



February 22, 2025

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# Dyer

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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.

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# Dyer



Dyer County Courthouse

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

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# Chapter I - Administration

## Budget System

### Budget and Fiscal Procedure Act of 2005

#### Private Acts of 2005 Chapter 43

**SECTION 1.** This act shall be cited and known as the "Dyer County Budget and Fiscal Procedure Act of 2005".

**SECTION 2.** (a) The county budget committee for Dyer County, Tennessee is hereby created.

(b)

(1) The county budget committee, hereinafter referred to as the "budget committee", shall consist of six (6) voting members, one (1) of whom shall be the county mayor, and the other five (5) shall be elected by the county legislative body from its membership at its regular January session of each year or at any subsequent session.

(2) The county mayor shall be an ex officio member of the budget committee and entitled to vote on all matters before the budget committee. The director of finance and budgets shall be the ex officio secretary of the budget committee, but such director shall not be entitled to vote.

(c)

(1) The county legislative body may, in its discretion, allow members of the budget committee such compensation for their service as the commission deems proper.

(2) Any provision for compensation, as well as provision for printing, publicity, supplies and other necessary expenses of the budget committee, shall be payable from the county general fund and shall be included in the annual appropriations.

(d) The budget committee shall perform all the duties respecting county budgets and appropriations now performed, or required to be performed, by the finance committee, tax levy committee or other committees of the county, and shall perform such other duties as here provided.

**SECTION 3.**

(a) There is hereby created a fiscal year for the county and for each office, department, institution, activity and agency of the county, which fiscal year shall begin on July 1 of each year and shall end on June 30 next following.

(b) The fiscal year shall constitute the budget year, and the year for accounting and reporting of each and every fund, office, department, institution, activity and agency of the county government; provided, that any such accounting and reporting shall be in addition to, and not in lieu of, any accounting and reporting now required of any official by general law.

**SECTION 4.**

(a) The county highway superintendent shall, on or before April 1 of each year, file with the director of finance and budgets an itemized statement of the funds estimated to be required for the county road program for the ensuing fiscal year and for the construction, operation, repair and maintenance of the county road system and for the general administration of the highway department, together with an estimate of the highway and road funds expected to be received during such fiscal year.

(b) The county board of education, after preparing its annual budget as now provided by law, shall file such budget with the director of finance and budgets for inclusion in the complete budget document to be presented to the budget committee.

(c) The county mayor, on or before April 1 of each year, shall file with the director of finance and budgets an itemized statement of the amounts which the county mayor estimates are necessary to be expended from the county general fund, the debt service funds and from all other funds (excluding highway funds, school funds, and funds derived from the sale of bonds), together with an estimate of the revenue to be received during the next fiscal year.

(d) Each of the other operating departments, institutions, offices or agencies shall file with the director of finance and budgets on or before April 1 of each year a detailed estimate of its requirements for expenditures from the county's funds for the ensuing fiscal year, together with an estimate of any county

revenues to be received by such agency, office or department.

(e) The director of finance and budgets, on or before May 1 of each year, shall file a consolidated budget document with the budget committee showing an itemized statement of the amounts estimated by the various departments and officials to be required for the efficient operation of the county government from the county general fund, the debt service funds, highway funds, school funds and all other funds, together with an estimate of the revenues estimated to be received by each of the funds during the next fiscal year and an estimate of the unencumbered cash balance of each of the funds at the beginning of the fiscal year; provided, that the May 1 deadline for providing the estimate of revenues shall be extended in years of re-appraisals until fifteen (15) days after the certified tax rate has been established.

(f) It is the duty of each official, office, department, institution, agent or employee of the county government to furnish in writing such information, in the form and at the time requested by the budget committee.

**SECTION 5.**

(a)

(1) At least forty-five (45) days prior to the beginning of each fiscal year, the budget committee shall review and adopt the annual budget.

(2) The budget shall contain an itemized and classified plan of all proposed expenditures and estimated receipts for the ensuing year, and shall conform to a uniform classification of accounts established by the director of finance and budgets and approved by the comptroller of the treasury.

(3) It is expressly provided that the classification of expenditures and receipts of any and all county school funds for any purpose that are administered by the county board of education and the county superintendent of schools shall conform in all respects to the classification of accounts as prescribed by the commissioner of education.

(b) Opposite each item of estimated revenue, the budget document shall show in opposite parallel columns the amount actually collected for the last completed fiscal year, a revised estimated amount for the current fiscal year, and the estimate for the ensuing fiscal year.

(c) Likewise, opposite each item of proposed expenditure, the budget document shall show the amount actually expended for such item during the last completed year, the probable amount which will be spent during the current fiscal year and the proposed appropriations or expenditure estimate for the ensuing fiscal year.

(d) In preparing the budget, the budget committee may revise, as it deems necessary, the estimates or requests made by the various departments, officials, offices, institutions and agencies of the county, but any county official or employee shall be entitled to a hearing before the budget committee with reference to any contemplated changes in the county official's or employee's budget requests or estimates.

(e) The budget committee shall certainly and fully provide in the budget for all debt service requirements, interest and bond maturities and any cash deficit in any fund at the beginning of the fiscal year, and shall propose a tentative tax rate for the current calendar year.

**SECTION 6.**

(a)

(1) (A) At least ten (10) days before the budget committee conducts a public hearing as provided in subdivision (a)(3), the budget committee shall cause the proposed annual operating budget to be published in a newspaper of general circulation.

(B) This budget shall contain a budgetary comparison that includes comparisons of the proposed budget with the current year and the prior year for the following governmental funds:

- (i) General;
- (ii) Highway and public works;
- (iii) General purpose school fund; and
- (iv) Debt service.

(C) The budgetary comparisons shall be by individual fund and shall summarize revenues by local taxes, state, federal government and other sources. Expenditures shall be summarized by salaries and other costs. The budgetary comparison shall also present beginning and ending fund balances and the number of employee positions.

(2) The publication shall also contain a notice of a public hearing to be conducted by the budget

committee at which any citizen of the county shall have the right to appear and state such citizen's views on the budget. (3) Such public hearing shall be held by the budget committee not later than ten (10) days prior to the beginning of the fiscal year.

(b) Following such public hearing, the budget committee shall make the final revision of the budget document and prepare copies for presentation to the county legislative body.

**SECTION 7.**

(a)

(1) The budget committee shall present the budget to the county legislative body either at the regular July session each year or at a special session called for this purpose during the month of July; provided, that with the consent of the chairman of the county legislative body, the deadline for the presentation of the budget may be extended through August.

(2) The proposed budget shall be accompanied by a budget message explaining the financial program and outlining the services, work and activities to be financed by the proposed budget and a brief discussion of the means proposed for financing the expenditure program set forth in the budget.

(3) The budget committee shall deliver to the county legislative body a budget appropriation resolution and a tax levy resolution with the proposed budget.

(b)

(1) The county legislative body may alter or revise the proposed budget, but shall not alter or revise provisions for debt service requirements and other expenditures required by law.

(2) The county legislative body shall adopt a budget not later than the third Monday in August.

(3) Pending such final adoption, the director of finance and budgets is hereby authorized to make temporary expenditure allotments for essential county services in amounts not in excess of comparable allotments for an average quarter of the preceding fiscal year.

(c) The budget, the appropriation resolution, and the tax levy resolution, as adopted, shall be spread upon the minutes of the county legislative body.

**SECTION 8.**

(a) The appropriations made in the appropriation resolution, or any amendment thereto, shall constitute the limit to expenditures for the various purposes and from the several funds of such county for the fiscal year covered by said resolution, and no expenditure shall be made or obligation created in excess of such limitation.

(b) Any resolution presented to the county legislative body in any fiscal year, after the original appropriation resolution has been adopted and the tax rate for the year fixed by that body, which provides for an appropriation in addition to those made in the original budget appropriation resolution, shall specifically provide sufficient revenue or other funds to meet expenditures to be made in consequence of such additional appropriation.

(c) If at any time during the fiscal year it becomes apparent that the revenues of any of the county's funds, together with the fund's unencumbered cash balance at the beginning of such year, will not be sufficient to equal the amount of the original appropriations, it shall be the duty of the director of finance and budgets and the county mayor to impound the appropriations from such fund in such amount as shall appear necessary, subject to the written approval of the budget committee.

(d)

(1) The appropriations made by the county legislative body, as provided above, shall constitute authorization for expenditures. Expenditures may be made, and obligations created, against any appropriation to an aggregate total of the amount appropriated for such item.

(2) However, the expenditures and encumbrances against the amounts appropriated shall be made only in consequence of an order issued by the various departments and subsequent approval of the invoice by the director of finance and budgets; provided, that payrolls and bills for telephones, water, gas, electric and other utility services shall first be checked and approved for payment by the various departments or otherwise as provided by law, and county obligations imposed by law shall be approved by the proper authority before being submitted to the director of finance and budgets for payment.

(3) No expenditures made or obligations created in any manner other than so specified or authorized in this act shall be valid or binding against the county; provided, that the budget committee may issue such regulations as it deems necessary for the prompt handling of bona fide

emergencies.

(e)

(1) Expenditures from all other funds of the county, except school funds and highway funds, shall be made by disbursement warrants on the county trustee signed by the county mayor or the director of finance and budgets, and no other official, department, institution or agency of the county shall issue negotiable warrants or vouchers for such expenditures.

(2) Before any disbursement warrant shall be issued in discharge of any obligation, a detailed invoice or statement of the obligation shall be filed with the director of finance and budgets and it shall be the director's duty to carefully check all such invoices to determine if they are correct, if the goods or services have been received or rendered as stated, and if the obligation is just, authorized or legally binding on the county.

(f) Bills and accounts incurred in accordance with authorized appropriations shall be paid promptly and it shall not be necessary for any such bill or account to be filed and recorded by the county clerk or to be approved before payment by the county legislative body, or by any committee or commission appointed by the county legislative body, in order that the county may obtain the benefit of cash discounts.

**SECTION 9.**

(a) The director of finance and budgets shall make a report at the end of each month showing the condition of the budget.

(b)

(1) The report shall show for each item of appropriation, or allotment thereof, the total expenditures for the month and the year to date, the amount of outstanding encumbrances and the amount of the unencumbered balance.

(2) The report shall also show for each fund an itemized statement of the revenues and receipts estimated for the year, the amount of the collections of each item for the month and the year to date and the unrealized portion of the estimate.

(3) In a parallel column shall be shown the amount of each item or revenue during the comparable elapsed period of the preceding fiscal year.

(c)

(1) The most recent of such reports shall be presented quarterly by the county mayor or the director of finance and budgets to the county legislative body.

(2) At such time, the county mayor or director of finance and budgets shall advise the county legislative body of the condition of the budget, and of any adjustment or reduction of appropriations which should be made, and shall recommend any other action which, in the opinion of the county mayor or the director of finance and budgets, the county legislative body should take in order that the budget shall be kept in balance.

**SECTION 10.**

(a) The county mayor shall appoint, with the approval of the county legislative body, a director of finance and budgets who shall be a county employee.

(b) The director of finance and budgets shall be qualified by training and experience in the field of accounting to perform the director's duties in a proficient manner and in accordance with generally recognized principles of governmental accounting.

(c)

(1) Before assuming the director's duties the director of finance and budgets shall execute a corporate surety bond, the amount of which shall be established by the county mayor at not less than ten thousand dollars (\$10,000) nor more than twenty-five thousand dollars (\$25,000).

(2) The bond shall be prepared in accordance with the provisions of title 8, chapter 19, approved by the county legislative body, recorded in the office of the county register of deeds and transmitted to the comptroller of the treasury for safekeeping.

(3) The premium for such bond shall be paid from the county general fund.

(d)

(1) The compensation of the director of finance and budgets, which shall not be in excess of compensation allowed county officials in accordance with §§ 8-24-101 and 8-24-102, shall be set annually by the county legislative body.



(2) The amount of such compensation, the compensation of any stenographers, typists or assistants as the director may need, and the other necessary expenses of the director's office shall be provided for by annual appropriation from the county general fund.

(e) The director of finance and budgets has the power, in accordance with such regulations as may be established from time to time by the county mayor, to appoint and remove the director's assistants, to prescribe their duties, and to fix their salaries within the limits of the annual appropriation.

(f) The director of finance and budgets shall not be terminated or discharged by the county mayor without the approval of the county legislative body.

**SECTION 11.**

(a) There shall be set up and maintained in the office of the director of finance and budgets a system of fiscal procedure, control and centralized accounting, hereinafter set out and described, which shall be under the administrative control and direction of the director of finance and budgets; provided, that such system shall be conducted in full accordance with the general law of this state respecting the duties and responsibilities of the county mayor as fiscal agent of the county.

(b) The system of fiscal procedure, control and accounting herein provided shall conform to generally accepted principles of governmental accounting and shall be in substantial agreement with the recommendations of the national committee on governmental accounting.

(c) The system shall include such records and procedures as may be required to accurately reflect the assets, liabilities, income and expenditures of each fund of the county, together with such records, accounts and files as are necessary to record and control:

- (1) The transactions relating to county revenues, and the revenues for each of its several funds;
- (2) The transactions relating to the adopted budget and appropriations, including the expenditures and encumbrances against each item of appropriation; (3) The transactions relating to the bonded debt; and (4) Such other records as may be necessary to facilitate the operation of the adopted budget and the proper accounting for each item of county expenditure.

**SECTION 12.**

(a) It is the duty of the director of finance and budgets to:

- (1) Post and otherwise keep the records of the central accounting system;
- (2) Verify all bills, invoices, payrolls and claims against the county before payment; and
- (3) Check the settlements and reports of the various officials and department heads of the county government.

(b) The director or the director's designee shall also, after careful pre-audit of invoices, bills and claims against the county or any of its funds, prepare disbursement warrants on all county funds.

(c) (1) The director of finance and budgets shall install, with the approval of the comptroller of the treasury, a uniform classification of accounts, including a classification of revenues and expenditures, to be used in accounting, budgeting and financial reporting respecting all county funds, offices, agencies and activities of the county government, with the exception of school funds administered by the county board of education and the county superintendent of schools and highway funds administered by the county highway superintendent, and shall prescribe the forms to be used by each official and employee of the county in connection therewith.

(2) The classification of expenditures and receipts of county school funds shall conform to the classification of accounts as prescribed by the commissioner of education.

(d) (1) The director of finance and budgets shall set up and maintain a double entry system of accounting for recording the transactions of all of the county's funds, including both proprietary and budgetary accounts, in conformity with the requirements set out in Section 11 of this act. (2) The accounts shall be kept on the modified cash basis.

(e) (1) The director of finance and budgets shall set up the necessary accounts to properly record the annual budget and each appropriation made by the county legislative body.

(2) All encumbrances, expenditures or other charges against any item of the budget shall be promptly recorded in order that the unencumbered balance of each item of the budget shall be readily ascertainable at all times.

(f) At the end of each month, the director of finance and budgets shall prepare a comprehensive report of all revenues and expenditures of the county and of each of its several funds, departments, offices, agencies and activities, all encumbrances against the several appropriations, and the condition of each

item of appropriation in the annual budget.

(g) (1) The director of finance and budgets shall pre-audit all payrolls of the county before payment and shall maintain complete earnings records of each employee of the county.

(2) The director of finance and budgets and the county mayor are hereby authorized to maintain a special county payroll account at a local bank at the county seat, in which disbursement warrants for the total of each payroll may be deposited and against which individual net earning checks may be issued to each of the county employees.

(3) The county mayor may authorize the issuance of such payroll checks on the signature of the director, and in such event the depository bank shall be so instructed.

**SECTION 13.** Except for taxes that the county trustee is authorized to collect, the payment of all moneys to the county trustee by any collectors authorized by statute, or by anyone on account due the county, shall be made only by issuance of a receivable warrant signed by the county mayor instructing the trustee to receive the amount named, for which the trustee shall issue a receipt, a duplicate of which shall be delivered to the director of finance and budgets to be used by the director in posting the accounting records.

**SECTION 14.**

(a) Before any obligation against the county shall be paid, or any disbursement warrant or voucher issued therefor, a detailed invoice or statement approved by the head of the office, department or agency for which the obligation was made shall be filed with the director of finance and budgets. (b) The director of finance and budgets shall make a careful pre-audit of such invoice or statement, including a comparison with any encumbrance document previously posted or filed authorizing such obligation, and shall approve for payment only such items as appear to be correct, properly authorized, and not exceeding the other-wise unencumbered balance of the allotments or appropriations against which they are chargeable. (c) Disbursement warrants shall be promptly prepared for all such approved items by the director of finance and budgets and mailed or delivered to the payees thereof. (d) A duplicate copy of all disbursement warrants, with all original invoices or other supporting documents attached thereto, shall be kept on file in the office of the director of finance and budgets.

**SECTION 15.**

(a) Each official, office, department, institution, agency, board, committee, commission or employee of the county shall furnish such information and make such reports as may be required to properly maintain the central accounting system and fiscal procedures herein authorized and prescribed, and such information and reports shall be furnished at such times and in such form as may be prescribed by the director of finance and budgets. (b) The records of all county offices, departments and agencies shall be made available by their respective officials or employees for examination at all reasonable hours by the director of finance and budgets.

**SECTION 16.** Any official or employee of the county, or of any institution or agency thereof, who fails or refuses to perform the duties required of that official or employee by this act, or who fails or refuses otherwise to conform to the provisions of this act, is subject to removal from that official's or employee's office or position.

**SECTION 17.** The provisions of this act shall not apply to county school funds for any purpose, the county board of education or the county director of schools unless approved by the commissioner of education. In addition, except as specifically provided in Section 4, the provisions of this act shall not apply to highway department funds for any purpose, the county highway department or the county highway superintendent unless approved by the county highway superintendent.

**SECTION 18.** Chapter 319 of the Private Acts of 1972 entitled "Dyer County Budget Act", as amended by Chapter 215 of the Private Acts of 1980, is hereby repealed.

**SECTION 19.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Dyer County on or before December 31, 2005. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Dyer County and certified to the secretary of state.

**SECTION 20.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming law, the public welfare requiring it. For all other purposes, it shall be effective upon being approved as provided in Section 19.

Passed: April 21, 2005.

## Building Code

## Private Acts of 1974 Chapter 231

**SECTION 1.** The Quarterly County Court of Dyer County is empowered to adopt the Southern Standard Building Code of the Southern Building Code Congress of Birmingham, Alabama as the building regulations for Dyer County. The quarterly county court is further empowered to amend the Southern Standard Building Code for application in Dyer County, but only such amendments as make the regulations more stringent shall be made.

**SECTION 2.** The Dyer County Planning Commission shall enforce the regulations so established.

**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 Dyer County before July 31, 1974. 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 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: March 6, 1974.

## County Legislative Body

### Private Acts of 1989 Chapter 47

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

Passed: April 6, 1989.

## County Register

### Private Acts of 1963 Chapter 27

**SECTION 1.** That from and after the effective date of this Act, all deeds, deeds of trust, subdivision plats, tract maps, and all other instruments vesting or divesting title to or in any real estate situated in Dyer County, Tennessee, shall be noted in the office of the County Tax Assessor of Dyer County, prior to the time and before any of such instrument shall be filed for record in the office of the County Register of Dyer County.

The Tax Assessor or his Deputy shall receive each of such instruments for notation, and shall make a permanent record of the same in his office, showing the date of the instrument, the consideration of the transfer, the name of the grantor, the name of the grantee, the location of the property, including the Civil District in which said property is situated, and a sufficient description of the property so that the same can be readily identified.

**SECTION 2.** That when any of such instruments have been noted by the Tax Assessor or his Deputy, he shall stamp on each such instrument an endorsement indicating that the instrument has been properly noted in his office.

**SECTION 3.** That none of the instruments herein provided for shall be received for record or recorded in the office of the County Register until each such instrument has first been noted and stamped by the County Tax Assessor. None of the instruments herein provided for shall be received for notation or noted in the office of the County Tax Assessor unless such instrument contains a reference therein indicating the recording data of the instrument by which the grantor acquired title to the property sought to be conveyed.

Any Tax Assessor or Deputy Tax Assessor, and any County Register or Deputy County Register, who willfully or negligently fails to comply with the provisions of this Act shall be guilty of a misdemeanor.

**SECTION 4.** That the County Tax Assessor of Dyer County is hereby authorized and empowered to employ a Deputy Tax Assessor who shall devote his full time to the duties of the office, and whose compensation shall be fixed by the Quarterly County Court of Dyer County to be paid from the general funds of the County, in equal monthly installments.

All of the necessary expenses incident to the carrying out of the provisions of this Act shall be paid out of the General Fund of said County.

**SECTION 5.** That the provisions of this Act are hereby declared to be severable; and if any of its sections, provisions, sentences, clauses, phrases or parts be held unconstitutional or void, the remainder of this Act shall continue in full force and effect, it being declared, that this Act would have been passed even if such unconstitutional or void matter had not been included therein.

**SECTION 6.** That this act shall have no effect unless the same shall be submitted to the Quarterly County Court of Dyer County and approved by a two-thirds vote of said Quarterly County Court. Its

approval or nonapproval shall be proclaimed by the presiding officer of said Quarterly County Court and shall be certified by him to the Secretary of State.

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

Passed: February 15, 1963.

## 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.

## Dyer County Uniform Nepotism Policy Act of 1993

### Private Acts of 1993 Chapter 2

**SECTION 1.** This act shall be known and may be cited as the "Dyer County Uniform Nepotism Policy Act of 1993".

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

- (1) "County entity" means any county agency, authority, division, board, commission, department, or constitutional office within county government, including the board of education and the highway department;
- (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; and
- (3) "County employee" means any person who is employed by a county entity.

**SECTION 3.** Within each county 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 entity.

**SECTION 4.** When as a result of marriage, county employees are in violation of the prohibition established in Section 3 of this act, such violation shall be resolved by means necessary to remove such violation. The appointing authority of the county entity shall advise the employees of each of the alternatives available to remove such violation. Employees in violation of the prohibitions of this act shall be given the opportunity to select from the available alternatives. The appointing authority shall take

appropriate action to remove the violation if the employees are unable to agree upon an alternative.

**SECTION 5.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Dyer County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Dyer County legislative body and certified to the Secretary of State.

**SECTION 6.** For the purposes of approving or rejecting the provisions of this act, it shall be effective upon becoming law, the public welfare requiring it. For all other purposes, it shall be effective upon being approved as provided in Section 5.

Passed: February 11, 1993.

## General Reference

### Private Acts of 1985 Chapter 73

**SECTION 1.** No person shall concurrently serve in an elected position on more than one local elected Body located in Dyer County.

**SECTION 2.** This Act shall not become operative unless approved by a majority of the qualified voters of Dyer County voting in the next general election subsequent to the effective date of this Act. The ballots used in such election shall contain the following question: "Should we, the citizens of Dyer County, allow any person to serve as an elected official on More than one local elected Body at the same time?" The votes cast at such election shall be certified by the Dyer County Election Commission upon the first Monday after the day of such election, and the results shall be proclaimed and certified by the Chairman of such Commission 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, this Act shall take effect only upon being approved as provided in Section 2. Provided, however, the provisions of this shall not affect any person who presently holds more than one (1) elected position until the expiration of one (1) of his current terms. Provided, further, the provisions of this Act shall not affect any person who presently holds one (1) elected position and who will be a candidate for an elected position to be determined in the August, 1986, General Election until the expiration of his current term.

Passed: May 13, 1985.

**COMPILER'S NOTE:** Information provided by the Dyer County Office of Elections and the Secretary of State's Office shows that the Act was passed on August 6, 1986. The vote was 1128 for allowing someone to serve on more than one elected body and 6926 against allowing.

## Administration - Historical Notes

### County Attorney

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

1. Private Acts of 1927, Chapter 13, created the office of County Attorney for Dyer County who would be appointed by the Governor to serve until September 1, 1928 when his successor, elected in the August, 1928, election, would assume the office.; The annual salary was \$600 payable in equal monthly installments out of the regular county funds.; The County Attorney was directed to transact all the county's legal business, both in and out of court, advise all county officials on legal matters, and collect delinquent taxes, except poll taxes, for which he would be paid the fees allowed by law.; This act was repealed by the one following.
2. Private Acts of 1935, Chapter 56, expressly repealed Private Acts of 1927, Chapter 31, Item One, above, in its entirety.
3. Private Acts of 1941, Chapter 175, recreated the position of County Attorney to be elected by popular vote in the August, 1942, election for four years.; This regular licensed and practicing attorney would be the solicitor of the county in all litigation and the attorney in all legal matters.; The County Attorney was required to handle all tax matters, delinquent or otherwise, paying all fees accrued under the law thereby into the county general fund and would make investigations into expenditures as requested by the County Judge, or Chairman, for which the authority to issue subpoenas and conduct hearings was conferred.; The Attorney was prohibited from compromising any litigation until the proposed compromise was approved by the County Court.; The Act named R. A. Ashley as the first County Attorney under this law with a monthly salary of \$125 and the

power to employ assistants but at his own expense. This act was repealed by the Private Acts of 1972, Chapter 316.

4. Private Acts of 1972, Chapter 316, specifically repealed Private Acts of 1941, Chapter 175, Item 3, above, in its entirety.

### **County Clerk**

The following act once affected the office of county clerk in Dyer County.; It is included herein for historical purposes.

1. Private acts of 1933, Chapter 585, provided that the County Court Clerk of Dyer County (identified by the use of the 1930 Federal Census Court) would receive for his services a sum not to exceed \$3,600 per annum, payable monthly from and after September 1, 1934.; All fees allowed to and collected by the Clerk in excess of \$3,600 would be paid to the Trustee for deposit.; If the fees were collected in an amount less than \$3,600 the amount so collected would be the salary of the County Court Clerk.; This Act would not have any effect other than to reduce the clerk's salary.; Continuance in office and to perform the duties of it was an estoppel against the clerk to complain on a salary issue, and would constitute acceptance of the terms of this Act.

### **County Legislative Body**

The following acts once applied to the quarterly court or the county legislative body of Dyer 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, scheduled the dates on which the terms of the Quarterly Courts of several counties west of the Tennessee River would meet.; In Dyer County the Quarterly Court would convene on the second Monday in January, April, July and October.
2. Acts of 1823, Chapter 108, provided that the Dyer County Court of Pleas and Quarter Sessions would be held at the house of John Warren on the fourth Monday in December, March, June and September.
3. Acts of 1824, Chapter 53, authorized the County Courts of Weakley, Obion, Dyer, and McNairy Counties to adjourn their courts to such place as suited the convenience of a majority of the Justices, preferably to the county seat of justice if the same had been laid out and established.
4. Acts of 1824, Chapter 102, rescheduled the terms of the Quarterly Courts in several of the counties west of the Tennessee River including Dyer County where the Quarterly Court would meet on the fourth Monday in January, April, July and October.
5. Acts of 1825, Chapter 318, rearranged the opening dates for the Quarterly Courts in several counties.; In Dyer County the court would meet on the second Monday in March, June, September and December.
6. Acts of 1826, Chapter 53, validated all the proceedings conducted by the Quarterly Court of Dyer County at a court session which was apparently not authorized but which fact was unknown to the Justices at the time the court met.
7. Acts of 1829, Chapter 20, was the enabling legislation for the County Courts of Carroll, Gibson, Dyer, Knox, Anderson, Obion and Henderson Counties, a majority of the Justices being present, on the first day of the first term in each year to select three of their own number to hold the Court for the remainder of that year under the same regulations as would apply to the whole court.; The pay for the Justices was set at \$1.50 per day for each day spent in this task, and a tax of \$1.00 on each lawsuit could be levied by the court to raise the money to pay them if need be.
8. Acts of 1829-30, Chapter 102, fixed the terms for the Quarterly Courts of Obion County and Dyer County whose Quarterly Court would hereafter meet on the third Monday in February, June, September and December.; This act was repealed by the one following.
9. Acts of 1831, Chapter 52, repealed Acts of 1829-30, Chapter 102, Section 3, above, and provided that the Quarterly Court of Dyer County would hereafter convene on the second Monday in March, June, September and December.; The proceedings of the court conducted at the March term were ratified and made legal and binding on all concerned any law to the contrary notwithstanding.
10. Acts of 1832, Chapter 21, reset the terms of the Dyer County Quarterly Court to start on the fourth Monday in March, June, September and December with the provision that all writs returnable to the former terms of court would be made returnable to the above terms.
11. Acts of 1867-68, Chapter 65, abolished the Quarterly County Courts and transferred all their functions to the Board of County Commissioners.
12. Acts of 1869-70, Chapter 49, repealed all prior acts which created Boards of County



Commissioners and restored the Quarterly County Courts to their former active status.

13. Private Acts of 1955, Chapter 44, averred that in Dyer County the Justices of the Peace would be paid \$5.00 per day and five cents per mile for travel to and from home and the courthouse.
14. Private Acts of 1965, Chapter 53, amended Private Acts of 1955, Chapter 44, above, by increasing the per diem payments of the Justices of the Peace in Dyer County from \$5.00 to \$10.00.; The Act was properly ratified by the Dyer County Quarterly Court.
15. Private Acts of 1973, Chapter 24, amended Private Acts of 1955, Chapter 44, above, by increasing the per diem payments of the Justices of the Peace from \$10 to \$25 but this act was rejected by the Quarterly Court of Dyer County thus failing to become an effective law.

### **County Mayor**

The references below are of acts which once applied to the office of county judge, or county executive in Dyer 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 position of County Judge in every county, who would be elected by the people for four year terms, beginning on the first Saturday in May, 1856, and who would be commissioned and sworn as other judges were.; Quorum Courts were abolished and their responsibilities given to the County Judge who would also preside over the Quarterly Court.; The jurisdiction of the court, meeting on the first Monday in each month, was clearly outlined in the act.; The administrative powers and duties of the Judge as the accounting officer and general agent of the county were numbered and specified in Section 8.; Compensation was set at \$5.00 per day for each day spent as the Judge.; The County Judge was permitted to practice law in all courts other than the one over which he presided.; This act was repealed by Acts of 1857-58, Chapter 5.
2. Acts of 1857-58, Chapter 5, expressly repealed Acts of 1856, Chapter 253, above, restoring all Quorum Courts to their former status.
3. Private Acts of 1915, Chapter 82, created and regulated the office of County Judge for Dyer County who was required to be a person learned in the law, a licensed attorney, and who would be elected by the people for an eight year term.; The present County Chairman would be the County Judge until a successor was elected at the regular county election on the first Thursday in August, 1916, taking office on the first Monday in September, 1916.; The office of county chairman, and chairman protem, were abolished, all their functions being transferred to the County Judge.; Section 8 listed the powers and duties of the office as the accounting officer and general agent of the county and Section 9 vested concurrent jurisdiction with the Circuit and Chancery Courts in some matters, as habeas corpus proceedings, appointment of guardians, etc.; The Judge was forbidden to practice law in other courts but would be sworn and commissioned as other judges.; The annual salary was \$1,500.; The Judge would preside over the Quarterly Court which would continue to meet on the first Monday in January, April, July, and October.; This act was repealed for all practical purposes by Private Acts of 1927, Chapter 161, which created a Probate Court for Dyer County and was construed by the Tennessee Supreme Court in Hodge v. State, 135 Tenn. 537, 188 S.W. 206 (1916).
4. Private Acts of 1917, Chapter 350, amended Private Acts of 1915, Chapter 82, Item 3, above, in Section 9, by adding a provision which granted to the County Judge the authority to ratify sale of land where the contract was entered into between parties who were under some sort of disability in the same manner as the Chancery Court could ratify them, and the power to assess fines and impose other penalties in misdemeanor cases in which the defendant entered a guilty plea.; A proper docket of such cases would be kept and the costs taxed as they would be in appearances before a Justice of the Peace Court.
5. Private Acts of 1919, Chapter 683, amended Private Acts of 1915, Chapter 82, Item 3, above, in line 2 of Section 14, by reducing the annual salary of the County Judge from \$1,500 to \$900.
6. Private Acts of 1919, Chapter 638, amended Section 7, Private Acts of 1917, Chapter 350, Item 4, above, by adding a provision after the phrase "the costs shall be taxed as in trials before Justices of the Peace" the words "and without the imposition of the State tax, County tax, or fee for the Attorney General."
7. Private Acts of 1927, Chapter 161, repealed Private Acts of 1915, Chapter 82, Item 3, above, as it was amended, and created a Probate Court for Dyer County.; This Act, except for Section 18 which repealed Private Acts of 1915, Chapter 82, was in turn repealed by Private Acts of 1947, Chapter 612.; (The County Chairman was among those whose jurisdiction was preserved by Chapter 161, above).

