



December 20, 2024

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# Chapter I - Administration

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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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# Chapter I - Administration

## Building Permits

### Private Acts of 1992 Chapter 205

**SECTION 1.** No person shall erect or have erected, constructed or reconstructed any building or structure in Weakley County, or no person shall alter or have altered any existing building or structure in Weakley County where the value of such alteration will exceed the sum of five thousand dollars (\$5,000) without first applying to the county trustee of Weakley County for a building permit for such erection, construction, reconstruction or alteration. As used in this act, "building" or "structure" includes any modular structure or manufactured structure.

No person shall place, locate or cause to be placed or located any mobile home or trailer in Weakley County regardless of the value of the mobile home or trailer without first applying to the county trustee of Weakley County for a building permit for such placement or location.

Such application shall be in a form to be prescribed by the county trustee and shall contain the following information:

- (1) Whether the proposed work is to be new construction or the alteration of an existing structure;
- (2) The location or address of the proposed construction or alteration;
- (3) The identity of the owner or owners of the premises;
- (4) The estimated cost of the completed structure in the case of new construction, or in the case of alteration of an existing structure, the estimated value of such structure before and after such alteration; and
- (5) Such other information as the director of emergency services shall prescribe.

Upon proper application, duly filed, the county trustee shall then issue a building permit and shall take note of the fact of such erection, construction, reconstruction or alteration for the tax records.

As amended by Private Acts of 1999, Chapter 6.

As amended by Private Acts of 2021, Chapter 22.

**SECTION 2.** This act shall not apply to the erection, construction, reconstruction or alteration of buildings or other structures in cities requiring permits for the same, providing that copies of such permits are made available to the office of the county assessor of property.

As amended by Private Acts of 1999, Chapter 6.

As amended by Private Acts of 2021, Chapter 22.

**SECTION 3.** The county trustee shall collect a fee for the issuance of each building permit. The amount of the fee shall be twenty-five dollars (\$25.00). The proceeds of the building permit fee shall be deposited in the highway fund of Weakley County.

As amended by Private Acts of 1999, Chapter 6.

As amended by Private Acts of 2021, Chapter 22.

**SECTION 4.** No electric, gas or water service shall be provided for any building or other structure to which this act applies until the building permit as required herein has been obtained, and it shall be unlawful for any person, corporation, municipality, cooperative or other agency to make, assist in making or permit to be made any connection which provides such electric, gas or water service until the required permit has been obtained.

**SECTION 5.** When there is reason to believe that any violation of any of the provisions of this act is about to occur, is occurring or has occurred, the county attorney may institute proceedings in the appropriate court for injunctive relief to prevent continuance of such violation. In the event injunctive relief is granted in favor of the county, the court granting such relief may award the county all of its expenses incurred in enforcing this act, including reasonable attorney fees, all of which expenses and fees shall be a civil penalty in addition to the injunctive relief granted by the county.

**SECTION 6.** If any person shall erect or have erected, constructed or reconstructed any building or structure or shall alter or have altered any existing building or structure or shall place or locate any mobile home or trailer in Weakley County without payment of the fee set forth in Section 3 hereof, then the fee shall constitute a lien on the real property and the lien shall be collected on the first assessment role prepared subsequent to such erection, construction, reconstruction of any building or alteration of any existing building or structure in the same manner and at the same time as other real property taxes in

Weakley County.

**SECTION 7.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act declared to be severable.

**SECTION 8.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Weakley County. Its approval or nonapproval shall be proclaimed by the county executive of Weakley County and certified to the Secretary of State.

**SECTION 9.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. Upon being approved as provided in Section 8, for all other purposes it shall become effective on July 1, 1992.

Passed: April 13, 1992

## County Attorney

### Private Acts of 1951 Chapter 559

**SECTION 1.** That the office of County Attorney, for all counties in this State of Tennessee having a population of not more than 29,550 and not less than 29,470 according to the Federal Census of 1940, or any subsequent Federal Census, be, and the same is hereby created. That said County Attorney shall be elected by the Quarterly County Court at its regular April, 1951, session, who shall hold office until the first Monday in January, 1952, or until his successor is elected and qualified. That on the first Monday in January, 1952, and annually thereafter the Quarterly County Court shall elect a succeeding official for said office for a term of one year, or until his successor shall be duly elected and qualified in accordance with the provisions hereof, provided that no person shall be elected to said office of County Attorney unless he is a duly licensed attorney.

The said County Attorney before entering upon the duties of his office shall subscribe to the following oath before some officer authorized to administer oaths, to-wit: "I, \_\_\_\_\_ do solemnly swear (or affirm) that I will support the Constitution of the United States and the State of Tennessee, and that as County Attorney for the County of \_\_\_\_\_, State of Tennessee, which office I am about to assume, I will perform all the duties of said office as provided by law, to the best of my skill and ability. So help me God."

This oath, together with a written memorandum of the County Judge or Chairman, showing his election shall be filed with the County Court Clerk of the County, and it shall be the duty of the said County Court Clerk to spread the same upon the minutes of the Court.

**SECTION 2.** That the salary of said County Attorney shall be not less than One Thousand and Two Hundred Dollars (\$1,200.00) per annum, payable in twelve (12) equal monthly installments on the first day of each and every month following his election, during his term of office and until his successor is duly elected and qualified, payable out of the general funds of the County upon warrant of the County Judge or Chairman or any other official authorized and empowered to draw warrants upon the general funds of the County, directed to the County Trustee.

As amended by: Private Acts of 1975, Chapter 108

**SECTION 3.** That the County Judge is hereby authorized and empowered to employ additional attorney or attorneys in any case or cases where the County is a party to a suit filed in any of the courts, when it shall appear to him, that there is extra, unusual and out of the ordinary litigation and matters requiring an unusual amount of work and time, or of great length and duration, or for work and services which would not be reasonably deemed, considered or contemplated to be the usual and ordinary work or duties of a County Attorney. In such case or cases where additional attorney or attorneys are employed to assist the County Attorney, the Quarterly County Court shall fix the compensation for such additional attorney or attorneys. Provided, however, that in matters requiring an unusual amount of work and time and which could not reasonably be considered as the usual and ordinary work of the County Attorney, the County Judge may employ the County Attorney or any other attorney. If the County Attorney is employed in such matters, then he shall receive compensation for his services which shall be in addition to his regular salary as County Attorney.

