



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

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# Obion

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Dear Reader:

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

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

Sincerely,

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# Obion



Obion County Courthouse

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## Chapter I - Administration

### Building Permits

#### Private Acts of 1976 Chapter 249

**SECTION 1.** Any owner or owners of real property in Obion County who builds, erects, constructs or remodels, or who causes or allows to be built, erected, constructed, or remodeled, any building or improvements upon their real property, where such construction or remodeling has a value of or costs one thousand dollars (\$1,000.00) or more, shall apply for building permits from the Obion County Assessor of Property prior to the commencement of such construction or remodeling.

Such application shall be made in writing on a form or forms to be prescribed by the Assessor of Property and provided for him by the Quarterly County Court. There shall be no charge for the issuance of the permits.

**SECTION 2.** Failure to obtain such permit within thirty (30) days after the beginning of such construction or improvements is a misdemeanor and punishable upon conviction thereof by a fine of fifty dollars (\$50.00).

**SECTION 3.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Obion County before September 1, 1976. 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 9, 1976.

### County Agriculture Committee

#### Private Acts of 1941 Chapter 231

**SECTION 1.** That in all Counties having a population of not more than 30,980 no less than 30,950, according to the Federal Census of 1940, the County Agricultural Committee, authorized by Section 2545 of the 1932 Code of Tennessee, heretofore elected by the County Quarterly Court, and now acting, shall only hold office until the April Term of the County Quarterly Court, 1947, at which time and biennially thereafter the County Quarterly Court shall elect for a term of two (2) years a County Agriculture Committee composed of three (3) Magistrates from the Court and four (4) other competent men or women, all of whom shall be interested in the welfare of the agriculture of the County and all of whom shall reside in different magisterial districts in the County, which Committee shall act with the Agricultural Extension Service in employing agents, or removing agents for unsatisfactory service or other cause.

As amended by: Private Acts of 1947, Chapter 337

**SECTION 2.** [Repealed by Private Acts of 1947, Chapter 337]

**SECTION 3.** That should a vacancy occur on the County Agriculture Committee by reason of death, resignation or otherwise, the County Quarterly Court, at its next regular session, shall elect a Committeeman or Committeewoman to fill the vacancy for the unexpired term.

As amended by: Private Acts of 1947, Chapter 337

**SECTION 4.** That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

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

Passed: February 10, 1941.

### County Legislative Body

#### Private Acts of 1965 Chapter 18

**SECTION 1.** That hereafter Justices of the Peace of counties of not less than 26,947 inhabitants and no

more than 26,967 inhabitants, according to the Federal Census of 1960, or any subsequent Federal Census, shall be entitled to and shall receive Sixty Dollars (\$60) per year payable in equal quarterly installments of Fifteen Dollars (\$15) each for attendance upon regular quarterly sessions of the County Court in such counties.

**COMPILER'S NOTE:** See T.C.A. § 5-5-107 for general law on compensation.

**SECTION 2.** That in addition to said compensation for the attendance upon the sessions of the Quarterly County Court in said counties, the Justices of the Peace shall be entitled to and receive mileage at the rate of ten (10) cents a mile for each mile traveled in going to and from their residences to the County Court House to attend each regular, special, or extra session of the County Court. Provided, that no Justice of the Peace who resides within one (1) mile of the court house shall receive any such mileage.

**SECTION 3.** That all Acts and parts of Acts of the General Assembly of the State of Tennessee that are in conflict with this Act be and the same are hereby repealed.

**SECTION 4.** 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 on or before the next regular meeting of such Quarterly County Court occurring more than thirty days 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 5.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: January 28, 1965.

## County Register

### Recordation of Deeds

#### Private Acts of 1961 Chapter 260

**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 Obion County, Tennessee, shall be noted in the office of the County Tax Assessor of Obion County prior to the time and before any of such instruments shall be filed for record in the office of the County Register of Obion 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 and that the notation fee has been paid.

**SECTION 3.** That the County Tax Assessor of Obion County is hereby authorized and directed to collect a fee of One Dollar (\$1.00) for the notation in his office of each of such instruments hereinabove set forth, and all of such fees collected by the County Tax Assessor shall be paid over at the end of each month to the office of the County Judge of said County, together with a written report showing the person from whom each such fee was collected. Said funds collected and received shall be paid into the general fund of said County.

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 4.** 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 5.** That the County Tax Assessor of Obion 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 Obion County to be paid from the general funds of the County, in equal monthly installments.

**SECTION 6.** 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 7.** That this Act shall have no effect unless the same shall be submitted to the Quarterly County Court of Obion 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 8.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 14, 1961.

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

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

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: Private 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.

## Reelfoot Running Bayou

### Public Acts of 1955 Chapter 133

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

WHEREAS, The Congress of the United States has authorized the Corps of Engineers, U. S. Army, to dredge Reelfoot Running Bayou from its mouth at or near the Obion River to where State Highway 21 and 22 cross the same; and

WHEREAS, The maintenance of said work and the replacement of said bridges across said stream constitute an integral part of the consideration for such dredging;

**SECTION 1.** That in consideration of the United States Corps of Engineers dredging the stream above



mentioned as aforesaid, the State of Tennessee, through its Obion-Forked Deer Basin Authority, shall maintain such dredging after the conclusion of the original performance thereof in as reasonably good condition as it exists at the completion of such original dredging operation, and shall likewise assume full responsibility for costs of repairing, maintaining, and relocating any or all bridges across such stream, replacement of which is occasioned by the work herein contemplated and such Obion-Forked Deer Basin Authority shall likewise save and hold harmless the United States Corps of Engineers from any and all damages occasioned by such dredging operation. In case the procurement of rights of way for such operation shall be required, such right of way shall be procured by the County in which the land taken shall lie and such County shall be vested with the power of eminent domain for such purpose. Any damage occasioned by the exercise of the power of eminent domain shall be a charge against the general fund of the County instituting such proceeding and shall be paid therefrom.

As amended by: Public Acts of 1973, Chapter 38  
Public Acts of 1974, Chapter 415

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

Passed: March 3, 1955

## 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 intergrating plans, programs, and development activities with the overall development of the area described.

**SECTION 2.** That the organization of the Agency shall be as follows:

1. The Agency shall be governed by a Board of Directors consisting of eleven (11) members.
2. The Quarterly County Court of each of the above-named counties shall nominate by a majority vote two (2) candidates for each directorship from the county. Candidates shall include persons active in municipal, industrial, agricultural, commercial, and citizen organizations, such as the Northwest Tennessee Development Agency, active in promoting comprehensive unified development of the resources and economic growth of the watershed area of the aforesaid rivers, creeks, and tributaries. The presiding officer of the governing body of each county shall certify such nominations to the Governor, who shall appoint from the nominations from each county one from each group of the two (2) nominated for each directorship. From the above, the Governor shall appoint one for a term of two years, one for a term of four years, one for a term of six years, and one for a term of eight years. However, such terms shall continue in all event until successors are appointed. Successors shall be appointed for terms of eight years. In the event of a vacancy on the Board, the Governor shall appoint a successor for the remainder of the unexpired term.
3. The Governor shall appoint a resident of one of the aforesaid counties as the eleventh (11) Director, to serve as such Director during the Governor's term of office.
4. The County Judges of Benton, Henry, Weakley, Obion, and Dyer Counties shall be ex-officio members of such Board of Directors.
5. The situs and place of business of the body corporate and politic, or Agency, herein created, shall be at Dresden, in Weakley County, Tennessee.
6. Upon the completion of its membership, the appointees and those designated as ex-officio members shall meet and organize at Dresden, Tennessee, electing a Chairman, Vice-Chairman,

and Secretary-Treasurer, and set a regular time and place for the meetings of the Board.

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

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

(1) General

- (a) Perpetual succession in corporate name.
- (b) Sue and be sued in corporate name.
- (c) Adopt, use, and alter a corporate seal, which shall be judicially noticed.
- (d) Enter into such contract and cooperative agreements with the Federal, State, and local governments, with agencies of such governments, with private individuals, corporations, associations, and any other organizations as the Board may deem necessary or convenient to enable it to carry out the purpose of the 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 employee may be paid out of such funds as may be available to the Agency from any source.

(2) Formulation and Execution of Development Plans

The Agency is authorized to:

- (a) Investigate the resources of the watershed areas of the Big Sandy River, West Sandy Creek, Middle Fork of the Obion River, the combined Middle Fork and South Fork of the Obion River from their point of confluence to the point of confluence with the Rutherford Fork of the Obion River, the Middle Fork, South Fork, and Rutherford Fork of the Obion River from the point of their confluence to their confluence with the North Fork of the Obion River, and of the Obion River proper from such point to the point of its confluence with the Mississippi River, and determine the requirements for their full development, and for the control and development of the watershed areas thereof, including, but not limited to, the building and constructing of a fresh water canal for the purpose of water transportation between the Tennessee and Mississippi Rivers, and for the further purpose of furnishing large quantities of water for manufacturing and industrial purposes, and for the better development of the economy of the general area.
- (b) Develop and carry out a unified comprehensive program of resource development for the economic growth of the area. These plans shall be consistent with the plans for state-wide economic development.
- (c) In making such investigations and in formulating development plans, to seek and utilize the assistance of appropriate Federal, State, and local agencies and of private citizens and citizen organizations interested in the conservation and development of the resources of the area.
- (d) Provide, develop, and help as appropriate the needed and feasible cooperative arrangements for the construction of water control structures, channel improvements, and facilities for navigation, drainage, irrigation, water conservation and supply, industrial development, recreation, and land improvement as a part of its comprehensive plans and, in aid of such activities, to accept loans and grants, or other assistance, from Federal, State, and local governments, or from the agencies of such governments.
- (e) Arrange with any city, county, municipality, or supplier of utilities for the abandonment, relocation, or other adjustment of roads, highways, bridges, and utility lines.
- (f) To particularly arrange and develop plans with the Corp of Engineers of the United States Army, Department of Defense, for the surveying, locating, and constructing of a navigable canal, on and along the aforesaid rivers and creeks, from the confluence of the Big Sandy River with the Tennessee River, over, through, and along the waters of the Big Sandy River, West Sandy Creek, Middle Fork of Obion River, and the combined waters of the Middle Fork, South Fork, Rutherford Fork of the Obion River to their confluence with the North Fork of the Obion River, and the Obion River proper to its confluence with the Mississippi River, so as to afford opportunity for the economic development of such areas.
- (g) To arrange, develop, and make all necessary contracts and agreements with the Middle Fork Obion River Watershed District, of Henry and Weakley Counties, Tennessee, and with any and all

other watershed districts within the aforesaid areas, or that may hereafter be created within such areas, or created on a tributary of any of the streams, herein above set out, which might be affected by the projects contemplated for this Agency.

(3) Land Acquisition:

(a) To acquire by purchase, lease, gift, or in any manner other than by condemnation, property of any kind, real, personal, or mixed, or any interest therein, which the Board deems necessary or convenient to the exercise of its powers or functions, provided, that acquisition by condemnation shall be limited to land, rights in land, including leaseholds and easements, and water rights, in, on, and adjacent to the watershed areas of the above-named rivers, streams, and creeks, that the Board deems to be necessary to the control and optimum development of the aforesaid rivers, streams, and creeks, and their tributaries. The amount and character of interest in land, rights in land, water rights to be acquired within any of these boundaries shall be determined by the Board of Directors and its determination shall be conclusive. The Agency's power of eminent domain may be exercised under Sections 23-1401 through 23-1425, Tennessee Code Annotated and any amendments thereto, or pursuant to any other applicable statutory provisions, now in force or hereafter enacted, for the exercise of the power of eminent domain; provided, that where condemnation proceedings become necessary the Court in which any such proceedings are filed shall, upon application of the Agency, and upon posting of a bond with the Clerk of the Court in such amount as the Court may deem commensurate with the value of the property, order that writ of possession shall issue immediately or as soon, and upon such terms as the Court in its discretion may deem proper and just. The Agency is exclusively authorized to acquire by condemnation or otherwise and hold for resale to private or other industrial organizations waterfront land that it determines to be suitable for industrial or other appropriately planned uses, and such acquisition is hereby declared to be for the public purpose of the State's industrial development and for the increase of industrial development opportunities.

(4) Management and Operation:

(a) Enter into contracts with municipalities, corporations, or other public agencies, or political subdivisions of any kind, or with others for the sale of water for municipal, domestic, agricultural, or industrial use of or any other services, facilities, or commodities that the Agency may be in a position to supply.

(b) Develop reservoirs and shoreline lands for recreational use and provide for their operation for this purpose directly or by concessionaires, lessees, or vendees, or shoreline lands.

(c) Sell or lease shoreline lands acquired in connection with the development of the watershed areas of the above-named rivers, streams, and creeks or the tributaries thereof, and included within the area suitable to be developed by the Agency, for uses consistent with the Agency's development plan and subject to such restrictions as the Agency deems necessary for reservoir protection and to such requirements as to: (1) character of improvements and activities, and (2) time within which such improvements or activities shall be undertaken as the Agency deems appropriate to its overall development plan.

(d) Acquire or operate shoreline lands of reservoirs owned by the United States of America as the agent of the Federal agency having custody and control thereof under appropriate agreements with such agencies.

(e) Acquire, construct, or operate such other facilities or works of improvement as are necessary to effectuate the plans for comprehensive development of the area.

(f) To enter into contracts and agreements with The Tennessee Valley Authority, an agency of the United States Government, for the purpose of constructing facilities and works within the area embraced in this Act, including, but not limited to, the development of hydroelectric 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 5-1101 through 5-1125, Tennessee Code Annotated, and for municipalities in Sections 6-1601 through 6-1632, Tennessee Code Annotated, to obtain funds for the financing of public works by the Agency, or 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 hydroelectric power by the Corp of Engineers, The Tennessee Valley Authority, or any other agency of the Federal Government, or of the State of Tennessee, under the authority of the "State Rural Electrification Authority Law," the same being Sections 65-2301 through 65-2323, Tennessee Code Annotated, or the Tennessee Rural Electrification Authority, when and if organized by authority of Sections 65-2301 through 65-2323, Tennessee Code Annotated, provided, however, that the funds or portions thereof, so appropriated, shall be paid out only upon a voucher approved by the member of the Board of Directors appointed by the Governor under the terms of this Act and subject to the approval of the Governor.

**SECTION 10.** That if any clause, sentence, paragraph, section, or any part of this Act shall be held or declared to be unconstitutional and void, it shall not affect the remaining part or parts of this Act, it being hereby declared to be the legislative intent to have passed the remainder of this Act notwithstanding the part held to be invalid, if any.

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

Passed: May 25, 1967.

## Repeal of Obsolete Acts

### Private Acts of 1979 Chapter 81

**SECTION 1.** The following Private Acts applicable to and affecting Obion County solely and alone be, and the same are hereby repealed: Chapter 161, Private Acts of 1929, which set the compensation of the Board of Equalization; Chapter 824, Private Acts of 1929, relative to the offense of poultry stealing;

Chapter 779, Private Acts of 1933, which set the annual salary of the County Register; Chapter 780, Private Acts of 1933, which set the annual salary of the Sheriff; Chapter 781, Private Acts of 1933, which set the yearly compensation of the Circuit Court Clerk of Obion County; Chapter 782, Private Acts of 1933, regulating the annual salary of the Clerk and Master of Obion County; Chapter 783, Private Acts of 1933, regulating the salary of the County Trustee; Chapter 785, Private Acts of 1933, which fixed the salary of the County Court Clerk; Chapter 6, Private Acts of 1937 (Ex. Sess.) which amended the Budget System Act, Chapter 528, Private Acts of 1937, which established a Budget System Act.

**SECTION 2.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Board of County Commissioners of Obion County before September 1, 1979. Its approval or disapproval shall be proclaimed by the presiding officer of the Board of County Commissioners and certified by him to the Secretary of State.

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

Passed: April 19, 1979.

## Transfer of Armory

### Public Acts of 1965 Chapter 46

**COMPILER'S NOTE:** This is a Public Act that does not appear in Tennessee Code Annotated.

WHEREAS, The old Armory of the State located on West Main Street in the Town of Union City, Obion County, Tennessee, is no longer needed and required for the purposes for which it was erected and has been superseded by a new and larger State Armory in said City and County; and

WHEREAS, The land upon which the old Armory is located was originally paid for by Obion County and the City of Union City and given to the State; and

WHEREAS, Obion County and Union City are willing and desirous of acquiring the same for public uses and the general benefit and welfare of the inhabitants thereof, including, among others, the conduct of a County Fair by and through a general Fair Association or otherwise; and

WHEREAS, The State will save the expense and cost of maintaining the old Armory by disposing of the same; now, therefore,

**SECTION 1.** That the State divest itself of the property heretofore and now known as the "Armory" on West Main Street in Union City, Tennessee, and convey the same to Obion County and the City of Union City as tenants in common.

**SECTION 2.** That the Governor of the State of Tennessee and the Attorney General of the State be and they are hereby authorized, empowered and directed to execute and deliver on behalf of the State to said County and City, in consideration of the premises and a nominal consideration of Five and no/100 Dollars (\$5.00) a deed of conveyance to said old Armory and the land upon which it is located presently described as follows, to wit: Being in three (3) tracts or lots bounded on the north by the property of the City of Union City; on the south by West Main Street; on the east by Sam Davis and Tennessee Gas Company; and on the west by the City of Union City and James W. Wilson and more particularly described as follows:

"Lot #1 - Beginning at a stake 50 feet west of the southwest corner of the Dr. O. B. Neely property where the said Neely conducts an animal clinic, an in the north line of West Main Street; runs thence west with the north boundary line of West Main Street 49 feet, more or less, to a stake in the east margin of a 20 foot alley; thence north with the east line said alley 112 feet, more or less, to a stake in the south boundary line of the baseball park known as Turner Field and owned by the town of Union City; thence east with the south margin of said Turner Field and the property of the Tennessee Gas Company 49 feet, more or less, to an iron stake; thence south with the west line of M. R. Powell property 112 feet, more or less, to the point of beginning.

"Lot #2 - Beginning at a stake in the north margin of West Main Street at a point where it intersects with the west line of a 20 foot alley, being 119 feet west of the southwest corner of the above mentioned O. B. Neely animal clinic property; runs thence west with the north margin of West Main Street 19 feet to a stake; thence north 112 feet, more or less, to the south line of Turner Field; thence east with the south line of Turner Field 19 feet to a stake in the west margin of said 20 foot alley; thence south 112 feet more or less, to the point of beginning.

Easement

Also an easement to light and air in, to and over a strip of land fronting five (5) feet on West Main Street and running back between parallel lines 112 feet, more or less, to the south line of Turner Field, and being a strip five (5) feet wide off of the west side of the original lot of which Lot #2 is a part. The purpose of this easement is to secure to the State of Tennessee an easement to light and air over said five foot strip of land and also to be kept open by us in order to afford us and our successors in title light and air, since it is the purpose of the State of Tennessee to construct an Armory upon the property herein conveyed, as well as upon other property to be acquired from the Corporation of Union City and the Tennessee Gas Company. Now, as a further consideration for this conveyance, in the construction of said Armory, the south wall thereof shall be not less than fifteen (15) feet from the north margin of the sidewalk as the same now exists, to the end that the line of said Armory building will be in line with the structures on the property which we now own, and lying adjacent to the property herein conveyed, and just west of the five foot strip of land above referred to. Should we or our successors in title hereafter alter the present structures, or build any structures on the property west of the property herein conveyed extending to the north margin of the street or side-walk line, then in that event the same right is hereby granted and given to the State of Tennessee and its successors in title. In other words, the State of Tennessee shall have the right to build as near to the side-walk line as we, or our successors in title, shall build.

"Lot #3 - Beginning in the most southern southeast corner of Turner Field at a rock fence in M. R. Powell's north line, running thence east with Powell's north line 36 feet to an iron stake, thence north 57.25 feet to a rock fence, the same being in the east line of Turner Field, thence in a southwesterly direction with said rock fence and along the east boundary line of Turner Field 67.63 feet to the point of beginning." Said Lots #1 and #2 being the same property conveyed to the State of Tennessee by Marshall R. Powell, et al. by deed of record in deed book 10-W, Page 195, Register's Office of Obion County and Lot #3 being the same property conveyed to the State of Tennessee by the Tennessee Gas Company by deed of record in deed book 10-W, page 286, Register's Office of Obion County, Tennessee.

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

Passed: February 16, 1965.

## Administration - Historical Notes

### **Budget System**

The following acts once created a budgeting system for Obion County, but they have been specifically repealed or superseded by current law. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1929, Chapter 372, created a County Finance and Budget Commission for Obion County, composed of three members with the County Judge or Chairman as the Chairman. The Act named Hugh Smith, Pres Shores and H. L. Hassel as the first Commission who were to serve until their successors were elected in August, 1930, for a four year term. County Court members were declared ineligible as were county residents of less than two years. The Commission would meet on the first Monday in April each year to investigate the financial needs of the County for the current year, to prepare a budget, and to compute the necessary tax levies. The Commission was obligated to investigate the indebtedness of the County and no evidence of county indebtedness would be valid unless it bore the signature of a majority of the Commission. They could employ an attorney to recover county funds but his compensation could not exceed 15% of the recovery. The County Court would consider the proposed budget and tax rate at its July Term. The tax rate must be fixed strictly in conformity with the recommendations of the Commission, subject to the listed exceptions. Commission members, except the Chairman, would receive compensation of \$7.50 per day for each day of service rendered, not exceeding 18 days in a year. This Act was repealed by Private Acts of 1931, Chapter 228.
2. Private Acts of 1929, Chapter 677, amended Private Acts of 1929, Chapter 372, by deleting Pres Shores and substituting therefore the name of J. C. McRee as a member of the first Finance and Budget Commission. This Act was repealed by Private Acts of 1931, Chapter 228.
3. Private Acts of 1937, Chapter 528, established a budget system for Obion County which set up a fiscal year for all divisions of the County government, making it the responsibility of each department head to file budget requests with the County Clerk setting out in detail the estimate for the ensuing fiscal year's expenditures and expected revenue, if any, which would be reviewed and modified, when necessary, by a five member Budget Commission selected by the County Legislative Body. The Act promulgates guidelines and procedures for the further consideration of the Budget leading to its adoption, and subsequent to its adoption the regulations under which the funds will be expended and records of such expenditure kept. This Act was repealed by Private Act

of 1979, Chapter 81.

4. Private Act of 1937 (Ex. Sess.), Chapter 6, amended Private Acts of 1937, Chapter 528, by removing the County Workhouse and Poorhouse Commission from being subject to the provisions of the County Budget System. This Act was repealed by Private Acts of 1979, Chapter 81.
5. Private Acts of 1943, Chapter 210, amended Private Acts of 1937, Chapter 528, to allow the investment of budget allotments under some specified circumstances in U.S. bonds by the Obion County Quarterly Court.
6. Private Acts of 1979, Chapter 80, which established a financial management system for Obion County, was found unconstitutional by the Chancery Court of Obion County, Civil Action 9121, Filed March 3, 1980.