8. Private Acts of 1937, Chapter 713, stated that in Dyer County (identified by the 1930 Federal Census figures) the Chairman of the County Court would be allowed and paid \$150 per month on the last day of each calendar month on the warrant of the County Judge, or Chairman, countersigned by the County Court Clerk.
9. Private Acts of 1941, Chapter 273, made the County Judge, or Chairman, the Purchasing Agent of the County with the sole power and authority to purchase all articles needed and requested in every government department of Dyer County.
10. Private Acts of 1943, Chapter 366, fixed the term of the Chairman of the County Court of Dyer County at two years from the date of his election being applicable initially to that person elected by the Quarterly Court at its January, 1944, meeting.
11. Private Acts of 1984, Chapter 180, gave the County Executive the additional duties of serving as the County's ex officio purchasing agent.; The County Executive was given the authority; to contract for and purchase all materials, to arrange for the purchase or rental of any real estate, and to receive and approve bids for the road department.; This act also repealed the Private Acts of 1941, Chapter 350 and any amendatory acts associated with it.; Private Acts of 1984, Chapter 180 was expressly repealed by the Private Acts of 1987, Chapter 101.

### **County Register**

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

1. Acts of 1851-52, Chapter 119, consolidated the Register's Office with the office of the Entry Taker in all counties south and west of the Congressional Reservation line except those counties which declared themselves to be exempt in Section 6 whose number did not include Dyer County.; The Register's Office assumed all the duties of the Entry Taker plus a few more added by this act.; Entry takers were required to forward to the Register all plats, maps, documents, and records in their possession.; The Register was allowed to charge the same fees for his services as the Entry Taker had been charging.; This act repealed as applied to Dyer County by the one following.
2. Acts of 1853-54, Chapter 148, expressly repealed Acts of 1851-52, Chapter 119, above, as the act had application to Dyer County.; Section 2 stated that the present Register of Dyer County would continue to act as the Entry Taker until the first Monday in April next, at which time the County Court of Dyer County would elect an Entry Taker for the County who would exercise the power and perform the duties of that office from that time as prescribed by law.
3. Acts of 1868-69, Chapter 40, again consolidated the two offices of Register and Entry Taker into the Register's Office of Dyer County.; The Register was directed to assume and perform all the duties of the Entry Taker.; All papers and records would hereafter be kept at the county seat where a proper and complete Index would be made and kept current.; The Quarterly Court of Dyer County was made accountable for the enforcement of this act.
4. ;Private Acts of 1933, Chapter 653, fixed the annual compensation of the Dyer County Register at \$3,600, payable monthly, provided the Register file a sworn, itemized statement with the County Judge, or Chairman, showing all the fees collected in that office the preceding year.; If the fees did not equal the salary above, the amount collected would be the salary of the Register, but, if the fees exceeded the salary, the Register must pay over the excess to the Trustee.; Acceptance of the office and performance of the duties would constitute an estoppel to proceed on any issue of compensation.

### **County Trustee**

The following act once affected the office of county trustee in Dyer County, but is no longer operative.

1. Private Acts of 1933, Chapter 586, established the annual salary of the Trustee of Dyer County at \$3,600 payable in equal monthly installments after September 1, 1934.; All fees collected over the amount of the salary must be paid to the Trustee for deposit in the county funds.; if the fees collected were less than the salary above, the amount collected would be the salary of the Trustee.; Acceptance of the position and performance of the duties would work an estoppel against the Trustee on the issue of compensation.; This Act was not intended to affect any phase of the operation of the Trustee's office, only to set the salary at the above figure.

### **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 acts once affected the purchasing procedures of Dyer County, but are no longer operative.; Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1974, Chapter 350, amended Private Acts of 1941, Chapter 273, by rewriting the first sentence of the second paragraph in Section One to increase the amount of purchases without advertising for bids from \$100 to \$500. Private Acts of 1941, Chapter 273 was repealed by the Private Acts of 1984, Chapter 180.
2. Private Acts of 1984, Chapter 180, gave the County Executive the additional duties of serving as the County's ex officio purchasing agent.; The County Executive was given the authority; to contract for and purchase all materials, to arrange for the purchase or rental of any real estate, and to receive and approve bids for the road department.; This act also repealed the Private Acts of 1941, Chapter 350 and any amendatory acts associated with it.; Private Acts of 1984, Chapter 180 was expressly repealed by the Private Acts of 1987, Chapter 101.
3. Private Acts of 1987, Chapter 101, specifically repeals Chapter 273 of the Private Acts of 1941, as well as the Private Acts of 1984, Chapter 180.

### **General Reference**

The following private or local acts constitute part of the administrative and political history of; Dyer 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 fix on a site for the permanent seat of justice in Weakley, Gibson, McNairy, Dyer, Hardeman, Obion, Trenton, and Haywood Counties.; Having due regard for water's availability and the central point of the county.; The Commissioners had the authority to procure 50 acres at the site selected.; They would be entitled to and paid \$4.00 for each day spent in this service which amount must be paid by the county benefitted.
2. Acts of 1824, Chapter 32, amended Acts of 1823, Chapter 206, so as to replace Abram Maury and William Hall, who declined to serve as Commissioners to select the respective county seats of the counties mentioned, with Robert Jetton who would join those remaining Commissioners in the execution of their responsibilities.
3. Acts of 1824, Chapter 132, authorized the commissioners named in the Act to lay out Brownsville in Haywood County.; Section 3 extended the same power and authority to those Commissioners named to establish the seat of justice in the Counties of Gibson, Dyer, Hardeman, Tipton, Fayette, Weakley, Obion, and McNairy.; The name of the county seat in Dyer County would be Dyersburgh.
4. Acts of 1826, Chapter 45, named Adam Huntsman, Moses Woodbine, Samuel Dickens, and John F. Brown, all of Madison County;; Blackman Coleman and Daniel Cherry, both of Haywood County; and John P. Byrne, of Dyer County, as Commissioners of Navigation to draft a plan to carry out the provisions of this act which were calculated to improve the navigation of the Forked Deer River.
5. Acts of 1827, Chapter 12, organized the Western District of the Treasury Department of Tennessee which was composed of the counties of Shelby, Fayette, Hardeman, McNairy, Hardin, Perry, Henderson, Carroll, Henry, Weakley, Obion, Dyer, Tipton, Haywood, Madison, and Gibson.; The Treasurer of the District would be appointed by the joint ballot of the General Assembly and hold his office in Jackson in Madison County.; The Sheriffs and all the other collectors of revenue and taxes were required to deposit their collections at Jackson rather than to bring them all the way to Nashville.
6. Acts of 1831, Chapter 44, was the legislative authority for the counties of the State acting through the county courts at their first meeting on the first day to select three of their number to compose a Board of Internal Improvement serving for one year from the appointment date.; They would be sworn and bonded, elect a President and a Secretary, and would supervise the expenditure of the funds allocated to their particular county for internal improvements such as roads, rivers, and

- levees, and to promulgate rules and regulations for their own operations.
7. Acts of 1832, Chapter 14, made it lawful for the County Courts of Henry, Carroll, Gibson, Weakley, Dyer, and Obion to proceed to elect Boards of Internal Improvement in their counties in conformity with the same regulations imposed on other counties in this regard.; The cashier of the bank was directed to pay over to each Board the prorated share of that particular county.
  8. Acts of 1832, Chapter 131, was the legal authority for Ellen Hilyer, a free woman of color, to purchase her husband, Jacob, a slave, and to emancipate him after the said purchase, provided that Jacob would be under the same rules and regulations as were other free persons of color and further, that bond be made with the Chairman of the County Court by Jacob that he would behave himself and not become a public charge.
  9. Acts of 1835-36, Chapter 11, permitted the County Court of each county to elect two Notaries Public except in Davidson County wherein three would be elected, all for four year terms after the Notaries were sworn and bonded.; The Notaries were required to furnish their own seals.
  10. Acts of 1835-36, Chapter 139, incorporated the City of Dyersburg under the name and style of the Mayor and Aldermen of Dyersburg.; The Mayor and Aldermen would have and exercise all the power and authority heretofore granted to Trenton in Gibson County.
  11. Acts of 1839-40, Chapter 132, made it legal for the Commissioners of the town of Dyersburg to lay off the commons of the said town into lots and to sell the same if the best interests of the town and the county required the same to be done.; Alleys could be closed out and sold if those who owned lots adjacent to the alley agreed to do so in writing.
  12. Acts of 1842 (Ex. Sess.), Chapter 4, named John C. Gillespie, and William Moore, of Gibson County, Samuel Lancaster, and James S. Lyon, both of Madison County; and Isaac Sampson, of Dyer County, as Commissioners to superintend the improvement of the navigation of the Forked Deer River.
  13. Acts of 1847-48, Chapter 211, declared it the duty of the Surveyors of Dyer and Obion Counties to run and mark all the range and section lines in their respective counties which have not heretofore been run and marked for which services they would be paid such fees as were authorized by law.; The Entry Takers of these counties were named to pay the fees if they had sufficient funds in their possession to do so.; If they did not, the county was obligated to pay.
  14. Acts of 1849-50, Chapter 55, incorporated Dyersburg under the Mayor-Alderman form of government under the same restrictions and powers conferred upon Linden in Perry County.; A general description of the area included in the town was included in this act.
  15. Acts of 1853-54, Chapter 323, allowed the Counties of Tipton, Dyer, Stewart, and Obion to subscribe to stock in the Great Central North and South Railroad Company, and to issue their bonds to pay for the same under the terms and conditions found in this Act.
  16. Acts of 1867-68, Chapter 65, established a three member Board of County Commissioners in Madison County who would be appointed by the Governor to serve staggered terms to begin with or until their successors were elected.; The Commissioners would be sworn and bonded and would fill any vacancy which occurred.; The Board would meet four times annually on the same dates set up for the meetings of the Quarterly Court.; The County Court Clerk would be the Recorder for the meetings.; All the powers and duties of the Quarterly Court were transferred with some specific grants of power added.; All the Magistrates were relieved of their duties which were also vested in the Commissioners.; Quorum Courts were abolished, too, by this act.; The Chairman would be paid \$500 annually and the other members would get \$400 a year.; Section 13 of this act extended all its terms and provisions to apply to Dyer County as fully as if written separately.; This act was repealed by the Acts of 1869-70, Chapter 6.
  17. Acts of 1869-70, Chapter 6, repealed all Sections of the Acts of 1868-69, Chapter 65, which created a Board of County Commissioners, as the same was applicable to Sumner and Dyer Counties.
  18. Acts of 1869-70, Chapter 49, specifically repealed all acts which created Boards of County Commissioners in all counties and restored all acts which were either expressly or impliedly repealed by such acts.
  19. Acts of 1869-70, Chapter 119, repealed all laws creating a Board of County Commissioners for Madison County, and Section 2 again repealed all the laws creating the Boards for all the counties.
  20. Acts of 1897, Chapter 124, fixed the annual salaries for all the county officials in the State according to their classification by population of the county in which they served.; They were deprived of all fees which were to be paid to the county and would henceforth be compensated

only by salary.; The salary of the office holder and deputies would be limited by the amount of fees collected and reported to the Judge, or Chairman, in a sworn and itemized account.; (Although this act was declared unconstitutional in Weaver v. Davidson County, 104 Tenn. 315, 59 S.W. 1105, (1900), this act, plus features from some others, formed the basis upon which the current salary laws were predicated.)

21. Private Acts of 1929, Chapter 245, was the legislative authority for the Dyer County Quarterly Court to appropriate annually a sum of money not to exceed the amount collected from a special tax levy of one cent which would be used for the aid and support of the poor, indigent, dependent, insane and feeble minded, the expenditures to be made by the Dyer County Red Cross Chapter.; If sufficient funds were available the tax levy would not be made, but, if there were not sufficient funds available, the Chairman of the County Court was allowed to borrow them.
22. Private Acts of 1929, Chapter 266, recited in the preamble that public spirited citizens had made donations, that the Kraft Cheese Company desired to build a cheese factory, and that the opinion of the Quarterly Court, expressed in a Resolution, was that the best interest of the county would be served thereby, this act allowed the Dyer County Quarterly Court to appropriate and give \$2,000 to the West Tennessee Dairy Association, as recorded in the Resolution, which sum would be used in the construction of the said cheese plant in Dyer County.
23. Private Acts of 1933, Chapter 668, was the authority for the Quarterly Court of Dyer County, in their discretion, to create a sinking fund into which they could pay all of the delinquent taxes collected and owing for the years 1920-1934, inclusive, which were levied for any and all purposes.; The court could by Resolution retire any of the county's outstanding obligations from this fund and make arrangements to accept as payment for delinquent taxes incurred during those years outstanding bonds, past due interest coupons, or warrants heretofore issued by the county.
24. Private Acts of 1935, Chapter 310, removed the disabilities of infancy from Laverne Barker, of Dyer County, who, from now on, could conduct herself as an adult.
25. Private Acts of 1935, Chapter 748, amended Private Acts of 1933, Chapter 668, Item 23, above, by changing the years for which the delinquent taxes were to be considered from 1920-1931 to 1920-1934.; No other changes occurred.
26. Private Acts of 1982, Chapter 338, approved at the local level on May 18, 1982, amended Private Acts of 1901, Chapter 450, the City Charter of Newbern, to make the Vice-Mayor instead of the Recorder, the person to act when the Mayor was incapacitated.
27. Private Acts of 1982, Chapter 364, amended Private Acts of 1903, Chapter 410, the Charter of the City of Dyersburg, in several Sections concerning the Mayor and Aldermen, the aldermanic districts, and the elections of various city officials.; This act was made effective by local approval on May 17, 1982.
28. Private Acts of 1982, Chapter 370, authorized the levy of a hotel-motel type of tax in the City of Dyersburg in the amount of 1.25% of the amount for the consideration of occupancy of accommodations of that type in the City.; The mechanics of collection of and distribution of the funds are included.; This act was also approved in Dyersburg on May 17, 1982.

## Chapter II - Animals and Fish

### Foxes

#### Private Acts of 1967 Chapter 140

**SECTION 1.** It is lawful to hunt, capture, or kill by any means red and gray foxes in Dyer County at any time or season of the year.

**SECTION 2.** This Act shall take effect upon becoming a law, the public welfare requiring it.

Passed: May 1, 1967.

### Pheasants - Quail

#### Private Acts of 1959 Chapter 221

**SECTION 1.** That in Dyer County it shall be lawful to own and operate shooting rows for pen raised

pheasants and pen raised quails between October 1, each year, and April 1 of the succeeding year, provided that such shooting rows shall be constructed and operated in places designated by permit from the Director of the Game and Fish Commission. The recipient shall be charged \$15.00 for said permit and it shall include but is not necessarily limited to the following: Special regulations and boundary of the shooting rows, covered by the permit, regulations for identification and marking of pen reared quail and pen reared pheasant used in shooting rows, provisions covering obtaining pen reared quail and pen reared pheasant to be used in connection with shooting rows, and regulations necessary to prevent wild quail and wild pheasant from being used in connection with shooting rows. In addition, the owner or operator of shooting rows may sell pheasants and quails for propagation and shooting over shooting rows as authorized by this Act only and he may sell permits for the privilege of using his shooting rows; provided, however, that exotic species, including pheasants, may be sold for food purposes, and/or for the privilege of using shooting rows.

**SECTION 2.** That nothing herein shall be construed as exempting any person engaged in the propagation of upland game birds from the requirement to hold a propagation permit as required in Section 51-220, T.C.A., nor from exempting any person shooting over shooting rows described herein from the requirement to hold a valid hunting license as prescribed by Section 51-202, T.C.A. Provided further, that a violation of any rule or regulations made under the authority granted the Game and Fish Commission by this Act is hereby declared to be a misdemeanor punishable as provided in Sections 51-703, T.C.A. and 51-232, T.C.A. respectively.

**COMPILER'S NOTE:** T.C.A. 51-220, recodified as Section 70-2-210, and T.C.A. 51-232 have been repealed.

**SECTION 3.** That it is hereby declared to be a misdemeanor for any person to operate a shooting row without a permit as herein provided for, punishable by a fine of not less than Ten Dollars (\$10.00) nor more than Twenty-Five Dollars (\$25.00), and be it further enacted that a violation of any rule or regulation made under the authority granted the Game and Fish Commission by this Act is hereby declared to be a misdemeanor punishable by a fine of not less than Ten Dollars (\$10.00) nor more than Twenty-five Dollars (\$25.00).

**SECTION 4.** That any bird which escapes from the propagation pens or shooting rows herein provided for shall become the property of the State and subject to the general game and fish laws.

**SECTION 5.** That this Act shall have no effect unless the same shall have been approved by a 2/3 vote of the Quarterly County Court of Dyer County on or before the next regular meeting of the Court, occurring more than five days (5) after this Act has been approved by the Governor. The presiding officer of the Quarterly County Court shall certify the results of the vote of the Quarterly County Court to the Secretary of State immediately after the action of the Court.

In the event the Court should hold this Chapter need not be approved as provided by Article 11, Section 9, of the Constitution, this Section shall be elided and the General Assembly hereby declared that it would have enacted this Chapter without this Section.

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

Passed: March 19, 1959.

## Animals and Fish - Historical Notes

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

1. Acts of 1889, Chapter 171, was a general game law making it unlawful to hunt, kill, or trap deer for profit but deer could be legally killed for one's own consumption, and a person could kill deer for profit on his own land between August 1 and January 1 of each year. It was unlawful to hunt, kill, trap, or capture quail, or partridges for profit except on one's own land between November 1 and the following March 1. Fines for violators ranged from \$15 to \$25 for the first offense and \$25 to \$50 for the second. Constables and Justices of the Peace were designated as Game Wardens to enforce this law. Dyer County was among the 65 counties which exempted themselves from this Act.
2. Acts of 1897, Chapter 289, made it illegal for any person to hunt, capture, kill, shoot, or net any quail, or partridge in Dyer County from April 1 until September 1 of each year. No one could kill these for profit except on his own land or by obtaining permission from the owners of other lands. It was further against the law to export or receive for export any of the birds mentioned above.

Offenders could be fined from \$5 to \$25 for each offense.

3. Acts of 1901, Chapter 49, declared that in Dyer County (identified by the 1900 Federal Census figures) a lawful fence, in addition to the other fences sanctioned under the law, could consist of barbed wire of four strands firmly attached to good substantial posts, not more than 40 feet apart, the lowest strand of which must be 15 inches above the ground and each of the other wires being separated by a twelve inch space.
4. Acts of 1901, Chapter 51, provided that all persons owning or controlling swine in Dyer County would keep them confined to their land. If any swine were found on another person's land, whether fenced or not, the owner of that land would have a lien on the swine trespassing thereon which lien could be enforced by attachment or judgment at law. This Act must not be construed as releasing any Railroad Company from any liability they might have under any other law.
5. Acts of 1901, Chapter 224, declared it a misdemeanor for any person in Dyer County to shoot, trap, or kill, wild turkeys for sale, or profit or to kill more than five turkeys in any one year. It was further illegal to buy any wild turkeys in Dyer County. Fines would be \$10 for each turkey killed, sold, or bought, or offered for sale, in violation of this law, one-half to be paid to the informant, and one-half to be paid into the school fund.
6. Acts of 1905, Chapter 431, amended Public Acts of 1903, Chapter 169, a general game law of the State to make it illegal to shoot turkey hens except from November 1 to February 1 and gobblers from November 1 until May 1. Not over five could be killed each year and none could be sold for profit at any time. Closed season on squirrels would run from January 1 until July 1. Non-residents of the State could not kill, or trap, coons, mink, and otter at any time. Fines from \$25 to \$50 could be imposed upon violators in Dyer County, the only county to which this Act would apply.
7. Private Acts of 1909, Chapter 555, declared it to be a misdemeanor to shoot, kill, or injure, by any method or means whatsoever, any squirrels, coons, mink, or otter, in Dyer County except during the following times: October 1 until January 1, with no license being required. Open season on the other game above would run from October 1 until following February 15. No non-resident could hunt or kill those mentioned at any time for profit.
8. Private Acts of 1909, Chapter 556, gave any resident of Dyer County the right to fish in any of the rivers, lakes, ponds, or other streams, by line, trap, gun, nets or trot line, but not otherwise, from June 1 until March 1 for which no license would be needed. No person could legally do so during the closed season. Fines were provided for those failing to comply.
9. Private Acts of 1911, Chapter 80, made the fence described therein a lawful fence in addition to the others approved under the law. The fence could be four strands attached firmly to good substantial posts no more than 40 feet apart, the lowest of which wire strands would be 15 inches above the ground and the others 12 inches above the next lower one.
10. Private Acts of 1911, Chapter 98, ordered that all persons owning or controlling swine must keep them confined to their premises, or suffer a lien to be placed upon the trespassing animals in favor of the person damaged. Dyer County was expressly exempted from the terms of the Act.
11. Private Acts of 1911, Chapter 638, made it lawful for the owner of land, or anyone having the permission of the owner of land, to shoot, catch, or kill squirrels, coons, minks, or otters, on the said land.
12. Private Acts of 1921, Chapter 22, declared it to be illegal for any person owning, or having custody of, horses, mules, cattle, sheep, swine, goats, and geese, to permit them to run at large in Dyer County. Any person so damaged by the above would have a lien on the animals invading his property for any damages plus the cost of taking them up and caring for them, provided notice is given to their owner. The Lien would exist for sixty days after the injury and until the termination of any lawsuit. Violators could also be fined from \$5 to \$25, each day being a separate offense.
13. Private Acts of 1921, Chapter 335, amended Private Acts of 1921, Chapter 22, Item 12 above, so as to make that Act take effect on January 1, 1922, rather than on June 1, 1921.
14. Private Acts of 1925, Chapter 758, made it unlawful for any person to take, catch, or kill, or to attempt the same, any fur bearing animal by means of box traps, snare, stick trap, deadfall, or any other device, in Dyer County. Any person found guilty could be fined from \$10 to \$25 but any owner, or tenant, could catch, or kill these animals whenever they became a menace to home, crops, or poultry.
15. Private Acts of 1931, Chapter 337, declares it to be against the law for any person to kill, or shoot, more than 8 squirrels within one 24 hour period in Dyer County. To have a greater number than 8 of squirrels in one's possession would be prima facie evidence of guilt. First offenders could

- be fined from \$10 to \$50 and all subsequent offenses could be punished by fines from \$25 to \$50.
16. Private Acts of 1933, Chapter 843, stated it to be unlawful in Dyer County for any person to hunt, trap, or kill squirrels except during the period between July 1 and December 31 of each year. A person could legally kill ten squirrels each day. Opossums could not be hunted or killed except during the period from November 15 to February 15 following. The schedule of fines ran from \$10 to \$50.
  17. Private Acts of 1935, Chapter 745, made it legal to hunt, catch, or kill squirrels in Dyer County from June 1 until July 15, and from September 1 until November 15 of each year following the passage of this Act. The hunting and killing of squirrels at any other time were prohibited for which a \$5 fine could be imposed by any court of the State for each offense.
  18. Private Acts of 1937, Chapter 755, amended Acts of 1905, Chapter 76, a general State law, by inserting a provision that in Dyer County the existing practitioners of veterinary medicine could make application to the State Board of Veterinary Medical Examiners on or before September 1, 1937, to which day they were allowed to register and receive their license without having to be examined by the Board.
  19. Private Acts of 1939, Chapter 283, declared it lawful in Dyer County (identified by the use of the 1930 Census figures) to take, or catch, fish of any kind at any time during the year from all the streams of the County with hook and line, using natural bait, without the necessity of obtaining any license to do so.
  20. Private Acts of 1945, Chapter 315, recited that A. T. Mallard, of the city of Newbern, in Dyer County, being over 21 years of age, and having practiced veterinary surgery and medicine for more than ten years, would be permitted to continue the said practice in both surgery and medicine in Dyer County. A certified copy of this Act would be and constitute a sufficient license for the above A. T. Mallard to do so, and to charge and collect fees for his services as any other veterinarian would do.

## Chapter III - Bond Issues

### Issuance of Negotiable Bonds

#### Private Acts of 1941 Chapter 157

**SECTION 1.** That the County of Dyer, in the State of Tennessee, through its Quarterly County Court, in regular, adjourned or special session assembled, a quorum being present and a majority of all the justices composing the said Court voting therefor [sic], is authorized and fully empowered to provide be resolution for the issuance of negotiable bonds of said County, at one time or from time to time, for the following purposes:

- (a) Funding any or all warrants, notes or other indebtedness not evidenced be bonds, now outstanding, and interest accrued thereon.
- (b) Refunding any or all bonds of the County, now outstanding including bonds not matured if the unmatured bonds be then redeemable or if the holders thereof be willing to surrender the same for retirement.
- (c) To pay any redemption premium upon bonds so refunded and also such expenses as the Quarterly County Court may deem reasonable and proper for carrying out the provisions of this Act.

**SECTION 2.** That bonds authorized pursuant to the provisions of this Act may be issued as a whole, or in series, at one time, or from time to time. The designation of said bonds, the date or dates and the denominations thereof, the rate or tares of interest said bonds shall bear (in no instance, however, to exceed four and one eighth per centum (4 1/8) per annum, payable semi-annually), the maturity or maturities of the bonds, which shall be at a time or times not exceeding fifty (50) years from the date of the bonds, the place or places of payment of principal and interest, the form of said bonds, and all other details thereof shall be determined and fixed be the Quarterly County Court of Dyer County, subject only to the limitations herein imposed, in the resolution providing for the issuance of said bonds. Any and all bonds issued pursuant to the provisions of this Act shall be signed by the County Judge or Chairman of the County Court of Dyer County, countersigned by the County Court Clerk, and shall have the seal of Dyer County impressed on each, and the interest coupons annexed thereto may be executed by the facsimile



signatures of said officials, either lithographed or printed thereon. In case either or both of the officers whose signatures appear on the bonds or coupons shall cease to be officers before the delivery of such bonds, such signatures shall nevertheless be valid and sufficient for all purposes, the same as if they had remained in office until such delivery.

**SECTION 3.** That the Quarterly County Court may sell any or all of the bonds authorized under the provisions of this act in such manner and for such price as it may determine to be for the best interest of the County, but no sale shall be made at a price so low as to require payment of interest on the money received therefor at more than four and one-eighth per centum (4 1/8%) per annum, computed with relation to the absolute maturity or the average maturity of the bonds in accordance with standard tables of bond values. Any or all of the bonds authorized under the provisions of this Act may be exchanged for the bonds to be refunded thereby, or the warrants, notes or other indebtedness to be funded thereby, including bonds not matured or redeemable if the holders thereof be willing to surrender the same for retirement. Additional bonds may be authorized, issued and sold under the provisions of subsection (c) of section 1 hereof in an amount sufficient to pay (1) any redemption premium on bonds refunded, and (2) if such funding or refunding bonds shall bear interest at less than four and one eighth (4 1/8%) per centum per annum, and shall be sold and delivered in exchange at a discount, the amount of such discounts; provided; however, that the aggregate amount of bonds which may be issued for all purposes pursuant to the provisions of this Act shall not exceed in face amount the sum of \$4, 000, 000.00.

**SECTION 4.** That all bonds issued under the provisions of this Act shall be direct and general obligations of Dyer County, Tennessee, for the payment of which the full faith, credit and resources of said County shall be irrevocably pledged. In each year while any funding or refunding bonds issued under the provisions of this Act shall be outstanding there shall be levied upon all taxable property in Dyer County an ad valorem tax sufficient to pay the interest thereon as it falls due, and the principal of such bonds as the same mature.

**SECTION 5.** That the authority conferred by this act upon Dyer County may be exercised at any time and from time to time, and the authorization of additional funding or refunding bonds by one resolution shall not prevent the authorization of additional funding or refunding bonds by subsequent resolution or resolutions, not to exceed the maximum amount herein authorized. One resolution providing for the issuance of bonds authorized hereby may provide for the issuance of two or more separate series of such bonds, and each series or class may have different terms and provisions from the others, and the bonds of each series or class may bear interest at different rates.

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

Passed: February 7, 1941.

## Bond Issues - Historical Notes

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

### Courthouse

1. Private Acts of 1903, Chapter 37, authorized the Quarterly Court of Dyer County to issue time warrants not to exceed \$50,000 in amount, at an interest rate of 6%, or less, and for a maturity period no longer than 15 years. These bonds would be sold by a committee elected by the County Court and the proceeds would be used to construct a Court House at Dyersburg. All the essential details of valid bond legislation were present in the Act and a mandatory tax levy not to exceed 15 cents per \$100 was established to be levied as long as any of the warrants were due and unpaid.
2. Private Acts of 1911, Chapter 404, recited in the preamble that Private Acts of 1903, Chapter 37, above, was the legal authority to issue up to \$50,000 in time warrants at 5% interest, and covering a maturity period of fifteen years, with which to build a Court House, and that the warrants and bonds so authorized were duly issued and sold, but some question has arisen concerning the validity of the time warrants, therefore, this act ratifies, confirms, and validates all prior actions had in connection with that project and allowed refunds to be made on the warrants and bonds to be issued in their room and stead under the same limitations. These bonds were to be executed in the name of Dyer County and would possess and assume the same credibility as other bonds.

### Debts

1. Acts of 1866-67, Chapter 41, granted the privilege to Hawkins County acting through its Quarterly Court by a two-thirds vote of its members, to issue coupon bonds for the amount of the

indebtedness of the County, but no debt was to be paid with these funds which was incurred in aid to the recent rebellion. Section 6 made this Act effective in Greene, Monroe, White, Franklin, Dyer, and Smith Counties.

2. Acts of 1891, Chapter 12, constituted the authority for the Quarterly Court of Dyer County to issue up to \$25,000 in bonds at an interest rate not to exceed 6%, and for a maturity period no longer than ten years, but the bonds could be called in after three years. The money would be used to pay the outstanding obligations of the County. The bonds would have interest coupons attached, would be free from taxation when owned by a citizen of the County, and must meet all the needs of local bond issues required by law.
3. Private Acts of 1913, Chapter 160, permitted the Dyer County Quarterly Court to issue up to \$75,000 in bonds at an interest rate not to exceed 5%, payable in 1933 with the right reserved to call in and pay \$5,000 per year after five years. The proceeds would go to liquidate debts and outstanding warrants of the County. All the essential details of the bond issue were incorporated including the mandatory tax levy. The County Chairman must keep proper records and the Trustee would handle the funds.
4. Private Acts of 1917, Chapter 306, enabled the Quarterly Court of Dyer County to issue and sell up to \$150,000 in bonds at an interest rate of 5%, or less, which bonds would mature over a period of 15 years according to the schedule contained in the Act. The bond purpose was to pay off the outstanding debts of the County evidenced by judgments and unpaid warrants. All necessary detail was included within this Act which obligated the County Judge to keep all proper records.
5. Private Acts of 1929, Chapter 813, ratified, confirmed, and validated all the prior proceedings of the Quarterly Court of Dyer County held in connection with the issue and sale of \$200,000 in funding bonds, dated April 1, 1929, bearing an interest rate of 5½%, and maturing in annual \$10,000 increments, starting in 1940. These bonds were made the general obligations of the county government for which a special tax levy must be made as long as any remained due and unpaid.
6. Private Acts of 1931, Chapter 124, was the enabling legislation for the Dyer County Quarterly Court at any regular, or called, session to issue short term notes up to \$325,000 in anticipation of taxes levied but not collected. These notes could not be issued except as they were needed to pay the interest falling due on County bonds. The interest rate to be paid was not to exceed 6%. The principal of these notes, plus interest, would be paid out of the regular county funds produced by the tax levy.
7. Private Acts of 1931, Chapter 283, was the legal authority for the Quarterly Court of Dyer County at any regular, or called, session to issue interest bearing warrants, or notes, to raise funds to pay current expenses in anticipation of taxes levied but not collected. The warrants could not be issued except on approval by two-thirds of the Court members. The amount in the aggregate could not exceed 5% of the assessed value of property in the County. The interest rate could not top 6%, nor the maturity period exceed 30 years. Details to be observed at all issues were incorporated. The debts which were to be paid had to be entered in the minute book at the time of issue and a proper tax had to be levied to amortize these warrants over the specified maturity period.
8. Private Acts of 1935, Chapter 788, granted to the Dyer County Quarterly Court the authority to issue bonds, and to borrow money, by Resolution whenever it became necessary to adjust or liquidate the outstanding obligations of the County. The bonds could not exceed that amount of the unpaid debts of the County, nor the interest rate exceed 6%, nor the maturity schedule be more than 50 years. All the details of the issue could be included in the Resolutions for these general obligation bonds which required a special tax levy to be made to repay them as long as any were out. This authority could further be used to refund other bond issues especially in the area of roads and highways. The Court was given the added authority to resort to the Federal Bankruptcy Act if the Court should so decide. See *State v. Fumbanks*, 177 Tenn. 455, 151 S.W.2d 148, a Dyer County case involving this Act.
9. Private Acts of 1937, Chapter 129, validated all the prior proceedings of the Quarterly Court of Dyer County, especially the adoption of a Resolution on January 4, 1937, in connection with the issue and sale of \$94,500 in bonds at 3½% interest until January 1, 1940, and thereafter at 3 3/4%, graduated in increments up to 4 3/4% to fund certain debts due and owing on December 31, 1936. These bonds would mature January 1, 1965. A special tax levy must be made to amortize them so long as any were due and unpaid.
10. Private Acts of 1937, Chapter 530, validated all the prior proceedings, orders, and agreements by

the Dyer County Quarterly Court relating to the readjustment of the indebtedness of the County, and to the issuance and sale of \$4,715,788 in funding, or refunding, bonds, designated as alphabetical series "A" through "M". The authority was conferred upon the officials of the County and State Highway Departments to proceed whenever necessary. The County Trustee was obligated to handle the money and to keep all essential records.