As amended by: Private Acts of 1975, Chapter 108

**SECTION 4.** That the duties of the County Attorney shall be to give and render legal aid and advice to all the County Officials and their duly appointed or employed deputies or employees, and members of the Quarterly County Court in matters relating to their official work and official duties, to transact the usual

legal business of the County, in court or otherwise, to meet with the Quarterly County Court at its sessions, and to aid and give legal advice and render legal services to its duly appointed Committees and representatives, and to render such other services in behalf of the County as may reasonably be deemed and construed to be the usual, customary and ordinary duties of a County Attorney, such as the drawing of contracts or passing on, approving or rejecting such instruments and conveyances to and from the County, and to appear for and in behalf of the County in hearings, proceedings, suits, causes and matters affecting the County or its interests, wherever and whenever such matters, proceedings, causes, suits or hearings may be held or pending, when properly instructed or requested so to do by the County Judge or Chairman of said county or counties or the officials of the county acting within the scope of their authority. Nothing in this act shall be construed as requiring the County Attorney to serve as delinquent tax attorney, nor shall the County Attorney be precluded from serving as delinquent tax attorney in accordance with the general law as an employment separate and apart from his or her duties as County Attorney.

As amended by: Private Acts of 1995, Chapter 13

**SECTION 5.** The several clauses and parts of this Act are mutually independent of each other, and if any part of this Act should be declared unconstitutional, void, or invalid, no other part of this Act shall be affected thereby.

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

**SECTION 7.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 13, 1951.

## Electric Power Board

### Private Acts of 1959 Chapter 373

**SECTION 1.** That notwithstanding the provisions of any other law, the Board of the Electric System of Weakley County, Tennessee, from and after April 1, 1965, shall be composed as follows: The County Court of Weakley County may appoint seven (7) members, five (5) of said members shall be persons from among the property holders of Weakley County and have resided therein for not less than one (1) year next preceding the date of such appointment. Two (2) of those so appointed need not be property holders and residents of Weakley County, but must be and have been a customer of the Electric System owned and operated by said County. Should any such non-resident member so appointed cease to be a customer of such Electric System, he shall thereby vacate such office, and a successor may be appointed as herein provided to fill such vacancy.

As amended by: Private Acts of 1965, Chapter 78

**SECTION 2.** That any new appointees and the successors to retiring members so appointed shall be appointed for a term of four (4) years. In addition to the members so appointed, the County Court may designate a member of said Court to serve as an eighth (8th) member of the Board. The term of such member so appointed from the County Court shall be for such time as the said Court may fix, but in no event to extend beyond his term of office as a member of the Court.

As amended by: Private Acts of 1965, Chapter 78

**SECTION 3.** That nothing in this Act shall be construed to take away from the Electric Board any rights or relieve it of any of the obligations provided by the Municipal Electric Plant Act, Chapter 15, Title 6, Tennessee Code Annotated.

As amended by: Private Acts of 1965, Chapter 78

**SECTION 4.** That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of the Quarterly County Court of Weakley County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Weakley County Quarterly Court, and shall be certified by him to the Secretary of State.

As amended by: Private Acts of 1965, Chapter 78

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

Passed: March 20, 1959.

## Flood Control - Drainage

# Northwest Tennessee Development Agency

## Public Acts of 1967 Chapter 345

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

**SECTION 1.** That it is hereby created and established the Northwest Tennessee Development Agency, being a public body corporate and politic, and for the purpose of this Act it will be hereinafter referred to as the "Agency". The Agency is created for the purpose of developing the effectuating plans and programs for comprehensive development, including the control and development of the water resources of the Big Sandy River, West Sandy Creek, Middle Fork of the Obion River, the combined Middle Fork and South Fork of the Obion River from that point of confluence to the point of confluence with the Rutherford Fork of the Obion River, the Middle Fork, South Fork, and Rutherford Fork of the Obion River from the points of their confluence to their subsequent confluence with the North Fork of the Obion River, and of the Obion River proper from such point of its confluence with the Mississippi River, located in Benton, Henry, Obion, and Dyer Counties, Tennessee, and for the purpose of planning, developing, and constructing a fresh water canal, with the necessary lakes, locks, and dams in the watershed of and along the waters of the aforesaid rivers and creeks, and for the purpose of intergrating plans, programs, and development activities with the overall development of the area described.

**SECTION 2.** That the organization of the Agency shall be as follows: (1) The Agency shall be governed by a Board of Directors consisting of eleven (11) members.

(2) The Quarterly County Court of each of the above-named counties shall nominate by majority vote two (2) candidates for each directorship from the county. Candidates shall include persons active in municipal, industrial, agricultural, commercial, and citizen organizations, such as the Northwest Tennessee Development Agency, active in promoting comprehensive unified development of the resources and economic growth of the watershed area of the aforesaid rivers, creeks, and tributaries. The presiding officer of the governing body of each county shall certify such nominations to the Governor, who shall appoint from the nominations from each county one from each group of the two (2) nominated for each directorship. From the above, the Governor shall appoint one for a term of two years, one for a term of four years, one for a term of six years, and one for a term of eight years. However, such terms shall continue in all event until successors are appointed. Successors shall be appointed for terms of eight years. In the event of a vacancy on the Board, the Governor shall appoint a successor for the remainder of the unexpired term.

(3) The Governor shall appoint a resident of one of the aforesaid counties as the eleventh (11) Director, to serve as such Director during the Governor's term of office.

(4) The County Judges of Benton, Henry, Weakley, Obion, and Dyer Counties shall be ex-officio members of such Board of Directors.

(5) The situs and place of business of the body corporate and politic, or Agency, herein created, shall be at Dresden, in Weakley County, Tennessee.

(6) Upon the completion of its membership, the appointees and those designated as ex-officio members shall meet and organize at Dresden, Tennessee, electing a Chairman, Vice- Chairman, and Secretary-Treasurer, and set a regular time and place for the meetings of the Board.

(7) Directors shall serve without compensation, except reimbursement for actual traveling expenses and other necessary expenses incurred in the performance of their official duties, such expenses to be reimbursed from such funds as may be available to the Agency.

**SECTION 3.** That the powers, duties, and functions of the Agency shall be as follows:

(1) General

(a) Perpetual succession in corporate name.

(b) Sue and be sued in corporate name.

(c) Adopt, use, and alter a corporate seal, which shall be judicially noticed.

(d) Enter into such contract and cooperative agreements with the Federal, State, and local governments, with agencies of such governments, with private individuals, corporations, associations, and any other organizations as the Board may deem necessary or convenient to enable it to carry out the purpose of this Act.

(e) Adopt, amend, and repeal by-laws.

(f) Appoint such managers, officers, employees, attorneys, and agents as the Board deems necessary for the transaction of its business, fix their compensation, define their duties, require bonds of such of them as the Board may determine. Salary of any such employees may be paid out of such funds as may be available to the Agency from any source.

