to be used to support and maintain the schools in the District. The Directors would select a chairman

and a secretary, who would be paid up to \$15 a year to take the census of pupils, but no other compensation was allowed. All conflicting laws were repealed.

4. Private Act of 1923, Chapter 303, created the McNairy Special School District out of the Seventeenth Civil District, including the Town of McNairy. The provisions of this Act are similar to the one outlined above for Ramer excepting, of course, the description of the boundaries of the District, and the membership of the first Director's Board who were J. E. Hodges, W. E. Huffman, and J. R. Henry, whose successors would be elected in the general election in August, 1924. This District was abolished by Chapter 138, Private Acts of 1931.
5. Private Acts of 1923, Chapter 572, created the Michie-Tulu Special School District out of a part of the Ninth Civil District, including in the metes and bounds description of the boundaries, the villages of Michie and Tulu. The qualifications of the School Directors who would serve two year terms after being elected in the August general election of 1924. They would organize with a chairman and a secretary and receive no compensation except that allowed by law to the Secretary for taking the scholastic census. The remaining terms and conditions are as the two preceding Acts above. This District was abolished by Chapter 138, Private Acts of 1931.
6. Private Acts of 1923, Chapter 573, created the Finger Special School District, including the town of Finger, out of parts of the 8th and 17th Civil Districts of McNairy County. The first Board of Directors of the District, named in the Act, were W. P. Massey, J. R. Harris, and H. L. Hodges whose successor would be elected in the general election of August, 1924. All the other terms and conditions were the same as the other acts creating the special school districts mentioned above. This Act was repealed by Chapter 574, Private Acts of 1931.
7. Private Acts of 1925, Chapter 716, divided the high schools in McNairy County into two year and four year high schools. Section 2 of this Act abolished all special school districts which were not taxing districts, and the procedure to eliminate others by petition of the voters under certain circumstances was provided. These latter sections were undoubtedly the result of Chapters 13 and 115, Public Acts of 1925, which accomplished the same results on a statewide basis. This Act was entirely repealed in 1927 by Chapter 414, but the school districts would still be abolished under the state law and the only effect of the repeal would be to erase the division of the high schools into two classes.
8. Private Acts of 1925, Chapter 783, stated in the preamble that the northeastern corner of McNairy County, part of Chester County, and part of Hardin County were so constituted that it would be a hardship for any of the three counties to maintain a school district alone in that area, and, since there was about fifty children in each county who could and would attend school there, it would be sensible to create a school district out of all three counties, which this Act does, requiring each county to contribute \$900 each to erect the school building and each to contribute one-third of the annual school expense from there on.
9. Private Acts of 1931, Chapter 138, states in the preamble that the Board of Education of McNairy County had issued bonds to pay off all the debts of the Michie-Tulu and the McNairy Special School Districts in order that they might be abolished and the county operate their schools, and that some question had been raised concerning the validity of the bond issue, then this Act ratifies and confirms the bond issue and also specifically abolishes the two above mentioned school districts.
10. Private Acts of 1931, Chapter 574, repealed expressly and entirely Chapter 573, Private Acts of 1923, which created the Finger Special School District in Item 6, above.

### **General Reference**

The following acts constitute part of the administrative and political heritage of the educational structure of McNairy 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 1827, Chapter 212, incorporated Benjamin Wright, McLin Cross, John P. Burtwell, John Chambers, Sere. Abel v. Maury, Sergent Wisdom, George W. Barnett, and Robert Adams as the Female Academy at Purdy to run for 50 years. The capital stock would be \$25,000 and they would possess all the powers incidental to a corporation.
2. Acts of 1833, Chapter 42, stated that the Chairman of any free school trustees, or the clerk of any church in the counties of Lawrence, Wayne, Hardin and McNairy shall be entitled to have surveyed and laid down on the general plan of the district where the land lies, any quantity of vacant land not exceeding four acres for the erection of a school house or a meeting house which shall be considered as belonging to the trustees and their successors in office, provided the same does not



interfere with any resident occupant.

3. Acts of 1841-42, Chapter 60, provided the Robert M. Owen, the late Trustee of McNairy County, was authorized and required to pay over to the Board of Commissioners of the Common Schools of the 11th District the sum of \$117.78 which belonged to the said District according to the scholastic census but was allotted to the 10th District by mistake.
4. Acts of 1869-70, Chapter 57, Section 21, incorporated the "Agricultural and Mechanical Society of McNairy County" for a period of 99 years conferring upon it all the incidentals of other corporations and naming as incorporators thereof J. G. Gooch, R.H.D. Maxidon, James Mitchess, John Randolph, John Ham, John Reeder, James Warren, Calvin Shull, John Kirby, N. F. Cherry, David McKenzie, Allen Sawain, H. B. Wade, David Ham, Jacob Lawrence, and J. W. Roach.
5. Acts of 1895, Chapter 90, authorized the city of Selmer, acting through its Mayors and Aldermen, to establish a system of free grade schools within the city limits. The act formed a Board of Education for the system which would supervise, manage, and control the same. They could draw on the city treasury for all expenses and the Board of Aldermen was empowered to levy taxes to support these schools.
6. Private Acts of 1913, Chapter 268, provided that the County Superintendent of Public Instruction shall be elected by direct vote of the qualified voters in McNairy County for two year terms, the first election to take place in August, 1914. No one shall be eligible to run unless they are qualified to be a Superintendent under the State Law, or who passes the state examination for that position.
7. Public Acts of 1925, Chapter 115, Section 33, abolishes all special school districts which are not taxing districts and provides that, when all debts are paid, any special school district may join the county system.
8. Private Acts of 1925, Chapter 716, divided the high schools in McNairy County into two year and four year high schools, the same subjects being taught in the two year schools as were taught during the first two years in the four year schools. This act also followed the wording of the Public Acts of 1925, above, which abolished special school districts which were not taxing districts. This Act was expressly repealed by Chapter 414, Private Acts of 1927.
9. Private Acts of 1927, Chapter 414, specifically repealed Chapter 716, Private Acts of 1925, Item 8, above, in its entirety.
10. Private Acts of 1929, Chapter 489, amended Chapter 268, Private Acts of 1913, which provided for the popular election on the County Superintendent of Public Instruction, by extending his term to four years instead of two years. This act was repealed by Chapter 695, Private Acts of 1935 in its entirety.
11. Private Acts of 1929, Chapter 490, authorized and empowered the County Judge, or Chairman, of McNairy County to borrow money on the credit of the County to pay the current expenses of the public schools. The interest rate was not to exceed 6% and the total amount of borrowed money could not be more than half of the anticipated revenue for that year. This act is published herein in full under County Judge.
12. Private Acts of 1931, Chapter 139, abolished the position of Attendance Officer in the school system of McNairy County. The Sheriff, his Deputies, and the Constables would be required to execute all warrants issued under the school compulsory attendance law and would be entitled to receive the same fees and compensation as other officers did for service of process.
13. Private Acts of 1931, Chapter 221, provided that all elementary schools in McNairy County will be designated as County Elementary Schools and such schools, rural, city, town, and special school districts shall be under the direct control and supervision of the County Superintendent and the County Board of education and shall share in the equalization funds of the State. All local and District Boards of Education would act as Advisory Boards only and their powers were limited to the levying of taxes and the disbursing of the receipts thereof. This act was expressly and entirely repealed by Chapter 696, Private Acts of 1935, Page 1852.
14. Private Acts of 1935, Chapter 695, specifically repeals all of Chapter 489, Private Acts of 1929, which provided for the election of the County Superintendent of Public Instruction, Item 10, above.
15. Private Acts of 1935, Chapter 696, expressly repealed all the provisions of Chapter 221, Private Acts of 1931, Item 13, above.