11. Private Acts of 1941, Chapter 157, was the authority for a bond issue in Dyer County which is still outstanding. For these reasons the Act has been published herein in full on the preceding pages.

### **Railroads**

1. Acts of 1869-70, Chapter 55, gave the County Court of Dyer County the authority to raise up to \$400,000 to be expended in Dyer County for railroad purposes by issuing bonds up to that amount, for a maturity period which could not exceed 20 years, and at a lawful rate of interest. The bonds would be secured by stock in the Railroad Company. All the details of the issue, including a mandatory tax levy to amortize the bonds, were included in the Bill. The authority was limited to railroads which crossed the County.

### **Roads**

1. Private Acts of 1907, Chapter 58, gave the right to the Quarterly Court of Dyer County to issue and sell up to \$150,000 in bonds, at an interest rate of no more than 5%, and to mature over a 30 year period, callable after 15 years, which bonds would be tax exempt and used to build good roads in Dyer County. All was conditioned upon approval by the people in a referendum. The Act named R. M. Hall, J. N. Parker, John M. Tarrant, and N. W. Calcutt, all bankers, as the "Trustees of the Good Road Fund," who would supervise the sale of the bonds and the administration of the program, together with a Committee of Five to be selected by the Court from among their own members. The authority was granted to employ an engineer, if desired, and needed. This Act levied a "road bond interest tax."
2. Private Acts of 1909, Chapter 118, also enabled the Quarterly Court, subject to the outcome of a referendum held for that purpose, to issue up to \$150,000 in 5%, 30 year, bonds, callable after five years, to build good roads in Dyer County. The Court would appoint 4 citizens as "Trustees of Good Road Funds" to supervise the bond sale and the overall program. Each Civil District would select a committee in the District to handle the program in that area. An overall engineer could be hired or each District would be permitted to employ one. All the details and tax levy were incorporated into the law.
3. Private Acts of 1911, Chapter 375, was the authority to issue up to \$500,000 in bonds, at an interest rate of 5%, or less, and to cover a maturity period not to exceed 30 years, to construct a system of graveled, or rock, roads in Dyer County, conditioned upon prior approval by the people in a referendum. The essential elements of a bond issue were included. The Chairman of the County Court, the County Trustee, and the County Court Clerk were commissioned to handle the money according to the dictates of this statute. A list of fifteen different sections of roads was set up in the Act upon which the bond money would be expended.
4. Private Acts of 1921, Chapter 482, allowed the Quarterly Court to issue up to \$500,000, in 6%, 40 year, bonds to build, construct, repair, and maintain certain hard surfaced roads. The form of the bond and the details to be observed were incorporated into the body of the bill. The program would be generally supervised by the Hard Road Commission, to which the Act named J. N. Parker, John M. Tarrant, J. H. Jones, and N. W. Calcutt, and who would select a Chairman, a Secretary, a Treasurer, and an attorney. Four Roads were listed upon which the work and funds authorized by this Act would be expended. This Act was repealed by Private Acts of 1947, Chapter 67, below.
5. Private Acts of 1921, Chapter 483, allowed the issue in bonds up to \$670,000, at 6% interest, or less, for a 30 year maturity period, or more, to build, construct, improve, and repair certain hard surfaced roads in Dyer County. All essential details were observed, and the form of the bond and the interest coupon are depicted verbatim in the Act. The County Judge was directed to keep adequate records and the Trustee to handle the funds. J. N. Parker, N. W. Calcutt, and George E. Scott all of Dyersburg; N. L. Scobey, I. N. Williams, and Albert Harris, all of Newbern; were named as Pike Commissioners to supervise the program, award contracts under certain limitations, and to inspect and report on the progress of the work. Seven roads were specified in the Act as having priority for the benefits of this law. The Commission would not be paid in 1921 but the Quarterly Court could compensate them afterwards, if they so desired.
6. Private Acts of 1921, Chapter 658, was the authority for a certain city in the State to issue bonds for road improvements under the terms and conditions stated therein. The margin said this Act applied to Dyer County but it applied only to the city of Dyersburg.

7. Private Acts of 1921, Chapter 865, amended Private Acts of 1921, Chapter 482, Item 4, above, by adding at the end of Section 3 a provision that such bonds would not be issued until the County Hard Road Commission had requested in writing for the Quarterly Court at some regular term to vote the issuance of the same, and they only after a majority of the Justices had voted to do so. This Act was repealed by Private Acts of 1927, Chapter 68, below.
8. Private Acts of 1925, Chapter 60, was the legislative authority to issue up to \$1,000,000 in 6%, 30 year, bonds to build, construct, repair, and improve certain hard surfaced roads in Dyer County. The details coincide with prior act mentioned above. J. N. Parker, John M. Tarrant, and John F. Thompson, were named as Pike Commissioners who had the authority to use the money according to the terms of this Act. They would serve regular six year terms, solicit bids when expedient, award contracts under conditions stipulated, and had the power to exercise eminent domain to secure rights of way. Fifteen roads were listed as having work priorities. All the terms of this Act were subject to approval by the voters in a referendum.
9. Private Acts of 1925, Chapter 225, amended Private Acts of 1921, Chapter 482, above, by striking the names of those who were members of the Commission in that Act and substituting J. N. Parker, John M. Tarrant, and Dr. Joe Wynne, in their places. Section 12 was amended to extend the terms of the Commissioners to January 1, 1930. This Act named four roads to be considered in the overall program. This Act was repealed in Item 13, below.
10. Private Acts of 1925, Chapter 328, recited that the people of Dyer County in a referendum on February 21, 1925 approved the issue of \$1,000,000 in bonds at an interest rate not to exceed 6%, and covering a maturity period no longer than 30 years, which amount would be expended on roads. The form of the bond and the interest coupon were set out verbatim in the Act. The Pike Commission, to which the Act named J. N. Parker, John M. Tarrant, and John F. Thompson, must keep adequate records, make periodic progress reports, and supervise the overall program. The Commissioners were granted general powers to accomplish the work required on the list of fifteen roads enumerated in the Act plus any others, if funds remained, selected by the Pike Commission.
11. Private Acts of 1927, Chapter 67, amended Private Acts of 1921, Chapter 482, above, by inserting a new Section 3 providing for the County to issue the amount of bonds requested by the Hard Road Commission in writing at interest not to exceed 6% until the full amount of \$500,000, as authorized, had been issued, to mature at five year intervals for 30 years from date of issue. Section 4 was rewritten to give details of the bonds and specifying the form they would take. These bonds were exempted from taxation. J. N. Parker, J. K. White, and Dr. Joe Wynne were named as Commissioners. Section 15 was rewritten to give additional duties to the Hard Road Commissioners and to add five roads to the list to be worked.
12. Private Acts of 1927, Chapter 68, expressly repealed Private Acts of 1925, Chapter 225, Item 7, above, in its entirety.
13. Private Acts of 1927, Chapter 70, specifically repealed Private Acts of 1925, Chapter 225, entirely as written.
14. Private Acts of 1927, Chapter 195, was the enabling legislation for the Dyer County Quarterly Court to issue up to \$100,000 in 6%, 30 year, bonds, as all or any part of which was requested by the Pike Commissioners, which money would be used to build, construct, repair, maintain, and improve certain hard surfaced roads. The form of the bond and the interest coupon to be attached and the essential details of valid bond laws were contained in the Act. The Pike Commissioners would supervise and administer the program with the Trustee handling the money. The Commissioners could not have any personal interest in any of the business of the program. J. N. Parker, J. K. White, and John F. Thompson were nominated as Pike Commissioners, who could employ an engineer, solicit bids, award contracts and do all essential tasks within the limitation stipulated in the Act. A list of roads to be built or repaired was included in the Act but the Commissioners had the authority to add others to it. The entire Act was subject to an affirmative referendum vote.
15. Private Acts of 1927, Chapter 550, amended Private Acts of 1927, Chapter 195, above, to provide that the Chairman of the County Court be substituted throughout the Act in place of the County Judge, that office having been abolished in Dyer County.
16. Private Acts of 1929, Chapter 264, allowed the Dyer County Quarterly Court, subject to approval by the people in a referendum, to issue up to One Million Dollars in bonds at 6%, or less, interest, and to mature no later than 30 years from issue, to build, construct, repair, and maintain hard surfaced roads which would be issued as the Pike Commission requested in writing. All essential details were provided. Gasoline tax money and license tax funds might be used to repay these

bonds but a tax levy was also required. The County Chairman must keep records and the Trustee handle the money. The Pike Commission had the general oversight of the bond sale and administration of the program. J. N. Parker, J. K. White, and John F. Thompson were named as Pike Commissioners who could have no personal interest in any of the business of the program.

The funds could not be used for the acquisition of rights of way. A list of 64 roads was contained in the Act upon which work would be scheduled to be performed.

### **Schools**

1. Private Acts of 1937, Chapter 139, was the authority for the Mayor and Aldermen of the city of Trimble in Dyer County to issue and sell \$20,000 in bonds to construct a school building to replace one recently destroyed by fire. All details were present, the interest rate was limited to 6%, and the maturity schedule to 20 years. Being general obligation bonds, the Mayor and Aldermen must impose a tax levy adequate to amortize the said bonds when due.
2. Private Acts of 1937 (Ex. Sess.), Chapter 20, was the authority for the Quarterly Court of Dyer County to issue on its own initiative up to \$150,000 in bonds, at a maximum interest rate of 6%, and with a maturity schedule not to exceed 25 years, to acquire property by purchase, or condemnation, to construct and equip a school thereon. All the necessary details were contained in the Act including a formula for the distribution of the funds. The Act was dependent upon the successful outcome of a referendum held for the purpose of approval or disapproval.
3. The Dyer County Audit Report for 1976 showed a special bond issue on Page 15 for schools, citing Private Acts of 1945, Chapter 184, as the authority for the \$227,000 issue on which \$80,000 was still outstanding. The Private Act cited as authority did not apply to Dyer County. It is the Compiler's judgment that Public Acts of 1945, Chapter 184, was the intended citation.

## Chapter IV - Boundaries

### Creation of the County

#### Private Acts of 1823 Chapter 108

**SECTION 6.** That a new county, to be called and known by the name of Dyer County, be and the same is hereby established on the west side of the Tennessee River, and shall be bounded as follows, to wit: beginning at the north-west corner of the first county west of Carroll county, running thence south with the first range line, to the south boundary of the thirteenth district; thence west with the district line, to the western boundary of this state; thence on said western boundary, to the fifth sectional line; thence east with the said line, to the beginning.

**SECTION 7.** That for the due administration of justice, the courts of Pleas and Quarter Sessions shall be held at the house of John Warrens, in said county, on the fourth Mondays in December, March, June, and September; the circuit courts shall be held at the same place, on the first Mondays of June and December, until otherwise provided for by law.

**SECTION 8.** That it shall be the duty of the sheriff of said county, on the first Thursday and Friday of February next, to open and hold an election for field officers in the regiment of militia in said county, which shall compose the regiment and be attached to the brigade, and said election shall be held under the same rules and regulations as are by law provided in similar cases.

Passed: October 16, 1823.

**COMPILER'S NOTE:** The other sections of this Act did not concern Dyer County and are not repeated here.

### Change of Boundary Lines

#### Acts of 1877 Chapter 43

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

thence eastwardly along said road to the centre of the road leading from Key Corner to Ripley; thence southwardly along said road to the centre of the channel of Mill Creek; thence down said creek as it meanders to the county line, to-wit, the south fork of Forked Deer river.

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

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

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

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

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

Passed: March 20, 1877.

## Acts of 1893 Chapter 120

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

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

Passed: February 1, 1893.

## Public Acts of 1877 Chapter 43

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

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

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

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

**SECTION 5.** That nothing in this Act shall be so construed as to reduce Lauderdale county below her

constitutional limits; and this Act shall become a law as soon as two-thirds of the qualified voters residing in the territory proposed to be added to Dyer county, shall so express their desire at an election to be held by the sheriff of Lauderdale county, who is hereby authorized and instructed to hold such election in the mode and manner prescribed by law, within six months after the passage of this Act, first giving thirty days' notice of said election; the polls shall be open as the law provides, in two of the most convenient places in the territory mentioned above, and the said sheriff shall make known the result of the election in writing to the Clerks of the County Courts of Dyer and Lauderdale counties, who shall publish the same: Provided, that an accurate survey shall first be made to ascertain if said proposed change will reduce the county of Lauderdale below its constitutional limits.

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

Passed: March 20, 1877.

## Boundaries - Historical Notes

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

1. Acts of 1837-38, Chapter 256, appointed Abel H. Pope, of Lauderdale County, to run and mark the dividing line between Haywood and Lauderdale Counties so as to reduce Haywood County to its constitutional limits of 625 square miles, and, further, to run and mark the line between Dyer and Lauderdale Counties. The County Court of Lauderdale County would pay the surveyor for his services.
2. Acts of 1849-50, Chapter 83, changed the boundary line between Gibson County and Dyer County so as to include in Gibson County the territory lying between the North Fork and the Little North Fork of the Forked Deer River to the end that the line would run with the Forks of the said River to their junction.
3. Acts of 1865-66, Chapter 19, concerned the creation of Crockett County which was formed by taking fragments from Haywood, Madison, Gibson, and Dyer counties.
4. Acts of 1870-71, Chapter 26, stated that the Act which established Crockett County would not infringe upon the constitutional size of Madison, Gibson, and Dyer Counties, but this Section would not be construed to invalidate any past Act or Acts of the commissioners of the said Counties.
5. Acts of 1883, Chapter 97, rearranged the boundary lines between the counties of Lake and Dyer so as to include within Lake County all the area within two miles south of the present line.
6. Acts of 1887, Chapter 194, changed the lines between Dyer County and Crockett County where the line crosses the lands of J. A. Sudberry and John Hall, near Chestnut Bluff, so as to include all of the home tract of Sudberry in Dyer County and to include all the land of Hall in Crockett County. All the laws defining the boundary between the counties of Crockett and Dyer were amended to that effect.
7. Acts of 1889, Chapter 32, transferred all the properties belonging to John Barham out of Gibson County and into Dyer County.
8. Acts of 1889, Chapter 108, moved the residences and lands belonging to J. W. Bell, Mrs. Churchman, and R. K. Harwell, out of Crockett County and into Dyer County.
9. Acts of 1893, Chapter 22, changed the lines between Crockett County and Dyer County so as to include all the lands of J. W. Clark's heirs in Dyer County, detaching the same from Crockett County and causing the new line to run from the southwest corner of Ben Bell's tract of land in the Crockett County line south between A. E. Taylor and H. Stallings on the east, and J. W. Clark's heirs, on the west, to the southwest corner of the said Clark's heir's land, thence west with the south boundary of J. W. Clark's heirs to their southwest corner, thence north with the said Clerk's heir's line to the Crockett County line.
10. Private Acts of 1931 (2nd Ex. Sess.), Chapter 67, realigned the boundaries between Dyer County and Gibson County where the said line crosses the Newbern and Neboville public road after it leaves the Huey lands where it now runs due south across the A. L. McCorkle and Mrs. Allie Spence land, so as to cause the line to run, when it touches A. L. McCorkle's north line, directly west to McCorkle's north west corner; thence due south with the McCorkle and Spence west line to Spence's southwest corner; and then go east to where the said county line now crosses the Spence's south line and thence south, as it now runs, which places the McCorkle farm and the Spence farm entirely within Gibson County.

# Change of Boundary Lines

## Chapter V - Court System

### Chancery Court

### Law and Equity Court

## Public Acts of 1972 Chapter 863

**COMPILER'S NOTE:** Some provisions of this act may have been superseded by Title 16, Chapter 11 of Tennessee Code Annotated.

**SECTION 1.** There is hereby created the Law and Equity Court for Dyer County, Tennessee, the jurisdiction of which shall be co-extensive with Dyer County.

**SECTION 2.** The Law and Equity Court for Dyer County shall have concurrent jurisdiction with the Chancery Court of Dyer County and the Circuit Court of Dyer County, and said Court and the Judge thereof shall be vested with all the common law and statutory powers of the Chancery Courts, and the Circuit and Law Courts, and the judges thereof.

**SECTION 3.** Any and all suits, causes of action, and proceedings within the jurisdiction of the Chancery Courts and/or the Circuit and Law Courts of Dyer County may be instituted in, heard by, and determined by the Law and Equity Court in the same manner and according to the same rules of procedure as in the Chancery Courts, Circuit and Law Courts. All laws now in force or hereafter enacted applicable to the Chancery Courts or Circuit or Law Courts of Dyer County shall be likewise applicable to the Law and Equity Court. All cases pending in the Common Law and Chancery Court, at this time this Court is instituted, will be transferred to this Court for final disposition.

**SECTION 4.** The Judge of said court shall have the same qualifications and shall receive the same salary and other emoluments of office as provided for chancellors and circuit judges by statute; and he shall take and subscribe to the same oath as provided for chancellors and circuit judges, and he is hereby authorized to sit by interchange with the judges of any Chancery or Circuit or Law Court or other Courts when requested to do so by said Judges.

**SECTION 5.** The Judge of the Common Law and Chancery Court of Dyer County, Tennessee shall be and become the Judge of the Law and Equity Court created by this Act, and such person shall hold said office until the next General Election, or until his successor is elected and qualified. At the General Election in 1974, and every eight (8) years thereafter, there shall be elected by the qualified voters of Dyer County, a Judge of the Law and Equity Court, who shall hold said office until the expiration of his term or until his successor is elected and qualified.

**SECTION 6.** In their respective jurisdictions, the County Court Clerk of Dyer County shall have the same authority, power and duty in regard to such Court and all matters pertaining to said Court as the Clerks of the Circuit Courts shall have in regard to cases within the jurisdiction of the Chancery Courts and the Clerks of the Circuit Courts shall have in regard to cases within the jurisdiction of the Chancery Courts and Circuit Courts of the State of Tennessee. This Act shall not alter the manner in which the Clerk of the County Court of Dyer County, Tennessee, shall be elected and appointed.

The fees received by the Clerks of the Circuit Courts and Clerks and Masters of the Chancery Courts of the State of Tennessee for services performed in regard to the Law and Equity Court shall constitute a part of the fees of the County Court Clerk of Dyer County, Tennessee and shall be received, accounted for and disposed as such.

**SECTION 7.** The County Court Clerk of Dyer County, Tennessee shall maintain for the Law and Equity Court, dockets, minute books and all other records which Circuit Court Clerks and Clerks and Masters of the Chancery Courts of the State of Tennessee, are required by statute to maintain in regard to their respective courts. Such dockets, minute books and records shall be kept by the County Court clerk of Dyer County, Tennessee and shall be designated as the dockets, minute books and records of the Law and Equity Court of Dyer County.

**SECTION 8.** The first term of the Law and Equity Court of Dyer County, Tennessee, herein created, shall begin on the first Monday in July, 1972 and thereafter terms shall begin on the first Monday of each and every consecutive month thereafter.



The Law and Equity Court and the Judge thereof shall have authority to hold chambers courts for the disposition of chancery causes. Process shall be returnable in accordance with the new rules adopted by the Legislature affecting all Law and Equity cases and courts in the State of Tennessee. The Judge of the Law and Equity Court shall have authority to promulgate rules of court necessary and proper to effect the orderly trial of all cases within the jurisdiction of the Court.

**SECTION 9.** Any and all actions by the Law and Equity Court and the Judge thereof shall be reviewed by appellate courts in the same manner provided by law for the review of similar action by Chancery or Circuit Courts and the judges thereof, depending upon the nature of the case and the action taken by the court or judge.

**SECTION 10.** The Sheriff of Dyer County shall wait upon the Law and Equity Court in the same manner as the Chancery, Circuit and Law Courts of Dyer County, for which he shall receive the same fees and other emoluments of office. The Sheriff and all other officers of the State shall execute all process issued from said court and shall receive the proper fees for such service.

**SECTION 11.** The Judge of the Law and Equity Court of Dyer County, Tennessee shall have and exercise all probate jurisdiction and all juvenile jurisdiction of all juvenile cases arising within Dyer County, Tennessee and the County Court Clerk of Dyer County, Tennessee shall continue to maintain all records of juvenile and probate cases where within the special jurisdiction of the County Court.

**SECTION 12.** Appeals in all Circuit cases may be taken from the decision of the Court of General Session for Dyer County to the Law and Equity Court in the same manner as provided by law for such appeals to the Circuit Court.

**SECTION 13.** Chapter 57, of the Public Acts of the General Assembly of the State of Tennessee, for 1947, and all amendments thereto and all laws or parts of law in conflict with this Act, or any provisions of same, shall be, and the same are, hereby repealed.

**SECTION 14.** If any provision of this law be adjudged unconstitutional by a court of competent jurisdiction, such shall not affect the other provisions, it being the legislative intent here expressed that the remainder of said bill would have been enacted, irrespective of the invalid provision.

**SECTION 15.** This Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 14, 1972.

## Private Acts of 1955 Chapter 169

**COMPILER'S NOTE:** Some provisions of this act may have been superseded by [Tennessee Code Annotated](#) Section 8-23-103.

**SECTION 1.** That in counties of this State with a population of not less than 33,473 nor more than 33,503 by the Federal Census of 1950 or any subsequent Federal Census, the Quarterly County Court of said counties shall appropriate the sum of Two Thousand Two Hundred (\$2,200) per annum to be paid to the Judge of the Common Law and Chancery Court for said counties; said sum to be payable monthly out of the County Treasury of said counties on interest-bearing Warrants drawn by the Chairman of the County Court of said counties.

**SECTION 2.** That the salary to be paid by this Act from the Treasury of said counties is in addition to the salary authorized to be paid out of the Treasury of the State of Tennessee by Chapter 57, Public Acts of 1947, as amended, and nothing in this Act shall be construed to be in conflict with the provisions of that Act.

**SECTION 3.** That this Act shall have no effect unless the same shall have been approved by two-thirds vote of the quarterly county court of any county to which it may apply occurring more than thirty days after its approval or non approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse, and shall be certified by him to the Secretary of State.

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

Passed: March 2, 1955.

## General Sessions Court

# Probate Jurisdiction

## Private Acts of 1994 Chapter 123

**SECTION 1.** There is hereby conferred probate jurisdiction on the general sessions court of Dyer County.

**SECTION 2.** The Probate Court of Dyer County shall at all times be treated and considered as a court of record. Such court shall be in continuous session without the intervention of any term or terms and such court shall be held at such time and during such periods as shall be required to provide for the orderly disposition of all business properly coming before it.

**SECTION 3.** The Probate Court of Dyer County shall have concurrent jurisdiction, powers and authority with Chancery Courts in all matters relating to wills, administration of decedent's estates, qualification of guardians or conservators, the affairs of minors, incompetents, and others laboring under a disability, as well as all other jurisdiction traditionally exercised by courts with probate jurisdiction.

The authority, powers and jurisdiction conferred by this act shall be coextensive with the boundary lines of such county.

**SECTION 4.** Appeals from the judgment of the Probate Court of Dyer County arising under this act shall be to the Court of Appeals or to the Supreme Court in the same manner as provided in such cases from the Circuit and Chancery Courts.

**SECTION 5.** All cases brought in the probate court pursuant to this act shall be according to the form for pleading and practice in the Chancery Court and such cases shall be tried as like cases are tried in the Chancery Court. The Clerk of the probate court shall keep a docket of cases filed and the procedure in each case, and shall enter orders and decrees according to practice and rules of the Chancery Court. The Judge of the Probate Court shall make and cause to be entered on record all such orders and decrees according to the practice and rules now in effect in the Chancery Court.

**SECTION 6.** The Clerk and Master of Dyer County shall be the Clerk of all matters filed in the Probate Court and all fees received by the Clerk shall continue to be part of the fees of that office. Necessary clerical help for the clerk shall be funded from the county general fund. The Clerk shall make application to the Judge of the Probate Court or to the Chancellor of the Chancery Court for authority to employ such help as is justified. Dyer County shall furnish the Probate Court Clerk adequate office space and equipment for the conduct of the affairs of the office.

**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 this end the provisions of this act are declared to be severable.

**SECTION 8.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Dyer County acting in either regular or special session. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified to the Secretary of State.

**SECTION 9.** For the purpose of approving or rejecting the provisions of this act, it shall take effect upon becoming law, the public welfare requiring it. For all other purposes, it shall take effect on August 1, 1994, the public welfare requiring it.

Passed: February 23, 1994.

## Court System - Historical Notes

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

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

1. Private Acts of 1915, Chapter 355, established a three member Board of Jury Commissioners in Dyer County, who must be householders or freeholders, not a lawyer, nor a county officials, Justice of the Peace, or Constable, or have a suit pending in Court. The members would be appointed by the Judges of the Courts of record for terms which were staggered initially but afterwards would all be for three years. In case of an emergency or temporary appointment would be made for the next meeting of the Board only. All members were required to be under

the oath written in the Act and the County Court Clerk, who would serve as Clerk to the Board, must also be sworn by the oath in the Act. It was the duty of the Board to meet on the third Monday in May every two years, or within twenty days after the call of the Chairman, to select from the tax rolls, or other public sources, the names of at least 500 people, or as many as may be practical to serve as jurors during the ensuing two years. The Grand Jury, and all the petit Juries, would be drawn from this list, and the Board was authorized to meet and supply any deficiency which might arise. The Clerk must furnish a suitable book in which all the selected names would be entered in alphabetical order and the same confirmed by all three members of the Board. All the names would likewise be put on cards which would be placed in a box and the box locked and sealed. Within ten to fifteen days before Court, the box would be opened and a child under ten years of age would draw the number of names required from the box and this list would be submitted to the Court. At least five days before Court these names would be sent to the Sheriff to subpoena. No one could be excused except by order of the Court. The Chancellor could call upon the Clerk to supply a jury for that Court where one was needed. Commissioners would be paid \$3.00 per day.

2. Private Acts of 1917, Chapter 691, amended Section 10, Private Acts of 1915, Chapter 355, above, by adding a provision to that Section that a majority of the Commissioners could act with authority, and in the absence of the Chairman of the Commissioners, the Clerk was given the authority to deliver the cards containing the jurors names to the Judge in open Court. Another provision permitted the Board to furnish a list of prospective jurors who were qualified to the Sheriff for summoning without drawing the names from the box in order to expedite the selection of jurors.
3. Private Acts of 1921, Chapter 373, amended Section 12, Private Acts of 1915, Chapter 355, Item One, above, by adding another provision that, in order to dispatch the business of the Court and to avoid unnecessary delay in the trial of any case, the Jury Commission, or the presiding Judge, could furnish the Sheriff with a list of names of qualified people whom the Sheriff was required to summon to make up a jury whether in a special case, or not. These names were not to be taken necessarily from the jury box but could be chosen by the Commissioners, or the Judge.
4. Private Acts of 1955, Chapter 323, was rejected by the Quarterly Court of Dyer County and never took effect as a law. This Act would have set up a three member Board of Jury Commissioners for Dyer County whose qualifications and terms were similar to the previous Act. The members would be appointed by the Judges having Criminal Jurisdiction. A minimum of 800 names would be drawn through procedures duplicating those of the previous Board which would constitute the jury list until exhausted. Names drawn to serve as jurors would be placed in Jury Box #2 for three years and also in a book to be called "Jury Service Book." The Judge had the authority to select the Grand Jury at large. Provisions were made to replenish exhausted panels and to provide for special juries.

### **Chancery Court**

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

1. Acts of 1822, Chapter 13, provided that the Chancery Courts of Tennessee would be held by one of the Judges of the Supreme Court at least once a year in the present places of holding the Supreme Court. The Chancery Court at Rogersville would convene on the first Monday in November; at Charlotte, on the fourth Monday in December; at Sparta, on the second Monday in December; at Nashville, on the fourth Monday in January; and, at Columbia, on the second Monday in January. Court terms would endure for two weeks unless the dockets were cleared earlier than that.
2. Acts of 1824, Chapter 14, directed the Justices to arrange among themselves to hold the Chancery Courts at least twice each year at the regular places at Greenville, Rogersville, Kingston, Carthage, McMinnville, Franklin, Columbia, Charlotte, and at Jackson for all the counties west of the Tennessee River on the second Monday in April and October.
3. Acts of 1825, Chapter 32, required the Supreme Court Justices to make arrangements among their own number to hold a Chancery Court at Paris in Henry County for causes arising in the Counties of Perry, Henderson, Carroll, Henry, Weakley, Obion, Gibson, and Dyer. The Court at Paris was scheduled to meet on the third Monday in April and October of each year.
4. Acts of 1827, Chapter 79, divided the State into the Eastern and Western Chancery Divisions. The Eastern Division was composed of the Courts meeting at Rogersville, Greenville, Kingston,

Carthage, and McMinnville, and the Western Division contained those Courts which met at Franklin, Columbia, Charlotte, Jackson, and Paris. Dyer County was within the Chancery Court's jurisdiction which met at Paris in Henry County.