### **County Attorney**

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

1. Private Acts of 1967-68, Chapter 297, would have created the office of County Attorney for Obion County who would be appointed by the County Judge, take the oath prescribed in the Act, and discharge the duties enumerated in the statute, records of all of which would be entered upon the minutes of the Court. His regular salary would be not less than \$50 per month plus extra compensation for unusual work loads. This Act was never acted on by the local legislative authorities and therefore never became a law under the requirements of the Home Rule Amendment to the Tennessee Constitution.

### **County Clerk**

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

1. Acts of 1859-60, Chapter 111, Section 4, authorized the County Court Clerk of Obion County to appoint a Deputy Clerk who must reside west of Reelfoot Lake and who would have powers similar to the Clerk.
2. Private Act of 1931, Chapter 44, stated in the preamble that R. H. Bond was elected County Court Clerk of Obion County in 1918 and served until 1926, during which time public laws were passed which required the County Court Clerk to petition the Chancellor in the employment of clerical assistants. Due to a misunderstanding of the law, Bond failed to file the required petition and employed assistants on his own initiative. A suit was filed and prosecuted against him to a final judgment which Bond paid from his personal funds. This Act authorized the Quarterly County Court to refund to Bond any amount of the judgment which they might consider right and proper in the case to reimburse him.
3. Private Acts of 1931 (Ex. Sess.), Chapter 3, was the authority for the County Court Clerk of Obion County to appoint a Deputy Clerk who must take an oath and execute a performance bond whereupon the Deputy Clerk would be empowered to do all things the Clerk could do. The Deputy's annual salary would be \$1500, payable out of the excess fees of the office but, should the fees be insufficient to pay him, the County must pay the difference out of the County general fund.
4. Private Acts of 1933, Chapter 785, provided that the annual salary of the County Court Clerk could not exceed \$3500 in any one year of the term and would only be paid out of the fees of the office but this Act was not to be construed as modifying the special compensation due him as a Trustee or a Receiver. This Act was repealed by Private Acts of 1979, Chapter 81.

### **County Mayor**

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

1. Acts of 1855-56, Chapter 253, created the office of County Judge for every county in the State. The County Judge must be learned in the law and would be elected for four year terms by popular vote. Quorum Courts were abolished in those counties where they existed and their duties were assigned to the County Judge, who would hold the regular sessions of the court on the first Monday in each month. The County Judge would preside over the Quarterly Court in place of its Chairman whose duties he would assume. The jurisdiction, powers, and authority of the Court and Judge were enumerated and the salary set at \$5 per day while the court was sitting either as a monthly, or quarterly, court. This Act was repealed by Acts of 1857-58, Chapter 5.

2. Acts of 1867-68, Chapter 30, Section 15, created the office of County Judge for Obion County who would be paid \$500 annually. The County Judge would be financial agent for the County and was given all the powers and privileges held by the County Judges of Perry and Decatur counties. This Act was repealed, as to Obion County, by Acts of 1868-69, Chapter 24, Section 4.
3. Acts of 1891, Chapter 136, established the office of County Judge, specified a term of four years with a popular election and transferred jurisdiction formerly exercised by the Chairman of the County Court to the County Judge. This Act was superseded by Chapter 934 of the Public Acts of 1978 which abolished the office of county judge, transferred the judicial duties of the County Judge to other courts, and transferred the administrative duties of the County Judge to the new office of County Executive.
4. Acts of 1905, Chapter 290, amended Acts of 1891, Chapter 136, to give the County Judge the power and the authority to grant fiats, writs of attachment, injunctions, and all the other extraordinary writs which could then be issued by Circuit Court Judges and Chancellors.
5. Private Acts of 1921, Chapter 381, also amended Acts of 1891, Chapter 136, to confer upon the County Judge of Obion County, concurrent jurisdiction with the Chancellor and Circuit Judge, to grant writs of attachment, injunction, certiorari and supersedeas, and all the other extraordinary writs and process, and concurrent jurisdiction with all the other Judges to hear petitions of habeas corpus, and to grant remedies pursuant thereto.
6. Private Acts of 1945, Chapter 234, amended Acts of 1891, Chapter 136, by making the County Judge the ex-officio Purchasing Agent for the County. He would receive additional compensation of \$1,300 per annum for these duties. This Act was repealed by Private Acts of 1979, Chapter 82.
7. Private Acts of 1945, Chapter 235, amended Acts of 1891, Chapter 136, by making the County Judge the ex-officio Director of the Budget. For this additional responsibility, the County Judge would receive \$1,300 per annum as additional compensation. This Act was repealed by Private Acts of 1979, Chapter 82.
8. Private Acts of 1947, Chapter 312, amended Private Acts of 1945, Chapter 234, by increasing the annual compensation of the Obion County Judge from \$1,300 to \$2,000. This Act was repealed by Private Acts of 1979, Chapter 82.
9. Private Acts of 1947, Chapter 313, amended Private Acts of 1945, Chapter 235, by increasing the annual compensation paid to the County Judge for being the Director of the Budget from \$1,300 to \$2,000. This Act was repealed by Private Acts of 1979, Chapter 82, Page 371.
10. Private Acts of 1957, Chapter 108, amended Private Acts of 1945, Chapter 234, by adding a provision that the County Court could exclude any department of the Obion County government from the requirement of having to purchase items through the County Judge so that the Department could purchase its own supplies. The Act states, however, that it would not be presented to the Quarterly County Court for its consideration, and, that being the case, this Act never became effective in Obion County under the provisions of the Home Rule Amendment to the State Constitution.
11. Private Acts of 1979, Chapter 82, amended Private Acts of 1891, Chapter 136, as amended, to provide that the County Judge's compensation would be the same as those provided by the general law.

### **County Legislative Body**

The following acts once applied to the quarterly court or the county legislative body of Obion 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, Section 3, specified that the Court of Pleas and Quarter Sessions of Obion County would meet on the third Monday in January, April, July, and October.
2. Acts of 1824 (Ex. Sess.), Chapter 53, stated that the Quarterly County Courts of Weakley, Obion, Dyer, and McNairy Counties were authorized to adjourn to other suitable places in their respective counties as would best suit their convenience, if a majority of the Justices were present and in agreement on the matter. They were also authorized to adjourn to their county towns when they were ready to receive them.
3. Acts of 1824 (Ex. Sess.), Chapter 102, Section 2, directed that the Quarterly County Court of Obion County meet on the third Monday in January, April, July, and October.
4. Acts of 1825, Chapter 318, Section 3, rearranged the schedule of terms for the Obion County Quarterly Court so that they would hereafter convene on the first Monday in January, April, July, and October.



5. Acts of 1826, Chapter 179, legalized and confirmed all the official acts of William Tyrrell, a Justice of the Peace of Obion County, in the same manner as if he had lived in the said county.
6. Acts of 1829, Chapter 20, was the enabling legislation for the Quarterly Courts of the counties of Carroll, Gibson, Dyer, Knox, Anderson, Obion, and Henderson, a majority of the Justices being present and voting, at their first term of the year, to select three of their number to be a Quorum Court for a term of one year, at a per diem rate of pay of \$1.50 for which they could levy a tax of \$1 on each lawsuit filed in the county. If the litigation tax failed to produce enough money to pay the per diem, then a general tax could be levied to provide the funds.
7. Acts of 1829, Chapter 102, Section 3, re-scheduled the holding of the Quarterly Courts in Obion and Dyer Counties. In Obion County the Court would meet on the fourth Monday in June, September, and December.
8. Acts of 1831, Chapter 52, amended Acts of 1829, Chapter 102, by stipulating that the Quarterly Court of Obion County would meet on the first Monday in January, April, July, and October. All process to be made to conform to the change in dates.
9. Acts of 1835-36, Chapter 6, set up a County Court in every County which would meet on the first Monday in every month and stay in session until the business of the Court was completed. Three Justices selected by the Court would hear cases on the probate of wills and related matters of the administration of estates but could conduct no jury trials. The Justices would elect a Chairman for a one year term to preside over the Court. The Justices, however, could select 25 jurors, one from each civil district, if that many, or could choose 37, if that were more convenient. A tax could be levied, if necessary, to meet the funding requirements of the County.
10. Acts of 1859-60, Chapter 111, authorized and required the Quarterly County Court of Obion County to appoint a committee of three citizens who lived west of Reelfoot Lake to draft the plans suitable for a court house and a jail which they could also enter into a contract to build on the previously selected and approved site.
11. Acts of 1905, Chapter 494, divided Obion County into nine divisions, composed of whole Civil Districts, from which one Justice of the Peace would be selected by the Quarterly Court for a term of six years. The Quarterly Court would handle all business which could not be lawfully done by the County Judge at its sessions held on the first Monday of January, April, July and October. This Act was repealed by Acts of 1907, Chapter 99.
12. Private Acts of 1920 (Ex. Sess.), Chapter 76, provided that the Justices of the Peace shall be entitled to receive \$3 daily for their attendance at the meetings of the Quarterly County Court, plus the mileage allowed under the law.
13. Private Acts of 1957, Chapter 338, stated that the Justices of the Peace in Obion County would be paid \$8 per day for attendance at the meetings of the Quarterly County Court and mileage at the rate of five cents per mile if they lived more than five miles from the court house. Mileage payments were limited to two days per term. This act was never presented to the Court for their approval or rejection and consequently never became effective under the Home Rule Amendment to the State Constitution.
14. Private Acts of 1965, Chapter 18, authorized compensation of Justices of the Peace for Obion County of \$60 per year, payable in equal quarterly installments.

### **County Register**

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

1. Acts of 1913, Chapter 3, authorized the County Register in Obion County to appoint two or more, Deputy Registers, and declared that unmarried females over 21 years of age were eligible for appointment to the positions while they were single with all the rights, duties, and privileges enjoyed by other Deputy Registers. If the female appointee should marry, she would forfeit her office immediately and be disqualified from performing any of her official duties.
2. Private Acts of 1931 (2nd Ex. Sess.), Chapter 2, mentions Registrars in the text, but obviously intends the Act to relate to Registers. This Act allows the appointment of a Deputy Register who, upon making bond, would be authorized and empowered to do and perform all duties imposed upon the Register. The salary specified was \$900 annually, payable out of the excess fees of the Register's office, but, should the fees be insufficient to pay that amount, the County was charged to make up the difference in the pay.
3. Private Acts of 1933, Chapter 779, declared that the Registers of Deeds in Obion County were not entitled to receive any more for their services than \$2500, during any one year of their term

which would be payable out of the fees of that office but this Act was not to be construed as modifying in any manner the terms of Section 10728 through 10747, Tennessee Code. This Act was repealed by Private Acts of 1979, Chapter 81.

### **County Trustee**

The following act once affected the office of county trustee in Obion County, but is no longer operative. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1933, Chapter 783, stated that the Trustee of Obion County would not be entitled to receive more than \$3,500 annual compensation during any one year of his term; the same to be paid out of the fees of the office, and this act was not to be construed as modifying Sections 10728 to 10747 of the Tennessee Code, and was not to interfere with any compensation due the Trustee for special services such as Receiver or Trustee. This Act was repealed by Private Acts of 1979, Chapter 81.

### **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.

### **Flood Control - Drainage**

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

1. Acts of 1851-52, Chapter 247, authorized the Trustees of Weakley and Obion Counties to withdraw from the Trenton branch of the Bank of Tennessee the unexpended balance of the fund appropriated for the improvement of the Obion rivers within the limits of said counties. The County Court could expend these monies on the improvement or construction of roads, bridges, causeways or public buildings.
2. Acts of 1911, Chapter 528, granted the consent and permission of the State to any reclamation, drainage, or improvement district to make any changes and alterations in the channels of Obion River and its tributaries in Obion County for the purpose of reclaiming the lowlands and lands subject to flooding.

### **General Reference**

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

1. Acts of 1823, Chapter 206, appointed Abram Maury, William Hall, James Fentress, and Benjamin Reynolds as Commissioners to select a site for the permanent seat of Justice in the Counties of Weakley, Gibson, McNairy, Dyer, Hardeman, Obion, Tipton, and Haywood, the said seat of justice to be as near the center of the County as possible, and authorizing fifty acres to be bought and deeded to the Commissioners on which the County seat was to be developed.
2. Acts of 1824, Chapter 32, appointed Robert Jetton as a Commissioner to take the place of Abram Maury and William Hall, named in Acts of 1823, Chapter 206, who declined to serve as Commissioners to establish the permanent County seat for several counties in West Tennessee, including Obion. Jetton would have and could exercise the same powers as those granted to the original commissioners.
3. Acts of 1824, Chapter 132, Section 3, averred that the Commissioners appointed by the Quarterly County Courts of Gibson, Dyer, Hardeman, Tipton, Fayette, Weakley, Obion, and McNairy counties to lay off and sell the lots in the various county towns, should have and exercise all the powers given to those charged with laying out the county town of Brownsville in Haywood County. The

County town in Obion County would be named Troy.

4. Acts of 1827, Chapter 12, set up a Treasury Department for the Western District which would include the Counties of Shelby, Fayette, Hardeman, McNairy, Hardin, Perry, Henderson, Carroll, Henry, Weakley, Obion, Dyer, Tipton, Madison, Haywood, and Gibson. The Treasurer for the Western District would be appointed by both Houses of the General Assembly and have an office in Jackson in Madison County to which the tax money collected in the above referenced Counties would be brought instead of being taken to Nashville.
5. Acts of 1832 (Ex. Sess.), Chapter 14, authorized the Counties of Henry, Carroll, Gibson, Weakley, Obion, and Dyer at any meeting of their respective Quarterly Courts to appoint a Board of Commissioners of Internal Improvement for their Counties.
6. Acts of 1833, Chapter 34, established the Planters Bank of Tennessee at Nashville. In Obion County stock subscriptions would be taken in the City of Troy, and the Supervisors named in the Act were Benjamin Totten, James H. Davis, Andrew Harris, and John B. Hubbard.
7. Acts of 1837-38, Chapter 229, named Henry J. P. Westbrook, James Harper, James M. Hunter, who were all residents of Obion County, and others, who were named, from Weakley County, Gibson County, Dyer County, and Carroll County, all of whom were to compose a Board of Internal Improvement for their combined Counties to improve navigation on the Obion River. The Board would receive a portion of the proceeds of a \$100,000 state bond issue.
8. Acts of 1842 (Ex. Sess.), Chapter 4, appointed various Commissioners to oversee the improvements being made on several West Tennessee rivers. Hiram Partee, Alfred Gardner, Abner Boyd, George W. Merriwether, and Joseph T. Dudley, were appointed a Board of Commissioners to superintend the improvement of navigation on the Obion River.
9. Acts of 1845-46, Chapter 130, Section 9, made it the duty and responsibility of the Board of Commissioners for the improvement of the navigation on the Obion River to examine the lock built by M. L. Lockridge on the north fork of the Obion River, and to draw a check in the amount of \$200 on the State Bank at Trenton for the compensation of Lockridge, if the lock is satisfactory.
10. Acts of 1847-48, Chapter 192, provided that the Counties of Obion and Henderson would each have a Director in the Branch of the Bank of Tennessee located at Trenton in Gibson County.
11. Acts of 1853-54, Chapter 173, repealed all laws declaring the Rutherford's fork of Obion River to be navigable above A. Keatley's mill and which required Keatley and other owning mills above that point to keep in good repair all the locks and dams situated in the river.
12. Acts of 1857-58, Chapter 168, Section 2, required the Secretary of State of Tennessee to furnish two additional copies of the Acts of the present session and of the Tennessee Revised Code to Obion County.
13. Acts of 1866-67, Resolution No. 73, stated that certain murders and outrages had been committed in Obion County believed to be an attempt to drive out the "Radical Union Men" of the County. This resolution directed that a special committee be appointed to investigate and report back to the General Assembly.
14. Acts of 1869-70, Chapter 51, required that the Revenue Collector of Obion County should also make his report for the non-payment of taxes to the Circuit Court Clerk at Troy.
15. Acts of 1889, Chapter 3, stated that the county seat of Obion County could be removed from Troy to Union City, provided that a majority of the people vote affirmatively for the move.
16. Acts of 1897, Chapter 124, set the salary for county officials according to the population of the County in which they held office. All officials would be deprived of their fees which would be paid over to the County and a sworn, itemized statement must be filed with the County Judge, or chairman, each month accounting for the fees collected in the office. This Act was declared unconstitutional in *Weaver v. Davidson County*, 104 Tn. 315, 59 S.W. 1105 (1900).
17. Private Acts of 1915, Chapter 53, was the authority for the Quarterly County Court of Obion County to adopt a Resolution to contract with the Bank making the highest and best bid to pay interest on the monthly balances on deposit therein, said bid to be contained in a sealed envelope only to be opened in open Court. The County Trustee was then authorized to deposit County funds therein.
18. Private Acts of 1917, Chapter 453, permitted the Quarterly County Court of Obion County to provide for an audit of the books and accounts of the various county officials entrusted with County funds. The Court must appoint from among its members a three man finance committee who would audit the said books in July and August, 1918, and every two years thereafter. The committee could employ an expert accountant to audit the books of the officials, and, should

- anyone come up short, he and his bondsman would pay the expense of the audit.
19. Private Acts of 1917, Chapter 454, amended Private Acts of 1915, Chapter 53, Section 6, by requiring the Trustee to credit the County general fund with any interest earned on the deposit of County funds in the Bank, rather than credit it to the fund specifically on deposit.
  20. Private Acts of 1923, Chapter 103, provided that the Quarterly County Court of Obion County could borrow money evidenced by the time warrants of the County, with legal interest, signed by the County Judge, or the Chairman, and the County Court Clerk, to pay any current indebtedness, or expenses when the County funds in the treasury were not sufficient to meet and pay the same. The warrants would be made due and payable out of tax funds. This Act was tested in the Courts and found to be Constitutional, in the case of the Nashville, Chattanooga and St. Louis R.R. v Obion County, 162 Tenn. 604, 39 SW2d 747 (1931).
  21. Private Acts of 1929, Chapter 161, provided for the salary of each member of the County Board of Equalizers in Obion County to be \$4 per day but not for more than 15 days in any year. This was repealed by Private Acts of 1979, Chapter 81.
  22. Private Acts of 1931, Chapter 260, was the authority for Obion County to expend up to \$60,000 of the funds received from the Department of Highways and Public Works under the State Reimbursement Act which would be used to remodel and repair the County Court house. This Act was repealed by Private Acts of 1933, Chapter 107.
  23. Private Acts of 1935, Chapter 348, erased all the disabilities of infancy from Miss Ruth Lynn Hassell, of Obion County, which action would allow her to conduct business as an adult, to execute warranty deeds and deeds of trust and to receive all moneys which may be due her in Probate Court.
  24. Private Acts of 1937, Chapter 335, removed all the disabilities of his minority from Marvin D. Miller, son of D. M. Miller.
  25. Private Acts of 1937, Chapter 363, made an adult in a legal sense out of Joseph A. Wood, of Obion County, by removing the infirmities of his minority thus rendering him competent and legally responsible for all the actions taken in business and personal transactions.
  26. Private Acts of 1951, Chapter 144, authorized the County Judge of Obion County to appoint a Committee of four citizens to administer and control the Tom Stewart Airport in the County. The County Judge would chair the Committee whose appointed members would serve ten years. Any vacancy occurring would be filled by the County Judge. Among the powers vested in the Committee were the authority to supervise and manage the Airport, to lease to the United States Government, or to any Agency thereof, or to any other person, firm, or corporation, upon such terms as may be agreed upon, all the buildings, lands, or improvements located on the Airport. This Act was repealed by Private Acts of 1953, Chapter 400.
  27. Private Acts of 1975, Chapter 100, provided that any person building a new structure or remodeling an existing one in Obion County was required to obtain a building permit which would be issued by the Tax Assessor without a charge. Violators could be fined \$10. This Act was rejected by the Quarterly Court of Obion County and never became an effective law.

## Chapter II - Animals and Fish

### Animals and Fish - Historical Notes

The following is a listing of acts that at one time affected, but no longer appear to have any effect on, hunting, fishing or animal control in Obion County. They are included herein for reference purposes.

1. Acts of 1877, Chapter 145, stated that it would be unlawful for any person other than citizens of Obion County and Lake County to hunt, fish, or kill fowls on Reelfoot Lake for profit, but all citizens of Tennessee could hunt, fish, and kill fowls on the said Lake for their own use. Fines for violation of this law ran from \$50 for the first offense to \$100 for each subsequent offense which were recoverable before any Justice of the Peace, one-half going to the person suing, and one-half going to the County Trustee. The Magistrate was also vested with the authority to commit to jail offenders who could not pay the fine.
2. Acts of 1881, Chapter 135, provided that the terms and conditions of an act to encourage the raising of blooded stock in McNairy County, the same being Acts of 1877, Chapter 99, should also apply to Obion County, together with all the privileges and immunities granted therein to the McNairy County Agricultural and Mechanical Society would likewise be given to the Southwest

Kentucky and West Tennessee Agricultural and Mechanical Society, at Union City.