(2) Formulation and Execution of Development Plans

The Agency is authorized to:

(a) Investigate the resources of the watershed areas of the Big Sandy River, West Sandy Creek, Middle Fork of the Obion River, the combined Middle Fork and South Fork of the Obion River from their point of confluence to the point of confluence with the Rutherford Fork of the Obion River, the Middle Fork, South Fork, and Rutherford Fork of the Obion River from the point of their confluence to their confluence with the North Fork of the Obion River, and of the Obion River proper from such point to the point of its confluence with the Mississippi River, and determine the requirements for their full development, and for the control and development of the watershed areas thereof, including, but not limited to, the building and constructing of a fresh water canal for the purpose of water transportation between the Tennessee and Mississippi Rivers, and for the further purpose of furnishing large quantities of water for manufacturing and industrial purposes, and for the better development of the economy of the general area.

(b) Develop and carry out a unified comprehensive program of resource development for the economic growth of the area. These plans shall be consistent with plans for state-wide economic development.

(c) In making such investigations and in formulating development plans, to seek and utilize the assistance of appropriate Federal, State, and local agencies and of private citizens and citizen organizations interested in the conservation and development of the resources of the area.

(d) Provide, develop, and help as appropriate the needed and feasible cooperative arrangements for the construction of water control structures, channel improvements, and facilities for navigation, drainage, irrigation, water conservation and supply, industrial development, recreation, and land improvement as a part of its comprehensive plans and, in aid of such activities, to accept loans and grants, or other assistance, from Federal, State, and local governments, or from the agencies of such governments.

(e) Arrange with any city, county, municipality, or supplier of utilities for the abandonment, relocation, or other adjustment of roads, highways, bridges, and utility lines.

(f) To particularly arrange and develop plans with the Corp of Engineers of the United States Army, Department of Defense, for the surveying, locating, and constructing of a navigable canal, on and along the aforesaid rivers and creeks, from the confluence of the Big Sandy River with the Tennessee River, over, through, and along the waters of the Big Sandy River, West Sandy Creek, Middle Fork of Obion River, and the combined waters of the Middle Fork, South Fork, Rutherford Fork of the Obion River to their confluence with the North Fork of the Obion River, and the Obion River proper to its confluence with the Mississippi River, so as to afford opportunity for the economic development of such areas.

(g) To arrange, develop, and make all necessary contracts and agreements with the Middle Fork Obion River Watershed District, of Henry and Weakley Counties, Tennessee, and with any and all other watershed districts within the aforesaid areas, or that may hereafter be created within such areas, or created on a tributary of any of the streams, hereinabove set out, which might be affected by the projects contemplated for this Agency.

(3) Land Acquisition:

(a) To acquire by purchase, lease, gift, or in any manner other than by condemnation, property of any kind, real, personal, or mixed, or any interest therein, which the Board deems necessary or convenient to the exercise of its powers or functions, provided, that acquisition by condemnation shall be limited to land, rights in land, including leaseholds and easements, and water rights, in, on, and adjacent to the watershed areas of the above-named rivers, streams, and creeks, that the Board deems to be necessary to the control and optimum development of the aforesaid rivers, streams, and creeks, and their tributaries. The amount and character of interest in land, rights in land, water rights to be acquired within any of these boundaries shall be determined by the Board of Directors and its determination shall be conclusive. The Agency's power of eminent domain may be exercised under Sections 23-1401 through 23-1425, Tennessee Code Annotated and any amendments thereto, or pursuant to any other applicable statutory provisions, now in force or hereafter enacted, for the exercise of the power of eminent domain; provided, that where condemnation proceedings become necessary

the Court in which any such proceedings are filed shall, upon application of the Agency, and upon posting of a bond with the Clerk of the Court in such amount as the Court may deem commensurate with the value of the property, order that writ of possession shall issue immediately or as soon, and upon such terms as the Court in its discretion may deem proper and just. The Agency is exclusively authorized to acquire by condemnation or otherwise and hold for resale to private or other industrial organizations waterfront land that it determines to be suitable for industrial or other appropriately planned uses, and such acquisition is

hereby declared to be for the public purpose of the State's industrial development and for the increase of industrial development opportunities.

**(4) Management and Operation:**

- (a) Enter into contracts with municipalities, corporations, or other public agencies, or political subdivisions of any kind, or with others for the sale of water for municipal, domestic, agricultural, or industrial use of or any other services, facilities, or commodities that the Agency may be in a position to supply.
- (b) Develop reservoirs and shoreline lands for recreational use and provide for their operation for this purpose directly or by concessionaires, lessees, or vendees, or shoreline lands.
- (c) Sell or lease shoreline lands acquired in connection with the development of the watershed areas of the above-named rivers, streams, and creeks or the tributaries thereof, and included within the area suitable to be developed by the Agency, for uses consistent with the Agency's development plan and subject to such restrictions as the Agency deems necessary for reservoir protection and to such requirements as to: (1) character of improvements and activities, and (2) time within which such improvements or activities shall be undertaken as the Agency deems appropriate to its overall development plan.
- (d) Acquire or operate shoreline lands of reservoirs owned by the United States of America as the agent of the Federal agency having custody and control thereof under appropriate agreements with such agencies.
- (e) Acquire, construct, or operate such other facilities or works of improvement as are necessary to effectuate the plans for comprehensive development of the area.
- (f) To enter into contracts and agreements with The Tennessee Valley Authority, an agency of the United States Government, for the purpose of constructing facilities and works within the area embraced in this Act, including, but not limited to, the development of hydro-electric dams for the purpose of manufacturing electrical powers.

**SECTION 4.** That the Agency shall be authorized and have the authority with respect to finances as follows:

**(1) Financing**

- (a) Issue its bonds from time to time in an amount not to exceed a total of Ten Million Dollars (\$10,000,000) for the purpose of paying in whole or in part the cost of the acquisition of necessary land or interests therein and the development of the resources of the above-named rivers, streams, and creeks, and expenses incidental thereto;
- (b) Secure such bonds by a pledge of all of any of the revenues which may now or hereafter come to the Agency from any source, by a mortgage or deed of trust of the Agency's land or any part thereof, or by a combination of the two; and
- (c) May make such contracts in the issuance of such bonds as may be necessary to assure the marketability thereof.