5. Acts of 1835-36, Chapter 4, enacted subsequent to the adoption of the 1834 Constitution, set up a system of equity jurisprudence in Tennessee which involved the appointment of three Chancellors by the General Assembly who would hold court in three Divisions in the State twice a year as a minimum. Each Chancery Division was further divided into Districts. Dyer County and Gibson County made up the Second District of the Western Division whose court would meet at Trenton in Gibson County on the second Monday in May and November.
6. Acts of 1837-38, Chapter 14, assigned the counties of Henry, Weakley, Obion, Dyer, Gibson, Carroll, Benton, Perry, Henderson, and Madison to the Chancery District which would hold court at Huntingdon in Carroll County on the first Monday in February and August. This Act abolished the Chancery Courts formerly meeting at Paris, Dresden, Trenton, Jackson, Lexington, Bolivar, and Clarksville and directed that all the records in those courts be delivered to the Clerk and Master at Huntingdon. The Clerk and Master must keep a Deputy in each of the county seats of the above counties.
7. Acts of 1839-40, Chapter 21, established a Chancery District consisting of the counties of Gibson and Dyer whose Court would meet at Trenton in Gibson county under the supervision of the Chancellor of the Western Division on the second Monday in March and September.
8. Acts of 1853-54, Chapter 101, made Dyer County a separate Chancery District and a Chancery Court for the same would be established and held in Dyersburg on the first Monday in May and November of each year. This Act was passed on February 1, 1854, although the Chapter number is higher than the preceding Act in Item 8.
9. Acts of 1855-56, Chapter 158, rescheduled the time for holding the Chancery County in Dyer County to the Thursday after the Monday in January and July.
10. Acts of 1857-58, Chapter 88, established the Eastern, Middle, Western, Fourth, Fifth, and Sixth Chancery Divisions in Tennessee. Dyer County was assigned to the Western Division which also included the counties of Henry, Weakley, Obion, Madison, Haywood, Hardeman, Fayette, Tipton, Lauderdale, Gibson, and Shelby. The Chancery Court in Dyer County would convene on the third Monday in January and July.
11. Acts of 1865-66, Chapter 20, created a new Ninth Chancery Division in the State which comprised the counties of Obion, Gibson, Weakley, Henry, Carroll, Benton, and Dyer where the Chancery Court would meet on the second Monday in January and July.
12. Acts of 1866-67, Chapter 25, rearranged the court dates for all the counties in the Ninth Chancery Division which still contained the counties originally place in it. Dyer County's Chancery Court would hereafter meet on the fourth Monday of March and September at Dyersburg.
13. Acts of 1866-67, Chapter 33, formed the counties of Haywood, Madison, Dyer, and Gibson into a new and separate Chancery District for which a Chancellor would be provided by appointment first and election later.
14. Acts of 1870, Chapter 32, divided Tennessee into twelve Chancery Districts. The Eleventh Chancery District contained the counties of Dyer, Obion, Lake, Weakley, Gibson, Etheridge, Carroll, and Henry.
15. Acts of 1870, Chapter 47, scheduled the opening dates for the two annual terms of the Chancery Courts of every county in the State. The Chancery Court of Dyer County would begin its term on the second Monday in May and November.
16. Acts of 1870-71, Chapter 88, reset the dates for the beginning of the terms of Chancery courts in the 11th Chancery Division, which now was composed of the counties of Henry, Carroll, Lake, Weakley, Obion, Gibson, and Dyer where the Chancery Court would hereafter come together on the third Monday in April and October.
17. Acts of 1883, Chapter 229, provided that the Chancery Court of Dyer County in the 11th Chancery Division would hereafter be held in the City of Dyersburg on the second Monday in February and August of each year. The Section of the State Code holding otherwise was repealed.
18. Acts of 1885 (Ex. Sess.), Chapter 20, formed eleven Chancery Divisions in the State in a major reorganization of the entire lower judicial system. The Tenth Chancery Division was composed of the Counties of Fayette, Tipton, Haywood, Lauderdale, Dyer, Gibson, Obion, and Weakley. The Chancery Court in Dyer County would meet in Dyersburg on the fourth Monday in March and October. (This Act, and nearly every other prior act relative to the Tennessee Judicial System,

- was examined by the Supreme Court in Flynn v. State, 203 Tenn. 341, 313 S.W.2d 249 (1958)).
19. Acts of 1887, Chapter 83, amended Section 5, Acts of 1885 (Ex. Sess.), Chapter 20, to the effect that the Chancery Court in Dyer County would subsequently meet on the third Monday in June and the second Monday in December. All outstanding process must be made to conform to the change.
  20. Acts of 1889, Chapter 23, rearranged the dates for the Chancery Court terms in the tenth Chancery District. The District was made up of the Chancery Courts at Weakley County, two places in Obion County, Fayette County, two places in Gibson County, Haywood County, Tipton County, Lauderdale County, and Dyer County whose court would meet on the third Monday in June and the second Monday in December at Dyersburg.
  21. Acts of 1895, Chapter 99, rescheduled the Chancery Court terms for the counties in the 10th Chancery Division. Dyer County's Court would take up the business of the Court on the fourth Monday in May and November.
  22. Acts of 1899, Chapter 427, was the next major overhaul of the entire lower court system of Tennessee. The Act formed ten Chancery Divisions in the State assigning the counties of Dyer, Obion, Lake, Weakley, Gibson, Lauderdale, Fayette, Haywood, Tipton and Hardeman to the Ninth Chancery Division. Chancery Court terms would begin in Dyer County on the first Monday in January and July.
  23. Acts of 1903, Chapter 591, changed the dates for the opening of Court in the Ninth Chancery Division naming the counties of Obion, Weakley, Gibson, Lake, Haywood, Fayette, Lauderdale, Tipton, and Dyer where the Court would commence its terms on the first Monday in January and June each year.
  24. Private Acts of 1911, Chapter 147, applied itself to the Ninth Chancery Division but only affected Weakley County.
  25. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, was a complete reorganization of the lower judicial system of the State and the last Act of this nature which appeared in the volumes of Private Acts. Subsequent Acts concerning State Courts would be part of the State Code. This Act created fourteen Chancery Divisions in Tennessee of which the Ninth Chancery Division contained the Counties of Fayette, Gibson, Haywood, Lake, Lauderdale, Obion, Tipton, Weakley, and Dyer. The Court terms would begin in Dyer County on the first Monday in January and July.
  26. Public Acts of 1947, Chapter 57, established a Common Law and Chancery Court in Dyer County whose Judge would be elected by the people for a eight year term. Robert D. Jones was name as the first Judge of this Court to serve until his successor was elected at the regular county election in August. The terms of this Court would begin on the first Monday in every month, and all process served more than five days before that time would be returnable to that term of Court. The jurisdiction of the County Court and of the Juvenile Court were vested in this Court and, in addition, all the powers and jurisdiction of the Chancery Court, and concurrent jurisdiction with the Circuit Court were likewise given to the Common Law and Chancery Court created hereunder in all civil cases, except devisavit vel non and criminal cases of both misdemeanors and felonies. The County Court Clerk would be the Clerk of this Court and the Judge could authorize the employment of a Deputy Clerk. The Judge could not practice law and would be paid \$5,000 annually, one-third to be paid by the County, and two-thirds to be paid by the State. This Act was repealed by Public Acts of 1972, Chapter 863.
  27. Public Acts of 1955, Chapter 80, amended Public Acts of 1947, Chapter 57, above, by deleting certain language from Section 13, and substituting other to the effect that the Judge of the Common Law and Chancery Court would be paid out of the treasury of the State of Tennessee as the salaries of other Chancellors and Circuit Judges were paid. This Act was repealed by Public Acts of 1967, Chapter 327.
  28. Public Acts of 1965, Chapter 327, amended Public Acts of 1947, Chapter 57, by rewriting Section 13 to provide that the compensation of the Judge of the Common Law and Chancery Court of Dyer County would be \$7,500 annually payable in equal monthly installments out of the State Treasury in the same manner as other Judges and Chancellors were paid. This Act was to take effect September 1, 1966. Public Acts of 1955, Chapter 80, Item 28, above, was expressly repealed, and this Act was in turn repealed in Item 34, below.
  29. Public Acts of 1967, Chapter 320, rewrote Section 16-245, Tennessee Code Annotated. The Ninth Chancery Division was composed of the Chancery Courts of the Counties of Fayette, Gibson, Haywood, Lauderdale, Tipton, and Dyer where the Chancery Court would convene on the first Monday in January and July and the Common Law and Chancery Court would continue to meet on

the first Monday in every month.

30. Private Acts of 1968, Chapter 442, would have repealed Private Acts of 1955, Chapter 169, Item 29, above, which provided for extra compensation for the Judge of the Common Law and Chancery Court but this Act was not acted on by the local authorities and consequently did not become an effective law.
31. Public Acts of 1968, Chapter 505, amended Section 16-245, Tennessee Code Annotated, by changing the terms of the Chancery Court of Dyer County to begin on the first Monday in April and October but the Common Law and Chancery Court would continue to meet on the first Monday in every month.
32. Public Acts of 1968, Chapter 636, amended Public Acts 1947, Chapter 57, as amended, by rewriting the text of Section 13 to set the compensation of the Judge of the Common Law and Chancery Court at \$19,700 annually, payable in equal monthly installments out of the Treasury of the State from and after September 1, 1974, in the same manner as all other Judges and Chancellors were paid. This Act repealed Public Acts of 1965, Chapter 327.
33. Public Acts of 1970, Chapter 507, amended Public Acts of 1947, Chapter 57, as amended, to fix the salary of the Judge of the Common Law and Chancery Court at \$9,700 annually payable out of the State Treasury as other Judges are paid, same to take effect on September 1, 1974. This Act was almost identical to Public Acts of 1968, Chapter 636, above.
34. Public Acts of 1973, Chapter 356, amended Section 16-244 of the Tennessee Code Annotated by transferring the Counties of McNairy, Hardin, and Hardeman out of the 8th Chancery Division and into the 9th Chancery Division. Section 16-245, T.C.A., was amended by removing Dyer County and Gibson County from the Ninth Chancery Division into a special section of that Division and giving the jurisdiction of all chancery cases in Dyer County to the Law and Equity Court with the provision that the present Chancellor complete all cases then pending before the Court.
35. Public Acts of 1974, Chapter 547, created an additional Chancellor's office for the 9th Chancery Division who would be elected in the regular August election in 1974 and take office on September 1, 1974. The Chancellor holding Part I of the Court would be deemed the Senior Chancellor.
36. Public Acts of 1980, Chapter 875, said that in all those counties where it was not otherwise specifically provided by public, private, special, or local Act, all the jurisdiction over the probate of wills and the administration of estates, formerly exercised by the county court and County Judge, or Chairman, would hereafter be transferred to and vested exclusively in the Chancery Court of that county. The Clerk and Master was granted all the powers necessary to accomplish all clerical duties. This Act did not apply to the counties with County Judges until September 1, 1982.

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

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

1. Acts of 1825, Chapter 32, provided that the Supreme Court would appoint a Clerk and Master for the Chancery Court which met in Paris in Henry County to hear and decide the cases from the counties of Perry, Henderson, Carroll, Henry, Weakley, Obion, Gibson and Dyer.
2. Acts of 1845-46, Chapter 63, made it the duty of the Clerk and Master at Trenton in Gibson County to appoint a Deputy Clerk and Master who lived at Dyersburg, or in Dyer County, and who would keep his office open in Dyersburg.
3. Private Acts of 1915, Chapter 591, made all women over the age of 21, and residents of the county appointing them eligible to serve as Deputies in the office of the Clerk and Master in Dyer County. They would be subject to the same privileges and responsibilities and have the same authority as other Deputy Clerks and Masters.
4. Private Acts of 1927, Chapter 552, stated that in Dyer County the Clerk and Master of the Chancery Court would be paid the sum of \$2,250 annually, provided a sworn, itemized statement was filed with the County Chairman showing the amount of fees collected in the office, but the fees would not include those received for services as a Receiver, or those fees paid for transcripts. If the fees were less than the salary, the county was compelled to supply the difference, but, if the fees were more than the salary, the Clerk and Master was allowed to retain the excess. This Act was repealed by Private Acts of 1933, Chapter 533, below.
5. Private Acts of 1929, Chapter 701, set the salary of the Deputy Clerk and Master in Dyer County at \$75.00 per month, payable on the last day of each calendar month out of the general funds of

- the county on the warrant of the County Judge, or Chairman.
6. Private Acts of 1933, Chapter 533, specifically repealed Private Acts of 1927, Chapter 552, concerning the salary of the Clerk and Master of Dyer County.
  7. Private Acts of 1933, Chapter 655, set an annual salary of \$3,000 for the Clerk and Master of Dyer County, effective September 1, 1934. The Clerk and Master must file a sworn account of the fees of the office. If the fees exceeded the salary, the excess must be paid into the coffers of the county through the hands of the Trustee but, if the fees do not equal the salary, the amount collected would be the salary of the Clerk and Master for that year. This Act was intended only to reduce the salary of the Clerk and Master and nothing else. The continuance in office and acceptance of the pay would operate as an estoppel against the Clerk and Master to complain about salary provisions, and to ask for higher compensation.
  8. Private Acts of 1939, Chapter 550, allowed the Dyer County Clerk and Master to receive a salary of \$2,000 annually for his services but he must file a sworn, itemized statement with the Chairman of the County Court showing the correct amount of the fees collected and paid including those for services as a Receiver and for making up transcripts of records for the Appellate Courts. If the fees were less than the salary, the difference must be paid by the warrant of the County Chairman out of regular county funds. Clerk and Master could retain excess up to \$2,200 but any amount over that would go into the county treasury. This act did not affect any Deputy Clerk and Master.
  9. Private Acts of 1945, Chapter 449, amended Private Acts of 1929, Chapter 701, by increasing the salary of the Deputy Clerk and Master from \$75 per month to \$125 per month.

### **Circuit Court**

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

1. Acts of 1823, Chapter 11, created the Ninth Judicial Circuit composed of the counties of Perry, Henderson, Carroll, and Henry, and all the counties west of Carroll and Henry to be erected and organized. The General Assembly would elect a Judge to preside over this new Circuit.
2. Acts of 1823, Chapter 41, fixed the terms of the Courts in the Ninth Judicial Circuit naming the Counties of Shelby, Hardeman, McNairy, Wayne, Hardin, Madison, Haywood, Perry, Henderson, Carroll, Henry, Weakley, Obion, Gibson, and Dyer whose Circuit Court would meet on the third Monday in May and November. Court could be kept open until the business of the Court was completed, or the time arrived to go to another county.
3. Acts of 1823, Chapter 108, provided that the Dyer County Circuit Court would be held at the home of John Warrens on the first Monday in June and December until otherwise provided by law, which apparently changed the dates mentioned in Chapter 41, above.
4. Acts of 1824, Chapter 53, allowed the Counties of Weakley, Obion, Dyer, and McNairy to adjourn their Circuit, County, and Quarterly Courts to such place as might suit the convenience of the county, and to the county town whenever they were ready to do so.
5. Acts of 1824, Chapter 102, scheduled the terms of the Circuit Courts in the 8th and 9th Judicial Circuits which were both made up of the Counties of Wayne, Hardin, Madison, Haywood, Tipton, Shelby, Fayette, McNairy, Gibson, Weakley, Obion, Hardeman and Dyer. The Circuit Court would meet in Dyer County on the second Monday in May and November.
6. Acts of 1825, Chapter 318, rescheduled the terms of Court in the 8th and 9th Judicial Circuits. The 9th Judicial Circuit comprised the counties of Perry, Henderson, Carroll, Henry, Weakley, Obion, Gibson and Dyer where the Circuit Court would meet on the third Monday in April and October.
7. Acts of 1826, Chapter 43, rescheduled the terms of Court for the Counties of Perry, Henderson, Carroll, Gibson, Obion, Weakley, Henry, and Dyer whose Circuit Court would start its terms on the first Monday in May and November.
8. Acts of 1835-36, Chapter 5, was passed subsequent to the adoption of the 1834 State Constitution and provided for three annual terms of the Circuit Courts in each county. The State was divided into eleven Judicial Circuits which would each have on Judge conducting the schedule of Court terms hereinafter provided. The Ninth Judicial Circuit included the Counties of Henry, Weakley, Obion, Gibson, Carroll, Benton, and Dyer whose Circuit Court would begin its terms on the fourth Monday in February, June and October.

9. Acts of 1845-46, Chapter 21, added Dyer County to the 10th Judicial Circuit, Tipton County to the 11th Judicial Circuit and Carroll and Benton Counties to the 9th Judicial Circuit.
10. Acts of 1845-46, Chapter 124, fixed the term of the Dyer County Circuit Court to start on the second Monday in February and June and on the first Monday in October but the first court held after the passage of this Act would be in accordance with the former schedule.
11. Acts of 1851-52, Chapter 181, rescheduled the Circuit Court terms for Dyer County to begin on the first Monday in February, June, and October but the change would not take effect until after the next term of court.
12. Acts of 1857-58, Chapter 13, formed the 15th Judicial Circuit assigning to it the Counties of Gibson, Obion, Dyer, and Lauderdale. The terms of court would begin in Dyer County on the first Monday in April, August, and December. The Sheriffs of the respective counties would hold an election to select a Judge and an Attorney General who would be compensated as other Judges and Attorneys General were.
13. Acts of 1857-58, Chapter 21, established the terms of the Circuit Courts in the counties of Lauderdale, Obion, Gibson, Carroll, Benton, Humphreys, Henry, Weakley, and Dyer where the terms of the Circuit Court would start on the first Monday in February, June, and October. The Judges of the regular Circuits would hold the Courts in Gibson County, Obion County, Lauderdale County, and Dyer County, until the Judge of the new 15th Judicial Circuit could be elected.
14. Acts of 1857-58, Chapter 98, divided Tennessee into sixteen Judicial Circuits. The 16th Circuit contained the counties of Lauderdale, Obion, Gibson, and Dyer. Obion County had two Circuit Courts in the County. The terms in Dyer County would begin on the first Monday in February, June and October.
15. Acts of 1867-68, Chapter 38, rearranged the terms of the Circuit Courts in the 16th Judicial Circuit. The Court would convene in Dyer County on the fourth Monday in January, May, and September at Dyersburg.
16. Acts of 1870, Chapter 31, established fifteen regular, and one Special, Judicial Circuit in the State. The 13th Judicial Circuit was composed of the Counties of Dyer, Gibson, Haywood, Madison, and a Special Court at Humboldt in Gibson County.
17. Acts of 1870, Chapter 46, scheduled the terms of Court for the Circuit Courts of every County in Tennessee. In Dyer County the terms of Court would start on the first Monday in January, May, and September.
18. Acts of 1870-71, Chapter 67, rescheduled Court terms for the Circuit Courts of the counties in the 13th Judicial Circuit. Dyer County's Circuit Court would commence the terms on the fourth Monday in January, May, and September at Dyersburg.
19. Acts of 1871, Chapter 145, changed the terms of the Circuit Courts in Gibson County and in Dyer County where the terms would start on the first Monday in February, June and October.
20. Acts of 1875, Chapter 137, rearranged the term of the Circuit Courts in the 13th Judicial Circuit. Court terms would begin in Dyer County on the first Monday in January, May, and September.
21. Acts of 1885 (Ex. Sess.), Chapter 20, was a complete revision of the lower court system in Tennessee. The State was divided into fourteen regular, and one Special Judicial Circuits. The 13th Judicial Circuit contained the Counties of Hardeman, Fayette, Tipton, Lauderdale, Lake, and Dyer. Dyer County's Circuit Court would take up its term dockets on the third Tuesday in March, July, and November.
22. Acts of 1891, Chapter 179, changed the times for holding the Circuit Courts in Lauderdale County and in Dyer County. Dyer County would open the terms of the Circuit Court on the first Tuesday in April, August, and December, but the March term shall be as now scheduled by law and then the change incorporated in this Act would take place. 23. Acts of 1899, Chapter 427, reorganized the lower judicial structure of the State into fourteen Judicial Circuits. The 14th Circuit included the Counties of Obion, Lake, Dyer, Lauderdale, Tipton, Fayette, and Weakley. Court terms would begin in Dyer County on the first Monday in February, June, and October.
23. Acts of 1905, Chapter 304, rearranged court dates for the Circuit Courts of some of the counties in the 14th Judicial Circuit but did not change terms in Dyer County.
24. Acts of 1907, Chapter 485, reset the times of Circuit Court terms in the 14th Judicial Circuit. The changes included the Counties of Obion, Benton, Lake, Weakley, and Dyer whose Circuit Court terms would commence on the second Monday in February, June, and October.
25. Private Acts of 1915, Chapter 78, established a Criminal Court in Dyer County at Dyersburg, conferring upon the Court all the criminal jurisdiction of the Circuit Court from which all the



records, pleadings, and exhibits would be transferred. The Circuit Court Clerk would continue to serve as the Clerk of the Criminal Court. The Grand Jury would continue to consider cases and to return indictments. The Judge was granted authority to impanel both Grand and Petit Juries whenever the occasion required it. The Sheriff would continue to wait upon the Court as in the past and the State would make provisions for the prosecution of offenses. The Circuit Court Judge would hold the new Court without any additional compensation. The Court would meet twelve times annually on the fourth Monday in each month. This Act was repealed by the one following.

26. Private Acts of 1917, Chapter 226, expressly and entirely repealed Private Acts of 1915, Chapter 78, and transferred all the records of the Criminal Court back to the Circuit court for trial and further proceedings all criminal jurisdiction being hereby returned to that Court. This Act was effective on May 1, 1917.
27. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, was the next wholesale revision of the lower Court system and the last act of this nature to appear in the volumes of Private Acts. Twenty Judicial Circuits were formed in the State of which the 14th Judicial Circuit contained the Counties of Obion, Benton, Lake, Weakley, and Dyer. Court terms would start in Dyer County on the second Monday in February, June, and October.
28. Public Acts of 1965, Chapter 204, amended Section 16-227, Tennessee Code Annotated, in several paragraphs, one of which changed the court terms of the Circuit Court in the Judicial Circuit of Lake, Obion, Weakley, and Dyer Counties. In Dyer County the Circuit Court was scheduled to meet on the second Monday in February, June, and October as it had been doing for several years, and the Common Law and Chancery Court would also continue to meet on the first Monday in each month.
29. Public Acts of 1978, Chapter 848, created the thirty-first judicial district which consisted of Dyer and Lake counties. The law and equity court was given jurisdiction of all chancery cases as well as concurrent jurisdiction with the circuit court in Dyer county. This act, as well as the Tennessee Code Annotated section of which it was a part has been repealed by Tennessee Code Annotated which under Section 16-2-506 places Dyer county in the twenty-ninth judicial district.

### **Circuit Court - Clerk**

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

1. Acts of 1903, Chapter 255, was a salary Act which involved only the Circuit Court Clerks of the State which determined the annual salary of these Clerks according to the population of the county in which they served. The Clerks were directed to file an itemized sworn statement by January 1 of each year with the County Judge, or Chairman, showing all the fees collected in the office during the year. If the fees were less than the salary, the county must pay the difference, but, if the fees exceeded the salary the Clerk could retain the surplus as his own. We calculate that the Circuit Court Clerk of Dyer County would have been entitled to a salary of \$1,000 annually under this Act.
2. Private Acts of 1911, Chapter 675, amended Acts of 1903, Chapter 255, above, by adding a provision that in counties having a population between 25,000 and 30,000 which had a Law Court established and in operation as well as a Circuit Court, and which required a separate Clerk's office to be maintained, the Clerks of the Circuit Court to those counties would be paid \$1,500 annually. This Act applied to Campbell, Dyer, Haywood, Henry, Lincoln, Obion, Robertson, Sumner, Tipton, Washington, and Wilson Counties.
3. Private Acts of 1931 (2nd Ex. Sess.), Chapter 84, stated that in Dyer County (identified by the use of the 1930 Federal Census figures) the Deputies in the office of the Circuit Court Clerk would be paid at the rate of \$75 per month, payable on the last calendar day of the month on the warrant of the County Judge, or Chairman, out of the general funds of the county.
4. Private Acts of 1933, Chapter 656, provided that the annual salary of the Circuit Court Clerk would be \$2,500. Conditioned upon the filing of an annual report showing the fees collected in the office. If the fees exceeded the salary, the excess would be paid into the county treasury. If the fees were less than the above amount, whatever fees had been collected would constitute the salary of the Clerk. Continuance in office, seeking and performing the duties thereof was an acceptance of the terms of this act and would work as an estoppel against the Clerk to claim any additional compensation. This act was to have no effect other than to reduce the salary of the Circuit Court Clerk to the above figure.

5. Private Acts of 1939, Chapter 367, set the salary of the Circuit Court Clerk in Dyer County at \$175 per month payable on the warrant of the County Chairman out of the funds of the county. The Clerk would be compelled to pay over all the fees of his office to the County Trustee on January 1 each year, the above salary being in the place of all fees.
6. Private Acts of 1945, Chapter 103, amended Private Acts of 1939, Chapter 367, by increasing the monthly salary of the Circuit Court Clerk from \$175 to \$225, all other terms and conditions to remain as they were.

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

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

1. Acts of 1823, Chapter 11, formed a Solicitorial District composed of the counties of Obion, Gibson, Weakley, and Dyer which would be called the 16th Solicitorial District of Tennessee. A Solicitor would be elected for the District with the same authority and duties as the other Solicitors had.
2. Acts of 1835-36, Chapter 28, made each Solicitorial District coincide with each Judicial Circuit which had criminal jurisdiction.
3. Public Acts of 1967, Chapter 254, created a Criminal Investigator for the Fourteenth Judicial District. This act is no longer operative in Dyer County which is part of the twenty-ninth Judicial District.
4. Public Acts of 1971, Chapter 138, created the Office of Assistant District Attorney General for the Fourteenth Judicial District, this is no longer applicable to Dyer County as it is now in the twenty-ninth judicial district.
5. Public Acts of 1973, Chapter 154, established an additional Assistant District Attorney position for the Fourteenth Judicial District this no longer applies to Dyer County which is in the twenty-ninth Judicial District.
6. Public Acts of 1987, Chapter 57, created the position of criminal investigator for the Juvenile Court of Dyer County. This act was specifically repealed by Public Acts of 1988, Chapter 149.

**Probate Court**

The following acts once affected the Probate Court in Dyer County and are no longer operative because they have been repealed or superseded by State law.

1. Private Acts of 1927, Chapter 161, created a Probate Court in Dyer County and repealed Private Acts of 1915, Chapter 82, which provided for a County Judge. This Act named S. L. Gordon to serve as Judge of the Probate Court until his successor was elected in the general August election of 1928 for a term of eight years. Regular terms of the Probate Court would begin on the first Monday in each month. This Court was given original jurisdiction in all matters of probate, administration of estates, orphan's business, and embraced all the items and subjects of this nature mentioned in the State Code, plus the jurisdiction of the Chancery Court in these matters could be exercised here, as well as divorce cases. The County Court Clerk would serve as the Clerk of the Probate Court. The Judge would be compensated at the rate of \$1,800 annually and was prohibited from practicing law. All records in the cases transferred must be transmitted to the Clerk of the Probate Court. This Court was further empowered to hear and decide Circuit Court cases when the same was agreed. This Act was repealed in Item 4, below.
2. Private Acts of 1935, Chapter 749, amended Private Acts of 1927, Chapter 161, above, in Section 4, by adding a provision making process returnable to the first Monday in each month only when it had been issued and served at least five days prior to that time. Section 5 was amended by adding a new subsection 7 allowing the Court to exercise concurrent jurisdiction with Chancery Court in divorce cases and transferring all the judicial functions of the County Chairman to this Court. Section 12 was changed to require the Judge to be sworn as other Judges were and Section 15 was amended to confer all juvenile jurisdiction to the Probate Court. All the Judges of the various Courts were allowed to interchange in Dyer County as in other counties.
3. Private Acts of 1937, Chapter 455, amended Private Acts of 1935, and Chapter 749, and Private Acts of 1927, Chapter 161, in Section 3, Subsection 7, by adding a Section which conferred upon the Probate Court concurrent jurisdiction with Chancery court to try divorce cases and to have concurrent jurisdiction in all other chancery matters to the same degree as Chancery Court possessed; by adding a section vesting the Probate Court with all the civil jurisdiction of the Circuit Court except devisavit vel non. All suits and appeals could be initiated in Probate Court as in the Circuit, or Chancery Court. The Sheriff was required to execute all the process of the

- Probate Court. All the criminal jurisdiction of the Circuit Court was also invested in the Probate Court. The Circuit Court Clerk would act as Clerk in all these matters. The salary of the Judge of the court was set at \$3,000 annually, half to be paid by the county and half by the state.
4. Private Acts of 1947, Chapter 612, expressly repealed Private Acts of 1927, Chapter 161, Item One, which created the Probate Court, except for Section 18 which repealed the law creating the position of County Judge in Dyer County.
  5. Public Acts of 1972, Chapter 863, placed all the jurisdiction of the Probate Court in the Law and Equity Court of Dyer County.

## Chapter VI - Education/Schools

### Education/Schools - Historical Notes

#### **Board of Education**

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

1. Public Acts of 1907, Chapter 236, created a Board of Education for every county in the state, abolishing the District Directors, and placing the schools under the Board and District Advisory Boards. One member of the Board would be elected from each of the five school districts into which the county court must divide the county. If there were fewer than five districts, other members would be elected at large. The court would appoint the first members to serve until the elections could produce their successors. The duties of the Chairman, the Secretary, and the Board Members were stipulated in the Act including those reports necessary for the orderly conduct of the system. The three member Advisory Board would be elected by popular vote in each District and discharge the duties prescribed for them in this Act. Several counties exempted themselves from the operations of this Act but Dyer County was not among their number.
2. Private Acts of 1933, Chapter 810, created a board of education for counties across the state in a certain population classification, dividing the counties into seven civil districts.
3. Private Acts of 1949, Chapter 920, established the annual compensation of the Chairman of the Board of Education at \$400, payable in equal monthly installments out of the county treasury. Other members of the Board would be paid \$200 per annum in a similar fashion.
4. Private Acts of 1971, Chapter 130, amended Private Acts of 1933, Chapter 810, by deleting the seven school districts as they were described in Section One and substituted a provision calling for ten school districts having the same boundaries and numerical designations as the Civil Districts in the county had but the present Board of Education would continue in office until their terms were completed. Section 2 was amended so that voters would elect one member of the School Board from each District. This Act was not considered by the Quarterly Court of Dyer County and therefore never took effect therein.
5. Private Acts of 1971, Chapter 192, amended Section One, Private Acts of 1971, Chapter 130, by changing the ten Civil Districts from each of which members of the Board of Education would be elected to the ten Magisterial Districts of the county. This Act was approved on July 14, 1971.

#### **School Districts**

The following acts once affected specific school districts in Dyer County and they are no longer operative having been repealed or superseded.

1. Private Acts of 1903, Chapter 470, changed the boundary lines of the 33rd School District in Dyer County to read as follows: beginning at the northwest corner of S. G. Parker's Coker farm; thence south with the Newbern and Friendship Road to the old J. H. Purcell place; thence west to the northwest corner of the G. M. Tatum farm; thence south to the Forked Deer River; thence east with said River to Cypress Creek; thence north with said Creek to the bridge near the W. H. Hendrix home place; thence west to the point of the beginning.
2. Private Acts of 1905, Chapter 177, created a Special School District in the Second Civil District of Dyer County with a general description of the area running Walter Hill's place to W. E. Golden's southwest corner on Cane Creek, to Pond Creek to its mouth at Forked Deer, and then up the River to the beginning. School Directors of the area were advised to pay the Special District its prorated share of school funds. The Superintendent of Schools was obligated to appoint three school directors to serve until their successors could be elected.
3. Private Acts of 1905, Chapter 454, amended Public Acts of 1903, Chapter 240, the general school law of the State, in Sections One, Two, and Three, as they fixed the boundaries of school districts

but no further. This act had the effect of giving the Quarterly County Court of Dyer County the power to establish school districts. This Act did not apply to any other county.

4. Private Acts of 1907, Chapter 165, formed a Special School District in the 8th Civil District of Dyer County, the boundaries of which were described in the Act. The County Superintendent of Schools was required to number the school district to conform with others. J. S. Patterson, A. W. Harrington, and Will Easley were named in the Act to serve as Directors of the School District until the next election could produce their successors. The Directors were granted the authority to operate and manage the schools in the district.
5. Private Acts of 1911, Chapter 33, created a special school district in portions of the Seventh and Eighth Civil Districts as the same was described in the said Act, and directed the County Superintendent of Schools to give the district a number. Named as the first Board of Directors to serve until their successors could be elected and assume office were W. J. McCain, Arch Holland, and C. M. Worth. The Act further required that the district be paid their pro rata share of school funds.
6. Private Acts of 1915, Chapter 233, formed a Special School District out of portions of the Fourth,, Tenth, and Seventeenth Civil Districts of Dyer County which involved an area running roughly from Mary Williamson's place in the northwest corner to the J. N. Norris farm on the east. The Superintendent of Public Instruction would number the District and appoint three Directors who would serve until their successors, elected in the next general August election, could take over the responsibilities of that office.
7. Private Acts of 1937, Chapter 756, is listed as being applicable to Dyer County but the Act which this Act repealed, Private Acts of 1935 (Ex. Sess.), Chapter 135, created the Dyer Special School District for the City of Dyer in Gibson County.
8. Private Acts of 1937, Chapter 852, also referred to the Dyer Special School District which was located in Gibson County.

#### **School Districts - Churchton School District**

The following acts once affected the Churchton School District and are included here for historical purposes.