3. Acts of 1887, Chapter 153, repealed portions of the Code of Tennessee, as those Sections were applied to Obion County and 37 other Counties so as to allow the catching of fish with a seine in the counties listed but the prohibition against the use of explosives and poisons to catch fish was continued in full force and effect.
4. Acts of 1893, Chapter 43, made it unlawful for any person to place or to keep any fish trap, or fish dam, across any running stream in the counties of Gibson, Obion, Weakley, Carroll, and Montgomery which would prevent the free passage of fish up and down the streams. The penalties were set at no less than \$25 nor more than \$50 for each offense.
5. Acts of 1897, Chapter 183, exempted Obion County from the terms and provisions of Acts of 1895, Chapter 127, a statewide fish law, insofar as that Act prohibited the catching of fish in the ponds, lakes, or streams of the County with nets and traps, provided, however, the nets and traps were not used in such a way as to prevent the free passage of fish up and down the streams.
6. Acts of 1897, Chapter 250, declared it to be contrary to the law for any person or persons to ship from Crockett County, Carroll County, Obion County, or Madison County, any quail or partridges at any season of the year, or kill, catch, or trap any for the purpose of shipment, or which would be carried out of the County in any manner. Fines for violations ranged from \$10 to \$50 while imprisonment terms were placed within the discretion of the Judge.
7. Acts of 1899, Chapter 289, stated that hereafter until the 15th Day of November, 1900, it would be a misdemeanor for any person or persons to kill, or trap, any quail in Obion County. To do so involved the risk of being fined from \$10 to \$50 for each conviction.
8. Acts of 1903, Chapter 128, pronounced it to be illegal for any person to kill or capture any bird in Obion County or Crockett County, except birds of prey, eagles, owls, hawks, and English sparrows, for a period of two years after the passage of this Act. Fines for violations of this act went from \$1 minimum to \$10 maximum for each bird killed or captured, the money to be placed in the education fund.
9. Acts of 1903, Chapter 490, rendered it unlawful for any person to obstruct the free passage of fish in going up or down any running stream, or body of water in Obion County by means of any net, dam, rack, or otherwise. Fines for offenders could be no less than \$10 which money would go to the Trustee to be placed into the common school fund.
10. Acts of 1913, Chapter 63, constituted a stock law for Obion County, making it unlawful for live stock, such as cattle, horses, mules, jacks, jennets, hogs, sheep, and goats, to run at large in Obion County. Any owner, or custodian, who permits the running at large could be fined from \$2 to \$5, and was further declared to be liable in any civil action for damages which might be occasioned thereby, which would constitute a lien on the trespassing animals themselves. The damaged party could take up the animals and care for them and then add this expense to the amount of his damages for which he had a lien. This Act was not to be construed as affecting the liability of any railroad for the killing of or injury to livestock.
11. Private Acts of 1917, Chapter 422, stated that for the next two years immediately following the passage of this Act, it would be against the law to hunt, kill, capture, trap, or destroy in Obion County, any game bird, song bird, or bird of any description, other than hawks, owls, and buzzards, or English sparrows; but, there shall be an open season on doves from August 15 to September 15, and one on quail from December 1 to January 1, and the open season on migratory birds shall be the same as those established under Federal Regulations. Violators could be fined from \$5 to \$20 for each offense.
12. Private Acts of 1919, Chapter 360, amended Private Acts of 1917, Chapter 422, by changing the open season on quail from December 1 to January 1, to November 15 until January 15, and, further, making the open season on doves run from July 15 until September 15 instead of from August 15 until September 15.
13. Private Acts of 1919, Chapter 727, made it lawful for any person to hunt or kill rabbits in the Civil District in which they reside without first obtaining a license when local and general game laws have otherwise been complied with.
14. Private Acts of 1937, Chapter 333, authorized and directed the State Board of Veterinary Examiners to issue to Raymond E. Wood of Obion County a license to practice veterinary medicine in Obion County's confines.
15. Private Acts of 1945, Chapter 486, recited that Ernest C. Gwaltney took a correspondence course in veterinary medicine and has practiced that profession for over 20 years, that Gwaltney is over 21 years of age, and a person of good moral character, and that veterinary medicine and surgery

is sorely needed in Obion County. Therefore, by this Act, the said Ernest C. Gwaltney is authorized and licensed to practice veterinary surgery and medicine and to treat diseases of domestic animals within the confines of Obion County. The official Boards of the State of Tennessee shall recognize Gwaltney as such, and upon the payment of the proper charge therefor, shall issue him a license.

## Chapter III - Bond Issues

### Bond Issues - Historical Notes

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

#### **Courthouse**

1. Private Acts of 1935, Chapter 671, was the authority for the Obion County Quarterly Court to issue up to \$200,000 in bonds to build or repair the county court house and to build other public buildings on the county's farm to be used in the care of charities. The Act established a seven member Planning Commission, three of whom were to come from the county court, two from the Bar, and two from the citizens of the County, who would formulate all the plans for the buildings. The execution of this Act depended upon the approval of a majority of the populace voting in a referendum on the bond issuance. In the event the first election failed, the issue could be revived after six months has passed.

#### **Debts**

1. Private Acts of 1919, Chapter 116, allowed a coupon bond issue by the Quarterly Court of Obion County of up to \$50,000, at an interest rate of 5%, or less, which would mature over a period not to exceed 10 years, the proceeds of which were to be used to pay the outstanding debts of the county which were evidenced by warrants due and unpaid at the time these bonds were issued. The County Trustee would keep these funds in a separate account and pay the lawful debts as demand was made. The County Judge was obligated to keep full records of all pertinent transactions. Provision was made for a tax levy to amortize the bond issue.
2. Private Acts of 1923, Chapter 103, provided that the Quarterly County Court of Obion County could borrow money evidenced by the time warrants of the County, with the legal interest, signed by the County Judge, or the Chairman, and the County Court Clerk, to pay any current indebtedness, or expenses when the County funds in the treasury were not sufficient to meet and pay the same. The warrants would be made due and payable out of tax funds.
3. Private Acts of 1927, Chapter 762, permitted the Obion County Quarterly Court to issue \$300,000 in bonds, at an interest rate of no more than 5%, and upon a maturity schedule limited to 30 years, or less, to pay the floating and outstanding indebtedness of the county, and to construct, gravel, or hand surface public roads as the court might designate the same. The bonds could be issued in whole or in part as the Quarterly Court saw fit. The essential details, including the form of the bond were incorporated into the Act, which also mandated the Quarterly Court to levy a tax rate sufficient to amortize the bonds according to the details stipulated. The Trustee was charged to handle the funds, \$100,000 going to pay debts, and the remainder for roads as the court directed. all the above was dependent upon the successful outcome of a referendum, whose results were to be certified to the Quarterly Court. After six months, a petition signed by 50 voters could renew the question if it failed initially.
4. Private Acts of 1927, Chapter 816, was the enabling legislation for the Obion Quarterly Court to issue no more than \$100,000 in interest bearing coupon notes to pay off and liquidate outstanding debts. The interest rate could not exceed 6%, nor the date of maturity be longer than 20 years. All the essential details of a valid issue were contained in the Act, and a tax rate for the sinking fund was mandated to amortize these notes which were also declared to be exempt from taxation.
5. Private Acts of 1931 (2nd Ex. Sess.), Chapter 92, allowed the Obion County Court to issue up to \$100,000 in 6%, or less, bonds, maturity over a period of time not to exceed 20 years, which funds were to be used to pay the lawful debts of the county then due and unpaid to be evidenced by proper warrant which the Trustee would cancel in the presence of the County Judge, when the same were paid. All the routine requirements and language of a lawful bond issue were in the Act.
6. Private Acts of 1937, Chapter 115, validated and legalized the prior action of the Obion Quarterly Court taken in connection with the issuance of \$20,000 in bonds to fund and pay off the floating

indebtedness of the County. The bonds had in interest rate of 2¼% and were payable semi-annually over a period of ten years. The Act ratified prior proceedings and further required a tax levy for the sinking fund to repay these bonds as they became due.

### **Railroads**

1. Acts of 1869-70, Chapter 55, authorized the Obion County Quarterly Court to issue up to \$400,000 in bonds for railroad purposes at a maturity schedule not to exceed 20 years, and whose interest rate must be the legal rate or less. These funds could be used to purchase stock in the Railroad according to the pro rata share of the railroad tract miles located in Obion County. The Quarterly Court could fix the details and set up conditions by Resolution but, once issued, the tax rate for amortizing the bonds must be levied. A referendum on the bond issue was required.

### **Roads**

1. Acts of 1903, Chapter 357, allowed the Quarterly Court to issue bonds in blocks of \$25,000, but not to exceed \$100,000 in the aggregate, as the court deemed necessary to do the work contemplated in this Act. This Act was subject to a referendum approval by a "For" or "Against" vote before becoming effective. The proceeds were to be used in locating, grading, bedding, draining and macadamizing public roads as the same might be designated by the County Court, and to build and repair bridges. The bonds could run for thirty years at a maximum allowable interest rate of 5%. They were general obligation bonds but the tax rate levy was not to be higher than 15 cents per \$100 property evaluation. A Highway Commission of three citizens would exercise general supervision over the entire project for which they could hire an engineer, contract the work out on bids, and who were obligated to inspect the work periodically. The Trustee would handle all the funds.
2. Private Acts of 1915, Chapter 332, provided that at the filing of a petition signed by 50 taxpayers an election would be held in Obion County on November 6, 1915, to ascertain the will of the people in the proposed issuance of \$800,000 in bonds for improving the lengthy list of roads designated in the Act. The bonds would bear interest at 5 per cent, or less, and mature in 30 years from the date of issuance. A 40 cent per \$100 of taxable property tax levy was mandated.
3. Private Acts of 1919, Chapter 621, was the authority for the County Court of Obion County to issue bonds up to \$100,000 to help build the "Reelfoot Lake Road." The interest rate could not exceed 5% nor the maturity schedule be longer than 20 years. These were to be general obligation bonds, tax free, and be used only for this purpose. All details and a tax levy for the sinking fund were specified in the Act.
4. Private Acts of 1925, Chapter 258, enabled the Quarterly Court to issue \$1,000,000 in 6%, 30 year bonds, in whole or in part, as they might be needed, to build, construct, improve, maintain or repair hard surfaced roads. The details and form of the bonds were set out in the Act along with the tax levy mandate and a requirement that accurate records be kept. A Board of Pike Commissioners was authorized whose qualification and duties were stipulated in the Act. A list of roads to be paved was provided. The Commissioners were to be paid such compensation as the Quarterly Court deemed reasonable. All of the provisions of this Act were conditioned upon the approval of the bond issuance by the voters in a referendum.

### **Schools**

1. Private Acts of 1925, Chapter 283, permitted the Obion County Quarterly Court to issue \$180,000 in bonds at an interest rate of no more than 5%, and to mature no longer than 25 years from the date of issue. All the details of the issue and the form of the bonds were incorporated in the Act. These general obligation bonds were to be kept in a "Special School Fund" by the Trustee and expended only under the conditions stipulated. The efficacy of the entire bond issue depended upon the approval of a majority of the voters in a referendum held for that purpose.
2. Private Acts of 1925, Chapter 559, validated, legalized, and made binding all the prior actions of the Quarterly Courts of Obion County and Campbell County concerning all interest bearing county warrants now issued, or heretofore authorized to be issued by the said County Courts for the purpose of building and repairing Elementary and High School Buildings, and furnishing the same.
3. Private Acts of 1929, Chapter 158, was the enabling law for the Obion County Quarterly Court to issue not over \$60,000 in bonds with 5% interest, or less, and to mature no later than 25 years from the date of issue, the proceeds of which were to be used to pay off and discharge the outstanding debts and obligations of the county public school system. The debts were those which were evidenced by county warrants issued before this Act and which were then due and payable. The bonds were to be the general obligation bonds of the County, the details of which were prescribed in the Act and a tax levy for the sinking fund was directed to be levied by the Court in

an amount sufficient to amortize the bonds.

4. Private Acts of 1937, Chapter 445, recited that the Quarterly Court of Obion County on April 20, 1937, had sold \$30,000 in school bonds, which were payable at the rate of \$3,000 per annum for the next ten years at an interest rate of 3%. Now, the validity of which actions some questions had been raised. This Act validated and legalized the above mentioned bonds and all the details thereof, making them a part of the general obligations of the County for which full faith and credit were pledged, and all the prior proceedings of the Court in connection with the above transactions were fully ratified and confirmed as if issued pursuant to the authority granted herein.
5. Private Acts of 1939, Chapter 11, ratified, validated, confirmed, and legalized all the prior actions taken by the Quarterly Court of Obion County in connection with the issue and sale of \$40,000 in School Building Bonds on January 2, 1939. The bonds were issued at an interest rate of 2½% and were scheduled to come due over a ten year period beginning in 1941 and ending 1950. They were classified as general obligation debts of the county which were tax exempt. Provision for a tax levy was included.

## Chapter IV - Boundaries

### Creation of the County

#### Acts of 1823 Chapter 114

**SECTION 1.** That a new county, to be called and known by the name of Obion County, be, and is hereby, established, and shall be bounded as follows: beginning on the north-west corner of a county already laid off west of Henry County, running thence south with the west line of said bounds, to the fifth sectional line in the thirteenth district; thence west with said sectional line, to the middle of the Mississippi river; thence up the main channel of said river, to the northwest corner of the state; thence east with the north boundary line of the state, to the beginning.

**SECTION 2.** That for the due administration of justice, the courts of Pleas and Quarter Sessions, and circuit courts, for said county, shall be holden at the house of William M. Wilson.

Passed: October 24, 1823.

### Change of Boundary Lines

#### Public Acts of 1869-70 Chapter 30

**SECTION 1.** That a new county be, and the same is hereby established out of that portion of Obion County which lies west of low water mark of Reel Foot Lake, which shall be called the County of Lake.

**SECTION 2.** That the County of Lake shall be bounded as follows, to-wit: Beginning at a stake at low water mark on the west bank of Reel Foot Lake, at a point where the dividing line between Kentucky and Tennessee crosses said west bank; running thence in a southern direction with the meanderings of said western bank, at low water mark, to the Dyer County line; thence west with the Dyer County line to the State line; thence with said line up the Mississippi River, in a northern direction, to an intersection with the Kentucky line; thence east with the Kentucky and Tennessee line to the beginning.

**COMPILER'S NOTE:** Sections 3 through 8 related only to Lake County. Therefore, they were omitted.

**SECTION 9.** That all officers, civil and military, now holding office in said county, shall continue to hold their offices and exercise all the powers and functions thereof, until others are elected and qualified according to this Act, and nothing in this Act contained shall deprive the county of Obion from having, exercising and holding jurisdiction over the county of Lake, and the citizens thereof, in as full and ample manner as they now have, until the election and qualification of county officers for said Lake County takes place according to this Act; Provided, That it shall be the duty of the present Tax Collector of Obion County, to pay over to the Trustee of Lake County, when elected and qualified, that portion of the county tax of Obion County, which shall have been collected by such Tax Collector within the boundaries of said Lake County for the year 1870, and said Trustee' receipt shall be a voucher to said Tax Collector on settlement with the Trustee of Obion County.

**SECTION 10.** That all offenses, misdemeanors, crimes and felonies which have been committed in said county of Obion before the passage of this Act, and which before the passage of this Act, were presentable



and indictable in and by the Circuit Court of said county of Obion, held and to be holden in the town of Troy, shall still be the subject of presentment, indictment, trial, conviction and judgment by and in said Circuit Court at Troy, in the same manner and to the same extent as if this Act had not been passed.

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

Passed: June 9, 1870

## Acts of 1870 Chapter 103

**SECTION 1.** That the boundary line between the counties of Weakley and Obion, be, and the same is hereby so changed as to run and be established as follows: The said dividing or boundary line shall run northwardly, as at present established, to a stake in the middle of the channel of the north fork of Obion river; thence up said north fork of Obion river along the middle of the channel of the same, eight miles and ten poles, to a stake in the middle of the said channel; thence northwardly four miles and fifty-one poles, to a stake in the Clinton road; thence north sixteen degrees, west two miles one hundred and eighty-eight poles, with said road to a stake in the line which separates the States of Kentucky and Tennessee; and that portion of Weakley County lying north and west of the line hereby established, is hereby detached from the county of Weakley and attached to the county of Obion, and shall hereafter form a part of said county of Obion, and shall be subject to the jurisdiction of the County Court of Obion County, and to the jurisdiction of the Common Law and Chancery Courts, at Union City, from and after the passage of this act; but the Chancery and Circuit Court of Weakley County, respectively, shall have jurisdiction to try, hear and determine all suite now pending in either of said courts, as fully in all respects as if this Act had not been passed.

**SECTION 2.** That the Revenue Collector of Weakley county shall collect the State and county taxes in that part of Weakley County which is hereby attached to Obion County, for the year 1870, and pay the same over to the same authority, and in the same manner as if this Act had not been passed; and this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: June 18, 1870.

## Acts of 1893 Chapter 173

**SECTION 1.** That the present boundary line between the counties of Lake and Obion be so changed as to read as follows: Beginning at a point in the present boundary line of said counties, on the west bank of Broad Slough, at the commencement of what is known as the Scatters, or Main Slough, draining Reelfoot Lake, at a large double leaning willow tree, marked with maple pointers twenty feet south-west of same, and an ash and three small cypress trees fifteen feet south; thence north 28 degrees east to what is known as "Willow Bar Tow-head;" thence north 31 degrees east to the head of Rag Point (an island of green cypress trees) in the lake; and thence due north to the southern point of Horse Island, intersecting again the Lake and Obion County line.

**SECTION 2.** That all of said portion of Reelfoot Lake, and all territory therein included west of the above described line, and cut off from Obion County, by said survey, be added to Lake County; and that this act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 10, 1893.

**COMPILER'S NOTE:** This Act was challenged in State v. Hoffman, 210 Tenn. 686, 362 S.W.2d 231 (1962).

## Private Acts of 1925 Chapter 548

**SECTION 1.** That Chapter 176, House Bill No. 25 of the Acts of 1897 be amended as follows by striking out all of Section One and inserting the following, "Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the following line, be and the same shall constitute the boundary line between certain portions of the Counties of Lake and Obion; Beginning at a large double leaning willow tree on the west bank of Broad Slough, it being the beginning corner of the boundary line, established by the Act of the General Assembly of the State of Tennessee of 1893; running thence in a westerly direction with the center of Dredge Ditch to a stake in the center of the "Spillway"; thence southwardly with the center of Free Bridges Dredge Ditch to the Dyer County line.

**SECTION 2.** That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 4, 1925.

**COMPILER'S NOTE:** This Act was mentioned in the case of State v. Hoffman, 210 Tenn. 686, 362 S.W.2d 231 (1962).

## Boundaries - Historical Notes

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

1. Acts of 1824, Chapter 167, appointed Rice Williams, as a Surveyor to run and to mark the dividing boundary line between Obion County and Weakley County. Williams would be paid a reasonable compensation which would be shared equally by both counties, and he must be sworn according to law before beginning his task.
2. Acts of 1847-48, Chapter 211, required the Surveyors of the Counties of Obion and Dyer to run and mark all the range and section lines in their respective counties which have not been heretofore run for which the Surveyors would be entitled to such fees as are provided by law. The Entry Takers of said Counties would pay the Surveyors their fees out of any funds in their hands which might belong to the State. If no State funds were available, then the Counties would pay the Surveyors.
3. Acts of 1867-68, Chapter 13, Section 5, rearranged the boundary lines between Obion County and Weakley County beginning on the County line where it crosses the North Fork of the Obion River, running up the said River with its meanderings to Davis' Mills; thence north with the road leading from the Mill with the line of the Civil District until it reached the State line; thence west with the State line to the Obion County line; thence south to the point of the beginning.
4. Acts of 1867-68, Chapter 20, Section 6, amends Acts of 1867-68, Chapter 13, by changing part of the description to read, so as to run up the North Fork of the Obion River with its meanderings to one mile above Davis' Mill; thence north to the Clinton Road; thence with the Clinton Road to the State line. Section 6 was expressly repealed by Acts of 1868-69, Chapter 5.
5. Acts of 1867-68, Chapter 82, Section 4, changed the boundary line between Obion County and Weakley County starting from the north bank of the North Fork of the Obion River and running with it east of Davis' Mill, running in a northerly direction, so as to leave the land belonging to A. H. Walker in Obion County; thence in a northerly direction so as to strike the Clinton Road opposite G. W. Cannon's gate; thence with the Clinton Road to the State line.
6. Acts of 1889, Chapter 76, changed the lines between Obion County and Weakley County so that the lands of J. W. Boyd and Company would be included wholly within Obion County, commencing at a point where the present County Line Road strikes J. W. Boyd's north boundary line and running thence north with Boyd's north line one-half mile to the State Line Road, which separates Tennessee and Kentucky; thence with the said State Line Road onequarter of a mile to where the present County line now strikes the State line.
7. Acts of 1897, Chapter 176, recited that a Commission had been appointed to determine the line between Obion County and Lake County according to the Constitutional provision and the legislative Act creating Lake County, Acts of 1870, Chapter 30, and that the line had been determined by L. Donaldson of Lake County and S. F. Howard of Obion County. A lengthy metes and bounds description of the line is set out in this Act which constituted the work of the above named individuals. This particular Section was amended by Private Acts of 1925, Chapter 548. This Act is referred to in the case of State v. Hoffman, 210 Tenn. 686, 362 S.W.2d 231 (1962).
8. Private Acts of 1931, Chapter 445, altered the lines between Obion County and Weakley County from the meanderings of the North Fork of the Obion River to the canal recently cut to straighten the said River's course, and the said Canal would henceforth be the north boundary of Weakley County and the south boundary of Obion County.

## Chapter V - Court System

### District Attorney General

### Assistants and Criminal Investigators

### Public Acts of 1971 Chapter 138

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

Tennessee Code Annotated.

**SECTION 1.** There is created the office of Assistant District Attorney General for the Fourteenth (14th) Judicial Circuit. The District Attorney General of the Fourteenth (14th) Judicial Circuit is authorized to appoint a suitable person to the office, to serve at the pleasure of the District Attorney General. The person appointed to the office shall be at least twenty-one (21) years of age, shall be learned in the law and shall be licensed to practice law in the State of Tennessee.

**SECTION 2.** The Assistant Attorney General shall perform such duties and functions as may be assigned and directed by the District Attorney General of the Fourteenth (14th) Judicial Circuit.

**SECTION 3.** The Assistant District Attorney General for the Fourteenth (14th) Judicial Circuit shall receive an annual salary in equal monthly installments out of the Treasury of the State as is provided by the general law of this State for such Assistants, to wit: Section 8-708, [8-7-201] Tennessee Code Annotated.

**SECTION 4.** This Act shall take effect from and after July 1, 1971, the public welfare requiring it.

Passed: May 4, 1971.

## Criminal Investigator

### Public Acts of 1967 Chapter 254

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

**SECTION 1.** That there is hereby created a Criminal Investigator for the Fourteenth Judicial Circuit of this State. Such Criminal Investigator shall be appointed by the District Attorney General and shall serve at the pleasure of such official. He shall be a licensed attorney or a person experienced in the investigation of crime. His compensation shall be as provided by law and shall be paid in equal monthly installments from the State Treasury. He shall perform such duties and make such investigations as will be assigned to him by the District Attorney General, and he shall have the same power and authority as deputies of the county sheriff.

If the Criminal Investigator is an attorney licensed to practice in this state, he shall receive the same compensation provided by Tennessee Code Annotated, Section 8-7-201(b) for part-time assistant attorneys general and in addition to the duties set out in this section, the District Attorney General may, in his discretion, assign such Investigator to serve as an assistant district attorney for such Circuit.

As amended by: Public Acts of 1980, Chapter 713  
Public Acts of 1982, Chapter 859

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

Passed: May 22, 1967.

### Public Acts of 1978 Chapter 848

**COMPILER'S NOTE:** The following act is a public act of special application and is not codified in Tennessee Code Annotated. The remainder of this Public Act concerned the creation of the Thirty-First Judicial Circuit consisting of Lake and Dyer Counties, therefore, it was omitted.