# Chapter VII - Elections

## Districts - Reapportionment

### Private Acts of 1939 Chapter 281

**SECTION 1.** That civil district 8, 16, 11 and 7 of McNairy County, Tennessee, be and the same are hereby consolidated and from and after the effective date of this Act shall be known as Civil District No. 1 thereof. Pony Gibson and W. G. Walker, who were duly elected magistrates for the civil districts included in Civil District No. 1 as herein designated, are hereby designated as magistrates for said Civil District No. 1 and \_\_\_\_\_, duly elected constable for one of the civil districts included in Civil District No. 1, is hereby designated constable.

Civil Districts 17, 19, 3 and 2 as now constituted, are hereby consolidated into one which shall be known as Civil District No. 2 of said county. W.R. Nickles and Wilbur Robertson, who were duly elected from part of the territory now comprised of Civil District No. 2 as herein designated, are designated as magistrates for said Civil Districts and \_\_\_\_\_, duly elected constable for a part of the territory now embraced in said Civil District No. 2 shall be designated constable.

Civil Districts 12 and 15 as now constituted are hereby consolidated and shall comprise Civil District No. 3 of said county from and after the effective date of this Act. R. E. Wade and C. C. Lipford, duly elected magistrates from one of the civil districts consolidated to make Civil District No. 3 as herein provided, are hereby designated as magistrates for said Civil District 3; and \_\_\_\_\_, duly elected constable for one of the civil districts merged to make Civil District No. 3 is hereby designated as constable of said district. Civil Districts 9, 13 and 10 as now constituted shall comprise Civil District No. 4 of said county. Leo Atkins and Ed Wagoner, duly elected magistrates from civil districts merged to constitute Civil District No. 4 are hereby designated as magistrates and \_\_\_\_\_, duly elected constable, is hereby designated as constable. Civil Districts 4, 5 and 6 as now constituted, shall comprise Civil District No. 5 of said county from and after the effective date of this Act. Roy Huggins, Thomas Jones and C. L. McCullar, all duly elected magistrates from one of the civil districts merged to constitute Civil District No. 5 are hereby designated as magistrates from said Civil District No. 5, it being the civil district containing the county town; and \_\_\_\_\_, duly elected constable for one of the civil districts merged to make Civil District No. 5, is hereby designated as constable.

Civil Districts 1, 18 and 14 as now constituted are hereby merged and shall constitute from and after the effective date of this Act, Civil District No. 6 of said county. R. L. Wilmeth and W. G. Minton, both duly elected magistrates from part of the territory included in Civil District No. 6 as herein constituted, are hereby designated as magistrates for said Civil District No. 6 and \_\_\_\_\_, duly elected constable from one of the civil districts included in said Civil District No. 6 as herein constituted, as designated as constable therefor. **SECTION 2.** That from and after the effective date of this Act, the office of justice of the peace in each of the incorporated towns contained in McNairy County be and the same is hereby abolished and for naught held.

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

Passed: February 21, 1939.

**COMPILER'S NOTE:** See Swaim v. Smith and McNairy County v. Smith, 174 Tenn. 688, 130 S.W.2d 116 (1939), wherein the court upheld the constitutionality of this act.

### Private Acts of 1943 Chapter 439

**SECTION 1.** That the term "Old Civil District" shall mean the civil districts of McNairy County, Tennessee, as constituted prior to the enactment of Chapter No. 281, of the Private Acts of 1939.

**SECTION 2.** That the Old Civil Districts 17 and 3 be removed from the territory of Civil District No. 2 and that such removed territory shall compose a new Civil District which shall be Civil District No. 7, and Arlis Garner and John Ward, are hereby appointed to fill the newly created offices of Justice of the Peace for said Civil District No. 7. Albert Lott is hereby designated as Constable for Civil District No. 7.

**SECTION 3.** That the territory included in the Old Civil District No. 4 shall be removed from Civil District No. 5 of said County, and the territory of said Old Civil District No. 4 shall be added to and become a part of Civil District No. 6 of said County. G. W. Hall is hereby designated to fill the vacancy in the office of Justice of the Peace in said Civil District No. 5, and the Constable will remain as at present.

**SECTION 4.** That Old Civil Districts 1 and 18 shall be removed from the territory composing Civil District

No. 6 and such territory so removed shall constitute a new Civil District to be known as Civil District No. 8 of said County. W. R. Steadman and R. L. Wilmeth are hereby designated to fill the vacancies in the office of Justice of the Peace in said Civil District No. 8. Norris Bodiford is hereby designated as Constable for said Civil District No. 8.

**SECTION 5.** That Earl Jones is hereby designated as Justice of the Peace to fill the vacancy created by changing the territory constituting Civil District No. 6 of said County.

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

Passed: February 9, 1943.

## Private Acts of 1949 Chapter 347

WHEREAS, By Chapter 281 of the Private Acts of 1939, the old Civil Districts of McNairy County, Tennessee, were so changed as to consolidate a number of the same and to create new districts, and by Chapter No. 439 of the Private Acts of 1943, certain other changes were made and new Civil Districts created, and it has become necessary and material to create out of certain of the Civil Districts as fixed by said Chapter No. 281, new Civil Districts;

**SECTION 1.** That Civil District No. 1, as now composed of old Civil Districts, Nos. 7, 8, 11, and 16, be so changed as that all of the territory embraced and included in old Civil Districts Nos. 11 and 16, shall be and constitute under this Act, Civil District No. 1, and that old Districts Nos. 7 and 8, as they existed and were at the time of the enactment of said Chapter No. 281, will be removed from District No. 1, provided by said Act, and here created into a new District, designated as District(sic), designated as District No. 10.