1. Private Acts of 1925, Chapter 378, created the Churchton School District in Dyer County with a general description by metes and bounds of the area involved in the District. An election was required to be held in the summer of 1925 to decide if the voters wanted a bond issue of \$7,500 with which to build the school. Ballots must be printed with just a simple "yes" or "no". The bonds, if approved in the referendum, would be issued at an interest rate not to exceed 6%, and must mature no later than ten years from the date of issue, and must be in the form prescribed in the Act. J. C. Rose, O. W. Taylor, and Joe Tidwell were named as Board Commissioners to oversee the details of the issue and sale of the bonds as stated in the Act. School affairs were to continue in the hands of the Board of Education. To support the schools and amortize the bonds, a school tax of twenty cents and a poll tax of \$1.00 on all between the ages of 21 and 50 were allowed.
2. Private Acts of 1927, Chapter 565, also created the independent school district to be called the Churchton School District which would include the land in the 9th Civil District as the same was described in this Act. An election would be held to ascertain the voters pleasure regarding the issue and sale of \$6,000 in bonds with which to construct the school building, and equip the same. The bonds must be in the form prescribed in the act, could not bear an interest rate over 6%, nor mature later than ten years from the date of issue. The Act named W. D. Grills, Chairman, R. P. Harrington, T. A. Austin, Elmer Headen, Carl Grills, G. M. Smith, O. K. Smith, and Alton Zarrieor as members of a Bond Commission to supervise the program. The County Board of Education would manage the school. A tax levy of twenty cents per \$100 of property valuation and a poll tax of \$1.00 on all between the ages of 21 and 50 were authorized to be levied. The Public Service Commission of the State was named to assess the value of the utilities within the District. This Act was repealed by the one following.
3. Private Acts of 1929, Chapter 546, created the Churchton Special School District describing the area embraced in the District by metes and bounds. Within 15 days after the passage of this Act, an election would be held on the question of the issue and sale of \$8,000 in bonds with which to build and equip the school in the district. All prior actions taken in connection therewith were ratified and validated. The bonds must be at an interest rate of 6%, or less, and mature no later than ten years from issue. If affirmed in the election, the act named W. D. Grills, Chairman, G. M. Smith, J. H. Pope, J. C. Rose, Elmer Headden, Carl Grills, O. K. Smith, and T. L. Austin, as a Bond Commission to sell the bonds and administer the program in conformity with the requirements of

this Act and the general law. The building Committee was made up of W. D. Grills, Chairman, G. M. Smith, Secretary, and J. C. Rose. This Act repealed Private Acts of 1927, Chapter 565, above, in its entirety.

### **School Districts - Newbern School District**

The following acts once affected the Newbern School District and are included here for historical purposes.

1. Private Acts of 1929, Chapter 627, formed a special high school district in the 6th Civil District of Dyer County, including the town of Newbern, and also portions of the Seventh, Eighth, and Ninth Civil Districts, as described therein. The District would be managed by a five member Board of Directors as an incorporated body. The members were to be elected by the people in accordance with the terms and conditions established in this law. Express grants of power were made to the Board in seven paragraphs within Section 5 which were of a broad and general nature but intended to accomplish the management of the District and its operation. A special school tax, not to exceed 30 cents per \$100 property valuation, was authorized to be levied in 1929 and every year thereafter in order to keep the school open for 9 months each year. Children between the ages of six and twenty-one who were residents of the district could attend free of charge. All others were required to pay the tuition charges set by the Board.
2. Private Acts of 1931, Chapter 12, ratified, confirmed, and validated all the prior actions of the Board of Directors of the Newbern Special School District held in connection with the issue and sale of \$35,000 in high school bonds, dated June 1, 1930, at 5¼% interest, and maturing on June 1, 1950. The election held in the district is also validated and legalized despite any lack of statutory authority. The bonds were declared to be the legal, binding, and uncontestable obligations of the district. A property tax of 30 cents per \$100 property valuation must be imposed on property so long as any of these bonds are outstanding and unpaid.
3. Private Acts of 1943, Chapter 388, amended Private Acts of 1929, Chapter 627, Item One, above, by reducing the tax rate for the School District from thirty cents to fifteen cents per \$100.
4. Private Acts of 1947, Chapter 573, amended Sections 4 and 7 of Private Acts of 1929, Chapter 627, by adding a provision at the end authorizing the Board of Directors of the District to use any accumulated funds on hand, or hereafter, if it does not interfere with, or hinder, the operation and maintenance of the high school, for the purpose of building and equipping a gymnasium, or to assist in the building and equipping of a war memorial, provided the memorial contained a gymnasium, the use of which would be available to the high school.
5. Private Acts of 1949, Chapter 302, expressly repealed Private Acts of 1929, Chapter 627, as amended. All property, real and personal, of the Special School District, as well as the claims and choices in action would vest in the town of Newbern for such corporate purposes as might be deemed advisable by the town's governing body.

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

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

1. Private Acts of 1919, Chapter 410, provided that the county superintendent of public instruction be elected for a two year term. 2. Private Acts of 1933, Chapter 558, required that the County Superintendent of Public Instruction as now provided by state law to be elected by the people of Dyer County for a two year term, at the general August Election, beginning in August, 1934. The Superintendent must have all the qualifications specified by law and would start the term on the first Monday in January, 1935, and continue for two years from that date. This Act shall in no wise affect the compensation and the duties of the Superintendent. This Act was repealed by the one below.
2. Private Acts of 1943, Chapter 268, expressly repealed Private Acts of 1933, Chapter 558, above, and all the subsequent Acts amendatory thereof. (This action would seem to restore the 1919 Act if the same had been superseded by Chapter 558.)
3. Private Acts of 1971, Chapter 129, abolished the office of School Superintendent in Dyer County effective on September 1, 1971. The Board of Education was authorized to employ an Administrator of Schools for the county who must possess all the qualifications, powers, duties, and responsibilities of the County School Superintendent now and hereafter prescribed by law. The Administrator would be an employee of the Board of Education with whom a contract must be made covering all the aspects of the employment. This Act was not acted on by the Quarterly Court of Dyer County and consequently never became an effective law.

### **General Reference**

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

1. Acts of 1829, Chapter 109, incorporated Joseph DeGraffenried, Alexander McCullough, John Rutherford, James J. N. Foster, and Nathaniel Benton as the Trustees of Dyer Academy in Dyer County which would be governed and regulated as the other educational institutions in the State.
2. Acts of 1831, Chapter 16, stated that nothing in this Act would prevent any future legislature of the State from making such disposition of the school funds allotted to the counties of Henry, Carroll, Weakley, Gibson, Dyer, and Obion as the General Assembly might from time to time direct.
3. Acts of 1853-54, Chapter 208, divided the Dyer Male Academy into two parts, one being for the use of females, and each to share equally in the educational funds available. This Act replaced the former Trustees with James H. Dayle, S. Richardson, S. D. Whitten, A. G. Pierce, Samuel Gillespie, G. R. Mulherrin, W. A. Dawson, Thomas J. Connell, Asa Fowlkes, T. D. Woods, C. H. Ledsinger, and F. G. Sampson. The title to the ten acres of land and the academy improvements would vest in the above named Trustees. The Trustees were further given the full power and authority to direct and manage the Academy.
4. Acts of 1865-66, Chapter 144, appointed Thomas H. Benton, Levi H. Silsby, Stephen D. Whitten, Albert G. Pearce, George B. Miller, Samuel R. Latta, and Alfred Stevens as Trustees of the Dyer County Male Academy as the County Court had requested the General Assembly to do. The Trustees were made subject to all the qualifications and demands of the general law, must meet in the Court House, select one of their number as a Chairman and take charge of all the school's property. Section 3 of this act named Frank G. Sampson, Richard P. Watson, S. White Tarkington, Albert M. Stephens, and John H. Christie, as the Trustees of the Dyersburg Female Academy under the above terms and conditions.
5. Acts of 1879, Chapter 120, changed the name of the Dyersburg Male and Female Academy to the Dyersburg Male and Female College. Named as Trustees in the Act were T. H. Benton, J. H. Christie, C. P. Clark, I. F. Child, W. C. Doyle, H. F. Ferguson, G. B. Miller, C. C. Moss, T. W. Neal, E. C. Pate, A. G. Pierce, H. M. Stevens, E. G. Sugg, and J. C. Webb, who would have and enjoy the same powers as the former Trustees.
6. Private Acts of 1909, Chapter 576, amended Public Acts of 1907, Chapter 236, the then general school law of the State which created Boards of Education in every County, so as to exempt Dyer County from the application of its provisions as several other counties had already done.
7. Private Acts of 1909, Chapter 588, was the authority for the Trustee of Dyer County and of Crockett County to distribute the public school funds credited to those counties under Public Acts of 1907, Chapter 236, according to their respective scholastic populations. School Districts and Civil Districts were to be coextensive with each other and the District Board of Advisors would serve as District Directors whenever it was necessary for them to do so.
8. Private Acts of 1921, Chapter 611, repealed specifically Private Acts of 1909, Chapter 576, Item 6, above, in its entirety, which would have the effect of placing Dyer County back under the terms and conditions of Public Acts of 1907, Chapter 236.
9. Private Acts of 1929, Chapter 812, allowed the Quarterly Court in Dyer County (identified by the use of the 1920 Federal Census figures) to appropriate an amount not to exceed \$8,000 to match the State Building and Repairing Funds for rural elementary school buildings and repairs for one school year only, 1929-1930. The Court was further permitted to levy a special school tax of up to five cents per \$100 for that purpose. The tax would be collected by the Trustee as any other County Tax.
10. Private Acts of 1935 (Ex. Sess.), Chapter 95, was the legal authority for the mayor and aldermen of the town of Trimble in Dyer County to enter into a proper arrangement and contract with the officials of Dyer County by which the county would operate and maintain the high school and the elementary school which was formerly operated by the city in a building which was recently destroyed by fire. The city could further turn over to and release to the County any funds which might have been allocated to that particular school.

## Chapter VII - Elections

### Elections - Historical Notes

### **Districts - Reapportionment**

The acts listed below have affected the civil districts in Dyer County, but are no longer operative regarding elections. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1835-36, Chapter 1, required that a Joint Resolution of both Houses of the General Assembly appoint five suitable persons in each County as Commissioners to lay off their respective counties into civil districts according to population and size. Each county with 3,000 or more qualified voters would be divided into 25 civil districts, ranging downward in graduated scales to 700 qualified voters and eight Civil Districts. Resolution #3 named Edwin A. McCorkle, John P. Bryne, Alexander McCullough, Sr., Daniel E. Parker, and James Miller as the commissioners for laying out the civil districts in Dyer County.
2. Acts of 1859-60, Chapter 47, set up Civil Districts One and Fourteen in Dyer county as they established and organized, and they are entitled to all rights, privileges, and benefits which belong to any other Civil District. All the acts of the Magistrates and other officials were declared valid, legal, and binding.
3. Acts of 1859-60, Chapter 138, established the 13th Civil District in Dyer County composed of all that portion of the county south of the south fork of the Forked Deer River. Citizens would meet at a time and place designated by the Sheriff and select the officials of the District who would be furnished with the proper books and implements of office as were others in like places. The Sheriff was directed to give at least ten days notice of any election to be held hereunder.

### **Elections**

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

1. Acts of 1823, Chapter 47, divided Tennessee into eleven Presidential Electoral Districts of which the Eleventh District was made up of the Counties of Wayne, Perry, Hardin, and all the Counties west of the Tennessee River. It was the duty of the Sheriff of each respective county to open and hold an election in each County on the first Thursday in October, 1824. The polls in the Eleventh District would be counted and canvassed at Jackson in Madison County.
2. Acts of 1824, Chapter 1, also established 11 Presidential Electoral Districts assigning the same counties to the 11th District as before and setting the date of the election on the first Thursday and Friday in November, 1824, instead of the date specified in the Act above.
3. Acts of 1826, Chapter 3, set up 20 Senate seats and 40 Representative seats in the General Assembly of Tennessee delegating the counties of Henry, Weakley, Obion, Carroll, Gibson, and Dyer to one Senatorial District whose ballots would be counted and certified at Trenton in Gibson County. The Representative District was composed of the counties of Carroll, Gibson, Dyer, and Obion, whose votes would be compared at the same location.
4. Acts of 1826, Chapter 52, recited in the preamble that certain elections were held in Dyer County on the fourth Monday in January, 1826, and a certain law had been passed without the knowledge of the Justices of the County changing the opening dates of the terms of the Dyer County Court. This Act validated and made legal all the proceedings and actions of the Court held at the session which began on the fourth Monday in January in Dyer County, and the officers who were elected by the Court at the meeting are declared to be bona fide and legitimate officers of Dyer County, any law to the contrary notwithstanding.
5. Acts of 1827, Chapter 17, formed eleven Presidential Electoral Districts in Tennessee, for the election to be held on the second Thursday and Friday in November, 1828. The Eleventh Electoral District included the Counties of Henry, Weakley, Obion, Carroll, Gibson, Dyer, Henderson, Madison, Haywood, Tipton, McNairy, Hardeman, Fayette, and Shelby.
6. Acts of 1832, Chapter 4, divided the State into 13 U.S. Congressional Districts. The 12th U.S. Congressional District contained within it the counties of Haywood, Madison, Dyer, Obion, Gibson, Weakley, Henry, and Carroll.
7. Acts of 1832, Chapter 9, formed 15 Presidential Electoral Districts in Tennessee assigning to the 15th District the Counties of Henry, Weakley, Obion, Dyer, Gibson, Carroll, Tipton, and Haywood.
8. Acts of 1833, Chapter 71, reapportioned the State for representation in the General Assembly. The Counties of Madison, Haywood, Gibson, and Dyer would jointly elect one of the 20 State Senators comparing the votes at Cherryville. Haywood, Tipton, and Dyer Counties would join

together to elect one of the 40 State Representatives. These votes would be counted at Brownsville.

9. Acts of 1833, Chapter 76, provided that an election would be held for a 60 member Constitutional Convention on the first Thursday and Friday in March, next, whose elected delegates would meet in Nashville on the third Monday in May, Next, to revise, amend, alter, the present, or form a new State Constitution. Gibson County and Dyer County would jointly elect one delegate to this Convention. The votes for this District would be counted and compared at Eaton in Gibson County.
10. Acts of 1835-36, Chapter 39, enacted subsequent to the adoption of the new Constitution for the State provided for 15 Electoral Districts for the President and Vice-President to be elected on the first Tuesday in November, 1836. The 15th Electoral District was composed of the Counties of Henry, Weakley, Obion, Dyer, Gibson, Carroll, Tipton, and Haywood.
11. Acts of 1839-40, Chapter 79, contained specific directions for those who were to be Electors in the election for President and Vice-President on the first Tuesday in November, 1840. The organization of Electoral Districts remained as it was.
12. Acts of 1842 (Ex. Sess.), Chapter 1, revised the number of State Senatorial Districts to 25, and the Representative Districts to 50. The 22nd State Senatorial District included the counties of Gibson, Carroll, and Dyer, while the Counties of Obion and Dyer made up one Representative District whose polls would be compared at Johnsonville, in Dyer County.
13. Acts of 1842 (Ex. Sess.), Chapter 7, organized Tennessee into eleven U. S. Congressional Districts of which the Tenth U.S. Congressional District contained the counties of McNairy, Hardeman, Fayette, Shelby, Tipton, Haywood, Lauderdale, and Dyer.
14. Acts of 1865, Chapter 34, enacted shortly after the cessation of the Civil War, divided Tennessee into eight U.S. Congressional Districts. The 7th District was made up of the Counties of Benton, Henry, Weakley, Obion, Dyer, Gibson, Lauderdale, Henderson, and Carroll.
15. Acts of 1869-70, Chapter 105, authorized the holding of a referendum on the question of calling a Constitutional Convention. The Ballot would consist of simply "For" or "Against" the call. If approved by the people, seventy-five delegates would be elected in the counties according to their number of Senators and Representatives in the General Assembly.
16. Acts of 1871, Chapter 146, apportioned Tennessee after the adoption of the 1870 Constitution and according to the 1870 Federal Census Count. Dyer County would elect one Representative alone and was part of the 22nd State Senatorial District with Haywood County and Lauderdale County.
17. Acts of 1872, Chapter 7, formed 9 U.S. Congressional Districts in the State assigning the Counties of Madison, Crockett, Haywood, Lauderdale, Dyer, Gibson, Weakley, Obion, and Lake to the 8th U.S. Congressional District.
18. Acts of 1873, Chapter 27, increased the members of U.S. Congressional Districts in the State to ten. The 9th District included the counties of Weakley, Obion, Lake, Dyer, Gibson, Crockett, Haywood, Tipton, and Lauderdale.
19. Acts of 1881 (Ex. Sess.), Chapter 5, permanently fixed the number of Senators in the State Senate at 33 and the number of Representatives at 99.
20. Acts of 1881 (Ex. Sess.), Chapter 6, apportioned the representation in the General Assembly of the State according to the statute above. Dyer County would elect one Representative alone and share another with Obion and Lake Counties. The 28th State Senatorial District was made up of the Counties of Obion, Lake, and Dyer.
21. Acts of 1882, Chapter 27, organized Tennessee into ten U.S. Congressional Districts according to the 1880 Federal Census. The 9th District included the Counties of Weakley, Gibson, Crockett, Haywood, Dyer, Lauderdale, Obion, and Lake.
22. Acts of 1891, Chapter 131, divided the State into ten U.S. Congressional Districts based on the 1890 Federal Census. The 9th U.S. Congressional District consisted of the counties of Weakley, Gibson, Crockett, Haywood, Lauderdale, Dyer, Obion, and Lake.
23. Acts of 1891 (Ex. Sess.), Chapter 10, apportioned the State according to the 1890 Census. Dyer County would elect one State Representative for itself and share another one with Lake and Obion Counties. The 30th State Senatorial District was composed of the counties of Dyer, Haywood, and Lauderdale.
24. Acts of 1901, Chapter 109, established a total of ten U.S. Congressional Districts in the State based upon the Census of 1900. The Ninth U.S. Congressional District contained the counties of



- Gibson, Weakley, Obion, Lake, Dyer, Lauderdale, Haywood, and Crockett.
25. Acts of 1901, Chapter 122, represented the last apportionment of the General Assembly to occur for some sixty years in Tennessee. The 29th Senatorial District included the counties of Dyer, Lauderdale, and Crockett. Dyer County would elect one Representative alone and share another with Obion and Lake Counties.
  26. Private Acts of 1917, Chapter 581, stated that no person would be allowed to vote in primary elections in Dyer County who would not be qualified to vote in the following general election, and who had not paid their poll tax. A list of those who had paid the poll tax would be supplied to the officers of the election. All officers holding elections in the county were obligated to carry out the provisions of this Act.
  27. Private Acts of 1935, Chapter 744, provided that, in Dyer County, in addition to all other regulations on the subject, each voter must be registered as a voter before being allowed to vote in any election held in any voting precinct or civil district. Such registration of voters must be in the manner prescribed by the Code of Tennessee in Section 1997, and following. This Act repealed by Private Acts of 1937, Chapter 458.
  28. Private Acts of 1937, Chapter 458, expressly repealed Private Acts of 1935, Chapter 744, Item 27, above, in its entirety.
  29. Private Acts of 1945, Chapter 174, fixed the pay of the Judges, officials, and Clerks of all elections, both primary and general, held in Dyer County (identified by the 1940 Federal Census Count) at \$2.50 per day for their services in that capacity but they would be paid for only one day per election.
  30. Private Acts of 1947, Chapter 229, required all citizens living in civil districts which were over 2,500 in population in Dyer County to be registered permanently as a pre-requisite to voting in elections. Registration would be conducted throughout the county beginning on the second Monday in March, 1947, and continuing for a period of ten days thereafter, excluding Sundays. All who register would be given certificates of permanent registration. Ample notice of the time and place of registration must be given in the newspapers. Anyone moving out of the precinct in which they were registered must re-register in the latter precinct before being permitted to vote. All provisions of the general law will also apply to the above registration of voters.
  31. Private Acts of 1949, Chapter 648, stated that, in Dyer County (identified by the 1940 Federal Census figures), the Registrars of Election would be paid at the rate of \$6.00 per day for every day served in the performance of their duties. Other election officials would be paid \$4.00 a day for one day only in a single election.

## Chapter VIII - Health

### Trust Agreement for Indigent Care

#### Private Acts of 1983 Chapter 138

**SECTION 1.** The county legislative body of Dyer County is hereby authorized to establish a trust and enter a trust agreement for the purpose of providing hospital care for the indigent in Dyer County. The proceeds of the sale of the Parkview Hospital, the Parkview Convalescent Unit, and the Parkview Emergency Service (hereinafter referred to as the hospital) shall be placed in such trust fund. A board of trustees (hereinafter referred to as the trustees) shall manage the trust. The trustees shall be the following Dyer County officials by virtue of their offices: county executive, county trustee, chairman of the county legislative body, and the three (3) members of the finance committee of the county legislative body.

Each individual trustee's term shall be coterminus with his or her term of elected office, with respect to the trustee and the county executive, and coterminus with his or her term of appointment or election by the Dyer County Legislative Body with respect to the chairman and members of the finance committee. A trustee may be removed by the Dyer County Legislative Body for any reason, upon the affirmative vote of three-fourths (3/4) of the legislative body. The legislative body shall fill any vacancy in the trustees to complete the unexpired term. If a vacancy occurs among the trustees, the remaining trustees shall have full power to act until the vacancies have been filled. All successor trustees shall have and exercise all of the powers, duties and responsibilities as the original trustees.

**SECTION 2.** (a) The trustees shall have the following duties:

(1) To invest immediately and keep invested the proceeds of the sale of the hospital in such investments that will yield a high rate of return and that will best fulfill the purposes of the trust. In making such investments the trustees shall be bound by the same legal restrictions and requirements that govern investments made by Dyer County of its funds.

(2) To make available ninety percent (90%) of the income of the trust to the indigent care distribution committee (hereinafter referred to as the committee) the committee shall periodically provide payments to the hospital for "indigent hospital care" as defined in Sections 3 and 4.

(b) Any of the said ninety percent (90%) not paid out to said distribution committee together with all of the income earned on the unused said ninety percent (90%) shall continue to be available to the trustees for payment for "indigent hospital care". Conversely, the four million dollar principal, together with any subsequent donations, plus ten percent (10%) of the income from the four million subsequent donations, plus ten percent (10%) of the income from the four million dollars and any subsequent donations shall not be available to the trustees for payment of "indigent hospital care". For convenience and clarity the trustees may establish two trust funds (A and B), whereby trust fund A may contain the four million dollars plus any other donations. Ninety percent (90%) of the income of fund A may be transferred periodically to trust fund B. Trust fund B may be used to pay for the "indigent hospital care", and any unused portion of trust fund B would remain in fund B. Further, all income earned by unused monies in trust fund B would remain in trust fund B and available to the trustees for "indigent hospital care", There shall be no transfers of funds from trust fund B back to trust fund A. If desired for investment purposes, the two fund may be pooled and/or commingled.

**SECTION 3.** The committee shall be composed of five (5) members. Four (4) members shall be appointed by the county legislative body of Dyer County, and one (1) member shall be elected by the hospital medical staff. There shall be one (1) citizen elected who is a resident of Dyer County and one (1) citizen who resides within the corporate limits of Dyersburg, with one (1) of the said member's initial term to be one (1) year and the other to be two (2) years, to be determined by drawn lots. After the initial terms have been served, the terms of both such members, or their successors, shall be two (2) years. the intent is to have staggered terms, with one (1) of the citizen members to be elected annually. There shall likewise be two (2) members of the Dyer County Legislative Body to serve as the third and fourth members of the committee. One (1) shall be from a district entirely within the corporate limits of the City of Dyersburg. The terms shall be identical to the two (2) citizen members as set forth hereinabove; the intent likewise being staggered terms with an annual election of one (1) member. The fifth member of the committee shall be a member of the hospital medical staff, elected by the staff for a one (1) year term.

Payments made to the hospital by the committee shall be only for indigent hospital care, which is defined as that care given to those in need who meet the following qualifications:

(1) The patient must have been a resident of Dyer County for at least thirty (30) days.

(2) The patient must be an "indigent". A patient shall be considered an indigent if his individual or family income, as applicable, meets the guidelines set forth by the committee; such guidelines shall be approved by a majority vote of the Dyer County Legislative Body prior to any action by the committee. Any federal regulations now or hereafter promulgated regarding determinations of poverty guidelines may likewise be considered in determining indigency.

(3) The care given must have been for inpatient or outpatient hospital care (including ambulance services) rendered or contracted for, on or after April 1, 1983, by the Parkview Hospital, Dyersburg, Tennessee, or its successor (hereinafter referred to as the hospital); provided, however, such care shall not have been rendered pursuant to the obligation assumed by the hospital under the Hill-Burton grant and grants under Section 1625 of Federal Public Law 93-641; the purpose of this trust fund is to provide for indigent hospital care over and above that required by the Hill-Burton Act and Section 1625 of Public Law 93-641, as long as no more than ninety percent (90%) of the income or accumulated income produced by the trust is expended after the hospital as satisfied the obligations imposed under the Hill-Burton Act and Section 1625 of Public Law 93-641.

**SECTION 4.** Distributions out of the trust fund for indigent hospital care shall be made only to the committee, which shall then pay the hospital. No patient, nor any patient's creditor (except the hospital), shall have any right to make a claim against the trust fund. Any interest a patient may have in the trust fund paying for indigent hospital care is not assignable, and any purported assignment shall not be honored by the trustees or the committee. Distribution to the committee by the trustees out of the trust fund for payment to the hospital for indigent hospital care shall be made periodically, as follows: The first payment to the hospital shall be made on or before the one hundredth day after the end of the first quarter after the date of closing of the sale of the hospital with no liability for any care rendered prior to

the closing date. Such first payment shall not exceed fifty percent (50%) of the income earned during the first six (6) months of investment of the corpus of the trust. All successive payments shall be made on a quarterly basis, due on or before one hundred (100) days after the end of each quarter, beginning with the second quarter after closing. Request for payments by the hospital shall be in writing to the committee, and with such documentation as the committee may reasonably require to show that the qualifications of Section 3 have been met. The receipt of payments from the trust fund by the hospital shall constitute a consent to audits of such books and records of the hospital as necessary to verify that payment requests are for qualified indigent hospital care.

**SECTION 5.** The trustees and the committee shall not use, spend or obligate any of the trust fund (including the income) for any administrative expense, salaries or for any purpose except payments pursuant hereto for indigent hospital care, as Dyer County desires all of the trust fund to be used solely for such purpose. Dyer County shall furnish any administrative service or provide funds for clerical, accounting, auditing or other services. The Dyer County Trustee shall be covered under a fidelity bond satisfactory to the Dyer County Legislative Body.

**SECTION 6.** The trustees and the committee shall make such reports to Dyer County Legislative Body as the legislative body may direct.

**SECTION 7.** Upon the concurrence of at least three-fourths (3/4) of the members of the Dyer County Legislative Body, the trustees shall be authorized to use any or all of the trust fund (including corpus or principal) for indigent hospital care.

**SECTION 8.** If the corpus and accumulated income of the trust fund not available for indigent hospital care exceed six million dollars (\$6,000,000.00), the Dyer County Legislative Body may withdraw some or all of such excess from the trust upon an affirmative three-fourths (3/4) vote.

**SECTION 9.** Nothing herein should be construed as in any way placing or creating an obligation or liability on Dyer County for providing indigent hospital care in addition to, or other than pursuant to, this Act.

**SECTION 10.** This Trust may not be terminated or amended without the affirmative vote of not less than three-fourths (3/4) of the members of the Dyer County Legislative Body.

**SECTION 11.** If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this Act are declared to be severable.

**SECTION 12.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Dyer County before July 1, 1983. 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 13.** 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 12.

Passed: May 10, 1983.

## Chapter IX - Highways and Roads

### Road Law

#### Private Acts of 1929 Chapter 421

**COMPILER'S NOTE:** This Act was not repealed although the Board of Commissioners was abolished and their duties were vested in the Supervisor of Roads by Chapter 465, Private Acts of 1945.

**SECTION 1.** That in each County of the State of Tennessee having a population of not less than twenty-nine thousand, nine hundred and fifty, and not more than thirty thousand, according to the Federal Census of 1920, or any subsequent Federal Census, there is hereby created a County Board of Highway Commissioners, to be composed of three members, and a County Road Supervisor, the said Commission and said Supervisor to have general supervision and control over all County roads, bridges and levees in each of said Counties, and over all road, highway, bridge and levee funds raised or that may be hereafter raised, under the provisions of this Act, or otherwise.

**SECTION 2.** That the following are hereby named as the members of the said County Board of Highway

Commissioners to wit: P. A. Gwaltney and(sic) J. K. White,(sic) R. Rawles who shall serve as said County Board of Highway Commissioners until the next regular election by the qualified voters of the County to hold the said office for two years and until their successors are elected and qualified.

In the event that a vacancy shall occur on said Board by reason of the death of a member or otherwise, it shall be the duty of the two remaining members of the Board to fill said vacancy and the person so appointed shall fill out the unexpired term of the former Commissioner, or until his successor can be elected and qualified under the terms and provisions of this Act.

**SECTION 3.** That a person must be a resident of the County and a free holder to be eligible to be elected as a member of the County Board of Highway Commissioners, and if a Commissioner shall cease to be a resident of the County, his office shall thereby be vacated.

**SECTION 4.** That each Commissioner, within ten days after his appointment and within ten days after his election, shall qualify by subscribing to an oath to faithfully and impartially perform the duties of his office, and he shall give a good and solvent bond payable to the State of Tennessee, in the sum of Five Thousand Dollars, for the faithful accounting of any and all funds which come into his custody, care or control, or in the care, custody and control of the said Commission, and the cost and expenses of said bonds, if any, shall be paid out of the Highway Funds of the County.

**SECTION 5.** That the said County Board of Highway Commissioners shall promptly organize by electing one of their members as Chairman and another Vice Chairman and the other as Secretary, each of whom shall serve until December 31 of the year of such organization, and thereafter their successors shall likewise be chosen and shall serve until Dec. 31, of the year of their election, or until their successors shall be chosen and qualified. It shall be the duty of the Commission to see that the minutes of all proceedings are properly kept and to sign the same; to carefully inspect all accounts and all vouchers in order to determine their correctness, and to sign in ink all orders or vouchers on the County Trustee for the payment of funds, each and all such orders and vouchers to be signed by the Chairman and Secretary of the board in ink before the same shall be honored by the County Trustee; the chairman shall attend to and dispose of all matters needing the attention while said board is not actually in session, in conformity to and under the authority of such general orders and policies as may be adopted by said Board. In the absence of the Chairman or in case of his refusal or inability to act his duty shall be performed by the Vice Chairman. The Secretary shall keep an accurate minute of all of the proceedings of the Board in a well bound book, provided for that purpose, and shall do and perform all other duties usually and customarily performed by a Secretary and shall perform any and all other such duties as may be imposed upon him by said bond.

**SECTION 6.** That said board, until they shall deem it necessary and proper, shall have the authority to employ a Clerk who shall serve at the pleasure of said Board and shall do and perform such work and services, as may be prescribed by the board, and who shall receive a reasonable compensation therefor, to be fixed by the board and paid by them out of the County road fund.

**SECTION 7.** That as compensation for his services each member of the said Board of Highway Commissioners shall receive the sum of Ten Dollars per day for each meeting of the said Board attended by him, and shall also be allowed a compensation of Ten Dollars per day for each day spent in the inspection of roads, bridges and levees or any other necessary work connected with levees or any other necessary work connected with the proper and reasonable performance and discharge of the duties of his office not to exceed \$60.00 per month. The Chairman shall have the same compensation as the other two commissioners.

**SECTION 8.** That in each County coming within the provisions of this Act and (sic) is hereby created the office of County Road Supervisor and he shall be employed by the Board of Highway Commissioners, and shall serve for such length of time as to them shall be deemed proper and necessary, and as long as his services shall be satisfactory to them; but said Board of Highway Commissioners are required hereby to select such County Road Supervisor immediately after their organization, and shall at all times, keep in and employ and have available the services of a County Road Supervisor.

It shall be the duty of said County Road Supervisor to have the direct supervision and control of any and all work and labor done upon any of the roads, highways, bridges and levees of the County, and the same shall be done according to survey plans and specifications, blue prints, etc., prepared by him and under his supervision and control, and it shall be his duty to make repeated and continual inspections of all the roads, highways, bridges, and levees of the County, and to keep the same in a good state of repair, and safe for the use and travel of the public over and upon the same, and he shall be directly responsible to the County Highway Commission for the condition of all roads, highways, bridges and levees in said County.

It is expressly provided, however, That neither said County Road Supervisor nor any of said County

Highway Commissioners shall at any time be interested, either directly or indirectly, financially or otherwise, in the acceptance of any contract or the doing or performing of any work or labor or in the sale of any material or the purchase of any tools, machinery or repairing of any of the roads, highways, bridges and levees of the said County.

The compensation or salary of the said County Road Supervisor shall not exceed the sum of \$300.00 per month which shall be paid to him monthly by the County Trustee out of the road funds of the County upon an order for the same drawn and signed by the Chairman of the Commission, countersigned by the Secretary thereof.