**SECTION 3.** The duly elected District Attorney General of this Fourteenth Judicial Circuit shall become the District Attorney General of the Thirty-First Judicial Circuit, to hold office until September 1, 1982, or until his successor is elected and qualified.

**SECTION 5.** There is hereby created the Office of District Attorney General for the Fourteenth Judicial Circuit. The initial District Attorney General for the Fourteenth Judicial Circuit shall be elected in the August general election and shall take office on September 1, 1978.

Passed: March 23, 1978

## Juvenile Court

### Private Acts of 1982 Chapter 326

**SECTION 1.** As used in this Act, unless the context otherwise requires:

- (a) "Court" means the Juvenile Court of Obion County.
- (b) "Judge" means the Judge of the Juvenile Court of Obion County.

(c) "Clerk" means the Circuit Court Clerk or Deputy Clerks of Obion County.

As amended by: Private Acts of 1999, Chapter 28

**SECTION 2.** There is created in Obion County a Juvenile Court to be known and styled as the juvenile court of Obion County. Such court shall be a court of record and shall be presided over by a judge who shall have the qualifications and salary provided by this Act.

**SECTION 3.** A judge for such court shall, upon the approval of this Act, be appointed who shall be licensed to practice law in this state and who possesses all other qualifications of judges of inferior courts as provided by law. Such person shall serve as judge until September 1, 1982, and until his successor is elected and qualified. At the next regular election of county officials to be held in August, 1982, and every eight (8) years thereafter, a person licensed to practice law in this state who possesses all other qualifications of judges of inferior courts as required by law shall be elected for a term of eight (8) years. Both the appointed and elected judge shall take and subscribe to the same oath of office as that prescribed for Judges of Circuit Courts. In the event the office of judge shall become vacant by reason of death, resignation, retirement, or other reason before the expiration of the term of office or before a successor is elected and qualified, such vacancy shall be filled as provided by law. The Obion County Election Commission shall set a special qualifying deadline for the August, 1982 election if it becomes necessary.

**SECTION 4.** The Obion County Circuit Court Clerk shall serve as Clerk of the Obion County Juvenile Court and any of such clerk's deputies shall also be deputies for the Juvenile Court created by this act.

As amended by: Private Acts of 1999, Chapter 28

**SECTION 5.** The Judge and Clerk of such Juvenile Court shall have all of the jurisdiction, powers, duties, and authority of other Juvenile Court Judges and Clerks as provided in Tennessee Code Annotated, Title 37 or any other general law.

**SECTION 6.** The salary of such judge shall be determined and set by the county legislative body and such body shall also determine whether the judge and other court personnel shall serve on a full-time or part-time basis. The county legislative body shall set such base salary prior to the initial appointment and prior to any election for such position.

**SECTION 7.** The Juvenile Court Judge shall be allowed to participate in the practice of law in all other courts within the court system and shall not be prohibited from performing any services in any of such courts when such judge is considered a part-time judge by the county legislative body.

**SECTION 8.** The judge is authorized to make and promulgate rules and regulations for the administration and efficient operation of the court and to fix the times and places at which all persons within the jurisdiction of the court shall have their causes set for disposition.

**SECTION 9.** The judge shall, pursuant to the laws and regulations of Obion County, appoint such personnel as may be necessary to efficiently carry on the business of the court. All such appointments shall be limited by the total appropriations made for such personnel during each fiscal year.

**SECTION 10.** The Sheriff of Obion County shall furnish the necessary deputies and special deputies to attend and dispense with the business of the court.

**SECTION 11.** The county legislative body shall provide the court with facilities adequate and sufficient to allow the court to perform its duties as a Juvenile Court.

**SECTION 12.** All unfinished and pending matters in the court or courts exercising Juvenile Court jurisdiction prior to the date this Act takes effect shall be transferred to the court created by this Act at the close of business on the day preceding the day this Act becomes effective. On such date all official books, records and other documents pertaining to any matter within the jurisdiction of the Juvenile Court shall be delivered to such court.

**SECTION 13.** If any question 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 14.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Obion County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Obion County legislative body and certified by him to the Secretary of State.

**SECTION 15.** For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 14.

Passed: April 8, 1982.

## Private Acts of 2014 Chapter 31

**SECTION 1.** Chapter 326 of the Private Acts of 1982, as amended by Chapter 28 of the Private Acts of 1999, and any acts amendatory thereto, shall be repealed immediately upon any vacancy occurring in the office of juvenile judge in Obion County. Upon repeal of Chapter 326 of the Private Acts of 1982, the general sessions court of Obion County shall, from that date forward, exercise juvenile court jurisdiction and have all the duties, powers, and authority of a juvenile court as provided in Tennessee Code Annotated, Title 37, or any other general law.

**SECTION 2.** Upon the repeal of Chapter 326 of the Private Acts of 1982, any general sessions judge elected after the repeal, or for any term of office thereafter, shall receive an annual salary no less than that provided for general sessions judges pursuant to § 16-15-5003, plus any other applicable provisions of general law.

**SECTION 3.** 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 4.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Obion county. Its approval or nonapproval shall be proclaimed by the presiding officer of such legislative body and certified to the secretary of state.

**SECTION 5.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 4.

Passed: March 6, 2014.

## Court System - Historical Notes

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

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

1. Private Acts of 1937, Chapter 394, created a Board of Jury Commissioners for Obion County. The Board was composed of three discreet citizens who were not lawyers, or county officials, and who had no cases pending in court. The County Judge would appoint temporary members to fill any vacancies which might occur. Regular appointments would be made by the Judges of courts of record in the County. The members would serve under oath, serve staggered three year terms and could not succeed themselves. One member would be designated as Chairman. The County Court Clerk would serve as a Clerk to the Board after taking an oath of secrecy. The Board would biennially meet on the second Monday in April and select at least 500 names from the tax rolls, or other public sources, equalizing as near as possible the number chosen from each Civil District. These names would be the jury list for the next two years for all courts. If the list should become depleted, the Board must replenish it using the same methods. All the names, with the initials of the Commissioner choosing that person, would be entered upon a book according to law and this act, and the entire list would be verified by all three members. The names would also be placed on a card of suitable material which would be placed in a box, locked and sealed, and given to the custody of the Clerk who would keep it in a bank safe. Ten to fifteen days before court would open, the box would be unlocked and the required number of cards would be drawn from the box by a child under ten years of age. These names would be reported to the Clerk and also be entered in a book. Five days before court opened, the Clerk would transmit the list to the Sheriff who would summon the people for jury service. They could be excused from service only by the Judge and only for the reasons expressed in the law. This act was repealed by Private Acts of 1941, Chapter 437, Page 1507.
2. Private Acts of 1947, Chapter 321, created a Board of Jury Commissioners for Obion County with this Act being almost a carbon copy of Private Acts of 1937, Chapter 394 except the Circuit Court Clerk would be the Clerk for the Board instead of the County Court Clerk.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Obion 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, stated that the Chancery Courts in Tennessee would be held by one of the Justices of the Supreme Court of Errors and Appeals at the present places of holding the Supreme Court at least once every year. The Equity Court would be conducted in Rogersville on the first Monday in November, in Knoxville on the third Monday in November, in Charlotte on the fourth Monday in December, in Sparta on the second Monday in December, in Nashville, on the fourth Monday in January, and in Columbia on the second Monday in January. Court times would be for two weeks unless the Dockets were cleared earlier.
2. Acts of 1824 (E.S.), Chapter 14, provided that the Judges of the Supreme Court of Errors and Appeals, which would meet for sessions in Knoxville, Sparta, and Nashville, would also arrange among themselves to hold the Chancery Courts across the State at least twice each year, at Greeneville, Rogersville, Kingston, Carthage, McMinnville, Franklin, Columbia, Charlotte, and at Jackson for all counties west of the Tennessee River, including Obion County, on the second Monday in April and October of each year.
3. Acts of 1825, Chapter 32, required the Justices of the Supreme Court to hold a Chancery Court at Paris in Henry County for the people of the Counties of Perry, Henderson, Carroll, Henry, Weakley, Obion, Gibson, and Dyer. This Court would meet on the third Monday in April and October. The judges would appoint a Clerk and Master for this Court.
4. Acts of 1827, Chapter 79, divided Tennessee into two Chancery Divisions. The Eastern Division consisted of the Courts meeting at Rogersville, Greeneville, Kingston, Carthage, and McMinnville, and the Western Division included the Courts at Franklin, Columbia, Charlotte, Jackson, and Paris. The judges of the Supreme Court were divested of original chancery jurisdiction in this Act.
5. Acts of 1835-36, Chapter 4, formed three Chancery Divisions in Tennessee each of which would be presided over by a Chancellor appointed by the General Assembly. The grand Divisions were further divided into Districts. The Chancellors, who must hold each Court in their area, at least twice annually were appointed for eight year terms. Obion County was in the Western Division and together with Weakley County formed the First District in that Division. Court terms would start in Dresden on the fourth Monday of March and September. The Chancellor would appoint a Clerk and Master for his division to serve a six year term.
6. Acts of 1837-38, Chapter 14 abolished the Chancery Courts then being held at Paris, Dresden, Trenton, Jackson, Lexington, Bolivar, and Clarksville, and established a new Chancery District composed of the Counties of Henry, Weakley, Obion, Dyer, Gibson, Carroll, Benton, Perry, Henderson, and Madison. Court for the new Western District would begin in Huntington on the first Monday in February and August.
7. Acts of 1837-38, Chapter 110, placed the counties of Henry, Weakley and Obion into one Chancery district in the Western Division and provided that Court would be held at Dresden on the third Monday of February and August of each year.
8. Acts of 1853-54, Chapter 54, Section 7, created five Chancery Divisions in the State of Tennessee in which a Chancery Court was designated to be held at Troy in Obion County which would begin its official terms on the first Monday in May and November. The Chancellor would appoint a Clerk and Master for the Court who would be bound by the same rules and regulations to which other clerks and masters were subject.
9. Acts of 1855-56, Chapter 158, Section 3, scheduled the starting dates for the Court terms of every Chancery Court in the Western Division which then contained the counties of Henry, Weakley, Dyer, Gibson, Fayette, Tipton, Hardeman, Lauderdale, Madison, Haywood, and Obion whose Court would meet on the third Monday in January and July.
10. Acts of 1857-58, Chapter 88, divided Tennessee into the Eastern, Middle, Western, the Fourth, Fifth, and Sixth Chancery Divisions. Obion County was assigned to the Western Division which consisted also of the Counties of Henry, Weakley, Dyer, Madison, Haywood, Hardeman, Fayette, Tipton, Lauderdale, Gibson, and Shelby. In Obion County Chancery Court terms would commence on the third Monday in January and July at Troy.
11. Acts of 1865-66, Chapter 20, in the post Civil War reconstruction period set up the Ninth Chancery Division composed of the Counties of Henry, Weakley, Obion, Dyer, Gibson, Carroll, and Benton. Obion County's Chancery Court would officially begin on the first Monday in January and July.
12. Acts of 1866-67, Chapter 25, Section 3, rearranged the court terms for the Courts in the 9th Chancery Division. The Division was made up of the Counties of Carroll, Benton, Weakley, Dyer, Gibson, Henry, and Obion where the Chancery Court would convene on the third Monday in March

and September at Troy.

13. Acts of 1868-69, Chapter 40, Section 10, declared there would be a Chancery Court in Union City in Obion County with equity jurisdiction of all causes in the First, Second, Third, Seventh, Eighth, and Thirteenth Civil Districts of the County. This Court would be called the Chancery Court of Union City and would be constituted as a part of the 9th Chancery Division with the same jurisdictional authority as other Chancery Courts. The Chancellor of the Ninth Chancery Division would preside over the Court on the fourth Monday of April and October. This Section was repealed by Acts of 1891, Chapter 246.
14. Acts of 1870, Chapter 32, in a complete revamping of the lower judicial system of the State provided for twelve Chancery Districts of which the 11th Chancery District was made up of the Counties of Dyer, Obion, Lake, Weakley, Gibson, Etheridge, Carroll, and Henry.
15. Acts of 1870, Chapter 47, scheduled the court terms for every Chancery Court in the State of Tennessee. In Obion County the Court terms would begin on the second Monday in January and July.
16. Acts of 1870, Chapter 82, provided that the Chancery Court at Union City in Obion County would be held by the Chancellor of the 11th Chancery Division on the fourth Monday in May and November.
17. Acts of 1870-71, Chapter 88, named the Counties in the 11th Chancery Division as Henry, Carroll, Weakley, Lake, Dyer, Gibson, and Obion and reset the Court terms for some of them. The Chancery Court of Obion County would meet at Troy on the second Monday in April and October, and at Union City on the fourth Monday in January and July.
18. Acts of 1879, Chapter 117, placed Civil District #4 of Obion County within the jurisdiction of the Circuit and Chancery Courts then being held at Troy and the citizens of that District would enjoy all the rights and privileges and be subject to the same obligations as the other citizens residing within the jurisdictional boundaries of that Court.
19. Acts of 1885 (Ex. Sess.), Chapter 20, entirely reorganized the whole lower judicial structure of the State into eleven Chancery Divisions. The 10th Chancery Division contained the Counties of Fayette, Tipton, Haywood, Lauderdale, Dyer, Obion, Weakley and Gibson. The Court would meet at Troy on the second Monday in April and October and on the fourth Monday in January and July at Union City. This Act was part of the litigation in *Flynn v. State*, 203 Tenn. 337, 313 S.W.2d 248 (1958).
20. Acts of 1889, Chapter 23, set Court terms in the Tenth Chancery Division in the Counties of Weakley, Fayette, Gibson, Haywood, Tipton, Lauderdale, Dyer, and Obion whose Chancery Courts would commence their terms in Troy on the second Monday in April and October, and in Union City on the fourth Monday in January and July. This Act was repealed by Acts of 1895, Chapter 99.
21. Acts of 1891, Chapter 246, repealed sections of Acts of 1868-69, Chapter 40, which created the Chancery Court at Union City in Obion County, thus abolishing that Court and transferring its cases to the Chancery Court of Obion County.
22. Acts of 1895, Chapter 99, rescheduled the opening dates of the Chancery Court terms of several Counties in the 10th Chancery Division. The Chancery Court of Obion County would continue to meet on the second Monday in April and October at Troy.
23. Acts of 1899, Chapter 427, in a major revision of the lower Court system in Tennessee provided for ten Chancery Divisions. The Ninth Chancery Division contained the Counties of Dyer, Lake, Weakley, Gibson, Lauderdale, Fayette, Haywood, Tipton, and Obion where the Court would meet on the third Monday in January and July.
24. Acts of 1903, Chapter 591, rearranged the Court dates for the Counties in the 9th Chancery Division consisting now of the Counties of Dyer, Weakley, Gibson, Lake, Haywood, Fayette, Lauderdale, Tipton, and Obion whose Court would open the regular terms on the first Monday in April and October.

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

The reference list below contains acts which once applied to the clerk and master in Obion County. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1915, Chapter 359, provided that in Obion County unmarried females over the age of 21 were eligible to hold the position of Deputy Clerk and Master. Marriage would bring about an immediate forfeiture of the office and disqualify her to continue therein.

2. Private Acts of 1933, Chapter 782, stated that the Clerk and Master of Obion County would not be entitled to be paid more than \$2,500 in annual salary for any one year of his term, all of which was to be paid out of the fees of his office only. The Act expressed the position that it was not the intention of the Legislature to interfere with Sections 10728 through 10747 of the State Code or to change in any way the payment to the Clerk and Master for special services such as being a Trustee or a Receiver. This Act was repealed by Private Acts of 1979, Chapter 81.

### **Circuit Court**

The following acts were once applicable to the circuit court of Obion 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 41, organized the 8th Judicial Circuit and the 9th Judicial Circuit assigning the counties of Shelby, Hardeman, McNairy, Wayne, Hardin, Madison, Haywood, Perry, Henderson, Carroll, Henry, Weakley, Dyer, Gibson, and Obion to them. Circuit Court terms in Obion would start on the second Monday in May and November.
2. Acts of 1824 (Ex. Sess.), Chapter 53, stated that the Circuit Courts and County Courts of Obion, Weakley, Dyer and McNairy Counties, could adjourn to more suitable places in their respective counties as best suited their convenience if a majority of the Justices were present and agreed, and each county could adjourn to the County Town whenever the towns could accommodate them.
3. Acts of 1824 (Ex. Sess.), Chapter 102, changed the opening dates for the Circuit Court terms in the counties of the 8th and 9th Judicial Circuits. The Circuit Court would begin its regular terms in Obion County on the third Monday in May and November.
4. Acts of 1825, Chapter 318, rescheduled the opening dates for the Circuit Court terms in the 8th and 9th Judicial Circuits. The 9th Judicial Circuit consisted of the Counties of Perry, Henderson, Carroll, Henry, Weakley, Dyer, Gibson, and Obion where the Circuit Court would meet regularly on the second Monday in April and October.
5. Acts of 1826, Chapter 43, reset the Court terms for the Circuit Courts in the 9th Judicial Circuit, which showed no change in the Counties making up the Circuit, by altering the opening dates of the terms in Obion County to the second Monday in May and November.
6. Acts of 1835-36, Chapter 3, divided the State into three major judicial divisions in each of which the Supreme Court was required to meet at least once each year; at Knoxville for the Eastern Division, at Nashville for the Middle Division, and at Jackson for the Western Division. Obion, and 16 other counties composed the Western Division at that time.
7. Acts of 1835-36, Chapter 5, was the first organization of the lower court system of the State subsequent to the adoption of a new State Constitution. Under this Act the Circuit Courts would conduct three terms in a year rather than two. Eleven Judicial Circuits were formed in Tennessee of which the 9th Judicial Circuit was composed of the Counties of Henry, Weakley, Obion, Dyer, Gibson, Carroll, and Benton. Circuit Court terms would commence on a regular basis in Obion County on the third Monday in February, June and October.
8. Acts of 1837-38, Chapter 116, reorganized the structure of the lower Court system in Tennessee but Obion County was not affected.
9. Acts of 1843-44, Chapter 155, stated that hereafter the Circuit Court of Obion County would meet on the second Monday in March, July, and November, and all process and bonds would be made to conform to those dates.
10. Acts of 1845-46, Chapter 82, Section 4, averred that after next April 1, the Circuit Court of Obion County would open its regular terms on the fourth Monday in February, June, and October.
11. Acts of 1855-56, Chapter 1, created a Common Law Court for the people who lived west of Reelfoot Lake in Obion County. The Court would exercise the same jurisdiction, both civil and criminal, as did the Circuit Court, but its jurisdiction was confined to the part of Obion County lying between Reel Foot Lake and the Mississippi River. Court would be held on the second Monday of July and November at the Masonic Hall near Mrs. Merriweather's. Court would be held by the Judge of the 9th Circuit.
12. Acts of 1855-56, Chapter 160, amended Acts of 1855-56, Chapter 1, to fix the starting dates for the court terms as the second Monday in March, July, and November, and repealed the fourth Section of that Act concerning service of process. Section 5 was changed to direct the Sheriff to hold an election in the area to be affected for the people to select a clerk for the court, who would be entitled to all the benefits granted to other clerks. The County Court was responsible for



- selecting jurymen to serve in the new Court.
13. Acts of 1857-58, Chapter 13, created the 15th Judicial District consisting of the Counties of Gibson, Obion, Dyer, and Lauderdale, and provided for an election to be held in each county for the election of the Judge and Attorney. They would also be the Judge and Attorney-General for the Court in Madrid Bend in Obion County and be paid the same salary as other people in like positions. The Judge was obligated to appoint a Clerk for the Court west of Reelfoot in case one was not elected. The Court would begin its regular terms on the fourth Monday in February, June, and October, and the Court west of Reelfoot would start on the second Monday in March, July, and November.
  14. Acts of 1857-58, Chapter 21, established a schedule of Circuit Court terms for the counties of Lauderdale, Dyer, Gibson, Carroll, Benton, Humphreys, Henry, Weakley, and Obion. Court terms would commence in Obion County at the Court west of Reelfoot Lake on the third Monday in February and October and on the second Monday in June, and the Court at Troy would take up its regular docket on the fourth Monday in February, June and October. The Judges of the 9th and 10th Judicial Circuits would hold the Courts in Gibson, Obion, Dyer, and Lauderdale Counties until the Judge of the 15th Judicial Circuit is elected and qualified.
  15. Acts of 1857-58, Chapter 98 which realigned the Courts in the lower judicial system of Tennessee, formed 16 Judicial Circuits in the State. The 16th Judicial Circuit contained the Counties of Lauderdale, Dyer, Gibson, and Obion where the Circuit Court terms remained as they were stated in Acts of 1857-58, Chapter 21.
  16. Acts of 1859-60, Chapter 1, stated that the Judge holding the Circuit Court of Obion County west of Reelfoot Lake by an order made in open court and entered upon the Court minutes could change the place of holding Court to the new Masonic Hall, or to any other convenient place in the said neighborhood provided for that purpose. The Judge was further authorized to direct the Sheriff to hold an election whereby the people could determine a permanent place for the holding of the said court west of Reelfoot.
  17. Acts of 1859-60, Chapter 62, Section 2, amended Acts of 1859-60, Chapter 1, to change the place of holding the Obion County Circuit Court west of Reelfoot so that the above Act, Chapter 1, would take effect upon the enactment of this Act.
  18. Acts of 1867-68, Chapter 38, Section 5, changed the starting dates for the regular terms of the Circuit Courts in Gibson, Dyer, Weakley, and Obion Counties, so that the terms were to begin in Obion County on the first Monday in March, July, and November at Troy, and on the second Monday in January, May, and September, at Tiptonville.
  19. Acts of 1868-69, Chapter 40, Section 9, set up a Common Law Court at Union City in Obion County for causes arising in the First, Second, Third, Thirteenth, Seventh and Eighth Civil Districts of the County, which would be recognized as one of the Courts of the 16th Judicial Circuit and be presided over by the Judge thereof. This Court would meet on the third Monday in April, August, and December and its Judge would have all the rights, privileges, jurisdiction, and powers of the Law Court Judge in Humboldt in Gibson County.
  20. Acts of 1869-70, Chapter 65, stated that Acts of 1855-56, Chapter 1, which set up a Common Law and Criminal Court west of Reelfoot Lake in Obion County and Acts of 1855-56, Chapter 160, should not be construed so as to deny to the Circuit Court of Obion County at Troy concurrent jurisdiction over all the crimes hereafter committed in the area west of Reelfoot Lake, or which were heretofore committed, unless the court established west of Reelfoot had already acquired jurisdiction by presentment, indictment, or by arrest of the defendant.
  21. Acts of 1870, Chapter 31, in its total reorganization of the lower courts in Tennessee created fifteen Judicial Circuits. The 12th Judicial Circuit was composed of the Counties of Benton, Henry, Weakley, Carroll, Etheridge, Obion, Lake, and the Special Court at Union City in Obion County.
  22. Acts of 1870, Chapter 46, scheduled the terms for every Circuit Court in the State of Tennessee. In Obion County the Circuit Court was fixed to start regular terms on the first Monday in March, July, and November. At Union City court would start on the third Monday of March, July and November.
  23. Acts of 1883, Chapter 98, rearranged the times for holding the Circuit Court at Troy in Obion County so that the Court would convene on the first Monday in March, and the second Monday in July and November. This Act also rescheduled the terms of the Weakley County Circuit Court.
  24. Acts of 1885 (Ex. Sess.), Chapter 20, brought about wholesale changes in the lower court structure of the State whereby fourteen regular and one special Judicial Circuits were formed. The 12th Judicial Circuit consisted of the counties of Obion, Weakley, Henry, Carroll, Gibson, Crockett,