**SECTION 5.** That the various counties, towns, and incorporated municipalities within the five above-named counties sought to be improved by this Act:

- (1) To contribute to the work of the Agency any amount or amounts of money that their respective governing bodies, acting in their sole discretion, shall approve to be paid from the general fund of the respective county or city. Quarterly County Courts and governing bodies of such cities or towns shall be empowered to levy and collect ad valorem taxes for such purposes, which are hereby declared to be for municipal and county public purposes.
- (2) To issue their bonds as provided for counties in Sections 5-1101 through 5-1125, Tennessee Code Annotated, and for municipalities in Sections 6-1601 through 6-1632, Tennessee Code Annotated, to obtain funds for the financing of public works by the Agency, or to secure advances made by Federal agencies for the construction of public works in the above named rivers, streams, and creeks pursuant to cooperative agreements with the Agency.

**SECTION 6.** That the Board of Directors of the Agency shall report annually to the Governor of the State of Tennessee and shall likewise report annually to the governing bodies of the various Counties, towns, and incorporated municipalities of the area. Such reports shall include statement of financial receipts and expenditures, and a summary of all activities and accomplishments for the period and proposed plans for the next year.

**SECTION 7.** That all agencies of the State of Tennessee are hereby authorized and directed to extend their cooperation and lend assistance to the Agency in the formulation and implementation of a development program.

**SECTION 8.** That for purpose of coordinating its activities with the needs and undertakings of other local organizations and groups, the Board of Directors may establish an advisory board consisting of the



Chairman of the Agency Board (who shall be chairman of the Advisory Board), and of sufficient members to represent adequately so far as possible industry, commerce, agriculture, the general public, any official planning and developmental bodies in the locality, and organized citizen groups working for the development of the aforesaid rivers, streams, creeks, and tributaries.

**SECTION 9.** That there is hereby appropriated out of the Treasury of the State of Tennessee to the Agency created by this Act, the sum of Ten Thousand and no/100 Dollars (\$10,000) for the purpose of aiding in the organization and development of the programs initiated and proposed by the Board of Directors of the Agency, and particularly to promote the building of a fresh water transportation canal, including lock and dams, as defined and set forth in this Act, by the Corp of Engineers, United States Army, Department of Defense, and of the building and construction of dams, reservoirs, and other necessary facilities for the production of hydro-electric power by the Corp of Engineers, The Tennessee Valley Authority, or any other agency of the Federal Government, or of the State of Tennessee, under the authority of the "State Rural Electrification Authority Law," the same being Sections 65-2301 through 65-2323, Tennessee Code Annotated, or the Tennessee Rural Electrification Authority, when and if organized by authority of Sections 65-2301 through 65-2323, Tennessee Code Annotated, provided, however, that the funds or portions thereof, so appropriated, shall be paid out only upon a voucher approved by the member of the Board of Directors appointed by the Governor under the terms of this Act and subject to the approval of the Governor.

**SECTION 10.** 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 11.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: May 25, 1967.

## 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.

## Repeal of Obsolete Acts

## Private Acts of 1975 Chapter 97

**SECTION 1.** The following private and public acts or parts of acts applicable solely to Weakley County are hereby repealed: Chapter 124, Acts of 1844 relative to an authorization for revenue commissioners for Weakley County to settle certain accounts of the trustee of said county; Chapter 247 of the Acts of 1852 relative to the unexpended balance of funds appropriated for improvement of the Obion River; Chapter 15 of the Acts of 1875 relative to the appointment of additional notary publics; Chapter 170 of the Acts of 1879 relative to the appointment of two additional notaries public for Weakley County; Chapter 157, Private Acts of 1909 relative to the Sharon Special School District; Chapter 35, Private Acts of 1913 relative to the Sharon Special School District; Chapter 274, Private Acts of 1919 relative to women as deputy clerks; Chapter 688, Private Acts of 1919, relative to the compensation of the County Judge in lunacy matters; Chapter 169, Private Acts of 1923 relative to the issuance of county warrants by the County Court Clerk; Chapter 702, Private Acts of 1923 relative to the salaries of several county officials; Chapter 534, Private Acts of 1925 relative to certain powers of telephone companies; Chapter 661, Private Acts of 1927 relative to certain sales, leases, rentals, etc. of municipally owned utilities; Chapter 91, Private Acts of 1929 relative to the authorization of the Superintendent of Public Instruction to borrow money; Chapter 170, Private Acts of 1929 relative to a recording of a deed; Chapter 841, Private Acts of 1929 relative to the borrowing of money in cases of floods, fires, etc.; Chapter 869, Private Acts of 1929 relative to appropriations in aid of agriculture and dairy exhibits in the county or state fair; Chapter 2, Private Acts of 1931, relative to the appointment and qualifications of deputy registrars; Chapter 5, Private Acts of 1931 relative to certificates of qualification for the position of County Superintendent of Schools; Chapter 111, Private Acts of 1931 relative to the Circuit Court Clerk's salary; Chapter 675, Private Acts of 1933 relative to the salary of the trustee; Chapter 433, Private Acts of 1935 relative to the jurisdiction of the County Judge and the County Quarterly Court; Chapter 696, Private Acts of 1937 relative to certain persons voting in the tenth and twenty-third civil districts; Chapter 798, Private Acts of 1937 relative to voting in county primary elections; Chapter 476, Private Acts of 1941 relative to the Office of Superintendent of Public Instruction; Chapter 362, Private Acts of 1951 relative to the creation and powers of a Board of Jury Commissioners; Chapter 552, Private acts of 1951 relative to the creation of a finance and purchasing commission and a budget committee; Chapter 260, Private Acts of 1953 relative to the compensation of Justices of the Peace; Chapter 196, Private Acts of 1957 relative to the office of livestock inspector; Chapter 57, Private Acts of 1969 relative to the payment of bonded indebtedness for the Sharon Special School District.

**SECTION 2.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly Court of Weakley County before September 1, 1975. Its approval or non approval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

**SECTION 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: May 1, 1975.

## Administration - Historical Notes

### **Budget System**

The following act once created a budgeting system for Weakley County, but it has been specifically repealed or superseded by current law. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1951, Chapter 552, reorganized the fiscal affairs of Weakley County by granting to the Quarterly Court the power to prescribe detailed procedures to be employed in the administration of the finances, personnel and procedures of all departments and agencies of county government, except the Weakley County Municipal Electric System. A three member Purchasing and Finance Commission was established, elected by the Quarterly Court for staggered three year terms, with only one member from a civil district. Members of the Quarterly Court could not be chosen for the Commission. Compensation, as set by the Court, could not exceed \$300 per year. The Commission would serve as Purchasing Agent for the County, perform audits of county departments, set the wage scale for employees of the Highway Department, and supervise the payroll for the County Board of Education. A County Budget Committee would consist of the Chairman of the Purchasing Commission, the Chairman of the Highway Commission, the Superintendent of Schools, the County Judge or Chairman, and three Justices of the Peace selected by the Quarterly Court. The Committee would adopt a proposed budget for all

departments except schools. This Act was designed to place Weakley County on a "cash" or "pay as you go" basis. This Act was repealed by Private Acts of 1975, Chapter 97.