In going over the County attending to the various duties of his office, the said County Road Supervisor shall furnish his own conveyance and shall travel at his own expense, his total compensation being the salary herein above provided.

He shall be subjected to the orders and direction of the County Highway Commission, and shall promptly and faithfully do and perform any and all such duties as may be imposed upon him by said commission.

**SECTION 9.** That the County Highway Commission shall have the right to employ one or more superintendents or foremen and the County Road Supervisor shall have the direct supervision and control of all road, bridge, and levee work, and shall have the right to employ all labor and it shall be his duty to make proper and timely requisition on the Highway Commissioners to buy material, and shall supervise the work to be done on any and all roads, bridges or levees, and shall have supervision of any work that may be done by prisoners and by and all persons subject to road labor in said Counties; but said County Road Supervisor is subject to the authority, orders, directions and instructions of the said County Highway Commission and is responsible to them for the full performance of his duties. The said Supervisor shall warn in all persons subject to road duty, according to the provisions hereinafter set out in this Act and he shall have the control, management and custody of all road tools and machinery and materials and shall do and perform any and all such other duties as the said Commission may prescribe.

In buying of material, or in the construction or repairing or doing of any work on said highways, roads, bridges, or levees, whenever the Board of Commissioners shall deem it proper, it may advertise for bids and purchase such material and let such contract as it may at any time deem proper or necessary in order to secure the most economical and advantageous results.

**SECTION 10.** That the said Board of Highway Commissioners shall keep and maintain a public office which said office shall be kept open on every business day within reasonable hours and where the records, papers and documents connected, with the administration of the roads, highways, bridges and levees of the County shall be kept open to the public and for the free inspection of the public.

The said Board of Highway Commissioners are hereby given and clothed with the following and are hereby charged with the proper execution and administration of the following duties, to wit:

1. To hold a regular meeting of the said Board on the first Monday of each and every month at the said office of the Board above provided for, but they shall meet oftener if necessary, the Chairman or any two members of the Board, or the Road Supervisor together with any one member of the Board, having the right and authority to call a special meeting thereof. Two members of the Board, shall constitute a quorum for the transaction of the business.
2. To have general charge and control of all roads, highways, bridges and levees in the County and to have the charge and control of an exclusive right to make any and all expenditures of the highway, road and bridges and levee funds of said County, unless said expenditures of such funds shall be hereafter otherwise expressly provided for by a legislative Act of the General Assembly of the State of Tennessee, and they shall have the right, power and authority to make any necessary and proper orders for and to do and perform any and all construction, reconstruction, grading, ditching, repairing and otherwise maintaining any and all roads, highways, bridges and levees in said County.
3. To lay out and classify all the public roads of the County, to divide the same into such sections or divisions as may be necessary for their proper and efficient construction and maintenance; to make an efficient construction and maintenance; to make or have made a map or maps of all said roads and to keep full and complete records of all roads, bridges and levees of the county in well bound books, suitable for the purpose, provided, however, that nothing shall be done under the provisions of this Section which will interfere in any way with the performance of their duties by any special highway Commission which may be hereafter passed by the General Assembly of the State of Tennessee, to locate, contract, build and maintain any special highway, road, bridge or levees in any of said Counties.
4. To co-operate as far as possible with the State Highway Department of Tennessee and with the Federal Government of the United States to secure and maintain a uniform, co-ordinate and

efficient system of highways and of accounting, in conformity with existing or future legislation that may be had touching all such matters.

5. To work County and State prisoners on the roads and to make any and all proper regulations concerning the same.

6. To purchase all necessary implements, machinery, and tools and materials and to provide for the proper storing and safe keeping of the same.

7. To make a detailed written report to the Quarterly County Court of the County on the first Monday in January of each year which shall be a complete statement of all work done, and of all funds received and expended, and they shall also include in said report a complete inventory showing all implements, machinery, tools and material then on hand and the approximate value of the same.

8. To open, close, change, restore or widen any of the public roads of the County and to procure right of way for such roads, either by purchase, gift or by the exercise of the right of eminent domain. In case any right of way is procured by purchase, or gift, a deed shall be taken to the same in the name of the County and shall be duly recorded in the County where the land lies. If such right of way can not be secured by negotiation and agreement, the same may be secured by condemnation and the Board of Highway Commissioners are hereby given the right of eminent domain, and in case where condemnation is proper or necessary, the method of procedure shall be that as now prescribed by the General Law of the State of Tennessee.

And action brought for the condemnation of such right of way, or other lands necessary for roads, highway, bridge or levee purposes, shall be brought under the general laws of the State concerning and governing condemnation, and shall be brought in the name of the County Board of Highway Commissioners for the use and benefit of the County. And the said Board of Highway Commissioners is hereby authorized and empowered to employ the services of an attorney or attorneys, and pay a reasonable compensation therefor, in any and all such cases; and in any other instance whenever they deem it proper and necessary. And any judgment which may be rendered in favor of and land owner, or other person interested in the lands taken, in any such condemnation proceedings instituted by the Board of Highway Commissioners under the general law of the land, as aforesaid whether such judgment be for the value, of the land taken, or the value of the land and damages incident to the taking thereof, together with all the costs of the proceedings, shall be paid to such land owner, or other interested party, out of the general road fund of the County.

**SECTION 11.** That it shall be the duty of the Quarterly County Court of each County, coming within the provisions of this Act, at the next meeting following the passage of this Act, to levy a tax on all taxable property in the County of not more than Fifty Cents, on each \$100.00 worth of taxable property for highway, bridge and levee purposes; and shall also levy a privilege and merchants ad valorem tax not in excess of the State Tax for highway, bridge and levee purposes, the taxes to be imposed on the value of said property, according to the valuation thereof, as the same is ascertained by assessment for State taxation. And the County Court at the same time each year that other County taxes are levied, shall continue to annually levy said taxes; and all the funds thus derived shall be used in the construction and maintenance of the highways, roads, bridges and levees of the County and the other proper and necessary expenditures as provided herein; but nothing in this Act shall prevent any County from issuing bonds and levying additional taxes to pay the principal and interest on same for roads, bridges, and levee purposes, either under authority already given by law or under authority that may be hereinafter given and granted by law.

The taxes above provided for shall be collected by the County Trustee as other taxes are now collected and the privilege taxes above provided for shall be collected by the County Court Clerk as other privileges are now collected, provided, however, that the above taxes, when so levied, shall be in lieu of all other taxes on such property for highway and bridge and levee purposes.

**SECTION 12.** That all male inhabitants of the County, between the ages of 21 and 50 years, except those living within the limits of any incorporated town, or such as have been released by the County Court from road duty, as the law provides, shall work on the public roads of the County, not less than six days, of ten hours each, each year, after having received three days notice, either verbal or written, from the County Highway Commission or its representative, the County Road Supervisor, which notice shall state the time and place that said labor shall be performed; provided, however, that every person subject to road duty shall be exempt from road duty for the year by paying to the County Trustee on or before May 1st, of each year the sum of \$3.00 which sum shall be placed by the County Trustee to the credit of the road funds of the County. Any hand or hands may be warned in one notice by giving three days warning either verbal or written to work 6 days consecutively or as many days as stated in the notice.

As amended by:

Private Acts of 1937, Chapter 391

**SECTION 13.** That it shall be a misdemeanor for any person, firm, or corporation to block traffic on any of the roads of said County by loading wagons or other vehicles while said wagon or vehicles in standing on the pavement or roadway; or by blocking the traffic on any of the said roads by stopping on the pavement of any of the paved roads to repair or fix any vehicle of any kind or character. And it will be unlawful for any person, firm or corporation, to pile any material, of any kind or character, on the right of way of any of the highways of the County. And the County highway or any of the highways of the County. And the County Highway Commission shall have the right to police the roads of said County so as to see the law of the road is strictly complied with in every particular.

**SECTION 14.** That any person subject to road duty as aforesaid, who shall refuse or neglect to perform such labor after having received warning thereof as above provided, and shall fail to commute as above provided, shall be guilty of a misdemeanor, and on conviction shall be fined not less than One Dollar for each day that he is notified to work and fails to work as aforesaid, and the said fine, when collected, shall be paid into the hands of the County Trustee and credited to the road fund of the County.

**SECTION 15.** That it shall be the duty of the County Road Supervisor to prepare each year and file with the County Highway Commission a list of all persons in the County subject to road duty, which list may be supplemented at any time so as to include any and all persons thereafter subject to road duty, and the County Highway Commission shall give to each and every such person an opportunity to commute and pay as aforesaid, and after May 1st of each year the Trustee shall furnish to the Highway Commission a list of all persons who have paid or commuted as herein provided.

**SECTION 16.** That it shall be optional with the Commission as to whether or not any commutation from labor by payment of the money as aforesaid shall be allowed after the first day of May, and they are authorized to prescribe reasonable terms and regulations governing such cases; however, it is hereby made the duty of the said Commission to see that the County Road Supervisor warns in every person subject to road duty, and it is the duty of the Highway Commission to either have the labor required of each person subject to road duty fully and completely performed by him or to collect his commutation money, or to cause his arrest, and cite him for trial, under the provisions of this Act.

**SECTION 17.** That any and all moneys, taxes, privileges, fees, fines and forfeitures from whatever source derived, belonging to either the highway, road or bridge and levee funds of the County shall be paid into the hands of the County Trustee, and shall be accounted for by him and shall be kept separate and apart from all other funds; but the County Trustee is hereby especially relieved of the necessity of keeping any of such funds, collected from any Civil District of any County separate and apart and to itself; and on the contrary said County Trustee shall throw all of such funds into one general fund and keep and maintain it as one general fund to be known as the Road Fund of the County.

The County Trustee shall under no circumstances at any time expend any of such funds except upon the order or warrant drawn upon him in ink by the County Highway Commission, said order or warrant setting out the amount thereof, both in words and in figures, and signed by the Chairman of said Commission, countersigned by Secretary thereof.

**SECTION 18.** That in each and all of the Counties coming within the provisions of this Act, the office or position of Bridge and Levee Commissioner and that of District Road Commissioners, are hereby abolished.

**SECTION 19.** That in the event any section or sections or any portion of a section or sections of this Act shall be by any of the Courts of the State having proper jurisdiction thereof declared to be invalid, such holding of the Court shall not in any way render ineffective or invalidate any of the remaining portions or sections of this Act.

**SECTION 20.** That all laws or parts of laws in conflict with any of the terms and provisions of this Act, be and the same are hereby in all things repealed.

**SECTION 21.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 29, 1929.

## Private Acts of 1945 Chapter 465

**SECTION 1.** That the Board of Highway Commissioners created by Chapter 421, Private Acts of 1929, as amended, the same constituting the road law for Dyer County, be and the same are hereby by abolished and all their rights, functions, duties and powers, except as to the appointment of a road supervisor, are hereby transferred and vested in the existing supervisor of highways in said county.

At the regular August election 1946, and biennially thereafter, there shall be elected by the qualified voters of said county some qualified person as such road supervisor. He shall hold office for a term of two

years from September 1 next following his election and until his successor shall be elected and qualified. He shall be paid the sum of \$10,000.00 per annum, payable in equal monthly installments from the same source from which he is now paid. In addition to the duties formerly imposed on the Board of Highway Commissioners and placed upon him by this Act, he shall also perform all duties now placed on him as such supervisor by said Chapter 421, Private Acts of 1929, as amended.

The County Supervisor herein provided shall also and in addition to his compensation be provided with transportation in the discharge of his official duties, which transportation may be provided from the road funds of the said County.

As amended by:

- Private Acts of 1947, Chapter 828
- Private Acts of 1953, Chapter 5
- Private Acts of 1957, Chapter 260
- Private Acts of 1961, Chapter 272
- Private Acts of 1973, Chapter 25

**SECTION 2.** That this Act shall take effect from and after September 1st, 1946, the public welfare requiring it.

Passed: February 27, 1945.

## Highways and Roads - Historical Notes

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

1. Acts of 1832, Chapter 84, named John Lynch, of Madison County, Thomas W. Pugh, of Haywood County, William W. Lea, of Gibson County, and John Kennerly, of Dyer County, as Commissioners to superintend and make a contract for the cutting of a canal from the Forked Deer River to the Mississippi River at or near the place where R. H. Dyer built a warehouse, under such terms and conditions as the Commissioners might deem expedient.
2. Acts of 1837-38, Chapter 257, appointed W. Patterson, Daniel E. Parker, Henderson Clark, John Branch, Jonathan Frost, Thomas H. Ham, and John B. Fizer, all of Dyer county, and seven more citizens of Gibson County, also named therein, as Commissioners to open books and receive stock subscriptions up to \$100,000 to make and construct a sanded turnpike, properly graded, from Trenton in Gibson County to the Mississippi River by way of Dyersburg, which would be called the Trenton, Dyersburg, and Mississippi Turnpike, under the same rules and regulations laid down for the Nashville-Lebanon Turnpike. The above authority would be void if work were not started in five years and completed in ten years.
3. Acts of 1851-52, Chapter 110, was the legal authority for Thomas J. Connell, James Fields, William P. Foulks, and Tomas Finley, all of Dyer County, to open books and receive subscriptions of stock up to \$60,000 to construct a plank road or a turnpike road from Dyersburg to the Mississippi River. When as much as \$5,000 in stock was subscribed the Company could be organized and proceed to construction. The Company would have the right to bridge, or to ferry, the Obion River where the road would cross the same.
4. Acts of 1853-54, Chapter 228, gave the Dyersburg and Mississippi Plank Road Company an additional three years in which their road could be completed.
5. Acts of 1855-56, Chapter 135, provided that Connell, Ferguson, and Isaac Sampson would have the privilege of erecting either a lock or mills on Green's Canal in Dyer County, or they could erect a brush dam in the middle fork of the Forked Deer River near the head of Green's Sluice, sufficiently high to raise the level of the River two feet at low water mark but the navigation of the stream must not be affected thereby.
6. Acts of 1865-66, Chapter 92, incorporated Isaac Brockin, Thomas H. Benton, G. B. Miller, E. P. Sugg, H. G. Pierce, W. B. Sawyer, R. S. Puryear, and their associates, as the "Forked Deer Improvement Company" to clean out and to keep open to navigation by small steamboats, barges, flats, rafts, etc.; the Forked Deer River, and its branches, from Chestnut Bluff on the south to Dyersburg on the north, for a period of 25 years. The County Court of Dyer County was granted the authority to set the tolls and charges for the facility for the freight and passengers which passed up and down this stretch of the River.
7. Acts of 1868-69, Chapter 47, was the enabling legislation to form a company by the name of the Brownsville and Dyer County Railroad Company so as to establish communication by railroad between Brownsville and Dyersburg by way of Chestnut Bluff, or at some convenient point of



intersecting the Mississippi River Railroad Company's line in Dyer County. The authorized capital stock of the company was placed at \$500,000 and William C. Vail, J. M. Parker, G. W. Bettis, W. N. Beasley, J. H. Brooks, Dr. W. B. Gork, and Captain William Foster, were named to open books for stock subscriptions. Jesse Clark, Alf Stevens, Dr. R. H. McGaughy, J. L. Webb, C. C. Moss, and W. T. Poston would be allowed to do the same at Dyersburg.

8. Acts of 1869, Chapter 27, incorporated Isaac Bracken, and his associates, under the name of the "Forked Deer Improvement Company" which would clear out and keep open for navigation the Forked Deer River from Dyersburg to the mouth of the River where it empties into the Mississippi River. The schedule of some toll rates which were to be charged was included.
9. Acts of 1901, Chapter 136, was a general road law applicable to every county in Tennessee under 70,000 in population as established by the 1900 Census. The Act required the County Court to pick one Road Commissioner who would serve two years from each Road District in the County, the Road Districts being made co-extensive with the Civil Districts. The Commissioners must be sworn and bonded and would be in charge of all the roads, bridges, hands, tools, and materials used in their areas. They would be compensated at the rate of \$1.00 per day up to ten days in each year. The County Courts would decide the number of days of compulsory road labor to be worked which could be no less than five nor more than eight, and would fix the price for one day's labor. Authority was given to the County Courts to levy a special road tax of two cents per \$100 property valuation for each day the road hands were assigned to work. Road Commissioners would name the Road Overseers in their districts who would be in immediate charge of a section of road, who would work the same number of compulsory days as everyone else and then be paid for extra days not to exceed \$6.00 per year. All males outside of cities between the ages of 21 and 45 were subject to road labor. Commissioners would dispose of petitions to open, close, or change existing roadways, were obligated to classify and index roads in their districts, and must see to it that the roads in their districts met the basic specifications in the Act. This Act was involved in the case of Carroll v. Griffith, 117 Tenn. 500, 97 S.W. 66 (1906).
10. Private Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, above, in several minor particulars but primarily in the methods of acquiring property for rights of way and other public purposes especially when the power of eminent domain had to be invoked.
11. Private Acts of 1909, Chapter 258, provided that the Quarterly Court of Dyer County would select three Road Commissioners to serve two years beginning January 1, 1909, at a compensation of \$300 a year. The Commissioners must be sworn and bonded, would have the supervision of roads and bridges, must observe the specifications for roads contained in the Act, and had the authority to employ an engineer at \$125 a month, or less, to do the professional design and supervision connected with the department. Applications to open, close or change roads must be addressed to the Commissioners who must dispose of them in conformity with the requirements of this law. Commissioners could let contracts within the bounds of the limitations expressed in the Act. All males, able bodied, between the ages of 21 and 50 must work eight days, or pay \$4.00 as a commutation fee for not working. The Quarterly Court was directed to levy a general road tax of no less than ten nor more than twenty-five cents per \$100 property valuation. Commissioners were duty bound to enforce the terms and conditions of this law. Penalties were prescribed for violations hereof and for failure to comply with the requirements. This Act was repealed in Item 14 below.
12. Private Acts of 1911, Chapter 187, named each School Director as the Road Commissioner in their respective districts who must be sworn, execute bond, and dispose of petitions to open, close, or change any road in accordance with the standards established in the Act. The work could be contracted out by the Commissioners under certain circumstances, provided all the specifications were noted and met. All able bodies males outside the cities between the ages of 21 and 50 were ordered to work eight ten hour days on the public roads or to pay \$4.00 in place of it. Failure to do either could result in prosecution and fine. The limits on the general road tax which the Quarterly Court must levy was a minimum of ten cents and a maximum of twenty-five cents per \$100 property valuation. A schedule of penalties was provided for those responsible for infractions of this law. This Act was repealed by Private Acts of 1915, Chapter 145.
13. Private Acts of 1911, Chapter 425, amended Private Acts of 1911, Chapter 187, above, in Section One by adding at the end of the Section a provision to issue warrants on the Trustee against the district road funds in payment for labor and material in their respective road districts in Dyer County.
14. Private Acts of 1911, Chapter 561, expressly and entirely repealed Private Acts of 1909, Chapter 258, Item 11, above, and all the offices which were created under that law, including the office of the Road Commissioners, were fully abolished.

15. Private Acts of 1915, Chapter 145, repealed Private Acts of 1911, Chapter 187, Item 12, above, in its entirety. The new road law provided that the County Judge, or Chairman, would appoint one Road Commissioner in each Civil District to serve for one year. The Commissioner's compensation would be 2% if the road work was contracted out and 10% if the Road Overseer system were used. Commissioners would work under the supervision of the County Judge, or Chairman, and could award contracts under the regulations expressed in the Act. Applications to open, close, and change roads would be filed with and disposed of by the Commissioners in that area. All males, able bodies and living outside of cities, no younger than 21 nor older than 50, were required to work eight 10 hour days on the roads, or pay a commutation fee of \$8.00. Failure to do either could result in their being fined. The Quarterly Court must levy a general road tax of no less than ten nor more than twenty-five cents per \$100 property valuation. Owners of hedges, or trees, which border roads must keep them trimmed so as not to obstruct the vision of anyone using the roads. Some measures to be used in the event of emergencies were provided. Commissioners appointed the Overseers who must work the compulsory days as everyone else free but would be paid \$3.00 per day for each day over that number. The Commissioners were obligated to meet at the call of the County Court at least once each year and submit status reports to the Court.
16. Private Acts of 1917, Chapter 743, did not contain a specific repealing clause but apparently succeeded Private Acts of 1915, Chapter 145, above, as the Road Law for Dyer County. The County Judge, or Chairman, would appoint Road Commissioners in each Civil District who would be compensated in the same rate and fashion as in the Act above, who would likewise be sworn and bonded, perform the duties specified in the Act and dispose of all area petitions to open, close, or change roads provided the procedural outlines in the Act were followed. Males between 21 and 50, living outside cities, were directed to work ten 10 hour days or pay \$5.00 as a commutation fee. The Commissioners would assign the road hands to their places. The general road tax must be levied at a ten cent per \$100 minimum but the ceiling on the tax was removed. Trees and underbrush must be kept cleared to avoid road hazards. Overseers would be appointed by the Commissioners at \$2.00 for a 10 hour day over and above the required ten days. The Chairman would call a meeting of the Commission at least annually for a status report. This act was repealed by Private Acts of 1925, Chapter 327.
17. Private Acts of 1921, Chapter 731, stated that it applied to Sumner County but the Road Supervisor was required to furnish his own transportation and could employ Superintendents and Foremen, as needed. The Supervisor must keep an office open for business in the Courthouse and perform the duties specifically outlined in the Act. Eminent Domain could be used to obtain rights of way provided all the restrictions mentioned were observed. The County Court could levy a general road tax of from five to fifteen cents per \$100 and collect the schedule of vehicle registration fees set up in this law. Males 21 and 50 must labor ten 10 hour days on the roads or pay \$5.00. Failure to comply with these demands subjected one to fines in addition. The Road Supervisors must compile a list of all road hands. This Act was repealed by Private Acts of 1929, Chapter 424.
18. Private Acts of 1925, Chapter 270, creates a Board of County Highway Commissioners and a County Road Supervisor; regulates laying out, construction, repair, and maintenance of roads, bridges, and levees; provides for election of the Board and Supervisor, fixes and defines their duties, power and compensation, terms of office; abolishes the office of County Bridge and Levee Commissioner and District Road Commissioner. This Act was repealed by Private Acts of 1929, Chapter 424.
19. Private Acts of 1927, Chapter 251, amended Private Acts of 1925, Chapter 270, above, in Section 8 by directing the County Attorney to do the legal work for the Road Department. Section 10 was amended to allow the office of the Road Superintendent to be located outside the Courthouse. Section 11 was changed to require the County Court to levy a general road tax of not less than five and no more than fifty cents per \$100, plus a privilege tax to be considered as a general road tax. The privilege tax on horses and wagons was eliminated. Road hands could work ten days or else pay fifty cents for each day not worked but the decision to do one or the other must be made when the hand is warned to go to work. The Act added a misdemeanor for anyone to block traffic or the roads by loading wagons or stopping on the pavement.
20. Private Acts of 1929, Chapter 422, required the owner of an automobile, motorcycle, truck, traction engines, or other vehicles of like character to register the same each year with the County Court Clerk and pay a registration fee according to the schedule by weight provided in the Act. The Clerk must give a receipt showing the registration was made. To operate vehicles on the public streets and highways without registering the same was made a misdemeanor. This Act

was repealed in Item 23, below.

21. Private Acts of 1929, Chapter 424, specifically repealed Private Acts of 1925, Chapter 270, as the same was amended in its entirety.
22. Private Acts of 1931, Chapter 698, stated that upon receipt of gas tax money from the State of Tennessee in Dyer County, the Trustee would divide the same into two equal parts, one of which would be designated the Highway Liquidation Funds and the other part would be kept as part of the Highway and Road Fund of the County. The Highway Liquidation Fund would be used to pay off the bonded indebtedness incurred in the building of Federal Aid or State Aid roads, whether the bonds were due or not. All bonds paid must be recorded and canceled. This Act was repealed by the one following.
23. Private Acts of 1933, Chapter 450, expressly repealed Private Acts of 1931, Chapter 698, Item 21, above, in full.
24. Private Acts of 1933, Chapter 532, specifically repealed Private Acts of 1929, Chapter 422, Item 19, above, as the same was written.
25. Private Acts of 1939, Chapter 523, stated that the Chairman of the County Court and the Board of Workhouse Commissions could use and employ all prisoners who were physically able to work for the purpose of maintaining drainage ditches within the boundaries of the County but nothing in this Act would interfere with the usual farm labors of the prisoners.

## Chapter X - Law Enforcement

### Law Enforcement - Historical Notes

#### **Militia**

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

1. Acts of 1824, Chapter 40, required the Sheriffs of Weakley, Obion, Dyer, Haywood, Tipton, Hardeman, and McNairy Counties to hold elections in their respective counties so that the officers of the militia units could be chosen. The militia in Dyer County was designated as the 85th Regiment, and the units of all the above counties combined constituted the 13th Brigade. The commissioned officers of the units would meet at Huntingdon in Carroll County to choose a Brigadier General to command the organization.
2. Acts of 1825, Chapter 69, was an entirely new military Code and militia law for the State. The militia would be composed of free men and indentured servants between the ages of 18 and 45. The act contained explicit provisions for the Tables of Organization and for every facet of military life both internal and external. Dyer County's unit was continued as the 85th Regiment and would hold the formal muster and drill annually on the second Saturday in October. The Act included the composition of all basic units and prescribed the duties and responsibilities of all ranks, including the commissioned officers. The units in the counties of Henderson, Carroll, Henry, Weakley, Obion, Dyer, and Gibson combined to form the 13th Brigade.
3. Acts of 1827, Chapter 190, stated that the militia of that part of Dyer County known as Key Corners would hereafter be organized into a 3rd Battalion of the County which would be commanded by a Lieutenant Colonel. Battalion musters for this unit would take place at the house of Henry Rutherford, Esquire, on the first Saturday in April each year. Court martial would likewise be convened and conducted as directed herein.
4. Acts of 1837-38, Chapter 137, fixed the dates for the county drills and musters for every militia unit in the State. Dyer County's militia unit would muster and drill on the Monday and Tuesday following the second Thursday and Friday in September. The 19th Brigade included the militia units of the counties of Obion, Gibson, Weakley, and Dyer.

#### **Sheriff**

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

1. Acts of 1831, Chapter 152, allowed Joel S. Enloe, the Sheriff of Obion County, and John P. Byrne, the Sheriff of Dyer County, the further time of one year from and after December 31, 1831, for the payment of taxes on all tracts of land reported by them for taxation for the years 1829 and 1830, any law to the contrary notwithstanding.
2. Acts of 1861, Chapter 21, was the legal authority for the Sheriffs of Hawkins, Shelby, and Dyer Counties to appoint two additional deputies to those authorized under the law.
3. Acts of 1867-68, Chapter 63, empowered the Sheriffs of Franklin, Knox, and Dyer Counties to employ another Deputy in addition to those permitted under the general law of the State.
4. Acts of 1901, Chapter 221, recited in the preamble that C. C. Dawson, the Sheriff of Dyer County, had incurred expenses in returning two fugitives to the State, Julius Logan from Missouri, and Tom Moore from Kansas, both of whom were convicted upon their return. Requisition for expenses were refused because Dawson had not secured requisitions from the Governor for the prisoners. This Act validated the expenses and the purpose, and appropriated \$231.55 to be paid to the Sheriff on the voucher of the Comptroller of the State.
5. Private Acts of 1927, Chapter 551, provided that the Sheriff in Dyer County (identified by the 1920 Federal Census figures) would be allowed and paid, in addition to the fees now allowed by law, the sum of \$200 per month, payable on the last day of each calendar month out of the regular county funds on the warrant of the County Judge, or Chairman. This Act was repealed by the one following.
6. Private Acts of 1933, Chapter 549, specifically repealed Private Acts of 1927, Chapter 551, Item 5, above, in its entirety, the same to be effective on September 1, 1934.
7. Private Acts of 1933, Chapter 654, set the salary of the Sheriff in Dyer County at \$3,000 annually starting September 1, 1934. All the fees collected in the office over that amount would be paid into the County Treasury. If the fees collected were less than that amount, the amount collected would be the salary of the Sheriff. To seek the office and accept it and to perform the duties connected with it would be construed as an acceptance of the terms and conditions of this Act and the Sheriff would be estopped to claim any additional pay.
8. Private Acts of 1935, Chapter 314, expressly repealed Private Acts of 1933, Chapter 549, Item 6, above, in its entirety. The repeal would be effective September 1, 1934, it being the intention of this Act to compensate the sheriff of Dyer County after September 1, 1934, as if that Act had never been passed.
9. Private Acts of 1935, Chapter 315, repealed Private Acts of 1933, Chapter 654, Item 7, above, in its entirety and as written.
10. Private Acts of 1935, Chapter 787, stated that hereafter in Dyer County, the Sheriff would be paid, in addition to the fees regularly allowed under the law, the sum of \$200 per month payable on the last calendar day of the month out of the regular funds of the County on the warrant of the County Judge, or Chairman.

## Chapter XI - Libraries

### Government Library

#### Private Acts of 1959 Chapter 285

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

**SECTION 2.** That the purpose of said Commission shall be to establish, acquire, maintain and operate a County Governmental Library for the assistance of the Courts, Judges, public officials, attorneys and the public of said County, and the Commission shall have full power and authority to acquire by purchase, gift, loan or otherwise such law books, codes, treatises and other works of law, government, medicine, history or literature that it may deem necessary or beneficial to the Courts, public officials of the State, County or

City, members of the Bar and the public for study on questions of law or Government; also in like manner to acquire all furniture and equipment necessary to establish, maintain and operate said County Governmental Library, together with the right to employ and discharge Librarians and assistants, if necessary, and to fix the salary of such employees, and in their discretion to make all reasonable rules and regulations governing the operation and use of said Library; to lease, rent or acquire by any means other than purchase, space in which to house said Library provided space in the Court House or other public building is insufficient, but so long as sufficient space can be given in the Court House or other public buildings of the County, same shall be furnished the Library without charge. All books, furniture, and equipment purchased or acquired, other than by loan, shall become the property of said County. If necessary to provide sufficient operating funds for said Library said Commission is empowered to fix, assess and collect reasonable dues for its use from all persons using the Library except Judges or other public officials.

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

As amended by: Private Acts of 1965, Chapter 51.

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

**SECTION 5.** That said Commission shall keep written minutes of its meetings, at which meetings a majority of said Commission then serving shall constitute a quorum for the transaction of business and said Commission shall keep a record of all money received and disbursed, purchases, loans or destruction of books and other property and a proper inventory with reasonable accuracy.

**SECTION 6.** That if any clause, sentence, paragraph, section or part of this Act shall be held or declared to be unconstitutional and void, it shall not affect the remaining parts of this Act, it being hereby declared to be the legislative intent to have passed the remainder of this Act notwithstanding the part so held to be invalid, if any.

**SECTION 7.** That this Act shall have no effect unless the same shall have been approved by two-thirds of the Quarterly County Court of Dyer County on or before October 15, 1959. Upon such approval this Act shall become effective immediately, the Public Welfare requiring it. The approval or lack of approval by October 15, 1959, of this Act shall be proclaimed by the presiding officer of the Quarterly Court of Dyer County and shall be certified by him to the Secretary of State as promptly as is reasonably possible.

Passed: March 16, 1959.

## Woman's Club of Dyersburg Library Fund

### Private Acts of 1929 Chapter 267

WHEREAS, The Woman's Club of Dyersburg, Tennessee, is now, and has been, attempting to promote, maintain and support a Public Library in Dyer County, said Public Library being managed under the auspices of the said Club and said Library being considered a public benefit to the said County; and

WHEREAS, The County Court of said County has seen fit to make appropriations to the said Woman's Club for use in its Library fund, but has now discontinued said appropriations only on the ground that there might not be proper legal authority for making said appropriation; and

WHEREAS, The said County court of the said County, at its regular January Term, 1929, passed the following resolution;

WHEREAS, The Court saw fit to discontinue its appropriations to the Woman's Club for use in its library fund by reason of lack of legal authority and feeling that it is to the best interest of the citizenship of the County that said appropriations for said work be continued, now therefore:

Be it resolved, By the County Court of Dyer County at an adjourned session of said Court held on this the 14th day of January, 1929, that we request our Floterial Representative, J. S. Riley, and Senator, J. B. Avery, to introduce as soon as possible and have passed an Act authorizing County Court of Dyer County to appropriate the sum of One Hundred Dollars per quarter to the Woman's Club of Dyersburg in aiding and promoting a public library being conducted under the auspices of said Club for the year 1929, and a similar sum each year thereafter so long as the Court sees fit to continue said appropriation, and that the Clerk of this Court furnish said representatives of the General Assembly now in session a copy of this resolution.