- Haywood, and Benton. The Obion County Circuit Court at Troy would open in regular session on the first Monday in March and the second Monday in July and November, and at Union City the terms would commence on the third Monday in March, July, and November.
25. Acts of 1887, Chapter 94, Section 3, amended Acts of 1885 (Ex. Sess.), Chapter 20, by changing the Circuit Court terms in the 12th Judicial Circuit. At Troy the terms of Circuit Court would start on the first Monday in March and the second Monday in July and November while the Court at Union City would begin on the third Monday in February, June and October.
  26. Acts of 1889, Chapter 15, reset the Circuit Court terms in the 12th Judicial Circuit, now made up of the Counties of Carroll, Henry, Weakley, Gibson, Crockett, Haywood, and Obion where the Courts at Troy would be held on the first Monday in March, July, and November and at Union City on the third Monday in February, June, and October.
  27. Acts of 1891, Chapter 153, removed Lake County from the 13th Judicial Circuit and assigned it to the 12th, and then changed the Court terms for the Counties in the 12th Circuit. Obion County's Circuit Court terms would open on the first Monday in January, May, and September.
  28. Acts of 1891, Chapter 246, abolished the Law and Chancery Court of Union City in Obion County by repealing the pertinent Sections of Acts of 1868-69, Chapter 40. Pending cases would be transferred to the respective Chancery and Circuit Courts of Obion County.
  29. Acts of 1899, Chapter 427, in a major revision of the lower State judicial system, organized the State into fourteen regular, and two special, Judicial Circuits of which the counties of Lake, Dyer, Lauderdale, Tipton, Fayette, Weakley, and Obion constituted the 14th Judicial Circuit. Circuit Court terms were set to begin in Obion County on the first Monday in January, May, and September.
  30. Acts of 1905, Chapter 304, reset some circuit court terms in the 14th Judicial Circuit but Obion County's terms were not changed.
  31. Acts of 1907, Chapter 485, amended Acts of 1905, Chapter 304, by changing the opening dates of Circuit Court terms in Benton, Dyer, Lake, and Weakley Counties in the 14th Judicial Circuit but Obion County's Circuit Court would continue to meet on the first Monday in January, May, and September.
  32. Private Acts of 1915, Chapter 536, created a Criminal Court in Obion County which would be located at Union City, granting to it jurisdiction over all offenses as was given to other courts of a criminal nature and as formerly possessed by the Circuit Court. The Circuit Court Clerk would be the Clerk of the Court. This Act prescribed the procedures to be used to select both a Grand Jury and the petit juries for the Court and the Attorney-General would perform in this court as he did in the Circuit Court. The Sheriff was obligated to attend all the Sessions of the Court and wait upon it as required in the Circuit Court. Court terms were to start on the third Monday in every month. The County Judge would preside over this Court without additional compensation in which an Attorney-General pro tem would be appointed if the regular Attorney-General could not serve for any reason. This Act was repealed by Private Acts of 1917, Chapter 1.
  33. Private Acts of 1917, Chapter 1, expressly repealed Private Acts of 1915, Chapter 536, and returned the jurisdiction over criminal cases to the Circuit Court of Obion County.
  34. Private Acts of 1978, Chapter 164, would have repealed Acts of 1859-60, Chapter 62, but this Act was not approved by Obion County and therefore never became operative law.

### **Circuit Court - Clerk**

The following acts have no current effect, but once applied to the Obion 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, regulated the annual salary of Circuit Court Clerks according to the county population class in which they served. According to the population figures for the year 1900 upon which the salary schedule was based, the Circuit Court Clerk of Obion County would be paid \$1,000 annually, provided the Clerk filed a sworn, itemized, statement with the County Judge, or Chairman, showing the total amount of fees collected by the office during that year. If the fees collected failed to equal the amount of stipulated salary, the county was requested to make up the difference; but, if the fees exceeded the salary, the Clerk was allowed to keep the excess for himself.
2. Private Acts of 1911, Chapter 675, amended Acts of 1903, Chapter 255, to increase the salary of the Circuit Court Clerks serving in Counties between 25,000 and 30,000 in population, and which also have a Law Court in addition to the Circuit Court, for both of which the Circuit Court Clerk

- acts as Clerk, from \$1,000 to \$1,500 annually.
3. Private Acts of 1923, Chapter 682, declared that the Circuit Court Clerk of Obion County would receive a salary of \$2,200 annually, payable one-third on each of May 10, September 10, and January 10, of each year, conditioned upon the Clerk filing a sworn, itemized statement of the total amount of fees collected in the office with the County Judge, or Chairman. If the fees were insufficient to pay the salary, the County would pay the difference out of the public treasury. If the fees were more than the salary, the Clerk could not keep the excess.
  4. Private Acts of 1931, Chapter 295, recited in the preamble of the Act that the State Attorney-General had been authorized under Public Acts of 1925, Chapter 18, to file condemnation suits in Obion County and Lake County for certain lands adjacent to Reelfoot Lake to become a part of the Game and Fish Preserve; that many of these suits had been filed and prosecuted to the extent of placing an abnormal burden and workload on the Circuit Court Clerks of these two counties for which they were justly and rightly entitled to extra compensation. This Act is the enabling legislation for the Attorney General to pay these clerks a reasonable amount as compensation justly due them which would be taxed as part of the costs in each of the condemnation cases, and the funds on suits already disposed of would be paid by the State out of the funds used in maintaining condemnation cases.
  5. Private Acts of 1931, Chapter 318, amended Private Acts of 1923, Chapter 682, so as to raise the annual salary of the Circuit Court Clerk of Obion County from \$2,200 to \$3,000, payable at the rate of \$1,000 every four months, under the same conditions that the Clerk file a sworn, itemized financial statement with the County Judge, or Chairman.
  6. Private Acts of 1933, Chapter 781, stated that in Obion County the Clerk of the Circuit Court would not be entitled to receive more than \$2500 as compensation during any one year of their term. This sum would be payable only out of the fees of the office and the General Assembly declared that it was not the intention of the Law to interfere with Section 10728 through 10747 of the Tennessee Code, or with the Circuit Clerk's compensation for special services such as Receiver or Trustee. This Act was repealed by Private Acts of 1979, Chapter 81.
  7. Private Acts of 1947, Chapter 553, averred that the Circuit Court Clerk of Obion County would receive a salary of not less than \$3,000 nor more than \$5,000 a year, the same to be fixed by the Quarterly County Court, and which would be paid one-third at a time on January 10, May 10, and September 10. In the event the fees collected did not equal the salary specified herein, the county was obligated to pay the difference if the Clerk filed the sworn, itemized statement, but the excess, if any, would be paid into the county treasury.

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

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

1. Acts of 1823, Chapter 11, Section 4, established the 16th Solicitorial District which was composed of the Counties of Obion, Gibson, Weakley, and Dyer. A Solicitor for the new District would be elected and given all the authority, powers, duties, and responsibilities as all the other solicitors.
2. Acts of 1835-36, Chapter 28, stated that each Solicitorial District in Tennessee would hereafter coincide with the bounds of the Judicial Circuit.
3. Public Acts of 1967, Chapter 254, was a special public act that created an office or position of Criminal Investigator for the Fourteenth Judicial Circuit.
4. Public Acts of 1971, Chapter 138, was a special public act that created the office of Assistant Attorney General for the Fourteenth Judicial Circuit.
5. Public Acts of 1978, Chapter 848, was a special public act that provided that the District Attorney General elected to the Fourteenth Judicial Circuit would become the District Attorney General for the Thirty-first Judicial Circuit and would hold office until September 1, 1982. The Act further provided for the election of a new District Attorney General for the Fourteenth Judicial Circuit.

#### **General Sessions Court**

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

1. Private Acts of 1955, Chapter 386, established a Court of General Sessions in Obion County which was given the same jurisdiction as the Justices of the Peace out of whom, all except a very limited amount of judicial power was divested. Arrangements to provide the Court with all necessary supplies and accommodations were contained in this Act. Rules for court procedures were also prescribed in which one had five days to perfect an appeal. This Act named E. H. "Tito" Lannom to

serve as the first Judge of the Court until his successor could be elected in 1956. The Judge would be elected for an eight year term. The annual salary of the Judge was \$4800 payable in equal monthly installments out of the County's general fund. A referendum was to be held and the voters approve before this Act became effective.

### **Juvenile Court**

The following acts once affecting juvenile courts in Obion County are included herein for reference purposes.

1. Private Acts of 1981, Chapter 119, created a Juvenile Court for Obion County. A Judge, who would be a licensed attorney, would be elected to an eight year term. The County Clerk would serve as the clerk of this court. The salary of the Judge would be set by the County Legislative Body. This Act was not approved locally and therefore never became operative.
2. Private Acts of 1981, Chapter 158, amended Private Acts of 1981, Chapter 119, to grant the Juvenile Judge the same authority as the Judges of the Circuit and Chancery Courts of Obion County to issue injunctions, restraining order, and fiats for extraordinary process. This Act did not receive local approval and therefore never became operative.
3. Private Acts of 2013, Chapter 24, repealed Chapter 326 of the Private Acts of 1982 relative to the exercise of juvenile court jurisdiction in Obion County. This Act was not approved locally and therefore never became operative.

## Chapter VI - Education/Schools

### Board of Education

#### Private Acts of 2002 Chapter 139

**SECTION 1.** Chapter 150 of the Private Acts of 1965, and all other acts amendatory thereto, are hereby repealed.

**SECTION 2.** Obion County shall be divided into seven (7) school districts of substantially equal population, which shall be coextensive with the county legislative body districts established by resolution of the county legislative body from time to time.

**SECTION 3.** The Obion County Board of Education shall consist of seven (7) members, with one (1) member of the board being elected by the qualified voters in each school district on a nonpartisan basis. Board members shall be elected to staggered four (4) year terms, with the terms of the members representing the even-numbered districts expiring at the same time and the terms of the members representing the odd-numbered districts expiring at the same time.

Persons elected in the regular August general elections shall take office on September 1 following the election and shall serve until their successors are duly elected and qualified.

**SECTION 4.** During the transition to the newly-constituted board as provided herein, all incumbent board members shall remain on the board until the expiration of their current terms. To establish staggered terms as provided in Section 3, new board members shall be elected as follows: At the regular August 2002 election, board members shall be elected to four (4) year terms from each of the districts 4 and 6. At the regular August 2004 election, board members shall be elected to four (4) year terms from each of districts 3, 5 and 7. At the regular August 2006 election, Board members shall be elected to four (4) year terms from each of districts 2, 4, and 6, and one (1) board member shall be elected from district 1 to a term of two (2) years. Thereafter, board members shall be elected to four (4) year terms as their terms expire.

**SECTION 5.** The Obion County Board of Education shall have the powers, duties, privileges and qualifications given boards of education in Tennessee Code Annotated, Title 49.

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

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

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

Passed: May 1, 2002.

## Kenton Special School District

### Public Acts of 1947 Chapter 84

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

**SECTION 1.** That a Special School District, to be known as "Kenton Special School District", is hereby created and established, with territorial boundaries as follows:

Beginning at a stake in Gibson County, Tennessee, in the middle of Edmonson's Creek on the west side of the bridge where U.S. Highway No. 45 crosses said creek, and thence west with the meanders of said creek to a gravel road on H. H. Taylor Heirs' east line; thence north with said road to the northwest corner of the Fred Norton farm; thence northwestwardly in a straight line to R. L. Caton's southwest corner; thence north to Willie Gravette's northwest corner; thence northwestwardly in a straight line to Grassy Creek at Richard Johns' northeast corner; thence down said creek with its meanders and northerly to the point where Grassy Creek crosses C. B. Verhine's west boundary line; thence north with Verhine's west boundary line to Obion River; thence up said Obion River with its meanders easterly to the confluence with the South Fork of Obion River; thence southeasterly with the meanders of South fork of Obion River to the west boundary line of Weakley County; thence south with the County line between Weakley and Obion Counties to the north line of Gibson County; thence southeasterly with the County line between Gibson and Weakley Counties to the southeast corner of the C. V. Bell's farm; thence with the south line of the Bell farm and the public road to a stake in the middle of the cross roads at Walnut Grove; thence west to the point of beginning.

**SECTION 2.** That said Special School District shall be governed by a Board of five (5) Trustees, who shall be elected by the qualified voters in said District at the regular election in August, 1948, and biennially thereafter for a term of two (2) years, two (2) of whom shall be citizens and residents of Gibson County, Tennessee, two (2) of whom shall be citizens and residents of Obion County, Tennessee, and one (1) of whom shall be a citizen and resident of the Town of Kenton, Tennessee. No person shall be eligible to be elected and to serve as Trustee unless, at the time of his election, and during all the period of his service, he shall be a resident of or own real estate in said District. Every resident within said District and every owner of real estate within said District shall be eligible to vote in the elections of the Trustees, provided that said person shall be otherwise qualified to vote in the regular election in connection with which said election of Trustees will be held. Notwithstanding the provisions of the first and second paragraphs of this section, the trustees shall be elected to staggered four-year terms of office so that the terms of approximately one-half ( $\frac{1}{2}$ ) of the trustees expire every two (2) years. In order to establish staggered terms the trustee from Gibson County receiving the largest of votes and the trustee from Obion County receiving the largest number of votes elected at the regular election in August 2004 shall each serve a four-year term of office. The trustee from Gibson County receiving the second largest number of votes and the trustee from Obion County receiving the second largest number of votes elected at the regular election in August 2004 shall each serve a two-year term of office. The trustee from the City of Kenton elected at the regular election in August 2004 shall serve a four-year term of office. Trustees elected in the regular election in August 2004 shall take office on September 9, 2004.

As amended by: Private Acts of 1997, Chapter 78  
Private Acts of 2004, Chapter 108

**SECTION 3.** That the first Board of Trustees shall be: Harry Smith, J. N. Midgett, Joe M. Warren, Fred Norton, and R. C. Tilghman.

**SECTION 4.** That whenever a vacancy on the Board of Trustees occurs more than thirty (30) days prior to the time fixed by this Act for election of Trustees, such vacancy shall be filled by appointment made by the Trustees, the person so appointed to be a resident or owner of real estate in the same territorial part of the District in which his, or her, predecessor resided.

**SECTION 5.** That the said First Board of Trustees of said District shall, within fifteen (15) days after this Act becomes effective, meet and elect, from among the members of the Board, a President, Vice-President, and Secretary-Treasurer.

**SECTION 6.** That the members of the Board of Trustees shall serve without compensation.

**SECTION 7.** That the Secretary-Treasurer shall be required to enter into bond, with some corporate surety, authorized to do business in Tennessee, in an amount to be fixed by the Board of Trustees, the bond to be payable to the State of Tennessee, for the use of said Kenton Special School District, and conditioned to account for, and pay over all funds of said District which come to his hands. The premium of the bond shall be paid out of the Administrative Fund of the District.

**SECTION 8.** That the Board of Trustees shall have power to cause to be erected, and have general supervision and control of the buildings and property belonging to the District; shall have power to lease, or rent, and buildings, or grounds, to the County Board of Education; shall have power to employ and fix the salaries of such teachers and assistants as are not employed by the County Board of Education. Provided, however that no provision of this Act shall be so construed as to conflict with the rights and powers of the County Board of Education.

**SECTION 9.** That for the purpose of buying or erecting necessary school buildings, furnishings and equipment, paying necessary expenses of maintenance of adequate school facilities, the said Kenton Special School District is hereby authorized and empowered to issue and sell interest bearing coupon bonds, in an aggregate amount not to exceed Seventy-Five Thousand (\$75,000.00) Dollars. Said bonds shall, each, be for the principal, or face, amount of Five Hundred Dollars, and shall mature in such order, and at such time as the Resolution of the Board of Trustees shall provide. Provided, however, that the power to issue said bonds shall not be exercised until and when a majority of the qualified voters, resident in said District, and voting in an election held for that purpose, have voted in favor of the issuance of said bonds.

**SECTION 10.** That within not less than 30 days, nor more than 120 days, after this Act becomes effective, the Board of Trustees shall, by resolution, request the Election Commissioners of Gibson and Obion Counties, Tennessee, to call an election, to ascertain the will of the qualified voters of said District on the question of the issuance of the bonds, as provided in Section 9 hereof. Should the vote in said election be against the issuance of the bonds, a second election may be called, resubmitting the question of the bond issue. Provided, however, that no second, nor subsequent election shall be called nor held until after the expiration of at least six months following the first election. In said election (first or second) the ballots shall have printed on them on one line "For School Bonds"; and on another line "Against School Bonds". The voter shall indicate his choice by making a mark opposite the words "For School Bonds", or opposite the words "Against School Bonds".

**SECTION 11.** That the bonds herein provided for shall not be issued nor sold for less than their face value, nor shall they bear interest in excess of five (5) per cent per annum.

**SECTION 12.** That the avails of sale of the bonds shall be collected and held by the Secretary-Treasurer of the District; and shall be disbursed by him only under orders of the Board of Trustees and by check or voucher signed by the Secretary-Treasurer, and countersigned by the President of the Board of Trustees.

**SECTION 13.** That for the purpose of providing revenue to pay the principal and interest of the bonds herein provided for, and for the purpose of providing an administrative fund for said Kenton Special School District, there is hereby levied for the year 1970 and for each year thereafter, a tax of ten cents (\$.10) on each One Hundred Dollars, (\$100.00) of taxable property, real and personal, within the boundaries of said District. The basis of assessment shall be as applicable to that part of the District in Obion County, the current tax assessment made by Obion County, and as applicable to that part of the District in Gibson County the current assessment made by Gibson County. All taxes hereby levied, when assessed, shall be a lien on the real and personal property so assessed as of the tenth (10th) day of January, of the year for which assessed.

As amended by: Public Acts of 1970, Chapter 536

**SECTION 14.** That the taxes hereby levied, on property in Obion County, shall be collected by the Trustee of Obion County, Tennessee; and on property in Gibson county, by the Trustee of Gibson County, Tennessee; and the taxes hereby levied shall become and be delinquent as and when State and County taxes become due and delinquent.

All said taxes, when collected, shall be paid over to the Secretary-Treasurer of the Board of Trustees of Kenton Special School District.

One-twentieth (1/20) of the taxes shall be held by the Secretary-Treasurer as an Administration Fund, to be used and applied in payment of incidental expense of administration. The remaining nineteen-twentieths (19/20) of said taxes may be applied to the payment of the principal and interest of the bonds, issuance of which is hereby authorized, or for improvements and other expenses necessary and incident to the operation of the school district system.

As amended by: Private Acts of 1965, Chapter 120

**SECTION 15.** That the Tax Assessor of Gibson County shall prepare a separate and complete list, or book, of all taxable property, real and personal, within that part of the District which is in Gibson County,

and furnish the same to the County Trustee of Gibson County, and the assessments shall be set up on the general tax books by the Clerk of the County Court of Gibson County.

And the Tax Assessor of Obion County shall prepare a separate and complete list, or book, of all taxable property, real and personal, within that part of the District which is in Obion County, and furnish the same to the Trustee of Obion County, and the assessment shall be set up on the general tax books by the Clerk of the County Court of Obion County.

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

Passed: February 27, 1947.

## Obion County Special School District

### Private Acts of 1980 Chapter 233

**SECTION 1.** There is hereby created and established an independent and special school district in Obion County in the State of Tennessee, which shall encompass all of the area described within the boundaries set forth below except such area as lies within the boundary lines of the municipal corporation of Union City, Tennessee, as it now exists or from time to time is modified by expansion or annexation. The boundaries of the Obion County Special School District are as follows:

BEGINNING at a point in the south boundary line of the State of Kentucky and the north boundary line of the State of Tennessee where the same is intersected by the east boundary line of Lake County, Tennessee, and the west boundary line of Obion County, Tennessee; runs thence in a southerly direction with the west boundary line of Obion County, Tennessee, and the east boundary line of Lake County, Tennessee, to where the same intersects the north boundary line of Dyer County, Tennessee; runs thence in an easterly direction with the north boundary line of Dyer County, Tennessee, and the south boundary line of Obion County, Tennessee, to where the same is intersected by the west boundary line of Civil District Number Eleven (11) of Obion County, Tennessee; runs thence north with the west boundary line of said Civil District Number Eleven (11) to a point where the same intersects the south boundary line of Civil District Number Fifteen (15) of Obion County, Tennessee; runs thence in an easterly direction with the north boundary line of said Civil District Number Eleven (11) to the north boundary line of Civil District Number Eight (8) of Obion County; runs thence in an easterly and southerly direction with the north boundary line of said Civil District Number eight (8) to the point where the same intersects the west boundary line of Weakley County, Tennessee; runs thence in a northerly direction with the west boundary line of said Weakley County, Tennessee, and the east boundary line of Obion County, Tennessee, to a point where the same is intersected by the south boundary line of Civil District Number One (1) of Obion County, Tennessee; runs thence in a northwesterly direction with the south boundary line of said Civil District Number One (1) to a point in the center of the Old McConnell Road; runs thence with the center of the Old McConnell Road in a westerly and northerly direction, and crossing Harris Creek and the Illinois Central Railroad, to a stake in the intersection of the said Old McConnell Road and the Harris Station Road, adjacent to the Illinois Central Railroad; runs thence in a straight line north to a point in the center of the intersection of old U. S. Highway Number 51, also known as the Union City - Fulton Highway and Tennessee Route Number 8010, also known as the Harris Station Road; runs thence in a northwesterly direction in a straight line to a point in the center of Tennessee Route Number 8173 and Kentucky Route Number 116, also known as the State Line Road, said point being one thousand (1,000) feet east of the intersection of the State Line Road with the Section line Road; runs thence in a westerly direction with the south boundary line of the State of Kentucky and the north boundary line of the State of Tennessee to the point or place of beginning.