### **County Clerk**

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

1. Private Acts of 1911, Chapter 160, stated that females, either married or single, over the age of 21 and residents of the county appointing them, shall be eligible to serve as Deputies in the office of the County Court Clerk in Weakley County with the same status and authority as other County Court Clerks. Acceptance of employment by the female shall stop her from denying any legal liability which might be hers as a Deputy Clerk and she is expressly prohibited from pleading coverture as a defense thereto.
2. Private Acts of 1919, Chapter 274, permitted the appointment of females over the age of 21 and residents of the county appointing them, as Deputies in the office of the County Court Clerk in Weakley, and several other counties, who would be responsible for the duties of the office as fully as any other Deputy Clerk. This Act was repealed by Private Acts of 1975, Chapter 97.
3. Private Acts of 1923, Chapter 169, made it the duty of the County Court Clerk in Weakley County to issue and countersign all county warrants drawn on the County Treasury, except school warrants, after the same have been signed by the County Judge. This Act was repealed by Private Acts of 1975, Chapter 97.
4. Private Acts of 1923, Chapter 702, provided that the County Court Clerk, the Register, and the Trustee of Weakley County shall be deprived of all fees, commissions, emoluments, and perquisites of their offices, except as pay for serving as a special receiver, and they shall be paid an annual salary instead of all other compensation. The salary of the County Court Clerk was set at \$2,500 per year. The officials must file a report quarterly with the County Judge, or Chairman, showing the fees collected, and pay the same to the Trustee semi-annually. This Act was repealed by Private Acts of 1975, Chapter 97.
5. Private Acts of 1931 (2nd Ex. Sess.), Chapter 3, granted the authority to the County Court Clerk of Weakley County to appoint a Deputy County Court Clerk who, when sworn and bonded as required by the law, was empowered to perform all the work and acts which the County Court Clerk could do. The salary of the Deputy Clerk would be \$1,500 a year, payable out of the excess fees of the Clerk's office, but, if the fees are insufficient to do so, the County would pay the difference out of regular county funds in the same way as any other debt would be paid.
6. Private Acts of 1933, Chapter 676, stated that the County Court Clerk of Weakley County would receive an annual salary of \$3,500 for his services. All fees, costs, emoluments, and other compensations over and above that amount would be paid over to the Trustee, but, if the income of the office was less than that sum, the lesser amount would constitute the salary of the Clerk for that year.

### **County Legislative Body**

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

1. Acts of 1823, Chapter 41, set the terms for the Quarterly County Courts in all counties west of the Tennessee River which included Gibson County, Dyer County, Obion County, Henderson County, Madison County, McNairy County, Hardeman County, Shelby County, Haywood County, and Weakley County whose court would meet on the fourth Monday in January, April, July, and October.
2. Acts of 1823, Chapter 112, which created Weakley County, also provided that the Court of Pleas and Quarter Sessions of the said County would be held at the house of John Tyrrell until otherwise provided by law.
3. Acts of 1824, Chapter 53, permitted the Court to adjourn to any such place in the County as might suit their convenience, provided, that a majority of the Justices agreed to do so.
4. Acts of 1824, Chapter 102, rescheduled the terms of the Quarterly Court in Weakley County to begin on the second Monday in January, April, July and October.
5. Acts of 1825, Chapter 318, changed the opening dates for the terms of the Circuit and County Courts in several counties. The Quarterly Court of Weakley County would continue to meet on the second Monday in January, April, July, and October.

6. Acts of 1827, Chapter 65, was the authority for the Courts of Pleas and Quarter Sessions in the counties of Dickson, Sullivan, Weakley, Hawkins, Hamilton, Smith, Henry, and Rhea, nine, or a majority of the Justices being present, to select on the first day of the first term of the year, by ballot, three of their number to hold Court for the remainder of the year. The Clerk would enter their names on record and all rules and regulations of the regular Court would be observed.
7. Acts of 1835-36, Chapter 6, established a County Court in every county to be held by the Justices of the Peace which would meet on the first Monday of every month and continue until the business of the Court was completed. No Jury trials were allowed in this Court but it was their responsibility to select 25 jurors, one from each Civil District of the County if there were that many Districts, or 37 jurors, whichever may be better for the County, or as directed by the Judge. The Justices would elect a Chairman to a one year term to preside over the Court. This Court was also empowered, at its second term each year, to levy a tax for county purposes.
8. Private Acts of 1929, Chapter 841, vested the Quarterly Court of Weakley County with authority to levy a tax to meet the expenses of paupers, paupers' coffins, expenses of Western Hospital, lunacy inquests, and several other services. This Act was repealed by Private Acts of 1975, Chapter 97.
9. Private Acts of 1929, Chapter 869, allowed the Quarterly Court of Weakley County to make an appropriation from the general funds of the County in the amounts they might determine to promote and aid agricultural, dairy, and educational exhibits in the County, State or Tri-State Fair under the supervision of a committee of five citizens and taxpayers of the County. This Act was repealed by Private Acts of 1975, Chapter 97.
10. Private Acts of 1953, Chapter 260, declared that the Justices of the Peace in Weakley County would be paid the sum of \$6 per day for each day's attendance upon the sessions of the quarterly court, but no justices could draw pay for more than two days per session. This Act was repealed by Private Acts of 1975, Chapter 97.