**SECTION 2.** That M. C. Eithridge and C. S. Treech be, and they are hereby appointed to fill the offices of Justice of the Peace in said District No. 1, as created by this Act, and that J. O. Mitchell and J. L. Tacker are hereby appointed as Justices of the Peace for said District No. 10, as created and established by this Act.

**SECTION 3.** That whereas, Civil District No. 4 as now existing is composed of old Civil Districts numbers 9, 10 and 13, and that whereas, Civil District No. 5 as now existing is composed of old Civil Districts Nos. 5 and 6.

**SECTION 4.** That out of said existing Civil Districts Nos. 4 and 5, old Civil Districts Nos. 5 and 9 shall be removed and shall from and after the effective date of this Act be known as a new Civil District No. 9; and that old Civil Districts Nos. 10 and 13 as they existed at the time of the enactment of said Chapter 281 shall be and they are made into a new Civil District to be known as District No. 4; and that all the territory formerly included in old Civil District No. 6 as it existed and was at the time of the enactment of Chapter 281 shall be and the same shall constitute the boundaries of a Civil District created under this Act known as District No. 5.

**SECTION 5.** That whereas, Civil District No. 3 as now existing is made up of old Civil Districts Nos. 15 and 12 as they were laid out at the enactment of Chapter 281 of the Private Acts of 1939.

**SECTION 6.** That all of the territory of old Civil District No. 12 as laid out at the time of the enactment of said Chapter 281 shall be and the same is separated from Civil District No. 3 and a new Civil District is created therefrom to be known as Civil District No. 12; and Civil District No. 3, from the effective date of this Act, shall include only the territory included in old Civil District No. 15.

**SECTION 7.** That whereas, at present Civil District No. 2 is now composed of the territory included in Civil Districts Nos. 2 and 19.

**SECTION 8.** That all of old Civil District No. 19 is separated from District No. 2 and the same shall constitute a new Civil District known as Civil District No. 11, leaving the area of Civil District No. 2 the same as old Civil District No. 2.

**SECTION 9.** That the following are designated Justices of the Peace of the new Civil Districts as shown after their names in the following list:

Eldridge Howard and Roy Huggins -- District No. 9.

Otis Plunk and Wilbur Robinson -- District No. 11.

Irwin Cagle and R. E. Wade -- District No. 12.

J. P. Whitley and M. B. Melton, presently Justices of the Peace, shall be Justices of the Peace for Civil District No. 4 as created by this Act.

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

Passed: March 23, 1949.

# Elections - Historical Notes

## **Districts - Reapportionment**

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

1. Acts of 1855-56, Chapter 122, Section 24, created a new Civil District in McNairy County by inserting a metes and bounds description of the involved area, which was near the old 12th Civil District, and the election precinct for the new district would be at James Malone's home.
2. Acts of 1859-60, Chapter 127, Section 63, provided that the voters in the First Civil District of McNairy County would have two places for voting in all elections, one, at Mary P. Kirk's house as is now established and the other at John Nalls in the fork of the Tuscumbia and Hatchie Rivers provided that the polls shall be composed at Mary P. Kirk's home as was done heretofore.

## **Elections**

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

1. Acts of 1826, Chapter 3, apportioned Tennessee for the General Assembly showing that Hickman, Lawrence, Wayne, Hardin and McNairy Counties constituted one State Senatorial District and McNairy, Hardeman, Fayette, Tipton and Shelby Counties would elect one Representative between them.
2. Acts of 1832 (Ex. Sess.), Chapter 4, divided Tennessee into 13 U.S. Congressional Districts. Perry, Henderson, McNairy, Hardeman, Fayette, Shelby and Tipton Counties were in the 13th District.
3. Acts of 1833, Chapter 71, apportioned Tennessee into 20 Senatorial Districts of which Hickman, Lawrence, Wayne, Hardin and McNairy Counties composed one. McNairy and Hardeman would elect one Representative between them, all this according to the popular enumeration of 1833.
4. Acts of 1842 (Ex. Sess.), Chapter 1, apportioned the State for the General Assembly into 25 Senatorial Districts of which Henderson, Perry and McNairy Counties composed the 24th. McNairy would elect one Representative to the Legislature alone.
5. Acts of 1842 (Ex. Sess.), Chapter 7, divided the State into eleven U.S. Congressional Districts. Hardeman, Fayette, Shelby, Tipton, Haywood, Lauderdale, Dyer and McNairy Counties composed the Eleventh.
6. Acts of 1865, Chapter 34, divided Tennessee into 8 United States Congressional Districts. The 8th was made up of McNairy, Hardeman, Fayette, Shelby, Tipton, Madison and Haywood Counties.
7. Acts of 1866-67, Chapter 45, Section 2, provided for an additional voting box to be established in the 7th Civil District of McNairy County at Bethel Springs on the Mobile and Ohio R.R.
8. Acts of 1871, Chapter 146, reapportioned the State for the General Assembly into 25 Senatorial Districts. Hardin, Decatur, Benton, Henderson and McNairy Counties were in the 18th District. McNairy would elect one Representative alone.
9. Acts of 1872 (Ex. Sess.), Chapter 7, placed McNairy, Montgomery, Houston, Stewart, Humphreys, Benton, Henry, Carroll, Henderson, Decatur, Perry and Hardin Counties in the 7th U.S. Congressional District.
10. Acts of 1873, Chapter 27, divided Tennessee into ten U.S. Congressional Districts. McNairy was allocated to the 8th District along with Henry, Benton, Carroll, Perry, Decatur, Hardin, Henderson and Madison Counties.
11. Acts of 1881 (Ex. Sess.), Chapter 5, fixed the number of Senators in the General Assembly of the State of Tennessee at 33 and the total of Representatives at 99, according to the enumeration of people held in 1881.
12. Acts of 1881 (Ex. Sess.), Chapter 6, permitted McNairy County to elect one Representative to the General Assembly and placed the county in the 24th Senatorial District with Hardeman County.
13. Acts of 1882 (Ex. Sess.), Chapter 27, delineated the State into ten U.S. Congressional Districts, allotting McNairy to the 8th District with Henry, Benton, Perry, Decatur, Hardin, Henderson, Madison and Carroll Counties.
14. Acts of 1891 (Ex. Sess.), Chapter 10, apportioned Tennessee according to the 1890 census count. McNairy County would elect one Representative alone, and join Chester and Hardeman Counties in the 27th Senatorial District.
15. Acts of 1901, Chapter 109, divided the State into ten U.S. Congressional Districts. McNairy,

Henry, Benton, Perry, Carroll, Decatur, Henderson, Chester, Madison and Hardin Counties all composed the 8th U.S. Congressional District.

16. Acts of 1901, Chapter 122, apportioned the State. McNairy County would elect one Representative to the General Assembly's House and share the 26th Senatorial District with Hardeman, Hardin, Decatur and Benton Counties.