Included within the above description but excluded from the Special School District hereby created and established is the municipal corporation of Union City, Tennessee, which is expressly excluded from this Special School District as the said municipal corporation of Union City, Tennessee, now exists or from time to time is modified by expansion or annexation. The Special School District above described is to be known and designated as the Obion County Special School District, and all inhabitants of said area shall be and constitute the inhabitants of the Obion County Special School District hereby created and established. Said inhabitants, for the purposes of this act, shall be and are hereby constituted a body politic and corporate, clothed with all powers and entitled to all of the privileges and advantages of said Obion County Special School District. Said Special School District shall be activated only upon approval of a majority of all qualified voters of the county outside of the corporate limits of Union City voting in the first county-wide election held in Obion County, Tennessee after the first day of May, 1980.

**SECTION 2.** The first Board of Education of the said Special School District, which is hereby constituted and appointed, shall consist of the following named persons: Phillip Gallimore, Ralph White, Walter Yates Sellers, Johnny Hundley, Polly Glover, Jimmy Hart, and Jimmy Hayes, who shall hold office as provided herein and until their successors shall be elected and qualified, as hereinafter provided. The first Board of Education, named above, shall, within ten days after the activation of the Special School District by voter approval as provided in Section One herein, meet and elect a Chairman and Vice Chairman from among their members, and the first Board of Education shall have all of the rights, powers, and obligations as hereinafter set forth for the Board of Education and shall perform all duties incumbent upon them as a Board of Education. The Board shall, at the first meeting, request the Election Commission of Obion County to call an election for approval of the issuance of bonds hereinafter authorized.

**SECTION 3.** At the first county-wide election held in Obion County, Tennessee, after the second day of August, 1980, there shall be elected a Board of Education consisting of seven members, as follows:

Member number one. Member number one shall be a qualified voter of the Special School District hereby created and reside within the boundaries of the Sixth Civil District of Obion County, Tennessee, as the same is now constituted; member number one shall be elected to a term of four years, and member number one's successor shall be elected to terms of four years thereafter.

Member number two. Member number two shall be a qualified voter of the Special School District hereby created and reside within the boundaries of the Fifth Civil District of Obion County, Tennessee, as the same is now constituted; member number two shall be elected for a term of four years, and member number two's successors thereafter shall be elected to a term of four years.

Member number three. Member number three shall be a qualified voter of the Special School District hereby created and reside within the boundaries of the Fourth Civil District or the Seventh Civil District of Obion County, Tennessee, as the same is now constituted; member number three shall be elected to a term of four years, and member number three's successors thereafter shall be elected to a term of four years.

Member number four. Member number four shall be a qualified voter of the Special School District hereby created and reside within the boundaries of the Fifteenth Civil District of Obion County, Tennessee, as the same is now constituted; member number four shall be elected to a term of two years, and member number four's successors thereafter shall be elected to a term of four years.

Member number five. Member number five shall be a qualified voter of the Special School District hereby created and reside within the boundaries of the Ninth Civil District or the Fourteenth Civil District of Obion County, Tennessee, as the same is now constituted; member number five shall be elected to a term of four years, and member number five's successors thereafter shall be elected to a term of four years.

Member number six. Member number six shall be a qualified voter of the Special School District hereby created and reside within the boundaries of the Twelfth Civil District, the Third Civil District, or the Tenth Civil District of Obion County, Tennessee, as the same is now constituted; member number six shall be elected to a term of two years, and member number six's successors thereafter shall be elected to a term of four years.

Member number seven. Member number seven shall be a qualified voter of the Special School District hereby created and reside within the boundaries of the Second Civil District or the area of the Thirteenth Civil District and the First Civil District of Obion County, Tennessee, included within the Special School District hereby created; member number seven shall be elected to a term of two years, and member number seven's successors thereafter shall be elected to a term of four years.

In any and all elections of any or all members of the Board of Education of the Obion County Special School District, all qualified voters residing within the entire Special School District shall be eligible to vote.

In the event of a vacancy among the members of the said Board of Education who are elected by the voters of said Special School District, as above provided, the remaining members of the Board of Education shall have the power to fill and shall fill such vacancy by appointment, and such appointee shall hold office until the next regular election in which School Board members are elected and until a successor is elected and qualifies.

If more than two years remain of the unexpired term of a vacancy, this vacancy shall be filled in an election for the unexpired portion of the term. The vacancy upon the Board of Education, whether filled by appointment or by election, shall be filled by a person residing in the area where his predecessor resided, as hereinabove designated.

**SECTION 4.** The members of said Board of Education shall serve without compensation; however, Board members shall be entitled to reimbursement and payment of necessary expenses incurred in the discharge



of their duties, and provision and allowance may be made for reasonable clerical assistance necessary in keeping the records and books of the Superintendent. The Board of Education shall prescribe rules and regulations for its government, shall meet at such stated intervals as may be prescribed by its rules and regulations, and may hold such special meetings as may be necessary or advisable, for all of which special meetings all members shall have the notice prescribed by its rules and regulations.

The Superintendent herein referred to shall be employed by the Board of Education upon such terms and conditions and for such compensation as agreed upon and contracted for. The Superintendent employed by the Board of Education shall enter into bond with proper conditions sufficient to cover the school funds belonging to said Obion County Special School District which may be received, the amount of the penalty of which bond shall be determined by said Board of Education; the bond shall be payable to the State of Tennessee for the use and benefit of the said Obion County Special School District, and such bond shall be approved by and filed with the Chairman of the Board of Education.

**SECTION 5.** The said Board of Education, a majority of which shall at all times constitute a quorum for the transaction of business, shall have all of the powers usually incumbent to and belonging to boards of education, and shall have full power as a board of education to manage and control the public schools of said Special School District; and the said Board of Education shall make, or cause to be made and properly verified and certified, all necessary and proper reports of scholastic population, average daily membership, and other statistical data with reference to the schools of the said District to the County Trustee, County Superintendent of Public Instruction, and State Superintendent of Public Instruction, all as required by and in accordance with the general laws of the State of Tennessee governing the management and control of the public schools of the State of the class and character contemplated by this act; and said Board of Education shall prescribe all necessary and reasonable rules and regulations for the management, government, and control of such schools, and shall employ such superintendents, principals, teachers, and assistant teachers as may be necessary in their conduct and management.

**SECTION 6.** The Board of Education of the Obion County Special School District is hereby authorized and empowered to make contracts and agreements with any and all agencies of the Federal Government or of the State of Tennessee with reference to the procurement of funds for the purposes of this act, and to this end may, if necessary or if deemed expedient, sell, transfer, or assign the bonds issued hereunder to any agency of the government of the United States or of the State of Tennessee, or make any other lawful financial arrangements with either of said governments which the said Board of Education may deem necessary or expedient.

**SECTION 7.** The said Board of Education shall have the authority and power to enter into contracts for the rental, purchase, or construction of school buildings and for the purchase of real estate to be used for school purposes, payments due under such contracts to be made by said Board of Education from funds available to it.

**SECTION 8.** The property, furniture, equipment, books, and school supplies being used by the Obion County Board of Education for school purposes within the boundaries of the Obion County Special School District, as described in Section One, are hereby transferred effective July 1, 1980, from the Obion County Board of Education to the Obion County Special School District for ownership and use in educating the children of the Special School District, provided that the Special School District shall have been ratified and approved as hereinafter provided and be in existence on July 1, 1980.

**SECTION 9.** All lands and buildings located within the boundaries of the Obion County Special School District which are owned and being used for the daily operation of the public schools by the Obion County Board of Education (except for the school bus garage located in the town of Troy, Tennessee) shall be transferred by appropriate instrument of conveyance from the Obion County Board of Education to the Obion County Special School District effective July 1, 1980, provided the said Obion County Special School District shall have been ratified and approved, as herein provided, and be in existence on July 1, 1980.

**SECTION 10.** All pre-existing debts, if any, owned upon such properties as are conveyed as above provided from the Obion County Board of Education to the Obion County Special School District shall be assumed by the said Special School District.

**SECTION 11.** The plan of study designated and prescribed in the general school laws of the State of Tennessee shall be taught in the schools of said Special School District, and said schools shall be open to all children residing in said Special School District who are legally entitled to attend the same under the school laws of the State of Tennessee.

The Board of Education of said Special School District shall have the power to and may admit by contract to the schools of said Special School District persons over school age or nonresidents of the said Special School District, upon such terms and under such regulations as may be prescribed for such persons, provided that any student or students residing outside the limits of the Obion County Special School

District who shall attend school within the boundaries or limits of the said Special School District shall pay or have paid for said student or students, as tuition, their pro rata share of all state, county, and district funds, and all tuition under this section shall be paid to the Superintendent of the Obion County Special School District for the use and benefit of the said Special School District, and shall be expended and paid out as other school funds collected and received for the maintenance of the schools.

**SECTION 12.** The County Trustee of Obion County, Tennessee, after activation of the Special School District as provided in Section One herein, and after an election approving issuance of bonds as provided in Section Seventeen hereinafter, shall apportion to the Obion County Special School District, for the management of schools as herein provided, the pro rata share of all school funds in his hands to which the said Obion County Special School District is entitled, which apportionment as between the said Obion County Special School District and the remainder of Obion County shall be made each year in proportion to the average daily membership in schools provided for in said Special School District and in the schools of the remainder of Obion County, in the same manner that apportionment on the basis of average daily membership for the previous year was made among the several counties and other subdivisions of the State in the apportionment of public school funds under the general school law. In the event that the basis of apportionment of school funds shall be changed by subsequent legislation, the apportionment under this Act will conform to the general law governing apportionment, so that said Special School District shall at all times receive the apportionment and pro rata share of the public school funds to which it is by law entitled, and this apportionment shall apply not only to the pro rata share of any and all school taxes assessed and collected locally by Obion County under general law, but also the pro rata share of said Special School District in the state school funds paid over to the said County Trustee by the State of Tennessee, pursuant to law.

**SECTION 13.** All teachers employed in the Special School District hereby created shall be entitled to all of the protection of their rights and privileges as set forth in Tennessee Code Annotated, Section 49-1316.

**SECTION 14.** For the purpose of erecting, furnishing and equipping school buildings, including gymnasiums and recreational grounds, and for the purpose of acquiring necessary grounds therefor, the said Obion County Special School District is hereby authorized and empowered, if and when the election hereafter provided a majority of the qualified voters living in the said District and voting in said election have voted favorably, to issue interest-bearing coupon bonds in an amount not to exceed Nine Million (\$9,000,000.00) Dollars. Said bonds shall bear interest at a rate not to exceed the legal rate then existing in the State of Tennessee at the time of their issue, shall be payable semi-annually, shall mature serially or otherwise in not exceeding thirty years after the date of issue, and may be subject to such terms of redemption, with or without premium, as may be provided by resolution by the Board of Education of said Special School District.

Said bonds shall be in such form and of such denominations and shall be sold in such manner as the Board of Education may provide by resolution, but in no event shall such bonds be sold for less than par. Said bonds shall be a general obligation of the said Obion County Special School District, and the said Board of Education is authorized and empowered to do and perform all acts which may be necessary or desirable in connection with the issuance and sale of said bonds.

**SECTION 15.** For the purpose of paying the principal and interest on the school bonds herein authorized, there is hereby levied a continuing annual tax of One and 25/100 (\$1.25) Dollars on each One Hundred (\$100.00) Dollars worth of taxable property in the said Obion County Special School District. The tax levy at the rate specified by this Act shall not be effective nor shall the provisions of Sections Four, Five, Six, Seven, Eight, Nine, Ten, Eleven, Twelve, and Thirteen be of any force or effect until and unless the bond issue, as set out in Section Fourteen of this act, is approved by a majority vote of the qualified voters within the District voting in the election called for such purpose, as set out in Sections Three, Fourteen, and Seventeen.

The basis of the assessment shall be the assessed value as the same appears by the current tax assessment made by Obion County, and all such tax levied, when assessed, shall be a lien on the real estate or personal property on which assessed in the particular year of the issuance thereof. The taxes herein provided for shall become due, payable, and delinquent as and when Obion County taxes become due, payable, and delinquent, and subject to the same interest and penalty, and shall be collected by the Trustee of Obion County, Tennessee, in the same way and manner as other taxes.

**SECTION 16.** The Tax Assessor of Obion County shall prepare a separate and complete list or book of all taxable property, real and personal, within said District and furnish the same to the County Trustee for his use in making collection of said taxes, and the assessment shall be set up on the general tax books of the Clerk of the County Court of Obion County, Tennessee.

**SECTION 17.** Before any bonds shall be issued by said Special School District, an election shall be held at each of the voting places within the boundaries of said District at the time of the second countywide

election held in Obion County, Tennessee, after the first day of August, 1980, and a majority of the qualified voters voting in said election by their ballot shall have voted in favor of the issuance of said bonds. The election for this purpose shall be called by the Election Commission of Obion County, Tennessee, in accordance with the laws of the State of Tennessee for voting upon questions.

In said election, the ballots shall have printed on them one line reading "FOR SCHOOL BONDS" and on another line "AGAINST SCHOOL BONDS", and the voter shall indicate his choice by making a mark opposite the words "FOR SCHOOL BONDS" or "AGAINST SCHOOL BONDS". Any person who is a resident of said District and otherwise qualified to vote shall be eligible to vote in the election provided for in this act.

If the bonds hereinabove authorized are not approved in the election held for that purpose, as hereinabove set forth, the said Obion County Special School District shall cease to exist ten (10) days after the result of the bond election herein provided for are certified by the Election Commission, as required by law, it being the intention of this act that the Obion County Special School District shall cease to exist if the bond issue is not approved by the voters, as set forth hereinabove.

**SECTION 18.** The proceeds of sale of any bonds authorized hereunder shall be collected by the Superintendent of the Special School District and shall be disbursed only upon order of the Board of Education of the said Special School District upon check or voucher signed by the Superintendent and countersigned by the Chairman of the Board of Education of the Special School District.

**SECTION 19.** All taxes collected by the County Trustee under the provisions of this act shall be paid over to the Superintendent of the said Special School District, who shall segregate the amount of the administrative fund, as above provided. The amount so set apart into the administrative fund shall be kept separate from the fund for the payment of principal and interest upon bonds, and no part of the administrative fund shall be disbursed except upon order of the Board of Education of the said Special School District. No funds of the Obion County Special School District shall be disbursed except by check or voucher signed by the Superintendent and countersigned by the Chairman of the Board of Education of said Special School District.

**SECTION 20.** The Board of Education of the Obion County Special School District shall not be under the supervision, direction, or control of the Obion County Board of Education or the Superintendent of Schools for the Obion County Board of Education, but shall be under and subject to the rules, regulations, and policies of the Department of Education of the State of Tennessee and the general system of public schools for the State of Tennessee. The Board of Education of the Obion County Special School District shall file all proper reports and documents, and work in full cooperation with the public school system of the State of Tennessee.

**SECTION 21.** 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 this 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 22.** This act shall take effect upon, from, and after its passage, the public welfare requiring it.

Passed: March 12, 1980.

## Education/Schools - Historical Notes

### Board of Education

The following acts once affected the board of education in Obion County but are no longer operative.

1. Acts of 1907, Chapter 236, abolished the office of District Director in the local school systems and placed each system under the management and control of a County Board of Education and a District Board of Advisors. The County Courts of each County were required to divide their Counties into five school districts and to appoint one member of the Board of Education from each of the Districts until their successors could be elected by popular vote. The School Superintendent would serve as the Secretary to the Board. The duties of the Chairman of the Board, the Secretary, and the members were generally enumerated in the Act. A three member Advisory Board would be elected in each Civil District by popular vote, and they were obligated to take and report on a scholastic census in their areas. This Act did not apply to city school systems, and several counties expressly exempted themselves from its terms among which was Obion County.
2. Private Acts of 1953, Chapter 262, created a ten member Board of education in Obion County, one each from the ten school districts which were composed of whole civil districts specified in the Act. The Board members would be appointed by the Quarterly County Court and serve a seven year term. School Districts 2, 4, 6, 7, 8, 9, and 10 were represented by the members of the

existing School Board who have been duly elected and qualified. In addition to these members, the following were named to the Board to represent the new Districts: Earl Bryant, District #1; Virgil Roberts, District #3, and Chester Thompson, District #4.

3. Private Acts of 1957, Chapter 376, recited that in Obion County the members of the Board of Education would be paid \$8 per day as compensation for their services in attending the regular and special sessions of the Board, but for no more than three days per month. This Act was not presented to the Obion County Quarterly Court for disposition and consequently never became an effective law under the Home Rule Amendment to the State Constitution.

### **Kenton Special School District**

The acts listed below are the legislative history of the Kenton Special School District and are included herein for reference purposes.

1. Private Acts of 1923, Chapter 480, was the authority for the Board of Directors of the Kenton Special School District located in Obion and Gibson Counties to issue \$7,500 in bonds at an interest rate not to exceed 6%, and to be amortized over a maturity schedule no longer than twenty years from the date of issue, which funds would be used to erect, remodel, improve, or equip a public high school building. The bond issue was subject to prior approval by the voters in a referendum, and, if the bonds were issued, a tax rate of ten cents per \$100 property value would be levied on all taxable property within the District for the year 1923 and thereafter until the bonds were paid. This Act cites Private Acts of 1921, Chapter 463, as the Act which created the Kenton Special School District but this is an error. The reference should have been to Public Acts rather than Private. This Act was repealed by Private Acts of 1941, Chapter 164.
2. Private Acts of 1927, Chapter 539, declared in the preamble to the Act that the Kenton Special School District was created by Private Acts of 1921, Chapter 463, as amended, for Gibson and Obion County, and since Gibson County, by virtue of the passage of Private Acts of 1925, Chapter 467, abolished all the special school districts in Gibson County, some legal questions have arisen concerning the status of the Kenton Special School District. The Act re-establishes the Kenton Special School District out of a part of the 10th Civil District of Gibson County, and a portion of the 8th Civil District of Obion County, giving a detailed description of the area incorporated within the District. The Act named the first members of the six member Board of Directors as Dr. B. R. Baucom, L. R. Phelps, R. B. Gray, C. O. Ramer, L. D. Tanner, and W. E. Wade, all of whom would serve until September 1, 1928, when their successors, elected in August prior thereto, would take over the responsibilities of the Board. All the powers and duties of the Board were prescribed in Section 5. A school tax of 20 cents per \$100 property valuation, a sinking fund tax of ten cents per \$100 property valuation and a poll tax of \$1 on all males between the ages of 21 and 50, were levied to finance, support and maintain the schools in the District. All children between the ages of 6 and 21 could attend the nine month long school free of charge, all others must pay tuition in an amount to be set by the Board.
3. Private Acts of 1941, Chapter 164, amended Private Acts of 1927, Chapter 539, by reducing the property tax levied in that Act on the schools from 20 cents to 5 cents per \$100 property valuation and repealed Private Acts of 1921, Chapter 463, and Private Acts of 1923, Chapter 480.
4. Private Acts of 1945, Chapter 202, amended Private Acts of 1927, Chapter 539, by striking the entire portion of Section 7, which set the tax levied, from the Act.

### **Mason Hall School District**

The private and public acts enumerated below are the legislative history of the Mason Hall School District which was located in portions of both Obion County and Gibson County.

1. Acts of 1909, Chapter 443, created an independent school district out of portions of both Gibson County and Obion County, and which would be named the Mason Hall School District. The area involved in the Mason Hall District was described in the Act. The County Superintendents of Public Instruction of Gibson and Obion Counties would appoint the members of the three member Board of Directors for the district, one to be a resident of Gibson County, and two to be citizens of Obion County. The three Directors would serve until their successors were elected and qualified and they were responsible for the collection and disbursement of all the funds to which the school children of the described area were entitled.
2. Private Acts of 1917, Chapter 711, established the Mason Hall Special School District covering portions of the 8th and the 11th Civil Districts of Obion County, and the 10th and the 24th Civil Districts of Gibson County. The boundaries of the district were described in the Act. The Act provides for a five member Board of Directors to which W. H. Nichols, J. N. Ruddle, Hayman Yarbrough, W. J. Hopper, and W. A. Thompson were named, all of whom were 25 years of age, or

- older, and residents of the area from which they were named. These people would serve until succeeded by those Directors elected in the August, 1918, elections, three from Obion County, and two from Gibson County. Terms of the Directors were for two years. The powers and responsibilities of the Board were stipulated in the Act. A school tax of 30 cents per \$100 property valuation, on all property, real and personal, and a poll tax of \$1 against all males between the ages of 21 and 50, were levied, the proceeds of which would be used to operate the schools in the District. All resident children between the ages of 6 and 21 could attend the schools free of charge, and the Board was authorized to contract with non-resident students on the subject of tuition fees. This Act was repealed by Private Acts of 1941, Chapter 168.
3. Public Acts of 1920, Chapter 22, established a formula for computing the tax rate for all special school districts in the State. In Section 4, the Mason Hall Special School District was specifically exempted from this Act.
  4. Private Acts of 1921, Chapter 840, amended Private Acts of 1917, Chapter 711, in order to reduce the property tax rate from 30 cents to 15 cents per \$100 property valuation. This Act was repealed by Private Acts of 1927, Chapter 367.
  5. Private Acts of 1923, Chapter 687, amended Private Acts of 1921, Chapter 840, to raise the property tax rate in the Mason Hall School District from 15 cents to 25 cents per \$100 property valuation. This Act was repealed by Private Acts of 1927, Chapter 367, Page 1049.
  6. Private Acts of 1927, Chapter 367, amended Private Acts of 1917, Chapter 711, by lowering the property tax rate from 25 cents to 10 cents per \$100 property valuation. This Act was repealed by Private Acts of 1941, Chapter 168.
  7. Private Acts of 1929, Chapter 870, stated in the preamble that the Mason Hall Special School District had been established by Private Acts of 1917, Chapter 711, which District was situated in portions of both Gibson and Obion Counties, and that Private Acts of 1925, Chapter 467, purported to abolish all the Special School Districts in Gibson County, now some questions have arisen as to the effect this action might have had on this particular school district. This Act then proceeds to re-establish the Mason Hall Special School District as described in the Act. J. B. Skinner, Harvey Reeves, L. C. Siler, E. E. Dillon, and Jim Hundley, were named as the first Board of Directors in the new School District. The remainder of this act is practically identical to the language of the 1917 Act even to the extent of restoring the 30 cent property tax rate and the \$1 poll tax on all males between the ages of 21 and 50. The Board was required to meet within 20 days and elect a President and a Secretary-Treasurer.
  8. Private Acts of 1941, Chapter 168, amended Private Acts of 1929, Chapter 870, by reducing the property tax rate specified for schools in that act from 30 cents to 5 cents per \$100 property valuation.
  9. Private Acts of 1959, Chapter 167, created the Mason Hall Special School District and described its boundaries and termed it a body politic which would be governed by a Board of five Trustees who were to be elected at the regular August election 1960, three of whom would be residents of Obion County, and two must come from Gibson County. Hampton Yarbrough, Alvin Thompson, Haywood Green, Martin Green, and Harry King were nominated in the Act to serve until their successors on the Board of Trustees could be elected and qualified. Any vacancy would be filled by the remaining members of the Board. The powers and duties of the Board were enumerated and included the authority to contact with the Obion County Board of Education for teachers and facilities, and with State and Federal authorities for funds. A tax rate of 50 cents per \$100 property valuation was levied. The Trustees of each county could collect the taxes and pay over the funds to the credit of the School treasurer. One-twentieth of the funds was dedicated to defray the costs of administration. The Assessors of Property of each county were obligated to furnish a separate and complete list, or book, of all taxable property lying in this district to the Trustee for collection. This Act after being properly ratified according to the Home Rule Amendment to the State Constitution by the local governing body, was specifically repealed by Private Acts of 1967-68, Chapter 44.
  10. Public Acts of 1972, Chapter 491, mentioned by way of an introduction that the Mason Hall School District had discontinued operations and that the students were attending other schools in Obion County and Gibson County; that the General Assembly had enacted Private Acts of 1967-68, Chapter 44, which had attempted to abolish the school district but questions about its constitutionality had been raised on various grounds; and that some funds still remained to the credit of the school district. This Act directed that the funds remaining be divided equally between the Boards of Education of Gibson County and Obion County to be expended on the school at Yorkville in Gibson County and on the Kenton School in Obion County. The Trustees had the

authority to pay reasonable attorney fees for the funds before turning them over after which the Trustees would be discharged from any further responsibilities. This Act expressly repeals Private Acts of 1959, Chapter 167.