### **County Mayor**

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

1. Acts of 1855-56, Chapter 253, created the office of County Judge in every county of the state, who must be a person learned in the law, who would hold office for four years, who would be elected by the people and sworn and commissioned as any other judge. All the Quorum Courts were abolished and their duties assigned to the County Judge. The County Judge would preside over the Quarterly Court in place of its Chairman whose duties he would assume. The court would meet on the first Monday in each month and sit until the business of the court was completed. The jurisdiction and procedures of the court were outlined. The county court clerk would serve as the clerk. The county judge would also be the accounting officer and general agent of the county for which the powers and duties were enumerated in the act. Records and proper dockets must be kept and the Judge was permitted to practice in every court except his. This act was repealed by Acts of 1857-58, Chapter 5.
2. Acts of 1867-68, Chapter 30, Section 15, created the office of County Judge for Weakley County and set the judge's salary at \$500 a year. The judge was made the financial agent of Weakley County and was given all the rights and privileges heretofore given to the County Judge of Perry and Decatur Counties. This act was repealed by Acts of 1869-70, Chapter 8, Section 3.
3. Private Acts of 1913, Chapter 292, amended Acts of 1893, Chapter 124, by adding eight additional powers to the County Judge as accounting officer and general agent of the County, and rewrote Section 4 by setting the compensation of the county judge at \$800 for his services as county judge and at \$400 for his services as financial agent and accounting officer of the county.
4. Private Acts of 1919, Chapter 688, was the authority for the Quarterly Court of Weakley County to fix the compensation of the county judge, or chairman, for holding inquisitions of lunacy for the purpose of committing people to the State Hospitals, and to make appropriations out of the ordinary funds of the county to pay for the same. This act was repealed by Private Acts of 1975, Chapter 97.
5. Private Acts of 1921, Chapter 581, amended Acts of 1893, Chapter 124, so as to read that the county judge would have the same power and authority to grant fiats and writs of attachment, injunction, certiorari and supersedeas, and all other extraordinary writs that the chancellors and circuit judges of this state are now vested with to grant or order.
6. Private Acts of 1921, Chapter 582, amended Acts of 1893, Chapter 124, by setting the salary of

the county judge at \$800 a year as a judge, and at \$700 a year for his services as financial agent and accounting officer of the county.

7. Private Acts of 1935, Chapter 433, amended Acts of 1893, Chapter 124, by inserting provisions in the act between Sections Three and Four which enlarged the jurisdiction of the county judge and the county court to grant concurrent jurisdiction with the Chancery and Circuit Courts in certain areas. Pleading and practice would be the same as in the other courts. Section 12 advanced the salary of the judge to \$1,600 for his services as financial agent and \$800 for his services as judge, making a total pay of \$2,400 each year. This act was repealed by Private Acts of 1975, Chapter 97.
8. Private Acts of 1939, Chapter 426, amended the road law (Private Acts of 1927, Chapter 656) by requiring that the County Judge of Weakley County ratify and confirm all purchases of the Highway Department in excess of \$250, and that he countersign all warrants for said amount and over.
9. Private Acts of 1949, Chapter 803, amended Private Acts of 1935, Chapter 433, by increasing the salary of the county judge to \$3,200 a year, for his services as financial agent of the county, and his salary as county judge to \$800 making a total salary of \$4,000 per year, payable monthly.
10. Private Acts of 1951, Chapter 630, amended Acts of 1893, Chapter 124, by adding a section to the act which would transfer some felony jurisdiction to the county judge under certain conditions and placed upon the county judge the duty of disposing of the case. This act was repealed by Private Acts of 1955, Chapter 296.
11. Private Acts of 1953, Chapter 365, amended Acts of 1893, Chapter 124, by increasing the salary as Financial Agent in the capacities as Budget Director and Purchasing Agent to \$4,400 per annum. The salary for service as County Judge remained at \$800 per year.
12. Private Acts of 1961, Chapter 244, would have amended Acts of 1893, Chapter 124, by removing the concurrent jurisdiction of the county court and county judge in matters of divorce, alimony, and custody of children with the circuit and chancery courts, but leaving the authority to enforce any decrees rendered while the court did have jurisdiction. This act was rejected by the quarterly court and never became an effective law under the Home Rule Amendment to the Tennessee Constitution.
13. Private Acts of 1965, Chapter 215, was an amendment to Acts of 1893, Chapter 124, which abolished the position of County Chairman and assigned all the duties of the post to the county judge who would thereafter be elected by the people to an 8 year term. The act further removed the provisions from Section 3 which listed the judicial powers of the judge and inserted a provision which conferred upon the county judge all the powers and jurisdiction conferred by general law upon them and the county court. This act was rejected by the quarterly court and never became an active law.
14. Private Acts of 1967-68, Chapter 387, repealed Private Acts of 1935, Chapter 433, with a provision that all such cases filed, or pending, in the said court under the authority of this repealed act would remain therein until finally disposed of, or were retired from the dockets of the court. This act was rejected by the quarterly court and never became operative law.
15. Private Acts of 1995, Chapter 11, repealed Private Acts of 1893, Chapter 124, as amended by Private Acts of 1913, Chapter 292, Private Acts of 1919, Chapter 688, Private Acts of 1921, Chapters 581 and 582, Private Acts of 1953, Chapter 365, and all other acts amendatory thereto.

### **County Register**

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

1. Acts of 1824, Chapter 67, allowed the County Register and the County Ranger of Weakley County to keep their offices at their respective homes for the next two years after the passage of this Act but no longer.
2. Acts of 1851-52, Chapter 119, was a general law which required the County Registers in counties south and west of the congressional reservation line to perform the duties of Entry Takers. However, Weakley and several other counties exempted themselves from the provisions of this Act.
3. Private Acts of 1919, Chapter 274, was the authority to appoint females, over the age of 21, who were residents of the county appointing them, to serve as Deputies in the office of County Register and several other offices in the government with the same authority and responsibilities

as other Deputy Registers. This Act was repealed by Private Acts of 1975, Chapter 97.

4. Private Acts of 1923, Chapter 702, fixed the annual salary of the County Trustee, County Court Clerk, and County Register of Weakley County. The salary of the Register was set at \$2,000 per annum, provided a report was filed quarterly with the County Judge showing the total amount of fees collected in the office. These fees were to be paid to the Trustee semiannually. All fees, commissions, emoluments, and perquisites of the office where withdrawn as pay to the Register except for those coming as pay for special receiver. The salary was in lieu of all fees and commissions. This Act was repealed by Private Acts of 1975, Chapter 97.
5. Private Acts of 1929, Chapter 170, prohibited the Register from recording a Deed unless a certificate from the Tax Assessor was attached to the same stating that the Assessor had been notified of the transaction. This Act was repealed by Private Acts of 1975, Chapter 97.
6. Private Acts of 1931 (2nd Ex. Sess.), Chapter 2, was the authority for the Register of Weakley County to appoint a Deputy Registrar who would be sworn and bonded to do all the duties imposed by law upon the Registrar. The Deputy would be paid out of the excess fees of the office a salary of \$900 a year, but, if the excess fees were not sufficient, the county would pay the difference as other general county expenses were paid. Although the term Registrar is used in the Act, it is obvious that Register was intended. This Act was repealed by Private Acts of 1975, Chapter 97.