## Chapter VIII - Health

### Hospital Board of Trustees

#### Private Acts of 1963 Chapter 91

**SECTION 1.** That there is hereby created and established in McNairy County, Tennessee, a Board of Trustees to be known and designated as the "McNairy County General Hospital Board of Trustees", to have full charge of the operation and maintenance of the McNairy County General Hospital in McNairy County, 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 McNairy 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 community needs.
2. Provide equipment and facilities consistent with the needs of the patients of said hospital.
3. See that professional standards are maintained in the care of the sick.
4. Coordinate professional interest with administrative, financial and community needs.
5. Provide adequate finances, by securing sufficient income and by enforcing businesslike control of expenditures.
6. Provide for the safe administration of funds entrusted to said hospital.
7. Keep adequate records of the hospital finances and activities.

The authority and responsibility of the Board of Trustees shall include, but shall not be limited to the establishment, promulgation, and enforcement of rules, regulations and policies of the hospital, the upkeep and maintenance of all property belonging to the hospital, the administration of all fiscal affairs of the hospital, the execution of all contracts, agreements and other instruments and the employment, compensation, discharge and supervision of all personnel.

**SECTION 3.** That said Board of Trustees shall be composed of seven in number, who shall serve without compensation and who shall be elected in the manner and for the term hereinafter provided, but the members of said Board may be paid their necessary expenses, incurred in the proper discharge of their duties, as members of the Board.

**SECTION 4.** That upon and after ratification of this private act, at the next July term of said Court, there shall be elected two members of said Board to serve for a period of 1 year, whose terms shall expire on the second Monday of July, 1964, and two members of said Board to serve for a period of two years, whose term shall expire the second Monday of July, 1965, and three members of said Board for a period of three years, whose term shall expire the second Monday of July, 1966, and at each succeeding July term of said Court there shall be elected successors to serve upon said Board for the members whose term expires as above stated, and who shall be elected for a period of three years, and all members of said Board at the expiration of the term of the initial members shall serve for a period of three years, and successors shall be elected three years thereafter, at the July term of said Quarterly Court in the manner hereinafter provided.

**SECTION 5.** That as the respective terms of the Trustees expire, their successors shall be elected by the County Commission of McNairy County, Tennessee, and for each position filled, the remaining Trustees shall submit one (1) nominee to the County Commission of McNairy County not less than thirty (30) days prior to the next regular meeting of the County Commission at which such election is to be held; provided, however, the County Commission by majority vote may elect a successor Trustee or Trustees not nominated by the remaining Trustees.

As amended by: Private Acts of 1990, Chapter 136

Members of the Board of Trustees shall be citizens of McNairy County, Tennessee. No person shall be a member of the board if he is:

1. An employee of the Board;
2. A member of the medical staff or a licensed doctor, physician, or a registered nurse;
3. An elected member of County Government, or a physician with the Tennessee Department of Public Health or the Department of Public Welfare, or the 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 hereinabove provided. In the event of the death or resignation of a Trustee, prior to the expiration of his term, his successor shall be elected by the Quarterly County Court, for the unexpired term, from a list of names submitted by the remaining members of the Board of Trustees in the same manner as the deceased or retiring Trustee was elected. Any Trustee shall be eligible for re-election.

**SECTION 7.** That at the first meeting of the Board of Trustees, the Board shall elect one of its members as Chairman, who shall serve for a period of two years (2), and the term of office of the Chairman of the Board shall be for a period of two years. The Board shall also elect a secretary from among its members, 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 Wednesday of each month, and such other meetings as the Board may decide, and the Board is empowered and authorized to change the date of the regular meeting of the Board, by resolution entered upon the minutes of the Board.

**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 as 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 of said hospital.

**SECTION 9.** That the Administrator employed by the Board, shall;

1. Be the chief executive officer of the hospital, subject to the by-laws, rules and regulations adopted by the Board, and shall be under control and direction of the Board of Trustees.
2. With the consent of the Board of Trustees, equip the hospital with all necessary furniture, appliances, fixtures, equipment, and needed facilities for the care and treatment of patients and for the use of the officers and employees thereof.
3. Be the purchasing agent for the hospital, and purchase all the necessary supplies in such manner as shall be determined by the Board of Trustees.
4. Have the 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, by-laws and regulations adopted by the Board of Trustees for the government, discipline and management of said hospital, and the employees and patients thereof.
5. Make such further rules, regulations, and orders, as he may deem necessary, not inconsistent with law or the rules and regulations of the Board of Trustees.
6. Under such rules and regulations, and within the limits and in the manner prescribed by the Board of 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, prescribe their duties and discharge such employees at his discretion.
7. 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 County Court of McNairy County, Tennessee, as hereinafter required.
8. Collect, or cause to be collected, and receive all monies due the hospital and such monies, when collected, shall be deposited 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 operations of the hospital shall be presented by the Administrator to the monthly meetings of the Board of Trustees.
9. Before entering upon the discharge of his duties, the Administrator shall 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. Perform such other duties as the Board of Trustees may prescribe.

**SECTION 10.** That the Board of Trustees shall fix the salary of Administrator and other employees of the hospital within the limits of funds available for the maintenance and operation of said hospital.

**SECTION 11.** That the Board of Trustees shall have the general superintendance(sic), management, and control, of said hospital, the hospital grounds, buildings, officers, and employees thereof, of the patients therein and all the matters relating to the government, discipline, contracts, and fiscal concerns thereof, and make such other by-laws, rules and regulations as may be deemed by said Board necessary for the efficient and proper management and operation of said hospital, and for the carrying out of the purpose for which said hospital was established.

**SECTION 12.** That the Board of Trustees shall have the books, records, and accounts, of the hospital audited by a reputable firm of independent Certified Public Accountants, for each fiscal year of the operation of the hospital, 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 McNairy County, Tennessee, and one copy furnished the County Judge of McNairy County.

The audit shall correctly set forth the operations of the hospital for the fiscal year.

The Board of Trustees shall annually present to the Quarterly County Court of McNairy County, Tennessee, at the July term of said Court, a report setting forth the operation of said hospital, both financially and otherwise, with such recommendations as to the financial needs of said hospital, and as to the equipment needed or improvements necessary or desirable for the efficient and proper operation of the hospital, in order to furnish the patients in said hospital the proper care and attention.

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

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

**SECTION 15.** That this Act shall have no effect, unless the same shall have been approved by a majority vote of the Quarterly County Court of McNairy County, Tennessee. Its approval or non-approval shall be proclaimed by the County Judge, countersigned by the County Court Clerk, and shall be certified by them to the Secretary of State.