### **Pleasant Valley School District**

The following private act is included for historical purpose.

1. Acts of 1909, Chapter 228, created a school district in Obion County, describing the area in the Act, which would be called the "Pleasant Valley Taxing District," and which would exist for the purpose of operating and maintaining a high school or schools. Officers of the District would be three Directors and a Clerk who would be elected by the District voters for a two year term in June, 1909. The powers and duties of the Board are generally enumerated in the Act which also provided free schooling to all children between the ages of 6 and 21 who were residents of the prescribed area. A property tax of 25 cents per \$100 property valuation, and a poll tax of 25 cents were both levied to finance the support and maintenance of the District. If the land of a person was only partially within the District, the Board would decide the amount of taxes to be paid. The efficacy of this Act was made dependent upon the successful outcome of a referendum vote held for that purpose.

### **Poplar Ridge School District**

The private act which had a bearing on the Poplar Ridge School District of Obion County is listed below.

1. Private Acts of 1913, Chapter 233, created a special school district out of parts of the 15th Civil District of Obion County and of the 6th and 15th Civil Districts of Dyer County, involving an area which is specifically described in the Act, to be called the "Poplar Ridge School District." E. E. Parks, G. A. Davidson, and P. B. Morris were named as the first Directors to serve until the next general election. The Trustees of Dyer and Obion Counties will set aside and pay to the school district its pro rated share of school funds.

### **Rives Special School District**

The following acts concerned the Rives Special School District of Obion County.

1. Private Acts of 1917, Chapter 687, created a Special School District out of part of the Fourth Civil District of Obion County which included the town of Rives. The Act contained a description of the area embraced by the School District. The first five member Board of Directors named in the Act, were J. H. Shore, R. L. Harper, W. W. Agnew, D. H. Woody, and W. E. Warren, who would organize by selecting a President, Secretary and Treasurer. These Directors would serve until September 1, 1918, when their successors, elected by the people in August, 1918, would take office and serve staggered six year terms. The powers and responsibilities of the Board were specified in nine paragraphs in Section 5. To support and maintain the schools, a 40 cent tax rate was levied and a \$1 poll tax assessed against all males, between 21 and 50 years old. Resident children between the ages of 6 and 21 could attend the nine month school free of charge and the Directors could admit non-residents upon charging them tuition fees. The Board would employ only qualified people to work in the schools, would not be paid any compensation, and the Secretary would take a scholastic census for which he would be compensated. This Act was repealed by Private Acts of 1937, Chapter 541.
2. Public Acts of 1920 (Ex. Sess.), Chapter 22, established a formula for computing the tax rate for all special school districts in the State. In Section 4, the Rives Special School District was specifically exempted from the provisions of this Act.
3. Private Acts of 1935, Chapter 675, amended Private Acts of 1917, Chapter 687, by reducing the school tax levy in the Rives Special School District from forty cents to twenty cents.

### **South Fulton School District**

The following acts concerned the South Fulton School District.

1. Acts of 1905, Chapter 517, established the South Fulton School District in Obion County with a specific description of the area embraced therein, including the old Town of South Fulton. All the funds remaining in the hands of the Treasurer of South Fulton after the settlement of all the debts of the town would become the property of the school district. W. W. Morris, J. T. Futrell, and R. N. Whitehead were named as the first Board of Directors and they would perform the duties of such directors until their successors could be elected and assume office.
2. Private Acts of 1915, Chapter 123, created a South Fulton Special School District, including that city and part of the 16th Civil District of Obion County, as described in the Act. The Mayor and Council were empowered to expand the District in the future, so as to coincide with the city boundaries. The Trustee would apportion to the District its pro rata share of school funds. The

Mayor and City Council could levy a tax to support and maintain the schools. The original Board of Education of the City of South Fulton was composed of R. N. Whitehead, S. A. McDade, and J. L. Pickle, but future Boards would be elected by the Mayor and Council for two year terms. The Board members must be at least 30 years of age, of good moral character, and a citizen of the county and district. The Board would take charge and operate the schools making all necessary rules and regulations.

3. Private Acts of 1917, Chapter 819, created a Special High School District embracing School District No. 72 in the 16th Civil District and including the town of South Fulton in Obion County. The Board of Directors would consist of five members, named by the Act as J. L. Pickle, R. N. Whitehead, S. A. McDade, Ed Reams, and H. Latta. Board members must be at least 25 years old, and residents of the District for one year, of good moral character, and possess an elementary school education. They would serve four year terms beginning in 1920 when their successors would be elected by the voters of the District. Their powers and duties were specified in Section 5. The school tax rate was fixed at 20 cents per \$100 of property valuation and a poll tax of \$1 on every male between ages of 21 and 50 was levied. All children between 6 and 21 years of age, residents of the district, would attend the school without charge and the Board was forbidden to employ unqualified people. This Act was repealed by Private Acts of 1939, Chapter 425, Chapter 1282.
4. Private Acts of 1919, Chapter 626, amended Private Acts of 1917, Chapter 819, by expanding the boundaries of the school district and by providing that the County Superintendent of Public Instruction would fill any vacancy on the Board by appointment instead of the other remaining board members doing so. This Act was repealed by Private Acts of 1939, Chapter 425.
5. Public Acts of 1920 (Ex. Sess.), Chapter 22, established a formula for computing the tax rate for all special school districts in the State. In Section 4, the South Fulton Special High School District was specifically exempted from the provisions of this Act.
6. Private Acts of 1920 (Ex. Sess.), Chapter 44, amended Private Acts of 1917, Chapter 819, by reducing the tax rate levy from 20 cents to eight cents per \$100 property valuation. This Act was repealed by Private Acts of 1939, Chapter 425.
7. Private Acts of 1921, Chapter 740, amended Private Acts of 1920 (E.S.), Chapter 44, by changing the school tax rate in the act from eight cents to sixteen cents per \$100 property valuation.
8. Private Acts of 1923, Chapter 541, amended Private Acts of 1921, Chapter 740, by raising the property tax rate for the South Fulton Special School District from 16 cents to 40 cents per \$100 property valuation.
9. Private Acts of 1935, Chapter 250, provided that an election be held within twelve days from the passage of this Act to ascertain the will of the people on whether or not the South Fulton Special High School District should be abolished. Three days after the election, the votes shall be canvassed and the results published in the newspaper. The costs of the election and the publication of results would be paid out of any funds in the hands of the Trustee to the credit of the district.
10. Private Acts of 1939, Chapter 425, expressly repealed Private Acts of 1917, Chapter 819, which created the South Fulton Special High School District. The District will be operated as part of the public school system by the County Board of Education in the same way as other public schools are operated. The Trustee shall collect taxes in the District for the year 1938 and deposit the same to the credit of the District, out of which debts shall be paid, for which warrants will be drawn as before. Any surplus shall be used to improve operation of schools in that area, and after 1938, no other taxes will be levied or collected.

### **Troy Special School District**

The following acts applied to the Troy Special School District.

1. Private Acts of 1911, Chapter 549, stated in the preamble that Obion College was incorporated in 1874 to be located in the town of Troy in Obion County and that James S. Moffatt had deeded to the Trustees of the College certain real estate on which a school building was to be erected. The school building was erected in 1875 and Obion College began its operations. Since that time Public School District No. 35 has been conducted in said college and is now under the direction of the Board of Trustees and the Public School Directors. This Act created and established the Troy High School Taxing District, encompassing the area described in the Act, and prescribed the powers and duties of the Board of Directors. A tax of 25 cents on every \$100 worth of taxable property and a 25 cent poll tax was to be levied.
2. Private Acts of 1917, Chapter 128, created the Troy Special High School District in the 6th Civil

District of Obion County which included the town of Troy. The first five member Board of Directors named in the Act were D. H. Burnett, J. W. Pressly, J. W. Brantley, Marion Reeves, and Polk McDonald. Vacancies would be filled by the remaining members of the Board when certain qualifications of residence and character were met. The succeeding Board would be elected by the people for four year terms. The powers of the Board were enumerated. There would be a nine month school attended free by all resident children of the area between 6 and 21 years of age which would be supported by a school tax levy of 30 cents per \$100 property valuation, and a \$1 poll tax on all males between 21 and 50 years of age. The Board would not employ any unqualified teachers and the principal must be a high school graduate and pass the test ordinarily given to principals of schools. This Act was repealed by Private Acts of 1919, Chapter 597.

3. Private Acts of 1919, Chapter 597, repealed Private Acts of 1917, Chapter 128, and revoked all the authority granted thereunder to levy taxes for the year 1919 and succeeding years.
4. Private Acts of 1921, Chapter 391, created the Troy Special High School District in the 6th Civil District including the town of Troy, as described in the Act. The five member Board of Directors named in the Act were Mrs. W. S. Crockett, D. H. Burnett, P. W. Moffat, R. H. Cude, and W. H. Bennett. The provisions of this Act were similar to Private Acts of 1917, Chapter 128, except the tax rate was 40 cents and was extended to both real and personal property, plus the \$1 poll tax on all males, age 21 to 50. The Board could admit nonresident children but they must pay tuition. This Act was repealed by Private Acts of 1927, Chapter 742.
5. Private Acts of 1927, Chapter 742, expressly repealed Private Acts of 1921, Chapter 591, (should have been Chapter 391), except that so much and such part of the taxes now due or levied which are necessary to liquidate the debts of the Special School District shall still be collected by the County Trustee and applied to those debts. The operation of the school hereunder was turned over to the Obion County Board of Education.

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

The acts referenced below once affected the office of superintendent of education in Obion County, but are no longer operative.

1. Private Acts of 1931 (2nd Ex. Sess.), Chapter 5, declared that the twelve year certificates of qualifications for the Superintendents of County Schools which were issued under the authority of Public Acts of 1911, Chapter 69, would be renewed for an additional twelve years if the holder of the Certificate has served as the Superintendent of some county school system for no less than four years during the term of the certificate.

### **General References**

The following acts constitute part of the administrative and political heritage of the educational structure of Obion County but are no longer operative since they have either been superseded, repealed, or failed to receive local approval.

1. Acts of 1829, Chapter 109, Section 2, incorporated Rice Williams, William M. Wilson, John Hutchison, Samuel Nelson, and George A. Wilson, as the Trustees of Obion Academy, who would have and exercise full power of control and management over the operations and curriculum of the said academy plus any other power and authority generally granted to other Trustees of educational institutions.
2. Acts of 1831, Chapter 16, Section 25, the counties of Obion, Henry, Carroll, Weakley, Gibson, and Dyer from the provisions of this Act which regulated the appointment of school commissioners in the State and their expenditure of the school funds which came into their custody and control.
3. Acts of 1845-46, Chapter 193, named James P. Whitbrook, Dr. David Bright, S. W. Cushran, Terrel S. Camp, Samuel D. Henry, and Alfred M. Bedford, as the Trustees for Westbrook Academy located in Obion County, who would have, possess, and could exercise all the power and authority generally incidental to this office, plus the added responsibility of locating the Academy within four miles of the county seat of Obion County. The County Court was vested with the responsibility of appointing successors to the Board of Trustees for two year terms.
4. Acts of 1847-48, Chapter 22, transferred all the property of every nature then remaining titled to Obion Academy to Westbrook Academy which would automatically succeed to all the rights of the former Academy. The Trustees of Obion Academy must account to the Trustees of the Westbrook Academy for all the assets of the same.
5. Acts of 1849-50, Chapter 96, Section 4, was the enabling legislation for the Trustees of the Westbrook Academy in Obion County to install a female department in the Institution and until that department should come about, females could be accepted into the School and temporary



provisions made to accommodate their needs.

6. Acts of 1849-50, Chapter 117, Section 4, provided for the Eromathian Society which would be associated with the Westbrook Academy in Obion County. The Act incorporated Rev. F. E. Roberts, Rev. J. Weed, Rev. J. W. Ward, David Bright, W. R. McAlister, J. S. Moffatt, S. W. Cochran, P. R. Nants, S. A. McCollum, E. E. Westbrook, R. H. Harrison, John H. Harrison, William E. Motheral, John Motheral, E. D. Farris, A. S. Hord, R. P. Caldwell, Augustus Moffatt, Merion Adams, B. F. Hutchinson, B. F. King, J. P. Harper, and Elijah Canada as the incorporators and first members the Society.
7. Acts of 1851-52, Chapter 273, created and incorporated the Belle Forest Collegiate Institute in Obion County with an authorized capital stock of \$100,000 and whose original incorporators were Gabriel Henderson, Charles Talley, Alfred A. Brevard, Samuel C. Debow, George Williamson, William B. Gibbs, David D. Bell, Henry H. Applegate, Lysander Adams, James Thomas, James Nailor, Salathiel Medaris, James B. Hardeman, Everett Vehines, John G. Sevier, J. Osborne, Franklin White, William H. Chawbers, and George W. Gibbs.
8. Private Acts of 1905, Chapter 184, provided that the metes and bounds description of the several districts in Obion County, as the same existed on January 1, 1903, and which were then shown on the records of the County Court of the County, were made the lawful School Districts of Obion County. If these school districts, as described, were not co-extensive with the present school districts, the County Superintendent of Schools was required to appoint three directors, for each of the Districts hereby established under this Act to serve until their successors were elected in the regular August general election of 1906.
9. Private Acts of 1935, Chapter 508, made it unlawful in Obion County for any city or any special school district to furnish transportation for, or transportation to, the schools maintained and operated by the said city, or the said special school district to any pupils who lived beyond the geographical limits of the city, or the school district without the consent and approval of the County Board of Education. Any pupil thus transported contrary to this Act would not be counted in the average daily attendance records used in determining the distribution of School funds.

## Chapter VII - Elections

### Elections - Historical Notes

#### **Districts - Reapportionment**

The acts listed below have affected the civil districts in Obion 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, enacted pursuant to the adoption of the 1834 State Constitution, required a five member Commission to be appointed by Resolution of both houses of the General Assembly to lay off the Civil Districts in each County according to population and territory. A county with 3000 people, or more, would have 25 Districts; from 2,500 to 3000 people, 20 districts, and on down as provided in the Act. In Obion County those named by the Resolution No. III to lay off the county were William U. Watson, William Maxwell, Francis Taylor, Henry J. P. Westbrook, and Norton Oaks.
2. Acts of 1905, Chapter 494, provided that the Quarterly County Court of Obion County would be composed of nine Justices of the Peace, and one each from the nine divisions described in this Act which were composed of old whole Civil Districts. The present Justices were required to assemble at the Court house on the first Monday in July, 1905, and, with the County Judge presiding, they would select a Justice of the Peace from each of the nine divisions. All vacancies would be filled by the remaining Justices. Vacancies in the offices of Coroner, Ranger, Sheriff, Trustee, and Register, would be filled also by the court after giving ten days notice of the meeting. This act was repealed by Acts of 1907, Chapter 99.
3. Private Acts of 1911, Chapter 29, page 85, altered the boundary line between the Eleventh Civil District and the Fifteenth Civil District so as to attach the land described in the Act to the Fifteenth Civil District "beginning in the east line of the right-of-way of the Illinois Central Railroad Company on the north bank of the Obion River, the same being between the towns of Obion and Trimble; thence in a southwestern direction with the meanders of the Obion River to the line between Obion County and Dyer County; thence east with the County Line to the east line of the right-of-way of the said Illinois Central Railway in the town of Trimble; thence north with the east

line of the said right-of-way of the said Illinois Central Railroad Company to the beginning."

### **Elections**

The following is a listing of acts for Obion 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 for the Presidential Election taking place on the first Thursday in October, 1824. The Eleventh Electoral District consisted of the Counties of Wayne, Hardin, Perry, and all the other Counties west of the Tennessee River. Polls were to be certified and counted at Jackson in Madison County.
2. Acts of 1824, Chapter 1, was very similar to Acts of 1823, Chapter 47, except that this Act specified that the Presidential Election would occur on the first Thursday and Friday in November, 1824.
3. Acts of 1826, Chapter 3, reapportioned the General Assembly of the State into twenty Senatorial Districts and forty Representative Districts. One Senatorial District was made up of the Counties of Henry, Weakley, Obion, Carroll, Gibson and Dyer, with the Polls to be counted and certified at Trenton in Gibson County, while Obion County would share one Representative with Carroll, Gibson, and Dyer Counties. These polls would also be counted at Trenton.
4. Acts of 1827, Chapter 17, set up eleven Presidential Electoral Districts in the State for the Presidential Election on the second Thursday and Friday in November, 1828. The Counties of Henry, Weakley, Obion, Carroll, Gibson, Dyer, Henderson, Madison, Haywood, Tipton, McNairy, Hardeman, Fayette, and Shelby were all in the Eleventh District, electing one Presidential Elector and counting Polls at Jackson, in Madison County.
5. Acts of 1832, Chapter 4, divided Tennessee into thirteen U. S. Congressional Districts. The Counties of Haywood, Madison, Dyer, Obion, Gibson, Weakley, Henry and Carroll were all located within the 12th Congressional District.
6. Acts of 1832, Chapter 9, provided for fifteen Presidential Electoral Districts in the State for the November, 1832, election. The Counties of Henry, Weakley, Obion, Dyer, Gibson, Carroll, Tipton, and Haywood would elect one Presidential Elector for the 15th District who would cast his vote for President in Nashville on the first Wednesday in December, following.
7. Acts of 1833, Chapter 71, apportioned the State Senators and Representatives in the Tennessee General Assembly. Of the 20 Senators the Counties of Carroll, Henry, Weakley, and Obion, would elect one with the Polls being counted at Dresden. Gibson, Weakley, and Obion Counties would join together to elect one of the 40 State Representatives with Polls being counted at Winton.
8. Acts of 1833, Chapter 76, authorized the calling of a Constitutional Convention of 60 delegates who would alter, revise, change, amend or rewrite, the State Constitution. The Convention was scheduled to meet in Nashville on the third Monday in May, 1834. Weakley and Obion Counties would share one delegate to the Convention and the votes were to be certified and counted at Dresden.
9. Acts of 1833, Chapter 94, established some new voting precincts in different localities across the State. An additional voting precinct was set up for Obion County at the home of Richard T. Meriwether.
10. Acts of 1835-36, Chapter 39, allowed for 15 Presidential Electoral Districts in the State for the Presidential Election on the first Tuesday, after the first Monday in November, 1836. The 15th Presidential Electoral District was composed of the counties of Henry, Weakley, Obion, Dyer, Gibson, Carroll, Tipton, and Haywood.
11. Acts of 1839-40, Chapter 79, provided that after the passage of this Act each Congressional District would be a Presidential Electoral District.
12. Acts of 1842 (Ex. Sess.), Chapter 1, reapportioned the Tennessee Legislature into 25 Senatorial Districts and 50 Representative Districts. The 21st State Senatorial District contained Henry County, Weakley County, and Obion County with polls being compared at Dresden, while Dyer County and Obion County would jointly elect one of the 50 Representatives counting the votes at Johnsville, in Dyer County.
13. Acts of 1842 (Ex. Sess.), Chapter 7, provided for eleven U. S. Congressional Districts in Tennessee designating the Counties of Perry, Henderson, Madison, Carroll, Gibson, Weakley, and Obion as the 11th U. S. Congressional District.
14. Acts of 1843-44, Chapter 48, stated that the Senators in the U. S. Congress from the State of

- Tennessee would be appointed within 30 days after the convening of the General Assembly by a voice vote of both Houses of the Legislature.
15. Acts of 1851-52, Chapter 196, established ten U. S. Congressional Districts in the State. The Ninth U. S. Congressional District consisted of the counties of Henry, Weakley, Dyer, Obion, Lauderdale, Tipton, Gibson, Carroll, and Henderson.
  16. Acts of 1851-52, Chapter 197, separated Tennessee in Senatorial and Representative Districts for the General Assembly. Obion County was allotted on Representative alone and would share a Senator with Henry County and Weakley County whose polls would be compared at Dresden.
  17. Acts of 1865, Chapter 34, fashioned eight U. S. Congressional Districts in the State in the aftermath of the Civil War. The Counties of Benton, Henry, Weakley, Obion, Dyer, Gibson, Lauderdale, Henderson, and Carroll constituted the Seventh U. S. Congressional District.
  18. Acts of 1869-70, Chapter 105, authorized the holding of a referendum on the question of whether or not a Constitutional Convention should be called which would be composed of 75 delegates elected from the Senatorial and Representative Districts of the State. The Convention, if authorized under the referendum, would meet together in Nashville on the second Monday in January, 1870, to alter, amend, revise, or rewrite the State Constitution.
  19. Acts of 1871, Chapter 146, apportioned the Tennessee General Assembly subsequent to the writing and adoption of the 1870 State Constitution. One Representative would be elected jointly by the counties of Obion, Lake, Shelby, and Fayette, and the counties of Henry, Weakley, Lake, and Obion were all located within the 20th State Senatorial District.
  20. Acts of 1872 (Ex. Sess.), Chapter 7, formed nine U. S. Congressional Districts in Tennessee. The Eighth Congressional District contained the counties of Madison, Crockett, Haywood, Lauderdale, Dyer, Gibson, Weakley, Obion, and Lake.
  21. Acts of 1873, Chapter 37, raised the number of congressional districts in Tennessee to ten. The Counties of Weakley, Obion, Lake, Dyer, Gibson, Crockett, Haywood, Tipton, and Lauderdale made up the Ninth Congressional District.
  22. Acts of 1881 (Ex. Sess.), Chapter 5, stated that hereafter the General Assembly of the State of Tennessee would be composed of 33 Senators and 99 Representatives to be apportioned among the qualified voters according to the census enumeration of July, 1881.
  23. Acts of 1881 (Ex. Sess.), Chapter 6, divided Tennessee into the 33 Senatorial and 99 Representative Districts authorized by Acts of 1881 (Ex. Sess.), Chapter 5, and according to the 1881 enumeration. Obion County would elect one Representative along and share a floater with Lake County and Dyer County. The 28th State Senatorial District consisted of the Counties of Obion, Lake, and Dyer.
  24. Acts of 1882 (Ex. Sess.), Chapter 27, formed ten U. S. Congressional Districts in Tennessee. The Ninth Congressional District included the Counties of Weakley, Gibson, Crockett, Haywood, Lauderdale, Dyer, Obion, and Lake.
  25. Acts of 1891, Chapter 131, delineated ten U. S. Congressional Districts in the State. There was no change in the counties which composed the Ninth Congressional District.
  26. Acts of 1891 (Ex. Sess.), Chapter 10, reapportioned the General Assembly of the State based on the results of the 1890 Census. Obion would elect one State Representative alone and share a floater with Lake and Dyer Counties as part of the 18th District. The 28th State Senatorial District contained the Counties of Obion, Weakley, and Lake.
  27. Acts of 1901, Chapter 109, fashioned ten Congressional Districts in Tennessee in relation to the 1900 Federal Census. The Ninth Congressional District included the Counties of Gibson, Weakley, Obion, Lake, Dyer, Lauderdale, Haywood, and Crockett.
  28. Acts of 1901, Chapter 122, apportioned the Tennessee Legislature. Lake County, Obion County, and Weakley County composed the 28th State Senatorial District. Obion County was given one Representative alone and would share another one with Lake and Dyer Counties as part of the 25th District.
  29. Private Acts of 1933, Chapter 228, stated that in Obion County the candidates of a party seeking county office will be chosen in primary elections if their party had as much as 30% of the vote in the last election for governor. This Act did not apply to independent candidates. The elections would be held on the first Saturday in August in the odd numbered years, and the run-off election, if no candidate received a majority of the votes cast, would be held two weeks later between the two candidates getting the highest number of votes in the prior election. All candidates must qualify according to the State law and pay the expenses of the election. This Act

was repealed by Private Acts of 1941, Chapter 23.

