



March 10, 2025

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# Chapter I - Administration

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

Sincerely,

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## Chapter I - Administration

### Alcoholic Beverages - Beer

#### Private Acts of 1949 Chapter 703

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

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

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

**SECTION 4.** That the provisions of this Act are hereby declared to be severable: and that if any section, provision, exception, sentence, clause, phrase, or part of this Act be held unconstitutional or void, the remainder of the Act shall continue in full force and effect, it being the legislative intent now hereby declared that this Act would have been adopted even if such unconstitutional or void matter had not been included in the same.

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

Passed: April 12, 1949.

### Building Permits

#### Private Acts of 1974 Chapter 167

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

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

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

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

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

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

Passed: January 16, 1974.

## County Attorney

### Private Acts of 1945 Chapter 350

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

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

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

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

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

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

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

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

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

Passed: February 21, 1945.

## County Legislative Body

### Justices of the Peace

### Private Acts of 1965 Chapter 102

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

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

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

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

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

Passed: March 1, 1965.

## Private Acts of 1976 Chapter 246

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

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

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

Passed: March 10, 1976.

## Nepotism Policy Act

### Private Acts of 1985 Chapter 27

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

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

(1) "Governmental entity" means any Haywood County agency, authority, board, commission, department, or office within the executive, judicial branch or legislative branch of county government or any autonomous Haywood County agency, authority, board, commission, department, office;

(2) "Relative" means a parent, foster parent, parent-in-law, child, spouse, brother, foster brother, sister, foster sister, grandparent, grandchild, son-in-law, brother-in-law, daughter-in-law, sister-in-law, or other family member who resides in the same household;

(3) "County employee" means any person who is employed by any county governmental entity of Haywood County.

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

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

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

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

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

**SECTION 7.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Haywood County before September 1, 1985. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

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

Passed: March 18, 1985.

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

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

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

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

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

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

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

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

As amended by: Public Acts of 1974, Chapter 415

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

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

As amended by: Public Acts of 1974, Chapter 415

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

As amended by: Public Acts of 1974, Chapter 415

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

As amended by: Public Acts of 1974, Chapter 415

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

Passed: March 11, 1959.

## Removal of Abandoned Property

### Private Acts of 2001 Chapter 45

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

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

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

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

condition;

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

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

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

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

(d)

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

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

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

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

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

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

Passed: May 17, 2001.

## Administration - Historical Notes

### **Alcoholic Beverages - Beer**

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

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

### **County Clerk**

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

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



responsibilities as were conferred upon those in like positions.

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

### **County Mayor**

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

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

### **County Legislative Body**

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

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

### **County Register**

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

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

### **County Trustee**

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

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

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

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

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

## **General Reference**

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

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

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

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

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