As amended by: Private Acts of 1972, Chapter 221

**COMPILER'S NOTE:** The language of Private Acts 1972, Chapter 221 directs that Section 5 of Private Acts of 1963, Chapter 91 should be amended by striking out the words "two-thirds (2/3)" and inserting instead the word "majority." The words two-thirds, however, do not appear in the 1963 act until Section 15. It seems clear that a typographical error was made and the section to which the 1972 amendment refers is Section 15 and not Section 5.

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

Passed: March 11, 1963.

## Health - Historical Notes

The following summaries are included herein for reference purposes.

1. Private Acts of 1925, Chapter 324, provided that in Hardin and McNairy Counties anyone who had had two years work in an accredited medical school and eight years experience in actual practice, three years in hospital work and spent one year in the Medical Corps and is now engaged in the practice of medicine at the time of the passage of this Act in the above specified counties for five years, or more, is hereby licensed to practice medicine in those counties upon proof of the above requirements being filed with the State Board of Medical Examiners. It shall be the duty of the said Board to issue the license, as prescribed above. This Act was repealed in its entirety by Chapter 339, Private Acts of 1927.
2. Private Acts of 1925, Chapter 354, stated that anyone in McNairy, Chester and Hardeman Counties, using 1920 population figures, with good moral character, 21 years old, or more, and who had been continuously engaged in the practice of medicine in this state in either of the

counties mentioned will be permitted to practice medicine in all three counties in the same way. Upon proof of the above qualifications being filed with the State Board of Medical Examiners, the Board shall issue a license to that person to practice medicine in those counties in the same way as others do. This Act was repealed by Chapter 415, Private Acts of 1927, below.

3. Private Acts of 1927, Chapter 339, expressly repealed Chapter 324, Private Acts of 1925, in its entirety.
4. Private Acts of 1927, Chapter 415, repealed Chapter 354, Private Acts of 1925, in its entirety.
5. Private Acts of 1931, Chapter 712, stated that in McNairy County, using 1930 population figures, people 25 years of age, or older, who have attended medical school of a type recommended by the State Board for at least two years, and who has practiced medicine in conjunction with other licensed medical practitioners for at least five years, and such person is in the estimation of people qualified, upon proof of these facts, the State Board of Medical Examiners shall issue a license to practice medicine to such persons which shall be valid as all other licenses.
6. Private Acts of 1937, Chapter 627, provided that in McNairy County, any soldier of the World War with honorable discharge, with at least 12 months experience in the Medical Corps, who acted in command of a company of men as a doctor, an honor graduate of the University of Tennessee's School of Medicine in pharmacy, who has been actively engaged in prescribing and dispensing drugs, making diagnoses, and practicing medicine with regular licensed physicians for ten years, are hereby licensed to practice medicine, and the State Board of Medical Examiners shall issue the license to do so upon proof of these facts being filed with them.
7. Private Acts of 1937, Chapter 641, stated that anyone who has had at least two years experience as a pharmacist, working in the business or under the direction of a licensed medical doctor, at least 21 years of age, and of good moral character is hereby authorized to carry on the business of a pharmacist in McNairy County.

## Chapter IX - Highways and Roads

### Highway Commissioner

#### Private Acts of 1937 Chapter 242

**SECTION 1.** That in counties of this State having a population of not less than 19,900, nor more than 20,000 by the Federal Census of 1930, or any subsequent Federal Census, there is hereby created the Office of County Highway Commissioner.

As amended by: Private Acts of 1990, Chapter 171

**SECTION 2.** At the August 1990 General Election, and every four (4) years thereafter, there shall be elected by the qualified voters of McNairy County, a County Highway Department, whose term shall be for four (4) years beginning September 1 following election. The candidates for the office of County Highway Department shall possess the qualifications required by and have the powers and duties specified in the County Uniform Highway Law (Tennessee Code Annotated, Title 54, Chapter 7). The County Highway Department shall be paid the salary established in Tennessee Code Annotated, Section 54-7-106.

As amended by:

- Private Acts of 1947, Chapter 43
- Private Acts of 1953, Chapter 567
- Private Acts of 1963, Chapter 86
- Private Acts of 1965, Chapter 192
- Private Acts of 1969, Chapter 125
- Private Acts of 1972, Chapter 310
- Private Acts of 1973, Chapter 80
- Private Acts of 1990, Chapter 171

**SECTION 3.** All expenditures from the highway funds of said county shall be by means of a warrant signed by the Commissioner of Highways and drawn upon the highway funds in the hands of the County Trustee. It shall be the duty of the County Highway Department to keep a permanent record of the amount, payee, number, and consideration of each warrant so drawn by him and upon request shall furnish an itemized list of said expenditures and such other information as may be requested to the County Legislative Body. Such records shall be kept during the calendar year in which they were drawn and for the two next succeeding calendar years, during which time such record shall be open to inspection, during reasonable hours, by any interested taxpayer of said county.

As amended by: Private Acts of 1972, Chapter 310



**SECTION 3-A.** That the County Highway Department shall submit to each Quarterly Session of the County Court a full and complete report of his activities as such County Highway Department, showing in each report the amount of road funds on hand at the beginning of the quarter, together with the amount expended for labor, supplies, materials and equipment, and the amount expended on each account, together with a list of articles purchased, the number of laborers employed, the number of new miles constructed or the fractions thereof, and where located, during the quarter for which said report is made. Each of said reports shall be published by the Commissioner of Highways in some newspaper of general circulation in said County at the time it is submitted to the County Legislative Body.

The County Highway Department shall have an annual audit of all books and records of the County Highway Department made by some firm of certified public accountants prior to the regular April term of the County Legislative Body, and a copy of said audit shall be submitted to the County Legislative Body at its regular April term, beginning with the April term, 1941.

All expenses incident to publishing the said quarterly reports and the expenses of the annual audit of all books and records of the County Highway Department as hereinbefore provided, shall be paid by the County Highway Department out of the road funds coming into its hands as other obligations are paid.