The 14th day of January, 1929.

**SECTION 1.** That Dyer County be, and is, hereby enabled, empowered and authorized to make the appropriation in accordance with the above resolution of the said County Court, One Hundred Dollars to be appropriated quarterly during the year 1929 and during as many years thereafter as the said Court sees fit and proper to continue said appropriation to the Woman's Club of Dyersburg same to be paid out of the general funds of the County for use in its library fund for the purpose of promoting, supporting and maintaining the said public library so managed under the auspices of the said club.

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

Passed: February 22, 1929.

## Libraries - Historical Notes

The following act once affected libraries in Dyer County but is not operative because it did not receive proper ratification from the local authorities.

1. Private Acts of 1973, Chapter 47, would have amended Private Acts of 1959, Chapter 285, published herein in Section 3 by again raising the amount to be added to the court costs of cases in Dyer County for the support of the Library from \$1.00 to \$2.00. This Act, however, was not approved by the Quarterly Court of Dyer County and consequently never took effect.

## Chapter XII - Taxation

### Amusement Tax

#### Private Acts of 1949 Chapter 596

**SECTION 1.** That:

##### DEFINITIONS

"Admission" includes seats and tables, reserved or otherwise, standing room, and other similar accommodations for which charges are made as a condition of the use thereof, for attending or using the facilities of places of amusement, including concerts, theaters, athletic events, circuses, carnivals, swimming pools, motion picture shows, night clubs, dance halls, wrestling matches, prize fights, bowling alleys, skating rinks;

"Collector" includes, in the case of Counties, the County Court Clerk and any Deputy County Court Clerk, and in the case of Cities, any Recorder, Finance Director, Treasurer, or any Deputy thereof, or other official charged with the duty of municipal tax collection.

**SECTION 2.** That:

##### Levy of Tax, Rate Thereof, and Use of the Proceeds of the Tax

For the purpose of providing additional revenue for counties and cities to which this Act applies, and of defraying the expense of administering this Act, there is hereby levied in all counties of this State having a population of not less than 34,000 nor more than 35,000, according to the Federal Census of 1940, a tax of one (1c) cent for each (20c) cents, or major fraction thereof, on the amount paid for admission to any place of amusement, including admission by season ticket or subscription, the tax to be levied on, and paid by the person paying for said admission. Provided, however, that in case the amount paid for admission is less than eleven (11) cents, no tax is imposed; and provided further, that in the case of free admission for any purpose, no tax is imposed; and, provided further, that, where the amount paid for admission by season ticket or subscription is such that the amount which is charged to the holder thereof or subscriber for single admission under said ticket or subscription is less than eleven (11) cents, no tax is imposed.

In the computation of the tax levied hereby, any admission or ticket tax paid to any other governmental unit shall be excluded from the charge for admission in determining the applicability or amount of the tax levied hereunder. In the case the admission is determined by a required cover charge or minimum charge of any

character, then the tax shall be computed as the said cover or minimum charge is the cost of admission.

**SECTION 3.** That:

Exemptions -- No tax shall be levied under this Act with respect to any admissions, all the proceeds of which inure (1) exclusively to the benefit of persons in the military or naval forces of the United States, of National Guard Organization, Veterans Organizations, Parent Teacher Associations and municipally operated amusement and enterprises, if no part of the proceeds inure to the benefit of any promoter or producer thereof.

(2) Exclusively to the benefit of religious, educational or charitable institutions, non-profit organizations or organizations conducted for the sole purpose of maintaining a cooperative or community center, if no part of the net earnings thereof inures to the benefit of any individual promoter or producer thereof.

(3) Exclusively for the benefit of members of police or fire departments of any municipal corporation or the dependents or heirs of such members.

(4) Exclusively to the maintenance of agricultural fairs, if no part of the net earnings thereof inures to the benefit of any private individual, producer or promoter of the same. Provided, however, that this exemption does not include the exemption of admissions to midways, carnivals or like private enterprises operated in connection therewith.

The exemption from tax provided in this section shall, however, not be allowed in the case of admissions to athletic contests or pugilistic matches or exhibitions, the proceeds of which inure wholly or partly to the benefit of any college, high school, academy, preparatory or other school in cases wherein the admission price is forty-one (41c) cents or more.

**SECTION 4.** That:

Prices to be Marked on Ticket -- The price (excluding the tax to be paid by the person paying the admission) for which every admission ticket or card is sold shall be conspicuously and indelibly printed, stamped or written on the face or back of that part of the ticket which is to be taken up by the management of the theater, stadium, auditorium, dance hall, cabaret, or other place of amusement, together with the name of the individual or organization managing the amusement enterprise and selling the ticket or card.

**SECTION 5.** That:

The Collection of Tax and Reports Thereof -- Every person receiving any payment for admissions, subscriptions, cover charges or minimum charges, fees, dues or otherwise which is taxable under this Act, shall collect from the purchaser thereof, the tax imposed by this Act and hold the same in a separate fund until paid to the tax collector, which tax shall be and become due to the municipality or county immediately upon the sale of ticket or tickets and the municipality or county shall have the right to take legal steps to collect the same, if necessary, immediately. Every such person or organization shall, on demand of the municipality or county and in every case, on or before the 10th day of each calendar month, make a return in duplicate under oath to the tax collector showing the number of taxable admissions issued or disposed of, and the amount of taxable dues, fees, minimum charges, cover charges, collected during the preceding calendar month, together with the serial numbers of any tickets, cards, checks, or cash register receipts issued or sold representing or covering the same, and such other facts and information as the tax collector may reasonably require for the verification of the amount of the tax due therefor.

Every person making such return shall, at the time of making the return, pay the amount of taxes shown thereby to the tax collector. If the tax imposed by this Act is not paid when due, there shall be added as a part of the tax, interest and penalty at the rate of two (2%) per cent per month from time the tax became due and until paid.

For the purpose of enforcing the payment of the tax due hereunder, the tax collector is hereby given and may avail himself of the process of distraint provided in the case of other tax delinquents.

**SECTION 6.** That:

**Tax Levy for Whom**

Whenever any place of amusement, for the admission to which a tax is due, and payable hereunder, is located and conducted within the limits of an incorporated municipality to the counties to which this Act applies, the tax hereby levied shall be for the benefit of, and paid to, the municipality.

Whenever any place of amusement, for the admission to which a tax is due and payable hereunder, is located and conducted outside the limits of any incorporated town in the Counties to which this Act applied, the tax hereby levied shall be for the benefit of, and paid to, the County.

The monies so received into the treasuries of a County or City hereunder shall be credited to the general revenue fund of such City or County, and be available for appropriation by the proper authorities to the

expenses of administering this Act or any other public purpose.

**SECTION 7.** That:

Liability of Collector for Tax; Tax Lien; Estimated Assessment and Penalty:

Any person and organization charged with the collection of a tax herein levied, who fails to collect the same, shall be liable for the full amount of the tax which he should have collected.

The taxes imposed by this Act shall be a lieu upon all property of any person or organization required to collect and pay the same to the Counties and Cities hereunder. If he shall sell out his business or quit it, he shall be required to make out the return provided for under this Act within thirty (30) days after the sale of such business or retirement therefrom, and his successors in business shall withhold a sufficient amount of purchase money to cover the amount of taxes so collected and unpaid, together with interest and any other liability hereunder, until such time as the former owner shall produce a receipt from the tax collector showing that the taxes due hereunder have been paid in full.

The lien hereby fixed shall be enforceable by the tax collectors in the same manner as other tax liens.

The collectors of the tax hereunder are expressly authorized, if not satisfied with the correctness of any return, report or payment hereunder, to make an investigation of the books and records of any person charged with the collection of the tax hereunder, and of any other matter pertinent thereto, and upon discovery of any discrepancy, are authorized to make a deficiency assessment against any person required to collect and pay the tax hereunder, which deficiency assessment shall be accompanied by a ten (10%) per cent penalty assessment. Any such deficiency assessments are collectible and secured as are other taxes hereunder, and are due within ten (10) days after notice thereof is given or sent by registered mail to the person against whom such assessment shall have been made.

For the purpose of ascertaining the correctness of any report, return or payment hereunder, any person charged with the collecting of the taxes levied hereby shall make all of his books, records and canceled ticket stubs available for inspection by the collectors at all reasonable times.

**SECTION 8.** That:

PENALTIES

Any person who sells an admission ticket or card, or collects upon a check in a dance hall or cabaret upon which the name of the vendor and the price of the admission or charge is not indelibly printed, stamped or written, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than One Hundred (\$100.00) Dollars for each such offense.

Any person charged by this Act with the duty of collecting or paying the taxes hereby imposed, who wilfully fails or refuses to charge and collect or to pay such taxes, or to make the reports and returns required hereunder, or to permit the tax collector and other records for the purpose of verifying any return or report or payment pursuant to this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than Twenty-five (\$25.00) Dollars, nor more than One Thousand (\$1,000.00) Dollars, and upon conviction of a second or other subsequent offenses, shall be fined not less than One Hundred (\$100.00) Dollars, nor more than Two Thousand (\$2,000.00) Dollars, and imprisoned, in the discretion of the Court, in the County Jail or workhouse for not more than three months, or both. In case of violations by a corporation, the officers or directors responsible for such violation shall be subject to the punishment provided herein upon proper indictment.

**SECTION 9.** That the provisions of this Act are hereby declared to be severable. If any of its sections, provisions, exceptions, sentences, clauses, phrases, or parts be held unconstitutional or void, or so applied to any person, then the remainder of this Act shall continue in full force and effect, it being the legislative intent hereby now declared, that this Act would have been adopted, even if such unconstitutional or void matter had not been included therein.

**SECTION 10.** That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed, and this Act shall take effect from and after its passage, the public welfare requiring it, but no tax levied hereunder shall be due or payable until April 1st, 1949.

Passed: April 5, 1949.

Assessor of Property

Building Permits

Private Acts of 1963 Chapter 29



**SECTION 1.** That from and after the effective date of this Act, any person or persons desiring to erect or have erected, constructed, or reconstructed any building or structure in Dyer County, or any person or persons desiring to alter or have altered any existing building or structure in Dyer County, where the cost of such alteration will exceed the sum of Five Hundred Dollars (\$500.00), shall first apply to the Tax Assessor of Dyer County for a building permit for such erection, construction, reconstruction, or alteration. Said application shall be in a form to be prescribed by the Tax Assessor 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 cost of the completed structure in the case of new constructions, or in the case of the alteration of an existing structure, the value of such structure before and after such alteration and (5) such other information as the Tax Assessor shall prescribe.

Upon proper application, duly filed with the Tax Assessor for the issuance of a building permit, the Tax Assessor shall then issue such permit without cost, and shall take note of the fact of such erection, construction, reconstruction, or alteration for his tax records.

No new or additional property tax shall be assessed against such premises unless and until such erection, construction, reconstruction, or alteration is completed or at least completed to the extent that they are habitable or may be put to use. However, in the case of the alteration of an existing structure not theretofore on the tax books of the county, or against which no property tax has been assessed, the Tax Assessor is not precluded from assessing such structure at its value before such alteration is completed and subsequently increasing the assessment upon completion of such alteration, so as to include the value thereof.

**SECTION 2.** That any person, firm, or corporation violating the provisions of this Act shall be guilty of 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.** That this Act shall have no effect unless the same shall have been approved by a two-thirds (2/3) vote of the Quarterly County Court of Dyer County, on or before the next regular meeting of such Court occurring more than thirty days (30) after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse and shall be certified by him to the Secretary of State.

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

Passed: February 15, 1963.

## Recordation of Deeds

### Private Acts of 1963 Chapter 27

**SECTION 1.** That from and after the effective date of this Act, all deeds, deeds of trust, subdivision plats, tract maps, and all other instruments vesting or divesting title to or in any real estate situated in Dyer County, Tennessee, shall be noted in the office of the County Tax Assessor of Dyer County, prior to the time and before any of such instruments shall be filed for record in the office of the County Register of Dyer County.

The Tax Assessor or his Deputy shall receive each of such instruments for notation, and shall make a permanent record of the same in his office, showing the date of the instrument, the consideration of the transfer, the name of the grantee, the location of the property, including the Civil District in which said property is situated, and a sufficient description of the property so that the same can be readily identified.

**SECTION 2.** That when any of such instruments have been noted by the Tax Assessor or his Deputy, he shall stamp on each such instrument an endorsement indicating that the instrument has been properly noted in his office.

**SECTION 3.** That none of the instruments herein provided for shall be received for record or recorded in the office of the County Register until each such instrument has first been noted and stamped by the County Tax Assessor. None of the instruments herein provided for shall be received for notation or noted in the office of the County Tax Assessor unless such instrument contains a reference therein indicating the recording data of the instrument by which the grantor acquired title to the property sought to be conveyed.

Any Tax Assessor or Deputy Tax Assessor, and any County Register or Deputy County Register, who willfully or negligently fails to comply with the provisions of this Act shall be guilty of a misdemeanor.

**SECTION 4.** That the County Tax Assessor of Dyer County is hereby authorized and empowered to employ a Deputy Tax Assessor who shall devote his full time to the duties of the office, and whose compensation

shall be fixed by the Quarterly County Court of Dyer County to be paid from the general funds of the County, in equal monthly installments.

All of the necessary expenses incident to the carrying out of the provisions of this Act shall be paid out of the General Fund of said County.

**SECTION 5.** That the provisions of this Act are hereby declared to be severable; and if any of its sections, provisions, sentences, clauses, phrases, or parts be held unconstitutional or void, the remainder of this Act shall continue in full force and effect, it being the legislative intent, now hereby declared, that this Act would have been passed even if such unconstitutional or void matter had not been included therein.

**SECTION 6.** That this act shall have no effect unless the same shall be submitted to the Quarterly County Court of Dyer County and approved by a two-thirds vote of said Quarterly County Court. Its approval or nonapproval shall be proclaimed by the presiding officer of said Quarterly County and shall be certified by him to the Secretary of State.

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

Passed: February 15, 1963.

## Litigation Tax

### Private Acts of 1980 Chapter 295

**SECTION 1.** There is imposed upon each case of any description filed in any of the following courts sitting in Dyer County a tax of five dollars (\$5) to be assessed and collected as a part of the costs of the cause: Circuit Court, Law and Equity Court and General Sessions Court of Dyer County. The term "case" shall include ex parte as well as adversary or contested proceedings.

**SECTION 2.** The litigation taxes shall be collected by the clerks of the respective courts in which cases are filed. Each of the officials shall be accountable for and shall pay over the revenue to the county trustee quarterly, not later than the tenth (10th) day of the month following the quarter in which the collections are made.

**SECTION 3.** The trustee shall deposit the taxes herein collected in the Dyer County general fund.

**SECTION 4.** If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this Act are declared to be severable.

**SECTION 5.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Dyer County before October 1, 1980. 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 6.** 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 5.

Passed: April 14, 1980.

## Wheel Tax

### Private Acts of 1963 Chapter 28

**SECTION 1.** That for the privilege of using the public roads and highways, except State-maintained roads, in Counties of this State having a population of not less than 29,500 nor more than 29,550 as determined by the Federal Population Census of 1960, or any subsequent Federal Population Census, there is levied upon motor-driven vehicles and upon the privilege of the operation thereof, except farm tractors, self-propelled farm machines not usually used for operation upon public highways or roads, motorcycles, motor-driven bicycles and scooters, and except all motor-drive vehicles owned by any governmental agency or governmental instrumentality, a special privilege tax for the benefit of such Counties, which tax shall be in addition to all other taxes, and shall be in the amount of Ten Dollars (\$10.00) for each such motor-driven vehicle.

This tax applies to, is a levy upon, and shall be paid on each motor-driven vehicle, the owner of which resides within such county.

It shall be and is hereby declared a misdemeanor and punishable as such for any owner of a vehicle to

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

As amended by:

Private Acts of 1965, Chapter 50

Private Acts of 1969, Chapter 120

**SECTION 2.** That the tax herein levied shall be paid to and collected by the County Court Clerk of Counties to which this Act is applicable, who shall collect this tax at the same time he collects the State privilege tax levied upon the operation of a motor-driven vehicle over the public highways of this State. No Clerk in Counties to which this Act applies shall issue to a resident of such County, a State license for the operation of a motor-driven vehicle taxable hereunder, unless, at the same time, such owner shall purchase the license or pay the privilege tax levied hereunder, for the operation of each of his motor-driven vehicles under the provisions of this Act.

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

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

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

For his services in collecting the aforesaid tax, and in issuing the receipt therefor and delivering the decal or emblem to the owner, he shall be entitled to a fee of 15 cents, and this fee shall be paid by and collected from the owner or person purchasing the privilege tax. The Clerk will faithfully account for, make proper reports of, and pay over to the Trustee of the County at monthly intervals, all funds paid to and received by him for the aforesaid privilege tax, or wheel tax. It shall be and is hereby declared a misdemeanor and punishable as such for any motor-driven vehicle, taxable hereunder, to be driven or impelled over or upon the streets, roads, or highways of the Counties to which this Act is applicable, State-maintained roads, excluded, without payment of this privilege tax levied hereunder and without full and complete compliance with all provisions hereof.

In the event any motor-driven vehicle for which the privilege tax or wheel tax has been paid and the emblem or decal issued and placed thereon, becomes unusable, or is destroyed or damaged to the extent that this motor-driven vehicle can no longer be operated as such, and the owner ceased to operate same on the public streets, roads, or highways of said County, or in the event the owner transfers the title to the motor-driven vehicle, and completely removes therefrom and destroys the emblem or decal issued and placed thereon or affixed thereto, and the owner makes proper application for the issuance of a duplicate decal or emblem to be used by him on the same or on another motor-driven vehicle for the unexpired term for which the original decal or emblem was issued, and the Clerk is satisfied that this owner is entitled to the issuance of such a duplicate decal or emblem, and the owner pays into the hands of the Clerk the sum of 50 cents and a 15 cent Clerk's fee therefor, the Clerk will then issue to such owner a duplicate receipt, canceling the original receipt delivered to him by the owner, and will deliver to the owner a duplicate decal or emblem, which shall be affixed to the windshield of the motor-driven vehicle for which it is issued as hereinabove provided, and this shall entitle the owner to drive the vehicle on the streets, roads, and highways of such County until the next following March 31st. Likewise, in the event a decal or emblem becomes obliterated, erased, or defaced or is destroyed under the provisions of this Act, and is therefore illegible and unusable by the owner, upon proper application made by the owner and filed with the Clerk, showing such circumstances and facts to be true, then the Clerk, upon receipt from the owner of 50 cents and a 15 cent Clerk's fee, may issue and deliver to the owner, a duplicate decal or emblem.

**SECTION 3.** That the proceeds of the tax herein and hereby imposed, when collected by the Clerk, and paid into the hands of the Trustee of the County, shall be used exclusively for Educational purposes, and shall be divided, allocated, and disbursed as follows:

Provided, that eighty-five percent (85%) of the proceeds of the tax herein imposed and collected by said county when said funds have been placed in the hands of the County Trustee, shall be used exclusively for educational purposes and shall be allocated between the school systems within the county on the bases of the average daily attendance for the current school year for students in the said school systems.

Provided further, that the remainder of the proceeds of the tax herein imposed and collected (15%) shall be credited by the County Trustee to the Dyer County Board of Education for transportation.

As amended by: Private Acts of 1969, Chapter 120

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

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

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

**SECTION 7.** That the tax levied under this Chapter shall be collected for the tax year beginning April 1st, 1963, and for every year thereafter. This act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 15, 1963.

## Taxation - Historical Notes

### **Assessor of Property**

The following acts were superseded, repealed or failed to win local ratification, but they are listed here as a reference to laws which once affected the Dyer County Assessor. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1927, Chapter 553, provided that, in Dyer County (identified by the use of the 1920 Federal Census figures), the Tax Assessor would be paid the sum of \$2,000 annually as salary for himself and his associates, out of the regular funds of the County. The above amount would be paid semi-annually on July 1 and on December 31, half at each time.
2. Private Acts of 1929, Chapter 423, amended Private Acts of 1927, Chapter 553, above, by changing the dates upon which the compensation of the Tax Assessor and his assistants would be paid to April 1 and July 1 of each year.
3. Private Acts of 1945, Chapter 104, amended Private Acts of 1927, Chapter 553, Item One, above, by increasing the annual amount to be paid to the Tax Assessor and his assistants collectively from \$2,000 to \$2,600 but which would now be payable in equal monthly installments instead of semi-annually.
4. Private Acts of 1955, Chapter 43, set the annual salary of the Tax Assessor, of Dyer County, at \$5,000 per year, payable in equal monthly installments, out of the regular funds of the county. The Assessor was required to devote full time to the duties of his office and to employ all assistance at his own expense, all other appropriations for this purpose being prohibited. This Act was property ratified by the Quarterly Court.

### **Taxation**

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

1. Acts of 1824, Chapter 119, directed the Trustee of Carroll County to pay over to the Trustees of Gibson and Dyer Counties respectively the amount of county taxes which have, or which may hereafter, be collected from each of those counties by the Sheriff of Carroll County, of which they were formerly a part.
2. Acts of 1824, Chapter 128, made it lawful, in order to improve the navigation of rivers in West Tennessee, a majority of the Justices being present, for the County Courts of Henry, Weakley, Obion, Dyer, Gibson, Carroll, Madison, Haywood, Tipton, and Hardeman Counties to levy a tax

- which must not exceed 12½ cents per \$100 for the next five years to be applied exclusively to the improvement of the navigable rivers in those counties.
3. Acts of 1826, Chapter 175, required the Sheriff of Dyer County to collect any taxes due for the year 1821 and 1822 on the several tracts of land which were formerly parts of Carroll County. The Sheriff would be held accountable for the collection of these taxes as for other taxes.
  4. Acts of 1835-36, Chapter 42, permitted the County Courts of Tipton County and Dyer County, a majority of the Justices being present, in their discretion to order so much of the revenue collected in 1835 from the citizens of the land which was to become a part of Lauderdale County to be paid over to the Trustee of Lauderdale County for the use and benefit of that County.
  5. Acts of 1870, Chapter 50, allowed the counties and cities of the State to impose taxes for county and municipal purposes in the following manner and upon the conditions (1) that all taxable property be taxed according to its value, upon the principles established for State taxation, and (2) that the credit of no county, or city, be given, or loaned, to any person, firm or corporation, unless the majority of the Justices of the Quarterly Court, or the councilmen, first agree, and then upon an election being held wherein the proposal is approved by a three-fourths vote of the people. Several counties exempted themselves from the requirement of the three-fourths vote approval for the next ten years, substituting a simple majority in its place, but Dyer County was not among those doing so.
  6. Private Acts of 1917, Chapter 225, created the position of Delinquent Poll Tax Collector in Dyer County to collect all the delinquent poll taxes, to pick up all delinquent polls, to investigate the registration books and other public records, to conduct hearings and to summon witnesses when need be. Poll taxes were due and payable in Dyer County on September 1 of each year and become delinquent on December 1, following. After that date the Trustee would compose a list of delinquent poll tax payers and present the same to the Collector, after having posted notice in a newspaper. The Collector must be sworn and bonded, would be paid 25 cents for each tax collected and 60 cents for serving processes. This Act was repealed by the one following.
  7. Private Acts of 1919, Chapter 443, specifically repealed Private Acts of 1917, Chapter 225, Item 6, above.
  8. Private Acts of 1919, Chapter 498, was a duplicate of the proceeding Act which repealed the Act creating the position of Delinquent Poll Tax Collector in Dyer County.
  9. Private Acts of 1927, Chapter 30, again created the office of Delinquent Poll Tax Collector in Dyer County who would be elected at the January meeting of the Quarterly Court but D. T. Pope was named here as the first Collector, who would serve until next January when the Court would appoint his successor. The Collector must be sworn and bonded and was granted the same powers and duties as stated in the preceding Act. Poll taxes were due on September 1 and delinquent on December 1. The delinquent lists were compiled as in the previous Act but this Act stated that the appearance of one's name on the delinquent list was just cause to issue a distress warrant. The Collector would be paid 25 cents for each tax by the County and the taxpayer would be penalized 60 cents as added cost. This Act was repealed in Item 13, below.
  10. Private Acts of 1929, Chapter 880, amended Private Acts of 1927, Chapter 30, above, by adding a new Section 4 that poll taxes were due and payable at the same time and would become delinquent at the same time as the State and County taxes. The Trustee would publish the delinquent date in the paper and after that date compile a list of those who had not paid which list would be the basis upon which distress warrants could be issued which carried full power of garnishment and execution. This Act was repealed by Private Acts of 1937, Chapter 390, below.
  11. Private Acts of 1935, Chapter 309, was the legal authority in Dyer County for the Trustee to accept partial payments as a credit on any State and County tax, or ad valorem tax, for the year 1933, and subsequent years. December 1, 1935, was the deadline for partial payments to be made on taxes due in 1933, and 6% interest would be added after 1933 and 1934. Delinquent tax lists would be compiled after the dates set up in this Act had passed. Guidelines and restrictions were established which must be followed in collected delinquent taxes, as in foreclosing for tax sales. An attorney to handle these matters would be chosen by the Quarterly Court whose fee must not exceed 3% of the amount involved. Dyer County falls within the population bracket of Tennessee Code Annotated Section 67-5-1808 which provides for partial payment of property taxes. The act requires a resolution adopted by two-thirds vote of the county legislative body before it becomes effective.
  12. Private Acts of 1935, Chapter 748, amended Private Acts of 1933, Chapter 668 (see Bond Issues), which allowed the use of the sinking fund money to pay county obligations, and to permit taxpayers to pay the same by the surrender of warrants, or bonds, through the years 1920-1931, to the effect

of extending the above yearly limit to 1934, plus adding that past due interest coupons were also eligible to be used in payment the same as warrants and bonds.

13. Private Acts of 1937, Chapter 390, expressly repealed Private Acts of 1927, Chapter 30, and Private Acts of 1929, Chapter 880, which amended it, in their entirety. These Act had reference to the position of Delinquent Poll Tax Collector.
14. Public Acts of 1973, Chapter 226, repealed all existing poll tax laws in Tennessee.

## Chapter XIII - Utility Districts

### Dyer Levee and Drainage District

#### Public Acts of 1913 Chapter 1 (Extraordinary Session)

**COMPILER'S NOTE:** Some of the provisions of this act may have been superseded by Title 69, Chapter 6 of [Tennessee Code Annotated](#).

**SECTION 1.** That the lands contained within the following boundaries--to wit: Beginning on the north side of the Obion River, at the mouth thereof, and running from thence up the said river as it meanders to the mouth of the Forked Deer River; thence up the north side of the Forked Deer River to the east boundary of the Martin Armstrong Grant No. 164; thence north with said west boundary line to where the same crosses the center line of the Tiger Tail Branch of the Illinois Central Railroad, thence in a westerly direction to the south boundary line of the corporation of Finely, Tenn; thence with the south and west boundary lines of the corporation of Finley to the center line of the Chicago, Memphis and Gulf Railroad, thence with said center line of said railroad to the north bank of the Obion River, thence up said river, with its meanders, to where the North boundary line of the John Dugan grant for three thousand acres strikes the same; thence west with north boundary line of the said Dugan Tract to where the same crosses the road leading from Cobb's Ferry, thence north with said Cobb's Ferry Road to the road leading from Lane's Ferry to Curtner Springs, thence continuing in a westerly and northerly direction with the said Curtner Springs Road, past Curtner Springs , and continuing on north with the road that lies nearest the hills, crossing the Dyer and Obion County line, to Webb's Store, in Obion County ; thence to the edge of Realfoot Lake at low-water mark, thence south and west with the borders of the lake at low-water mark to the west end of the bridge at the head of the washout in Lake County, Tenn.; thence in a westerly direction to the bank of the Mississippi River, thence down the said river, with its meanders, to the beginning--be, and the same are, hereby constituted a levee and drainage district, to be known as the "Dyer Levee and Drainage District," with all the power and privileges that such district would have if established under and by virtue of the Act of the General Assembly of 1909, Chapter No. 185.

**SECTION 2.** That E. Rice, of Dyer County, Tenn.; R.C. Donaldson, of Lake County Tenn.; and Tom Morris, of Obion county, Tenn., are hereby appointed a Board of Directors of the above mentioned district, and as such Directors they shall have the general control and management of the business affairs of said district and supervision of the same, and be vested with power and authority to make contracts as provided by this Act for all improvement to be done in said district; that at the January term , 1915, of the Quarterly County Court of Obion County , and every four years thereafter, there shall be elected by the said County Quarterly Court one freeholder of said county , who is interested in the lands of said district, to succeed the said Tom Morris; that at the January term, 1916 of the County Quarterly Court of Lake county and every four years thereafter, there shall be elected by the said County Quarterly Court one freeholder of said county , who is interested in the lands of said district, to succeed the said R.C. Donaldson; and at the January term of 1917 of the Quarterly County Court of Dyer County and every four years thereafter, there shall be elected by the said County Quarterly Court one freeholder of said county , who is interested in the lands of said district, to succeed the said E. Rice. If there shall be a vacancy in the office of the said Board of Directors at any time because of resignation or other reasons, the county Court of the county in which said vacancy occurs shall appoint another Director of like qualifications to fill such vacancy until the next Quarterly County Court of said county, at which time the said vacancy shall be filled by the election of a Director by the said Quarterly Court; and for sufficient reason the County Court may remove a Director so appointed, but not until such Director has had at least five days' notice of the time of the hearing and of the grounds upon which he should be removed as alleged; and he shall thus be entitled to be heard and to introduce proof on the issue as to whether he shall be so removed as a Director; and if on the hearing the decision of the County Court is that he be removed, he may appeal therefrom on giving cost bond to the Circuit Court of the county, where the matter shall be heard anew and such judgement given as that court deems just and proper. If a Director is removed, the County Court shall appoint another to serve until the next meeting of the Quarterly Court of the county whose Director shall have been removed. The said above-mentioned persons shall, within thirty days after the passage of this Act, organize by the election of

one of the three members as Chairman and one of the three members as Secretary and Treasurer.

**SECTION 3.** That the said Board of Directors shall, within ninety days from and after the passage of this Act, make a report, which said report shall be filed with the Clerk of the county of each of the said counties of Dyer, Lake, and Obion, in which said report they shall show the location of the levee to be established from the grounds of Lake County, Tenn., at Tiptonville, to the mouth of the Obion River, showing the ownership of each tract of land over which the said levee shall run, as far as is practicable, and ascertain the said ownership and the number of acres to be taken therefrom to properly construct the said levee. They shall also show the location of any drainage ditch or ditches that may be necessary to carry off the water that may interfere with such levee, showing also the necessary change of any water course within the said district that may be necessary for the proper erection and protection of such a levee, giving the names of the owner of the land over which the said ditch or ditches may pass and the number of acres to be taken therefrom; and that for the making of said report and the ascertaining of such information the said Board of Directors shall have the power to employ such engineer or engineers, rodman, axmen, and other help as they may be necessary, returning an itemized expense account to the said County Court Clerks of Dyer, Lake, and Obion. Said report submitted within ninety days to the County Court Clerks, if not complete as to any details, further time may be granted by said County Courts in which to complete said report as to specific details. In making up said report, the Board of Directors may, if they see fit, rely upon the survey and the report by the engineers of the Federal Government under and by virtue of the Act of Congress approved July 25, 1912.

The said Board of Directors shall also submit a report, showing the estimated cost of constructing such a levee and necessary ditches, and in said report may rely upon the said survey and report of the Federal authorities aforesaid.

The said Board of Directors shall confer with the Mississippi River Commission, and ascertain what portion of the cost of construction will be borne by the said Federal Government, and make return of such information with the above said report.