### **County Trustee**

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

1. Acts of 1843-44, Chapter 124, authorized the Revenue Commissioners of Weakley County to settle with Israel F. Outhouse, a former Trustee for Weakley County, on the accounts of the common school money distributed by him as Trustee for the years 1840 and 1841. If any amount was found to be due Outhouse after the examination of the accounts, authority was granted under this Act to pay such an amount to him out of the 1844 common school fund. This Act was repealed by Private Acts of 1975, Chapter 97.
2. Acts of 1851-52, Chapter 247, was the authority for the Trustees of Weakley County and Obion County to draw out of the branch of the Bank of Tennessee at Trenton the unexpended balance of the fund appropriated for the improvement of the Obion River within the boundaries of each County and they would hold the same subject to the order of the County Court of each of the Counties to be used on other public improvements. This Act was repealed by Private Acts of 1975, Chapter 97.
3. Private Acts of 1919, Chapter 274, declared that females over the age of 21, and residents of the counties appointing them, were eligible to be named to and serve as Deputies in the offices of the Clerk and Master, Circuit Court Clerk, County Court Clerk, Register, and Trustee. Such female deputies would have the same rights and powers and be subject to same duties and obligations as other deputies in those offices. The Act applied to Weakley, Rutherford, Montgomery, Greene, Giles, and Fayette Counties and was repealed as it applied to Weakley County by Private Acts of 1975, Chapter 97.
4. Private Acts of 1923, Chapter 702, set up the annual salaries for the position of County Court Clerk, Register, and Trustee of Weakley County under certain terms and conditions. These officeholders were deprived of all fees, commissions, emoluments, and perquisites accruing to their positions except for pay as a special receiver, and, provided further, that they file a report each quarter showing the fees collected and paid them with the Trustee semiannually. The annual salary of the Trustee was fixed at \$3,000. This Act was repealed by Private Acts of 1975, Chapter 97.
5. Private Acts of 1933, Chapter 675, stated that in Weakley County the salary of the Trustee would not exceed the sum of \$3,500 per year, and in the event the fees collected by the office were more than that amount, the excess would be paid to the Trustee, but, if the fees were less than the stated sum, the salary of the Trustee would be the same as the fees collected. This Act was repealed by Private Acts of 1975, Chapter 97.

### **Flood Control - Drainage**

The private and public acts listed below have been an integral part of this subject in the past years as related to Weakley County but all have been superseded, or repealed, so that they are no longer in effect.

1. Acts of 1825, Chapter 299, was the authority for William Hendrix and George D. Randell to build a

mill on the middle fork of the Obion River in the 12th Surveyor's District of Weakley County. They had the exclusive right to enter and obtain a grant for 250 acres which plot could be more than twice as long as it is wide.

2. Acts of 1826, Chapter 61, gave a preference to Jubilee Rogers, Perry Vincent, Thomas H. Phillips, and the representatives of Absalom Jones, until the next session of the General Assembly, to enter upon and obtain title to a mill site and land lying in Weakley County which was secured to them by an 1825 Act. It was made unlawful for any other person to enter upon said land. This Act further gave to John W. Rogers a preference to enter vacant land of 200 acres for a mill site on Mud Creek in Weakley County.
3. Acts of 1827, Chapter 240, Section 3, gave to John W. Rogers preference to enter the 200 acres of vacant land specifically located in the 13th Surveyor's District on Mud Creek in Weakley County for a mill site.
4. Acts of 1831, Chapter 80, stated that Albert Thomas, of Weakley County, would have all the rights and privileges in relation to his occupancy claim near the mouth of Thomas Creek which claim may have been extended to the occupants of the Western District and the same would be exempt from the entry of any other person.
5. Acts of 1831, Chapter 120, allowed Joseph Vincent to lay down a claim on the general plan of Surveyor's District 13 to any quantity of land, vacant and unappropriated, not to exceed 200 acres, which were unfit for cultivation, including thereon a site for a mill on Spring Creek, and the said Vincent could enter the land by warrants or as otherwise directed by law.
6. Acts of 1831, Chapter 274, permitted James O. K. Wood, of Weakley County, to lay a claim to any quantity of uninhabited vacant land, not to exceed 500 acres, which adjoins his mill on the north fork of the Obion River.
7. Acts of 1831, Chapter 278, granted to one Henry Sample, of Weakley County, the right to have all the privileges that other occupants south and west of the Congressional Reservation have to a tract of country five miles in extent along the middle and north forks of the Obion River which was unfit for cultivation. If Sample did not succeed in processing salt water upon the said tract within two years, the land reverted to the State or to the United States as the case might be.
8. Acts of 1832, Chapter 79, Section 3, was the authority for Robert Ury, of Weakley County, and John B. Slemons, of Carroll County, to enter on the general plan of the 12th Surveyor's District 200 acres of vacant and unappropriated land, including the mill, or the mill sites, they were erecting on Spring Creek, provided they did not interfere with any other occupant and that they complete the construction of their mills within one year from the passage of this Act.
9. Acts of 1833, Chapter 103, authorized John A. Gardner and Thomas C. Jones, of Weakley County, to build a mill on the north fork of the Obion River since the said land on which the mill will be built is now vacant and unappropriated. They were given the right to enter and occupy the land and to perfect the title thereto. Section 3 of this Act gave John Dunn, of Weakley County, the right to enter 200 acres on the Middle Fork of the Obion River, south of the tract granted to the Trustees of the University of North Carolina, and to perfect the title to the same.
10. Acts of 1837-38, Chapter 37, declared that Spring Creek in Weakley County is navigable from Finch and Mobby's mill to the mouth of the said Spring Creek.
11. Acts of 1851-52, Chapter 247, allowed the County Courts of Weakley and Obion Counties to dispose of the unexpended balance of a fund appropriated for the improvement of the Obion River.
12. Private Acts of 1931, Chapter 685, cited in the preamble that on August 30, 1919, the Board of Directors of the Middle Fork and Spring Creek Drainage and Levee District No. 1 of Weakley County by a proper Resolution spread an assessment of \$5,860.01 on the property owners in the District to repair the levee, of which \$1,732.88 was spent for that purpose but to do more would be a waste of money, therefore there was a balance of \$4,127.21 in that fund. There also remained in their hands the sum of \$1,583.13 of the original bond issue. This Act authorized the Trustee to refund \$5,700.34 to the property owners of the District. See *Grooms v. Board of Directors of Middlefork and Spring Creek Drainage District No. 1*, 167 Tenn. 589, 72 S.W.2d 772 (1934).