As amended by: Private Acts of 1972, Chapter 310  
Private Acts of 1990, Chapter 171

**SECTION 4.** That the County Highway Department of said counties is hereby authorized to open and close and re-locate such roads as in his judgment may be necessary to provide an adequate and complete system of County Highways and for the purpose of opening or relocating the roads, the power of eminent domain is expressly conferred upon such County Highway Department. In case it becomes necessary to procure right-of-way for any road by eminent domain proceedings, the County Highway Department shall serve upon the landowner affected, if he be a resident of said county, a notice five days in advance of the proposed taking of his intent to take such lands, accompanied by a reasonable definite description of the lands sought to be taken, together with a notice that on the day mentioned in his notice that a jury of view will be concerned for the purpose of assessing the damages occasioned by such taking. It shall be the duty of the sheriff of counties to which this Act applies, upon application by such official to the County Highway Department to appoint the jury of view consisting of three persons, who shall go upon the land described in said notice, shall assess the damages occasioned by the taking thereof and shall file their report in writing in the office of the County Court Clerk of counties to which this Act applies. All damages for rights-of-way taken under this Act shall be paid out of the general county fund of said counties and shall be a definite charge there against. Any person deeming himself to be aggrieved by the action of the jury of view may have such action reviewed by petition for certiorari filed in the Circuit Court of counties to which this Act is applicable within twenty days after the filing of such report by the jury of view in the office of the County Court Clerk. However, upon the hearing in the Circuit Court upon such petition for certiorari the action of the county Highway Department in selecting the particular land to be taken shall be final but the power of the County Highway Department to condemn and the amount of damages occasioned by such condemnation shall be open to investigation by such court. Either party, upon the trial in the Circuit Court, may have a jury in the same manner as now provided by law for other civil cases. Any party aggrieved by the judgment of the Circuit Court may appeal from it to the Court of Civil Appeals and by certiorari to the Supreme Court as now provided by law for other civil cases.

As amended by: Private Acts of 1990, Chapter 171

Passed: February 16, 1937.

## Highways and Roads - Historical Notes

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

1. Acts of 1843-44, Chapter 31, Section 4, granted to George G. Adams, J.L. Rushing, and James Kerr, a franchise for a turnpike road to run from the Hardin County line near the east end of Willie Lucas' land to Purdy. They would have the right to charge toll rates for twenty years. The road must be at least 18 feet wide, kept properly maintained and drained, and clear of obstructions. William Rogers, John Linsey, and William Scratt, were appointed Commissioners to supervise the construction of the said road, inspect it at periodic intervals, and to institute the rates of toll to be charged. Anyone who crossed a gate without paying the toll was subject to prosecution and fine.
2. Acts of 1901, Chapter 136, applied to all the counties under 70,000 population, according to the 1900 census, and seemed to be the first statewide road law which served as a pattern for very numerous public and private acts for roads which followed. The County Court would divide the

County into road districts, coextensive with civil districts, and appoint one commissioner from each road district to the Commission which would exercise general supervision over all the public roads, bridges, and overseers in the county. The County Courts would decide the number of days one would work on the roads and who would be compelled to do so, and to levy a two cent tax per \$100.00 for general road purposes. This act stated all males between ages of 21 and 45 must work on the roads. There were some specifications for roads, and the procedures to open, close, or reroute roads were prescribed. Prisoners could work on roads under certain conditions of which work accurate records were required to be kept and contracts to repair as well as to build roads could be made. This act was the subject of litigation in Carroll v. Griffith, 117 Tenn. 500, 97 S.W. 66 (1906).

3. Acts of 1905, Chapter 478, amended the 1901 Act, above, in several minor particulars among them being the method for petitions to for opening, closing, and rerouting roads to be filed and acted upon.
4. Private Acts of 1923, Chapter 601, establishes a schedule of tolls to be charged for vehicles passing through toll gates on toll roads and, turnpikes, ranging from five cents for motorcycles to \$1.25 for trucks which weigh over five tons. No turnpike could have over two toll gates, and if a vehicle was not mentioned in the act, a reasonable charge would be made for its passage.
5. Private Acts of 1925, Chapter 464, seemed to be the first road law for McNairy County. The Act created a road system with Hallie Hamm and its Supervisor who would serve until his successor was elected and qualified in January, 1927. The County Court would select a Supervisor for a term of two years who with the one named herein, have charge of all the roads, bridges, levees, culverts, etc. He would classify all the roads in the county and be in charge of all the males between 21 and 50 years of age who would be working on them for at least 10 eight hour days each year. The Supervisor could obtain dirt, sand, or gravel to maintain the roads, even by eminent domain, if necessary. He could appoint foremen and overseers who would be responsible for certain sections of each road. A road tax from ten to fifty cents could be levied on each \$100 of taxable property and a privilege tax could be imposed in addition to that. Compensation was fixed for the people of this Act, purchasing procedures and limitations were prescribed and regulations made for working prisoners and penalties were provided for failure to comply with the provisions of this Act. This act was repealed by Chapter 336, Private Acts of 1937.
6. Private Acts of 1925, Chapter 563, authorized the Quarterly County Court of McNairy County, using 1920 population figures, to issue interest bearing notes, or warrants, to provide funds for highway purposes and projects which would not be in excess of \$5,000 to be issued in such a way and manner as the Court should determine, but this act shall not affect or prohibit any other bond issues.
7. Private Acts of 1927, Chapter 97, amended Chapter 464, Private Acts of 1925, Section 10, the Road Law for McNairy County, as follows "there shall be due on January 1 of each year, and shall be paid on or before the first Monday in March of each year except that in 1925 it shall be paid by May 1." The act concerned a \$5.00 vehicular payment.
8. Private Acts of 1929, Chapter 640, amended Chapter 464 of the Private Acts of 1925 in four minor instances and by authorizing the County Judge to represent the County in any dealings and negotiations with the State Department of Highways and Public Works for which all his expenses incurred thereby would be paid.
9. Private Acts of 1931, Chapter 541, amended Chapter 464, Private Acts of 1925, the then McNairy County road law, by requiring that road hands be assigned to work on the highways nearest or most convenient for them (2) by giving the County Judge or Chairman, concurrent authority with the Supervisor to classify roads, (3) by reducing the commutation charge for road bonds from \$5.00 to \$2.00, the fine for failure to comply from \$25.00 to \$5.00, and by requiring a five day notice to work on the roads be given instead of two, (4) by making the levy of a special road tax permissive instead of mandatory reducing the maximum tax limit from 50 cents to 25 cents and deleting requirement to levy a special privilege tax for the roads, and (5) by revising all the purchasing limitations and practices.
10. Private Acts of 1931, Chapter 758, stated that the State Highway Department would have and exercise full control, direction and supervision over the expenditures of all funds received by McNairy County for road purposes from the State from all sources including registration fees and gasoline taxes. The State could expend the funds itself giving the County Judge an account of the expenditures or, in its discretion, permit the road authorities of the county to spend them.
11. Private Acts of 1935, Chapter 566, amended Chapter 464, Private Acts of 1925, by rewriting Section 10 which changed the required work days for road hands to five 8 hour days and the

commutation price to \$2.50 for the five days, and a three day notice would be given to each eligible worker. The Trustee would issue distress warrants against those who elected to commute but did not pay by January 1 of the following year. The Supervisor would immediately discharge any person who was employed to work on the roads and who did his work in an unsatisfactory manner. The act also contained three more minor amendments.

12. Private Acts of 1937, Chapter 336, specifically and entirely repealed Chapter 464, Private Acts of 1925, as amended, the road law for McNairy County.