**SECTION 4.** That upon the report of the Board of Directors being filed, five days' notice to the owner, his agent or representative, if such can be found in the county, and, if not, by publication of some newspaper of said county, will be given by the Clerk of the County Court in which the land lies, to the owners of said lands which are sought to be taken for the erection of said levee or drainage ditches, that said land shall be appropriated for the purpose aforesaid; and the County Court of the county within which the land lies, to the owners of said lands which are sought to be taken for the erection of said levee or drainage purpose aforesaid; and the County Court of the county within which the land sought to be taken lies will, within four months after the passage of this Act, appoint viewers, who, after being duly sworn to act impartially and faithfully to the best of their ability, shall proceed to view the premises and determine and fix the amount of damages to which each claimant is entitled, and file a report in writing with the County Court Clerk, showing, first, the value of the lands sought to be taken, and second the amount of incidental damages each claimant will be entitled to because of the establishment of the proposed improvement. The report of the viewers shall be filed as soon as practicable; and if any of them fail or refuse to act for any reason, or they do not proceed to act with promptness, the County Court may appoint other viewers in place of any or all of them.

In estimating the damages, the viewers shall give the value of the land proposed to be taken, without deduction; but incidental benefits may be taken into consideration in estimating the incidental damages.

**SECTION 5.** That upon the (sic) filing the said report, the court will enter a judgement in favor of party whose land is taken against the said levee and drainage district, and from which said judgement either the said levee and drainage district or any party aggrieved may appeal to the next term of Circuit Court of the county in which said judgement is rendered; and any party so desiring to appeal shall have the benefit of such appeal at any time within ten days after such decision is made, without formally praying an appeal, by filing with the Clerk of the County Court notice of such an appeal, at the same time filing with said Clerk a bond, to be approved by the said Clerk, in the sum of two hundred and fifty dollars, and conditioned to pay all costs and expenses of the appeal, unless the finding of the Circuit court shall be more favorable to the appellant or appellants than the finding or decision of the County Court; provided, however, that it shall not be necessary for the levee and drainage district to execute any such bond.

The Circuit Court shall hear any such appeal de novo, and the proceedings shall be as in other condemnation cases.

**SECTION 6.** That any person claiming damages as compensation for or on account of the construction of such levee or drainage ditch or ditches shall, within four months after the passage of this act, file such claim in the office of the County Court of the county in which the said property lies, and, on failure to file such claim within the specified time, shall be held to have waived his rights thereto. If any claims for damages have been filed as above provided, the viewers appointed under the foregoing section shall assess

such damages and make report thereof to the County Court of the county in which such damages accrue, upon which said report the said county Court shall enter judgement against said levee district. Either party may appeal from such judgement to the Circuit Court of said county by giving bond and notice as in the foregoing section; provided, however, it shall not be necessary that the levee and drainage district execute such appeal bond.

**SECTION 7.** That after the said amounts of damages shall have been fixed by the said County Court upon report of the said viewers, the amount of all such damages shall, by said court, be required to be paid in the first instance by the said levee and drainage district or be secured to be paid upon such terms and conditions as the County Court may deem just and proper; that after said judgement shall have entered, the said County Court shall enter a proper order of condemnation, showing all such lands are appropriated and belong to such levee and drainage district for all its necessary purposes; and the said court will issue a writ of possession and put the said Board of Directors of the said levee and drainage district in possession of the said property so appropriated.

**SECTION 8.** That the appeal hereinbefore provided for shall in no way affect the issuance of the writ of possession by the said County Court after the said judgement against the said levee and drainage district shall have been paid or secured as provided for hereinabove.

**SECTION 9.** That when the said levee and drainage ditches necessary for proper erection thereof shall have been located as provided in this Act, the County Court of each county shall appoint one Commissioner from its county, who shall be a freeholder of the county from which he is appointed, not living in the levee and drainage district herein provided for and not interested therein or in any like question, nor related to any party whose land is affected thereby; and they shall as soon as practicable after their appointment, and after being duly sworn to perform their duty faithfully and impartially to the best of their ability, inspect and classify all the lands benefited by the location and construction of such drainage or levee district in the graduated scale of benefits, naming the tract or tracts of each owner, and so classifying the same, each tract to be numbered according to the benefit received, as below provided, by the proposed improvement; and they shall make an equitable apportionment and assessment of the cost, expenses, costs of construction, fees, and damages assessed for the construction of any such improvement, and make report in writing thereof to the County Court of the county wherein such tract lies.

In making said estimate and apportionment, the lands receiving the greatest benefit shall be marked on the scale of 100, and those benefited in a less degree shall be marked with such percentage of 100 as the benefit received bears in proportion thereto. This classification, when finally established, shall remain as a basis for all future assessments connected with the objects of said drainage and levee district, unless the County Court, for good cause, shall authorize a revision thereof. In making such classification, said Commissioners are authorized to divide the land of one owner lying in one body into more than one tract and classify each subdivision thereof, if they are of the opinion that portions of such entire tract will be more benefited than other portions, and especially when such entire tract is a large one, and that it will be more equitable and just to so classify it in subdivisions. In the report of said Commissioners they shall specify each tract of land by reasonable description, and the ownership thereof, as the same appears on the tax books of the county, if such description is practicable; if not, such description as they deem best.

After the said reports shall have been filed, the levee and drainage district or any party or parties interested who is affected thereby, or whose lands are assessed, shall have thirty days in which to file objections to said report; and the said County Court of the county in which said objections shall have been filed shall proceed to hear and determine all objections to said report filed, and may increase, diminish, or annul or affirm the apportionment or assessment made in such report, or any parts thereof, as may appear to the court to be just and equitable; and when such hearing shall have been had, the County Court shall assess the said apportionment so fixed by it upon the land within such levee or drainage district.

If the first assessment made by the court for the original cost of an improvement as provided in this Act is insufficient, the court may make an additional assessment in same ratio as the first. If for any reason the court annuls in toto or set aside such report or remove them and appoint new Commissioners to act as in the first instance, if desired by the parties concerned.

**SECTION 10.** That the assessments shall be levied upon the land of the owners so benefited in the ratio aforesaid, and shall be collected in the same manner as taxes for the county purpose, except as herein provided; and the funds so collected shall be kept as a separate fund, and shall be paid out only for the purposes properly connected with such warrant of the judge or chairman of the County Court.

**SECTION 11.** That an appeal may be taken to the Circuit Court of the county from the order of the County Court fixing the assessment or benefits upon the lands in the same manner and time as provided for appeals from the assessment of damages, and the action of the Circuit Court shall be certified by the Clerk of the said Circuit Court to the County Court.



**SECTION 12.** That when an appeal is taken from an order of the County Court made in any proceeding before it under this act, the County Court may employ counsel to present the interests of the levee and drainage district affected by such appeal, and on the trial thereof in the appellate courts, and the expenses of such counsel shall be paid out of the drainage fund of such district.

**SECTION 13.** That in said counties of Dyer, Lake, and Obion the County court Clerk of such county shall provide a book, to be known as the "Levee and Drainage Record," to be paid for by each of said counties; and the said Clerk shall keep therein a full and complete record of all the proceedings arising under this act, including all the orders made by the County Court and certified from the circuit Court, and a copy of all bonds required to be given under this Act, etc.

**SECTION 14.** That the fees of the county Court Clerk in proceedings under this act shall be the same as for similar service now allowed by law; and in such case the County Court may allow said clerk an additional sum for extra service, or services not covered by existing fee bills or statutes, to be fixed by the court and paid as other costs and expenses in the case or proceedings.

**SECTION 15.** That where any assessments made and levied under this act cannot for any reason be enforced and part of the work has been done, the County Court shall proceed as to any or all lands benefited by said improvement in the same manner as if the appraisalment and apportionment of benefit had never been made, in which event any payment already made shall be duly credited to those who have paid the same.

**SECTION 16.** That no contracts for improvements have been done in such drainage or levee district shall be made until after the Commissioners provided for in this Act have made their inspection, classification, and apportionment, and assessment of benefits have been determined and settled by the court; but after the said Commissioners and the court have so acted, then such contract may be made by the Board of Directors of said district. Before entering into any contracts for improvements, the Board of Directors of said district shall cause notice to be given once a week for four consecutive weeks in some newspaper published in the county wherein such improvement is located, and such additional publication elsewhere as they may direct, of the time and place of letting the work for construction of said improvement; and in such notice they shall specify the approximate amount of work to be done in each section and the time fixed for the commencement and completion thereof; and they shall award contract or contracts for each section of the work to the lowest responsible bidder or bidders thereof, or they may award the contract as a whole to the lowest responsible bidder, exercising their own discretion as to letting said work as a whole or in sections, and reserving the right to reject any and all bids and readvertise the letting of the work.

The successful bidders shall be required to execute a bond, with sufficient surety, payable to the county, for the use and benefit of the levee and drainage district, in an amount equal to twenty-five per centum of the estimated cost of the work so let, or he may deposit such amount in cash with the Treasurer of the Board of Directors as security for the performance of his contract; and upon execution of such a bond, or the making of such deposit, the deposit originally made with his bid shall be returned to him.

**SECTION 17.** That said Board of Directors shall employ a competent engineer to take charge and supervision of such improvement work, contracting with him for compensation for his services in such sum or at such rate as may be agreed upon, and to be paid as other expenses of such district. The Directors may remove such engineer and contract with another if they see fit for any reason.

The engineer in charge of the construction shall furnish this contractor monthly estimates of the amount of work done on each section; and upon filing the same with the County Court Clerk, the Judge or Chairman of the County Court of Dyer, Lake, and Obion Counties shall draw a warrant in favor of such contractor for eighty per centum (80%) of the work done, according to the estimate of each of the county's proportionate part; and when said work is complete to the satisfaction of the Board and said engineer, and so certified by him and said Board, such certificates files with the County Court Clerk, then the Judge or Chairman of said County Court shall draw a warrant in favor of the contractor for each county's proportionate part of the balance due. All warrants shall be drawn upon the County Trustee or Treasurer as the ordinary county warrants are drawn, but shall be payable only out of the funds provided for by such levee and drainage district, and shall so state upon their faces. the Board of Directors shall require such engineer to give bond in such sum as they may deem proper for the faithful performance of his duties, such bond to be payable to the county or State, for the use of such improvement district, and filed with the County Court Clerk and recorded in the drainage record; provided, however, the said board of Directors may make an agreement with the Mississippi River Commission to allow the said work of construction to be done under the control and direction of the Federal Government; and the portion chargeable to the said drainage district may be paid out upon such terms as the said Board of Directors may deem to the best interest of said district. Copy of such agreements shall be filed with the County Court Clerk of said counties.

**SECTION 18.** That whenever any railroad or public highway will be beneficially affected by the construction of such improvement or improvements in such district established hereunder, it shall be the

duty of the Commissioners appointed to classify and assess benefits, to determine and return in their report the amount of the benefit to such railroad upon its nearest station agent, and as to such highway, notice shall be served upon the Judge or Chairman of the County Court; and when such special assessments have been approved and filed by the County Court as hereinbefore provided, as to such railroad company; and unless the same is paid by the railroad company as special assessment, it may be collected in the name of the county in any court having jurisdiction; and as to a highway, such assessment shall be paid by the county out of the general fund or highway tax fund, such assessments to be paid into the fund of such levee and drainage district.

**SECTION 19.** That whenever the making of such improvement across a public highway necessitates the building of a bridge over the same, the county shall build and construct the same and pay all the cost thereof out of the county bridge fund, if such fund be provided, and, if not, out of the general county fund.

**COMPILER'S NOTE:** Section 20 does not appear in the text of the original version.

**SECTION 21.** That the assessments as provided for by this act shall be collected by the County Trustee as county taxes are collected, except as herein provided; and the funds so collected shall be kept as a separate fund, and shall be paid out only for the purposes properly connected with such improvement on the order or warrant of the County Judge or Chairman; but such assessments may be collected by bill filed in chancery as herein provided, and no personal property of the owner of land so assessed shall be liable or distrained upon for such assessment.

**SECTION 22.** That the improvement in the levee and drainage district herein provided for may consist solely, if so desired by those concerned, in the changing in whole or in part of the course or channel of a natural water course, or in straightening, as far as practicable, such water course and cleaning out so much of its natural channel as it is desired to utilize; or the improvement in such drainage district may, in addition to the main ditch or drain or channel, include such other lateral and other ditches and levees as may be deemed proper and necessary.

**SECTION 23.** That if the County Court shall determine that the estimated cost of reclamation and improvement of such district of land or levee or drainage district is greater than should be levied in a single year upon the lands benefited, the court may fix the amount that shall be levied and collected each year, and may issue drainage bonds of the county, bearing not more than six per centum interest, said interest payable annually; and may devote such bonds at par, with accrued interest, to the payment of the expenses and work as it progresses, or may sell the same at not less than par, with accrued interest, and devote the proceeds to such payment; and if in the sale of said bonds a premium is received, such premium shall be credited to the drainage fund; and should the cost of such work exceed the estimate, a new apportionment of the assessment may be made and levied and other bonds issued and sold in like manner, but in no case shall the bonds run longer than twenty years. Any property owner may pay the full amount of the benefit before such bonds are issued and receive a receipt in full therefor. Such payment shall be made to the County Trustee, and it shall be the duty of the County Clerk to certify to the Trustee the amount of any such assessment when requested to do so, and the Trustee shall enter the same upon the assessment lists in his lands in a separate place provided therefor, and shall furnish the County Clerk with duplicate receipts given for all assessments so paid in full, one of which the Clerk shall deliver to the Judge or Chairman of the County Court; and the Trustee shall also give a receipt to the property owner so paying in full. The terms and time of payment of the bonds so issued shall be fixed by the Board of Directors of the improvement district, and such bonds shall be signed by the Judge or Chairman of the County Court and countersigned by the Clerk of the County Court, each of said officers signing his name officially, and shall be verified either by the county seal or seal of the County Court Clerk. Each bond shall show expressly upon its face that it is to be paid only by assessments levied and collected on the lands within the said district, nor shall any assessment be levied or collected for the payment of said bond or bonds, or the interest thereof, or any property, real or personal, outside said district.

Such bond shall be in denominations of not less than fifty dollars, and the County Court of each county shall determine whether bonds shall be issued to meet the expense, etc., of the improvement so far as the lands of the district lie in that county; and if so issued, the bonds shall be signed by the Judge or Chairman of the County Court of such county and countersigned by the County Court Clerk and verified by the county seal or seal of the County Clerk, and shall be payable only out of the assessments levied for such improvement on the lands in such county.

**SECTION 24.** That if the Board of Directors of said levee and drainage district provided for by this Act deem best, instead of issuing bonds, they may direct that warrants shall be issued or drawn on such district or on the County Trustee of each county by the Judge or County Chairman of each County Court, to be paid out of the funds of such district only, and at such times as the assessments may be due, or as may be deemed best, the time of the maturity of assessments as fixed being considered, such warrants to be issued or drawn for all lawful demands on such district, and to bear interest at not more than six per centum per

annum.

**SECTION 25.** That the assessments provided for by this act, when made and levied, shall be and become valid liens upon such lands so assessed, just as State and county taxes are liens upon lands; and when such assessments have been due and delinquent for sixty days, bills may be filed in Chancery Court of the county or chancery district in which the land lies, upon which such assessments are due and delinquent, for the collection thereof out of such lands by sale thereof, in all cases except in cases where the assessment is made against a railroad company or public highway as herein provided for. Such bills in chancery shall be filed in the name of the county in which the land is situated, for the use of the said levee and drainage district, and against the owner if known, and, if unknown against them as such ; and the owners of all lands upon which assessments are delinquent may be defendants to the same bill and parties thereto. When it is desired by the Board of Directors, or other parties interested entitled to sue, to file such bill, the County Trustee, upon request, shall make out a statement or list, showing all the lands upon which such assessments are so delinquent, and the names of the owners thereof, as appears upon the drainage assessment book, or showing any tract assessed to unknown owners, if such be the case, and certify as Trustee to the correctness of such statement or list as the same appears upon said book; and in such chancery suits such certified statement or list shall be prima facie proof to authorize a decree of sale in the absence of rebutting proof of the facts shown by such certified statement. Such suits in chancery shall be preceded with as other suits are in said court, except that the court, may hear the case as to anyone or more defendants, though the case may not be disposed of as to the other defendants. When a sale is ordered in such suit and is made and reported, the Clerk and Master of such court so making the sale shall report what public taxes, if the same be confirmed, shall be paid first out of the proceeds of such sale before such sale by the Chancery Court, it shall vest title out of the owner and vest it in the purchaser, the lands so purchased shall be subject, in the hands of the purchaser his heirs or assigns, to any other assessment not yet due or unpaid that may have been made and fixed and levied upon it at the time of such confirmation of sale, for the benefit of said levee and drainage district, on account of which such sale has been made. When any such sale is made by decree of the Chancery Court, it shall be for cash; and the owners of the lands so sold shall have two years from the date of confirmation of such sale in which to redeem the same by paying to the Clerk and Master of such court making the sale the amount paid by the purchaser for the said land, with legal interest thereon, to the date of redemption, and also a further sum equal to ten per centum of the amount so paid by the purchaser of said lands. In such proceedings in Chancery Court the attorney or solicitor employed and attending to the suit shall be allowed as a fee ten per centum of the amount due as an assessment or assessments on each tract of land decreed sold, the same to be charged up in the decree as a part of the judgement for which the land is to be sold; and when such lands are redeemed as herein provided, and this fact is made satisfactory to appear to the Chancery Court, the court shall enter a decree in the cause, adjudging the lands so redeemed and declaring it to be the property of the owner so redeemed, or his heirs or assigns, if redeemed by his heirs or assigns, and if necessary, may award a writ of possession to put the person so redeeming into possession of the land.

Provided, however, that infants and persons who are lunatics and of unsound mind shall have the further period of one year after removal of such disability in which to redeem their lands sold under the provisions of this Act, under like terms as to amounts to be paid, in redemption as above provided.

**SECTION 26.** That the assessments provided for by this Act, if not paid by the owners of the lands assessed, shall be collected only out of the lands so assessed for said improvement purposes, and shall not be collected by distress warrant or otherwise out of any other property, real or personal, of the owners of the lands so assessed under the provisions of this Act.

**SECTION 27.** That engineers employed by the Board of Directors of said levee and drainage district to supervise the work, etc., shall be paid for their services such salary or sum as may be agreed upon between them and such Board of Directors; that engineers appointed hereunder by either of said County Courts shall be paid for services at such rate as the courts appointing them may fix, and, if so fixed at the rate of five dollars per day while engaged in the work, and, in addition, all actual traveling expenses, an itemized account of such expenses to be kept by item and reported and sworn to; that the viewers and Commissioners provided for by this act shall be paid at the rate of three dollars per day while engaged in the work , and, in addition, all actual expenses, including board paid fork an itemized account of the same being reported and sworn to; and the other necessary help aiding the engineer, viewers, and Commissioners, such as chain carriers, axmen, etc., shall be paid not more than two dollars per day.

For collecting and paying out assessments under this Act the Count Trustee shall receive the same compensation that he receives for collecting public taxes, and for any certified statement furnished by him the same fee per one hundred words as are allowed clerks of courts for certified copies of records; and if there be any services required of any person under the provisions of this Act and the rate of pay therefor is not provided for hereby, then the County Court shall fix the amount of rate of pay in such cases; provided, however, that the members of the Board of Directors shall not be entitled to receive any pay for their

services, but only be reimbursed or paid their actual expenses incurred on account of attending to their duties as Directors, an account of the same to be kept, made out, and sworn to by each.

**SECTION 28.** That if any person to whom the work, or any portion of the work, in such levee or drainage district has been let shall fail to perform the same according to the terms specified in the contracts, then the cash deposited by him shall be forfeited for the benefits of such district and be paid into its funds; or if bond has been given by such contracting party so failing, then recovery of the damages sustained may be had by suit in the name of the payee in such bond for the use of such district, and such damage or judgement therefor collected and paid into the funds of such district.

**SECTION 29.** That the owners of lands which require combined drainage may provide for the establishment of a drainage district, or location and construction of drains, ditches, and water courses, upon their lands by mutual agreement in writing, duly signed, acknowledged, and filed with the County Court. Such agreement may include the location, the character of work to be done, the adjustment of damages, the classification of the lands to be benefited thereby, the amount of special assessments to be levied, or so many of these or other provisions as may be agreed upon and to such extent shall be as valid and binding as though performed in the mode and manner provided for in the Act of the General Assembly of 1909, Chapter No. 185.

Under the filing of the agreement with the County Court Clerk, the County Court shall establish such drainage district and locate the ditch, drain, or other water course, as provided for in said mutual agreement, according to the terms thereof, and shall thereafter have full and complete jurisdiction of the parties and subject matter, and order such procedure under the provisions of this act of under the Act of the General Assemble of 1909, Chapter No. 185, as may be required or is necessary to carry out the object, purpose, and intention of such agreement, and to complete and construct the desired improvement, and shall retain jurisdiction of the same as fully as in other cases made and provided for by the Act of the General Assembly of 1909, Chapter No. 185.

**SECTION 30.** That the preliminary expenses of such levee or drainage district, ditch, or water course improvement provided for by this Act (not including contracts for the construction) may be paid, by order of the Quarterly County Court of either of said counties of Dyer, Lake, and Obion, out of the general fund of said county, the same so paid to be refunded to said county out of the assessments collected from the lands of the said levee and drainage district when so collected; provided also, that the said Board of Directors shall have the power to contract indebtedness for preliminary expenses to a sum not exceeding twenty-five hundred dollars. If such indebtedness shall be contracted by said Board of Directors, the said Board of Directors shall make out a statement thereof, which shall be itemized and sworn to and filed in the office of the Clerk of each of the said counties, when such sum shall by paid out of the funds arising from the assessments of the lands in said levee and drainage district.

**SECTION 31.** That all the references to the County Court in this Act shall be held to mean the court presided over by the Judge or Chairman, and not the Quarterly Court, unless the Quarterly Court is specifically vested with jurisdiction and power to act.

**SECTION 32.** That this Act is not intended to apply to Reelfoot Lake proper and the waters thereof, or to authorize the drainage of same, and this act shall not be construed in any way to authorize the draining of said lake.

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

Passed: September 15, 1913.

## Dyersburg Suburban Consolidated District

### Private Acts of 1961 Chapter 287

**SECTION 1.** That there is hereby created a utility district which shall be a municipality or public corporation and shall constitute a body politic and corporate with power of perpetual succession but without power to levy or collect taxes. "Said district shall include all of the territory now contained in Finley Utility District of Dyer County, Tennessee and South Dyersburg Utility District of Dyer County, Tennessee and the district boundaries shall be described as follows:

Being in the Fourth, Twelfth, and Tenth Civil Districts of Dyer County, Tennessee, and more particularly described as follows:

Beginning at Corps of Engineers, U.S.A. Bench Mark A-58.1-36 latitude 35° 57' 18.41" (NAD), longitude 89° 23' 12.52" (NAD), proceed North 47° 45' East approximately 9,531.25 feet to the

intersection of the centerline of Pond Creek and the centerline of Tennessee State Highway No. 20, then proceed downstream on the centerline of the North Fork of the Forked Deer River, then proceed downstream on the centerline of the North Fork of the Forked Deer River to a point which is 500' Northeast of the centerline of U.S. No. 51 Bypass, then proceed Northwestwardly parallel to the centerline of U.S. No. 51 Bypass to a point which is 200' North of the centerline of the Illinois Central Railroad branch line track, then proceed Westwardly and parallel to the centerline of the Illinois Central Railroad branch line to longitude 89° 25' 00" then proceed due North approximately 5,000 feet to a point, then proceed due West approximately 24,583.3' to a point which is Corps of Engineers, U.S.A. Bench Mark A-41.17-4, latitude 36° 02' 45.42" (NAD), longitude 89° 29' 58.11" (NAD), then proceed due West a distance of 677.1 feet to a point, then proceed due East approximately 22,000 feet to a point, said point being on the centerline of the North Fork of the Forked Deer River, then proceed downstream on the centerline of the North Fork of the Forked Deer River to its intersection with the centerline of the South Fork of the Forked Deer River, then proceed upstream on the centerline of the South Fork of the Forked Deer River to a point which is approximately 9,114.5 feet due West of Bench Mark A-58. 1-36, then proceed due East approximately 9,114.5 feet to Bench Mark A-58.1-36, the point of beginning.

Such district shall be known as "The Dyersburg Suburban Consolidated Utility District of Dyer County, Tennessee". It is hereby found and declared that the public convenience and necessity require the creation of such district and that the creation of such district is economically sound and desirable. As long as the district continues to furnish any of the services which it is authorized to furnish under this Act it shall be the sole public or municipal corporation empowered to furnish such services within the district.

**SECTION 2.** That the governing body of the district shall be a Board of

Commissioners to consist of three members. The first members of the Board shall be:

- H. A. Adams, to hold office to January 1, 1963
- S. J. Jones, to hold office to January 1, 1964
- Levi Carter, to hold office to January 1, 1965

Thereafter the term of office of each member shall be four years.

**SECTION 3.** That except as in this Act provided such district shall be regarded in all respects as a utility district created pursuant to the provisions of Chapter 26 of Title 6 of Tennessee Code Annotated, and such district and the Board of Commissioners thereof shall have all of the powers and shall be subject to all of the duties prescribed in such chapter.

**SECTION 4.** That this Act is remedial in nature and is necessary because there are presently no provisions in said Chapter 26 of Title 6 for the consolidation of utility districts and because it has been found impracticable to market separately the bonds of Finley Utility District and South Dyersburg Utility Districts.

**SECTION 5.** That Finley Utility District of Dyer County, Tennessee and South Dyersburg Utility District of Dyer County, Tennessee are hereby abolished. It has been ascertained that the Board of Commissioners of each of said districts has requested that said district be abolished and that the consolidated district herein described be created, and it has been further ascertained that neither of said districts has any bonds or other obligations now outstanding.

**SECTION 6.** That all laws or parts thereof in conflict herewith are to the extent of such conflict hereby repealed and this Act shall take effect from and upon its passage, the public welfare requiring it.

Passed: March 9, 1961.

## 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 and 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 integrating 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 County Legislative Body 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 nomination 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-official 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 Ford 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 held 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, how in force or hereafter enacted, for the exercise of the power of eminent domain; provided, that where condemnation 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 power.

**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 5-11-1 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, if 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-Forked Deer Basin Authority

### Public Acts of 1975 Chapter 371

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

**SECTION 1.** The State of Tennessee, acting by resolution of its funding board, is authorized to issue and sell direct general obligation interest-bearing bonds of the state of Tennessee in the amount of two million dollars (\$2,000,000). Such bonds may be issued and sold in one block or in several installments as the funding board may determine, after advertisement as provided by law.

**SECTION 2.** Said bonds and the interest-bearing coupons attached thereto shall be in such form, mature at such time or times within thirty (30) years from the date of their issuance, be payable at such place or places both as to principal and interest, and be in such denomination and bear such rate of interest payable semi-annually, as the funding board shall by resolutions direct. However, the maximum rate determined by the funding board in no instance shall exceed the legal rate as provided in Section 47-14-104 of the Tennessee Code Annotated. The bonds shall be executed in the name of the state by the governor and the state treasurer, either manually or by facsimile signatures, and shall be countersigned by the secretary of state or the comptroller of the treasury with the great seal of the state or a facsimile thereof attached thereto, or imprinted thereon, and the interest coupons shall be executed with lithographed facsimile signature of the governor and secretary of state. The bonds shall be sold by the funding board after the advertisement as provided in this act; and when they have been sold, the proceeds derived from the sale thereof shall be paid to the state treasurer to be disbursed by him and other fiscal officers and agencies of the state as provided by the general law and this act. The bonds and interest payable thereon shall be exempt from taxation by the state of Tennessee and each county, municipality and taxing district thereof.

**SECTION 3.** When the bonds are so issued and sold they shall be direct general obligations of the state of Tennessee for the payment of which well and truly to be made according to the tenor, effect and terms thereof the full faith and credit of the state, together with its taxing power, shall irrevocably be pledged. The bonds authorized herein shall be issued agreeable to the terms of Chapter 165, Public Acts of 1937, as amended, and Sections 9-901 through 9-920, inclusive, and Section 59-607 of the Tennessee Code Annotated; and they shall be financed, retired and paid both as to principal and interest as provided in such 1937 act and Code sections and shall be subject to the terms and conditions therein and herein contained.

As additional security for the payment of the bonds with interest, as herein authorized, there is hereby expressly pledges a sufficient amount of the sinking fund arising from the collection of taxes under the last two paragraphs of Section 1, Chapter 17, Public Acts of 1949, as amended, to secure the prompt payment of the bonds with interest as they fall due.

When the bonds are sold and proceeds paid over to the state treasurer, the funds shall be paid out by him and the proper fiscal officers of the state, as provided by general law, but only on order of the

commissioner of agriculture, provided further, however, that a work program has been prepared by the Obion-Forked Deer Basis Authority and approved by the commissioner of finance and administration and the commissioner of agriculture.

**SECTION 4.** The proceeds of any and all issues of bonds herein authorized shall be allocated to the Department of Agriculture for the purpose of providing funds for needed improvements in the Obion-Forked Deer Basin, under the direction of the Department of Agriculture.

**SECTION 5.** From the proceeds of any issue of bonds herein authorized, the funding board shall have authority to cause such amounts to be withheld or deducted as necessary to defray the expense of advertising the bond issue for the sale and furnishing an approved legal opinion of bond attorneys.

**SECTION 6.** No funds shall be obligated under the authority of this Act until such time as the General Assembly has appropriated sufficient funds to pay the first year's obligation of principal and interest on the amount of bonds to be issued and the state funding board has determined that such funds are available; except that if obligations have already been incurred by authority of the State Building Commission for any project for which the issuance of bonds is authorized herein, the provisions of this section shall not apply.

**SECTION 7.** This Act shall take effect on becoming a law, the public welfare requiring it.

Passed: May 30, 1975.

## Utility Districts - Historical Notes

The following acts once applied to utility districts in Dyer County and are included here for historical reference purposes.

1. Private Acts of 1915, Chapter 186, also created a Dyer Levee and Drainage District describing the area involved and included in the District, and appointing as a Board of Directors E. Rice, of Dyer County, W. R. Aleegee, of Lake County, and Tom Morris, of Obion County, who would administer the affairs of the district. The Act provided for a court composed of the County Judges, and Chairmen of the three counties who were obligated to hear and resolve the objections and complaints of any who cared to file them. This Act contains over 50 printed pages which set up guidelines and limitations to be applied to just about every conceivable situation of finance and management. This act was declared unconstitutional in Mengel Box Company v. Fowlkes, 132 Tenn. 202, 186 SW 91 (1916), because the body of the bill exceeded the subject matter of the caption.
2. Private Acts of 1927, Chapter 661, validated, confirmed, and made binding on all parties the sales, leases, rentals, or other dispositions of municipally owned water, electric or other utilities, for the consideration heretofore bargained which were sold and conveyed in the counties of Carroll, Dyer, Gibson, Henry, and Weakley, all identified by the use of the 1920 Federal Census and population figures.
3. Private Acts of 1961, Chapter 278, which was rejected by the Quarterly Court of Dyer County and thus never became an effective law, created the Industrial Port Authority to facilitate transportation in Dyer County on the Mississippi, Obion, and Forked Deer Rivers, which Authority would be operated and managed by the Port Authority Commission to which nine broad grants of power were made. The Port Authority involved the construction, management, and maintenance of publicly owned ports, airports, storage, transfer, and transportation facilities by Dyer County. Named as the first Commission were E. R. Moody, Joe Plummer, Ansil Boals, David Lanier, Dave Pennington, Elmer Gardner, and Paul Bradshaw, all for five year terms. Basic guidelines and policies were expressed in the Act for bond issues and the internal management of the facilities. Purchasing regulations were supplied for securing all the goods and equipment needed. The Commission had the authority to employ other professional people, as needed, such as engineers and architects.
4. Public Acts of 1977, Chapter 489, added a provision to Section 6-2614, Tennessee Code Annotated, which was effective only in the counties specified, including Dyer County, at any time on petition of 20% of the customers of a water utility district to the judge of the county in which a district is located, or headquartered, a referendum would be called on whether the Board of Commissioners of the district, or an individual member, or members, thereof would be ousted and a new Board appointed, or member replaced. Other steps to be followed subsequent to the above were contained in this statute.
5. Public Acts of 1981, Chapter 248, made proper amendments in the Code Sections involved, beginning with Section 29-17-801, T.C.A., to state that levee and drainage districts located in Dyer, and other counties, (identified with population figures) were hereby empowered and authorized to acquire by the exercise of the power of eminent domain, as set out in this Act, such right-of-way,

land, material, and easements' right-of-way, as may be deemed necessary, suitable, or desirable to construct levees, ditches, drains, or watercourses, or to straighten, widen, deepen, or change natural watercourses in such districts.

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