#### **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.

### **Purchasing**

The following act once affected the purchasing procedures of Weakley County, but is no longer operative. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1951, Chapter 552, created a three member Purchasing and Finance Commission for Weakley County to be elected for staggered three year terms. The compensation, as set by the Quarterly Court, was in an amount not to exceed \$300 per year. The Commission would serve as the purchasing agency for the county and as such would purchase all the supplies, materials or properties of every kind and character, including insurance. No County official or Board other than the Commission would have any authority to make purchases or to let contracts which bind the county. All purchases in excess of \$100 would be by competitive bids. This Act was repealed by Private Acts of 1975, Chapter 97.

### **General Reference**

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

1. Acts of 1823, Chapter 206, appointed Abram Maury, William Hall, James Fentress, and Benjamin Reynolds as Commissioners to select a site for a permanent seat of justice in Weakley, Gibson, McNairy, Dyer, Hardeman, Obion, Tipton, and Haywood Counties as near the center of the county as possible, to procure as least 50 acres of land, lay the same off into lots, streets and alleys, and then to sell the said lots.
2. Acts of 1824, Chapter 132, stated that the Commissioners appointed by the County Courts of Gibson, Dyer, Hardeman, Tipton, Fayette, Weakley, Obion, and McNairy Counties to lay off and sell lots in the county seats of the said counties would have and exercise all the powers this Act granted to the Commissioners appointed to establish Brownsville. The County seat of Weakley County would be named Dresden.
3. Acts of 1826, Chapter 114, stated that Alice S. Wilson, a poor woman and a citizen of Weakley County, was hereby given a preference of entry on the parcel of land upon which she lives, if it is vacant, notwithstanding she may not have resided thereon on or before May 1, 1826, but provided further that the preference extended herein shall not exceed 200 acres.
4. Acts of 1827, Chapter 12, established a Treasury Department in the Western District consisting of the counties of Shelby, Fayette, Hardeman, McNairy, Hardin, Perry, Henderson, Carroll, Henry, Weakley, Obion, Dyer, Tipton, Haywood, Madison, and Gibson. The Treasurer would be appointed by joint ballot of both houses of the General Assembly, must be sworn and bonded, and would be subject to the same penalties as are all others in a similar capacity. All taxes due in Nashville would be payable to this Treasurer at his office in Jackson.
5. Acts of 1829, Chapter 26, was an act conferring upon several different people in several different counties the right to hawk and peddle goods in their respective Congressional District where they live without having to obtain a license, among whom was Amasa Webb of Weakley County.
6. Acts of 1831, Chapter 44, allowed the County Courts of the counties west of the Tennessee River to organize three member Internal Improvement Boards which would then supervise and plan the expenditure of funds allotted to the counties for improving primarily their roads and rivers.
7. Acts of 1832, Chapter 14, amended Acts of 1831, Chapter 44, by making it lawful for the County Courts of Henry, Carroll, Gibson, Weakley, Obion, and Dyer Counties at the first, or a subsequent, term after the passage of this Act, to proceed to elect Boards of Internal Improvement under the same rules prescribed by the 1831 Act.
8. Acts of 1837-38, Chapter 286, was the enabling legislation for the County Court of Weakley County to draw the remainder of the internal improvement money belonging to the said County

and to appropriate the same to internal improvement in a manner that would be most advantageous to Weakley County.

9. Acts of 1851-52, Chapter 294, incorporated William B. Martin, Matthew F. Wilson, Philemon T. M. Fowler, Willie Smith, and William R. Ross, as the Trustee of the Christian Church in Dresden with all the powers incidental to corporate institutions being granted.
10. Acts of 1868-69, Chapter 58, incorporated John T. Priestly, Worshipful Master, P. S. Dunlap, Senior Warden, and W. B. Johnson, Junior Warden, as "Washington Lodge #159, of Free and Accepted Masons", in Weakley County.
11. Acts of 1875, Chapter 15, amended Section 1792 of the Tennessee Code so as to allow the counties of Knox, DeKalb, Shelby, Cannon, White, Davidson, and Weakley to each have one additional Notary Public over those already permitted under the law who would be appointed by the Justices of the County Court. This Act was repealed by Private Acts of 1975, Chapter 97.
12. Acts of 1879, Chapter 170, was the authority for the Quarterly Court of Weakley County to appoint two additional Notaries Public for the said county, one of whom would reside in Dresden, and the other in the town of Gleason, both to have and exercise all the powers incidental to Notaries elsewhere. This Act was repealed by Private Acts of 1975, Chapter 97.
13. Acts of 1897, Chapter 124, set the annual salaries for most county officials according to the population of the county in which the official served. The officials were deprived of all fees, commissions, and compensation of every sort which would be paid by them to the Trustee. This Act was invalidated by the Supreme Court in *Weaver v. Davidson County*, 104 Tenn. 315, 59 SW 1105 (1900).
14. Private Acts of 1927, Chapter 661, averred that all sales, leases, rentals or other dispositions of municipally owned water, electric, or other utilities for consideration heretofore bargained, sold, conveyed, leased, or rented in the counties of Carroll, Dyer, Gibson, Henry, and Weakley are hereby validated, confirmed, and made binding transactions in those counties named above. This Act was repealed as it related to Weakley County by Private Acts of 1975, Chapter 97.
15. Private Acts of 1933, Chapter 799, removed all the disabilities of infancy from Ishmal Byers, of Weakley County.
16. Private Acts of 1935, Chapter 102, removed the disabilities of infancy from Mrs. Elizabeth Fielder, of Weakley County.
17. Private Acts of 1935, Chapter 194, emancipated Wilma Simpson of Weakley County from her minority.
18. Private Acts of 1935, Chapter 366, removed all the disadvantages of his minority from Luke Lea Hilliard, of Weakley County, so that he could take the Bar Examination, do all other acts as fully as an adult, and apply for and receive a license to practice law.
19. Private Acts of 1935, Chapter 636, made an adult out of Nannie Thomas, of Weakley County, by removing her minority.
20. Private Acts of 1937, Chapter 235, provided that Joseph Winstead, of Weakley County, might hereafter do and perform all the acts of an adult, his minority being hereby removed.
21. Private Acts of 1937, Chapter 236, removed the disabilities of infancy from Rachel Winstead, of Weakley County.
22. Private Acts of 1937, Chapter 332, removed the disabilities of infancy from Mrs. Beauton Foust Harrison, of Greenfield in Weakley County, and bestowed upon her all the rights of an adult including the authority to settle accounts with her guardian.
23. Private Acts of 1937, Chapter 426, moved Miss Barbara Elizabeth Tansil, of Sharon in Weakley County, from infancy into adulthood with all its rights and privileges.

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