## Chapter X - Libraries

### Library Commission

#### Private Acts of 1973 Chapter 15

**SECTION 1.** A Commission is hereby created for McNairy County, to be known as the "McNairy County Governmental Library Commission." This Commission shall be composed of five members to be appointed, one by the Judge of the Circuit Court, one by the Judge or Chancellor holding the Chancery Court, one by the Judge of the County Court, and two by the President of the McNairy County Bar Association. These Commissioners are to be appointed for a term of two years or until their successors are appointed, but they shall serve without compensation and shall themselves elect a Chairman and Secretary from their members. In the event of a vacancy in the office of Commissioner by death, resignation, refusal to serve or otherwise such vacancy shall be filled for the balance of the term by the official, or his successor in office, who made the original appointment.

**SECTION 2.** The purpose of the Commission shall be to establish, acquire, maintain and operate a County Governmental Library for the assistance of the Courts, Judges, public officials, attorneys and the public of McNairy County, and the Commission shall have full power and authority to acquire by purchase, gift, loan or otherwise such law books, codes, treatises and other works of law, government, medicine, history or literature that it may deem necessary or beneficial to the Courts, public officials of the State, County or City, members of the Bar and the public for study on questions of law of Government; also, in like manner, to acquire all furniture and equipment necessary to establish, maintain and operate the County Governmental Library, together with the right to employ and discharge Librarians and assistants, if necessary, and to fix the salary of such employers, and in their discretion to make all reasonable rules and regulations governing the operation and use of the library; to lease, rent or acquire by any means other than purchase, space in which to house the County Governmental Library provided space in the Court House or other public building is insufficient, but so long as sufficient space can be given in the Court House or other public buildings of the County, this space shall be furnished to the library without charge. All books, furniture, and equipment purchased or acquired for the library, other than by loan, shall become the property of McNairy County. If necessary to provide sufficient operating funds for this library the Commission is empowered to fix, assess and collect reasonable dues for its use from all persons using the Library except Judges or other public officials.

**SECTION 3.** For the purpose of financing the County Governmental Library, there shall be taxed, as costs, in each suit, civil, or criminal in the Court of General Sessions of McNairy County and of each suit, criminal, civil, or equitable, now pending or hereafter filed in or arising in any court of record in McNairy County in which a litigation tax is now charged and collected, the sum of one dollar. The costs taxes in pursuance of this section shall be collected as other costs in such cases are collected and the same shall be designated "County Governmental Library Tax." On or before the last day of each month the clerks of the respective courts shall pay to the County Trustee all amounts collected as County Governmental Library Tax in the preceding calendar month. The sum paid to the County Trustee shall be designated "County Governmental Library Fund," and used only for the purposes set out in this act. On approval of the majority of the Commission the Chairman and Secretary shall draw warrants on the County Trustee for expenditures of the Commission, indicating on each warrant the fund against which it is drawn, and the County Trustee is hereby authorized and directed to make payment out of this fund upon the presentation of warrants so issued in compliance with the provisions of this Act.

**SECTION 4.** All dues, charges and other funds received by the McNairy County Governmental Library Commission directly shall be paid into the office of the County Trustee in a like manner, and at like times, as money collected hereunder shall be paid by the Clerks of the various Courts to said County Trustee.

**SECTION 5.** The Commission shall keep written minutes of its meetings, at which meetings a majority of the Commission then serving shall constitute a quorum for the transaction of business, and shall keep a

record of all money received and disbursed, purchases, loans or destruction of books and other property, and a proper inventory with reasonable accuracy.

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

**SECTION 7.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of McNairy County before December 31, 1973. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly County Court of McNairy County and certified by him to the Secretary of State.

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

Passed: March 8, 1973.

## Chapter XI - Parks and Recreation

### Shiloh Park

#### Acts of 1895 Chapter 77

WHEREAS, The Congress of the United States has by an act, approved December 27, 1894, appropriated seventy-five thousand dollars for the purchase of the battlefield of Shiloh, in the State of Tennessee, and for beginning the establishment of a National Military Park thereon, where the history of all military organizations engaged in that battle is to be impartially preserved by tablets and monuments, and where all the States which had troops in the engagement are to have equal rights and recognition:

**SECTION 1.** That upon the acquisition of title by the United States, through the payment of such sum as may be agreed upon with the respective owners, or fixed by the decree of any court which may have proper and legal jurisdiction of the matter, the jurisdiction of the State of Tennessee over the said tract thus acquired, its lands and roads, is hereby ceded to the United States for the purposes set forth in said Act of Congress, approved December 27th, 1894, establishing the said Shiloh National Military Park--that is to say, over a tract situated in Hardin County, or in Hardin and McNairy Counties, in the State of Tennessee, or over so much thereof as the commissioners of the park may deem necessary to acquire, to wit: Beginning at low water mark on the north bank of Snake Creek, where it empties into the Tennessee River; thence westwardly in a straight line to a point where the river road to Crump's Landing, Tennessee, crosses Snake Creek; thence along the channel of Snake Creek and Owl Creek; thence along the channel of Snake Creek to Owl Creek; thence along the channel of Owl Creek to the crossing of the road from Hamburg to Purdy; thence southwardly in a straight line to the intersection of an east and west line drawn from the point where the road to Hamburg, Tennessee, crosses Lick Creek, near the mouth of the latter; thence eastward along the said east and west line to the point where the Hamburg road crosses Lick Creek; thence along the channel of Lick Creek to the Tennessee River; thence along low water mark of the Tennessee River to the point of beginning, and such other lands contiguous thereto as the said park commissioners may consider it necessary to acquire; Provided, that this cession is upon the express condition that the State of Tennessee shall so far retain a concurrent jurisdiction over said lands and roads, as that all civil and criminal processes issued under the authority of the State of Tennessee, may be executed thereon in like manner as if this Act had not been passed.

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

Passed: April 26, 1895.

## Chapter XII - Law Enforcement

### Law Enforcement - Historical Notes

#### **Sheriff**

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

1. Private Acts of 1915, Chapter 503, authorized the Sheriff of McNairy County, using 1910

population figures, to be paid \$200 annually as ex-officio fees which would be in addition to all the other fees and emoluments of his office. The money would be paid out of county funds on the warrant of the County Judge, or Chairman.

2. Private Acts of 1919, Chapter 551, fixed the annual salary of the Sheriff of McNairy County at \$500 provided he filed an annual, sworn, itemized statement with the County Judge, or Chairman, showing the total amount of fees collected in his office. If the fees failed to equal the salary herein, the County would pay him the difference.
3. Private Acts of 1921, Chapter 277, allowed the Sheriff of McNairy County, population figures of 1920 being used, to draw a salary of \$500, to be paid quarterly out of the county treasury, which sum would be in addition to all other fees and income in his office.
4. Private Acts of 1925, Chapter 490, raised the salary of the McNairy County Sheriff from \$500 to \$900 per year, plus all the fees and income of his office. The above sum would be paid quarterly out of the regular county funds upon the warrant of the County Judge, or Chairman.
5. Private Acts of 1931, Chapter 677, amended Chapter 490, Private Acts of 1925, above, Item 4, by increasing the annual payment to the Sheriff thereunder from \$900 to \$1,200, all other terms and conditions to continue as they were.
6. Private Acts of 1949, Chapter 62, set the annual salary of the Sheriff of McNairy County, population figures of 1940, at \$3,600 per year, plus all the fees of the office, this amount being payable at the rate of \$300 per month.

## Chapter XIII - Taxation

### Litigation Tax

#### Private Acts of 1981 Chapter 104

**SECTION 1.** There is hereby imposed a litigation tax on the privilege of litigating a civil or criminal action in the courts of McNairy County. The tax shall be levied on those actions and in the same amount as specified in item 60 of Tennessee Code Annotated, Section 67-4203.

**SECTION 2.** The litigation tax provided in Section 1 shall be collected by the clerks of the various courts in which the actions are disposed of; and such clerks shall pay over the revenue generated by such litigation taxes to the county trustee every quarter and such revenue to be paid by the tenth (10th) of the month immediately following the end of the quarter in which such collections were made by the clerks.

**SECTION 3.** There is hereby created a special fund to be known as the "Courthouse Improvement and Maintenance Fund". The Trustee of McNairy County shall deposit the litigation taxes collected under the provisions of this act into such fund. Such fund shall be subject to appropriations by the county legislative body for the purpose of improvements and maintenance of the McNairy County Courthouse.

**SECTION 4.** As used in this Act, unless the context requires otherwise: "cause of action" or "action" includes all ex parte hearings, advisory hearings and contested proceedings in the enumerated courts.

**SECTION 5.** If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not effect 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 6.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of McNairy County before October 1, 1981. 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 7.** For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 7.

**COMPILER'S NOTE:** An error appears to have occurred in Section 7 where the act is said to become effective upon being approved as provided in Section 7. However, the provision for the act becoming effective occurs in Section 6.

Passed: April 16, 1981.

# 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 McNairy County Assessor. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1885, Chapter 141, stated in the preamble that John Kirby was tax collector for McNairy County in 1869 and obtained his releases from the County Court for all the taxes he collected. However, in the Court's Minute Book only the aggregate sum was given, nothing being itemized. The State sued and obtained a judgment for \$10,455.75 and proceeded against Kirby's sureties to collect the judgment. Kirby and his sureties are all insolvent, so, this Act releases R. F. Beard, administrator for Kirby, R. M. Thompson, J. L. W. Boatman, M. V. Peeples, and W. T. Muse of all liability on their bonds if court costs and attorney fees were paid.
2. Private Acts of 1911, Chapter 411, amended the Public Acts of 1907, Chapter 602, so as to set the salary of the County Tax Assessor for McNairy County, which was listed among many other counties doing the same thing, at \$800 annually.
3. Private Acts of 1921, Chapter 94, was carried in the Index as applying to McNairy County but the original act, Chapter 9, Private Acts of 1919, which this act amends, was passed for a county between 21,000 and 21,100 population, Federal Census of 1910, which would not include McNairy County, but would include McMinn County. The Act amended concerned the Delinquent Poll Tax Collector.
4. Private Acts of 1921, Chapter 276, set the salary of the Tax Assessor of McNairy County at \$1,000 annually, using 1920 population figures, as full compensation for the work done which would be paid out of the county treasury. Chapter 602, Public Acts of 1907, and Chapter 411, of Private Acts of 1911, were both repealed insofar as either one might conflict with this Act.
5. Private Acts of 1929, Chapter 609, created the position of Delinquent Poll Tax Collector for McNairy County. He would be elected by the County Court initially for one year and then for two year terms thereafter. Horace G. Abernathy was named as the first Delinquent Poll Tax Collector. The person filling the job must be 21 years old, a citizen of the County for one year preceding the appointment and must enter into a \$2,000 bond. He could be removed by the County Court and was paid \$1.00 for each delinquent poll tax collected. He would have all the powers of collection now enjoyed by the Trustee. He could appoint deputies but they must be paid out of his allowances. He was authorized to examine records and payrolls in the county, to conduct hearings and summon witnesses.
6. Private Acts of 1945, Chapter 147, fixed the compensation of the Tax Assessor of McNairy County at \$1,800 per year as full compensation for his services as Tax Assessor to be paid out of the County treasury as now provided by law.
7. Private Acts of 1951, Chapter 684, set the salary of the Tax Assessor at \$2,400 a year, payable monthly out of the county treasury.
8. Private Acts of 1953, Chapter 78, amends Chapter 684, Private Acts of 1951, by raising the salary of the Tax Assessor from \$2,400 to \$3,000 annually, payable monthly.

## **Taxation**

The following is a listing of acts pertaining to taxation in McNairy County which are no longer effective.

1. Acts of 1829, Chapter 110, stated that the County Court of McNairy County would at its regular meeting levy a tax, not to exceed the State and County tax, in order to use the proceeds thereof to complete the construction of the court house at Purdy. It was the duty of the Sheriff to collect this tax.
2. Public Acts of 1907, Chapter 602, provided a more just and equitable law for the assessment and collection of revenue for State, County, and municipal purposes. The Act declares which property is exempt from taxation and how assessments shall be made.
3. Private Acts of 1927, Chapter 237, amended Chapter 602, Public Acts of 1907, above, in Section 48, by using the population figures of 1920, to exempt several counties from its provisions and McNairy County was among them.
4. Private Acts of 1961, Chapter 178, set a special privilege tax, or wheel tax, of \$5.00 per year on all motor driven vehicles except tractors and motor bikes and scooters. The act applied to

residents of the county only and not to state highways and roads. It would be a misdemeanor not to comply with the Act. The County Court Clerk would sell them at the same time the State tags were sold for which he would get 15 cents per tag. The funds derived would be used exclusively for educational purposes, and 30% of the total amount would be for school buses. This Act, however, was rejected by the Quarterly County Court and under the Home Rule Amendment to the Tennessee Constitution, never became a law.

5. Private Acts of 2000, Chapter 150, levied a privilege tax on the occupancy of any rooms, lodgings or accommodations furnished to transients for a consideration in McNairy County. This act was repealed by Private Acts of 2001, Chapter 41.
6. Private Acts of 1992, Chapter 221, levied a privilege tax upon motor-driven vehicles, motorcycles, and motor-driven bicycles and scooters in McNairy County. This act was repealed by Private Acts of 2013, Chapter 16.

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