30. Private acts of 1937, Chapter 835, recited that William A. Smith lives on a farm which lies in both the 16th Civil District of Obion County and the 17th Civil District of Weakley County, and that the county boundary bisects his home. This Act declares him to be a citizen and resident of Obion County.
31. Private Acts of 1941, Chapter 275, declared that hereafter in Obion County the Election Commissioners would be paid and allowed the sum of \$100 annually, payable semiannually, on June 15 and on December 15 by the County Trustee on the warrant of the County Judge, or Chairman.

## Chapter VIII - Health

### Garbage Collection

#### Private Acts of 1969 Chapter 6

**SECTION 1.** That Obion County, Tennessee, acting by and through its County Board of Health, as established under Section 53-301, Tennessee Code Annotated, is hereby authorized and empowered to regulate garbage business and the collection and disposal of raw garbage and refuse within the unincorporated territory of said county. The Obion County Board of Health is hereby authorized and empowered to promulgate such regulations as may become necessary to carry out the intent and provisions of this Act, and such regulations, when published in a newspaper of general circulation in Obion County and filed with the County Court Clerk shall have the force and effect of law.

**SECTION 2.** That Obion County, Tennessee, through its County Board of Health, is hereby authorized and empowered to grant franchises of a fixed duration and covering a prescribed territory within the unincorporated territory of said County to individuals, firms or corporations, authorizing them to engage in the garbage business and the collection and disposal of raw garbage and refuse, and to enter into contracts with individuals, firms, or corporations for the collection and disposal of raw garbage and refuse. The County Board of Health may, by regulation, provide for the type of vehicles to be used in the transportation of garbage on the public roads and highways of the County, type of dumps and landfills to be used in the disposal of such garbage and refuse, and prescribe the health and safety standards to be met in conducting said business.

**SECTION 3.** That the County Board of Health may, by regulation, fix the penalty for violation of this Act and for violation of any of its regulations, and any persons, firms or corporations, guilty of such violation shall be guilty of a misdemeanor and may be fined up to \$50.00 and costs.

**SECTION 4.** That no person, firm, or corporation shall be permitted to engage in the garbage business or in the collection and disposal of raw garbage within the unincorporated territory of Obion County unless such person, firm or corporation shall have obtained a franchise through the County Board of Health under the provisions of this Act.

**SECTION 5.** That the County Board of Health may, by regulation, fix such fees and costs as may be necessary to defray the expenses of administering this Act.

**SECTION 6.** That the provisions of this Act are hereby declared to be severable and if any section, provision, sentence, clause, phrase, or part of this Act 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 be adopted even if such unconstitutional or void matter had not been included in the same.

**SECTION 7.** That this Act shall have no effect unless the same be approved by twothirds vote of the legislative body of Obion County, Tennessee, to which this Act applies within sixty (60) days of its passage. The presiding officer of such body shall proclaim its approval or disapproval and certify the same to the Secretary of State.

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

Passed: March 4, 1969.

### Hospital Board

#### Private Acts of 1949 Chapter 488

**SECTION 1.** That in counties of this State with a population of not less than 30,900, nor more than 31,000, by the Federal Census of 1940, or any subsequent Federal Census, there is hereby created a Board of Hospital Governors, whose duties and powers shall be as hereinafter fixed. Such Board shall consist of seven (7) members, and shall be divided into classifications as follows:

Classification 1 shall be a clergyman; Classification 2 shall be selected from the field of education; Classification 3 shall be selected from the field of banking and/or industry. Classification 4, 5 and 6 shall be members at large, representing the general public; and Classification 7 shall be a member of the medical profession who is also a member of the hospital staff and shall be selected from three (3) persons nominated by the hospital staff, such nominee to serve a period of one year only, with the further provision that said member may not succeed himself as a member of said Board.

No person shall be eligible for election as a member of such Board unless such person shall reside within said County, and removal from said County shall vacate the office. All vacancies occurring as a result of death, resignation or removal in the membership of said Board shall be filled by the Quarterly County Court at its next regular session occurring after said vacancy, but no election shall be for a period beyond the unexpired term of such member. At the July Term, 1967, of the Quarterly County Court of counties to which this Act applies, that body shall elect one (1) member of said Hospital Board from each of said Classifications as herein set forth. One (1) member from Classification 1 shall be elected for a term of one year, one (1) member from Classification 2 shall be elected for a term of two years, one (1) member from Classification 3 shall be elected for a term of three years, three (3) members from Classification 4, 5 and 6 shall be elected for terms of four, five and six years, respectively; and as such terms of office expire, their successors shall be elected for a term of six years, all of such elections to be held annually at the July Term of the Quarterly County Court. The member representing Classification 7 shall be elected annually as hereinabove provided at the July Term of the Quarterly County Court.

All members of the Board of Governors shall have attained twenty-one (21) years of age. Any person who is elected to any position in the County government or is appointed to full-time employment or serves the County through any of its agencies in a full-time capacity shall be ineligible to serve on the Board of Governors, provided that this provision shall not apply to the present Board members.

In event a member of the Board does not attend fifty percent (50%) of the regular meetings during any fiscal year of the hospital, such member shall automatically vacate his office, and the chairman of the Board shall request the County Commission to select his successor at the next regular meeting of the County Commission. In selecting appointees, the Obion County Commission shall give consideration as to whether such person wants to serve on the Board prior to his appointment, will agree to attend regular and special meetings of the Board, and expresses a real interest in the hospital and health care facilities.

As amended by: Private Acts of 1967-68, Chapter 73  
Private Acts of 1979, Chapter 31

**SECTION 2.** That such Board shall proceed to organize by electing one of their number as Chairman and shall also elect a Secretary, who may or may not be a member of such Board. The compensation of members of the Board and that of the Secretary shall be fixed by the Quarterly County Court and when so fixed shall not be subject to change at the hands of said Quarterly County Court for the twelve months next following such fixation. The Board shall have powers and perform duties as follows:

1. To have complete control of the operation, management, maintenance, equipping, and construction of hospital buildings and premises, including all hospital facilities and property.
2. To select and employ an administrator of the hospital, who shall be its chief executive officer and shall have such powers and duties as are prescribed by the Board of Directors. He shall serve without a contract at the will of the Board. He shall have a corporate surety bond in the sum of One Million Dollars (\$1,000,000) and shall account and be liable for all funds received and disbursed by the hospital.
3. To formulate the policies of the hospital.
4. To promulgate rules and regulations of the hospital, which rules and regulations shall become effective on the date they are adopted by the Board and signed by the Chairman and attested by the Secretary.
5. To fix the rates and charges made by the hospital for its rooms and services and to set standards for the admission of charity or free patients.
6. To fix the standards for physicians admitted to the medical staff of the hospital and for physicians using the hospital and availing themselves of its facilities, provided that such standards shall not require as a condition precedent the approval of any medical society or any medical organization.
7. To make annual reports to the County Commission concerning the financial condition of the hospital, which report shall contain a detailed statement of the receipts and disbursements of the

hospital; and when so filed, the report shall become a public document and be subject to inspection by any interested taxpayer. Such report shall be filed on or before March 1 of each year, for the preceding fiscal year.

8. To require such independent audits as the Board may deem necessary or appropriate and as may be required by any state, federal or accrediting agency: and in addition, such audit shall conform to the standards prescribed by the Comptroller of the Treasury of the State of Tennessee or such other agency of the State of Tennessee as may be charged with the responsibility of setting standards for audits by local governments.
9. To appoint an executive committee of three (3) members to act on behalf of the Board when it is not in session: provided, however, that the committee shall not make policies nor promulgate rules and regulations.
10. To let contracts for machinery, equipment, remodeling and construction, provided that no such contract shall be entered into unless the hospital has funds on hand with which to pay the same, or the same can be paid within a reasonable time from reasonably anticipated revenues, or can be paid from funds duly appropriated by the County Commission.
11. All projects in excess of Five Thousand Dollars (\$5,000) shall be approved by the Board, and competitive bids, if practical and possible, shall be taken for projects, including construction, remodeling, or repairs, and such work shall be supervised and approved by the executive committee. If a purchase is made for remodeling, repairs or construction without competitive bids, the executive committee and administrator shall report the same in writing, stating the reasons therefor, to the next regular meeting of the Board, and a copy of such writing shall be appended to the purchase order, all of which shall be a part of the minutes of the Board.
12. To borrow funds in an amount not exceeding five percent (5%) of the audited gross receipts for the preceding fiscal year, provided that the same shall be repaid within a reasonable time from reasonably anticipated revenues of the hospital and, provided, further, that such borrowing shall not constitute a general obligation of the County, and provided, further, that such borrowed indebtedness of the hospital shall not exceed at any one time five percent (5%) of the audited gross receipts for the preceding fiscal year.
13. To lease machinery and equipment for a period of ten (10) years, provided that rental payments shall be made entirely from reasonably anticipated revenues of the hospital.

As amended by: Private Acts of 1979, Chapter 31

**SECTION 3.** In the event the County Hospital is sold to a corporation who operates the same as a not-for-profit hospital, a perpetual trust fund to assist the medically indigent in the County in paying for their inpatient and outpatient treatment shall be created and funded by monies received from any source, including but not limited to monies received from the sale of the hospital, and from any will or trust in which the Board of Hospital Governors of the County Hospital has been designated a recipient or beneficiary.

As amended by: Private Acts of 1982, Chapter 362

**SECTION 4.** The general purpose of such trust fund shall be:

- A. To assist the medically indigent in the county in paying for their inpatient and outpatient hospital care and ambulance services rendered to them for not-for-profit hospital and ambulance facilities or entities in the county.
- B. Acquiring or otherwise assisting in providing diagnostic, therapeutic and other medical and related equipment, implements, instruments and aids for the use or for the benefit of the medically indigent of such counties who are in need thereof.

As amended by: Private Acts of 1982, Chapter 362

**SECTION 5.** That trust fund shall be managed and governed by the Board of Hospital Governors of the hospital.

As amended by: Private Acts of 1982, Chapter 362

**SECTION 6.** The Board of Hospital Governors, in addition to those duties and responsibilities imposed upon fiduciaries by general law, shall be vested with the following responsibilities:

- A. To invest the said funds at the highest and best practical return of income.
- B. To use said income to carry out the purposes of the fund as heretofore set forth.
- C. To establish a screening committee to determine the medical indigency of applicants and to recommend payments for their benefit as contemplated herein.

As amended by: Private Acts of 1982, Chapter 362

**SECTION 7.** The Board of Hospital Governors, in carrying out the duties and responsibilities of the management of said funds, shall have the right to expend only the income derived from the principal of said fund. In determining all questions of principal and income, the uniform principal and income act in force in the State of Tennessee shall be controlling. Provided, however, the Board of Hospital Governors may encroach upon the principal of the fund when they deem it advisable or necessary by making application to the Legislative Body setting forth the amount of principal desired to be expended and the purpose for such expenditures and upon such request being approved by a three-fourths (3/4) vote of the County Legislative Body.

As amended by: Private Acts of 1982, Chapter 362

**SECTION 8.** The Board of Hospital Governors provided for herein shall act without compensation but they are specifically empowered to employ financial advisors and such clerical employees as they deem necessary to carry out the functions and purposes of the fund. The Board of Hospital Governors is authorized to fix the salaries of such clerical employees and to negotiate the fees of the necessary financial advisors provided for herein.

As amended by: Private Acts of 1982, Chapter 362

**SECTION 9.** The Board of Hospital Governors shall, on a semi-annual basis, provide the County Legislative Body with a complete financial statement, accurately reflecting the condition of the fund and the investments then made.

As amended by: Private Acts of 1982, Chapter 362

**SECTION 10.** The County Legislative Body of the county is authorized and empowered in its discretion to appropriate from the general fund such sums of money as it deems appropriate to constitute the principal of the trust fund herein created and to this end such County Legislative Body may, by resolution, transfer to the principal of the trust fund herein created the proceeds of the sale of any property owned by the county as a means of funding said trust fund.

As amended by: Private Acts of 1982, Chapter 362

**SECTION 11.** So long as the county does not own or operate a hospital, the Board of Hospital Governors shall exercise only the powers conferred by this chapter.

As amended by: Private Acts of 1982, Chapter 362

**SECTION 12.** The Board of Hospital Governors must present an annual budget setting forth the amount of income from the trust anticipated for the next fiscal year and the proposed expenditures in accordance with this Act to the Obion County Commission at the same time all other departments, boards and commissions of county government present their present their budgets to the Obion County Commission. Within a reasonable time after such presentation, the Obion County Commission must approve the budget of the Board of Hospital Governors if it is in accordance with this act and appropriate the anticipated income from the trustee to assist the medically indigent of Obion County. Neither the corpus or income of this trust may be used for any purpose other than set forth in this Act.

As amended by: Private Acts of 1982, Chapter 362

**SECTION 13.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 5, 1949.

## Health - Historical Notes

The following summaries are included herein for reference purposes.

1. Private Acts of 1937 (Ex. Sess.), Chapter 35, recited in the preamble that Bill Dement had been engaged in the drug store business more than fifteen years, had studied pharmacy and was well qualified to fill prescriptions. Dement was also a man of good reputation and moral character and Obion County needed the services of a pharmacist. This Act was the authorization for Dement to practice pharmacy in Obion County without the necessity of being examined for a state license.
2. Private Acts of 1969, Chapter 64, would have amended Private Acts of 1949, Chapter 488, by altering the methods, the time, and in some instances, the term of the members of the Board but this Act was rejected by the Obion County Quarterly Court and therefore never became an effective law under the Home Rule Amendment to the State Constitution which requires local approval on the Private Acts before they become law. This Act would have also repealed Private Acts of 1967-68, Chapter 73.
3. Private Acts of 1982, Chapter 363, was the authority for the County Legislative Body to sell the real and personal property used for hospital purposes for cash, or on installments not to exceed 20 years at an agreed interest rate and with certain security. This Act did not receive local approval and therefore is not operative law.

## Chapter IX - Highways and Roads

### Highways and Roads - Historical Notes

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

1. Acts of 1827, Chapter 44, authorized and named seven Commissioners to make a survey from Dresden, in Weakley County, to the State line in the direction of Mills Point on the Mississippi River. A plan for the construction of the road would be made when the survey was completed. The Commissioners would contract with a proprietor to build and operate said turnpike road. A bond must be made before construction could be started which bond could be lawfully filed in either Weakley or Obion County, into which the road would run.
2. Acts of 1829, Chapter 12, Section 7, named Rice Williams, John C. Wilson, William M. Wilson, and John Hutchinson, all of Obion County, plus two other citizens from Gibson County, as a commission to select a site for a bridge and causeway between Trenton and Troy.
3. Acts of 1831, Chapter 201, amended Acts of 1829, Chapter 12, to permit the Quarterly Courts of Gibson County and Obion County, a majority of the Justices being present, to set the compensation of those Commissioners appointed to select the site for the bridge. The Commissioners were further authorized to let out the bridge and set the toll rates.
4. Acts of 1831, Chapter 206, was the authority for the Commissioner appointed under Acts of 1827, Chapter 44, to rescind a contract for construction of the Turnpike from Dresden in Weakley County towards Mills Point on the Mississippi River and to readvertise the portion of the Road which was to have been built under the abrogated contract. Albert G. Bondurant was appointed a Commissioner in Robert Powel's place and the spelling the Jacob Yocham's name was corrected.
5. Acts of 1835-36, Chapter 24, was the authority for the Obion Turnpike Company to build a road, a bridge, and a causeway across the Obion River from Trenton in Gibson County to Troy in Obion County. Thomas J. Caruthers, Hugh D. Nelson, Thomas Fite, Benjamin P. Tyson, Thomas Spite, William U. Watson, Jubilee M. Bedford, John Parr, Joel S. Enloe, Alfred Lomax, and Joseph Wilson, were all appointed Commissioners under this Act to effectuate its purposes and intentions.
6. Acts of 1837-38, Chapter 250, was the enabling legislation for Thomas Fite, Moses Woodfin, Joshua D. Hill, Benjamin Tysell, John W. Needham, John C. Kuykendall, and James C. Read, all of Gibson County, and George W. L. Marr, George W. Gibbs, Lysander Adams, Thomas Polk, Seth Bedford, James Davis, John C. Wilson and Daniel St. John, all citizens of Obion County to open books and subscribe stock up to \$50,000 to incorporate the Trenton and Troy Turnpike Co. The Company would build a mud or sanded turnpike road from Trenton in Gibson County, through Troy in Obion County, to the Kentucky line in the direction of Mill's Point.
7. Acts of 1849-50, Chapter 263, authorized Burton L. Stovall, William Taylor, John T. Abington, William Crittenden, Wilson R. Hogan, Lysander Adams, and Moses D. Harper, as the Commissioners to open books and sell stock for a turnpike road across the North Fork of the Obion River from a point near Dresden to the town of Troy in Obion County. The company would be styled the North Fork of Obion Turnpike Company. Section 18 appointed Henry J. P. Westbrook, David Bright, G. W. L. Marr, William C. Miles and R. G. Estridge of Obion County along with five representatives of Gibson County as commissioners to sell stock in the Obion River Turnpike Company. The company would build a road from Troy in Obion County to Trenton in Gibson County. Section 23 of the same Act appointed Joseph A. Fowlkes, Sam A. Warner, Isaac Larmon, Henry M. Darnall, G. W. L. Reeves, Charles Bailey, John L. Moultrie, William R. McAllister, Robert H. Harrison, and S. W. Cochran, as Commissioners to sell stock to raise the funds to construct a turnpike road, and a bridge across Reelfoot Lake, at or near Goose Island. The company would be styled the Reelfoot Lake Turnpike and Bridge Company.
8. Acts of 1851-52, Chapter 237, Section 11, incorporated Joseph Garwood, Baptist Boyett, and their associates as the Trenton and Troy Turnpike Company which would build a turnpike, the necessary bridges, and the causeway from Trenton in Gibson County to Troy in Obion County.
9. Acts of 1853-54, Chapter 256, authorized William Carter, and all those associated with him to build a turnpike road across the North Fork of the Obion River in Obion County along the route mentioned in the Act. A schedule of the tolls to be charged when the road was completed and in operation was prescribed therein.
10. Acts of 1853-54, Chapter 323, Section 9, allowed the Counties of Henry, Weakley, and Obion to



take stock in the Nashville and Northwestern Railroad, or in any other Railroad they chose, and the Counties of Tipton, Dyer, Stewart, and Obion could also take and subscribe stock in the Great Central North and South Railroad.

11. Acts of 1855-56, Chapter 199, was the authority for William H. Guy, and all those associated with him, to build a turnpike, or a plank road, across the North Fork of the Obion River and across the bottoms to the old Mills Point Road in Obion County, which road would cross the River at or near where the road from Troy to Dresden now crosses. The group would have and exercise all the powers and privileges incidental to corporations.
12. Acts of 1859-60, Chapter 46, Section 75, incorporated S. W. Cochran, Willis Jones, and C. M. Peacock, and all those associated with them, as the Reelfoot Lake Turnpike Company which was endowed with the customary corporate powers and duties, whose purpose was to build a turnpike beginning at the highlands east of Reelfoot Lake westerly to Nall's Ferry on the Mississippi River.
13. Acts of 1859-60, Chapter 114, made it an obligation of the County Courts of Henry, Carter, Johnson, Greene, Obion, Robertson, Meigs, McMinn, Monroe, Polk, Cheatham, Washington, and Cannon Counties to classify the public roads into three classes and to assess the polls and property tax to be applied in order to maintain the public roads. The taxing in this instance would be subject to a referendum approval. The County Courts could appoint a road commissioner to assist in classifying the roads. Provisions were stated which would permit taxpayers to work out the road tax at a rate of \$1 for each eight hour day worked. Guidelines were provided to the County Court Clerk and Trustee for collecting the taxes and for administering this law.
14. Acts of 1901, Chapter 136, was a general road law applicable to all counties in Tennessee under 70,000 in population according to the 1900 Census. Road Districts were made co-extensive with Civil Districts and the County Court was required to select one Road Commissioner from each of the Road Districts who would serve two years. The Road Commissioner must be sworn, bonded, and then would be in charge of all roads, bridges, hands, tools, and materials used in his district. He was to be compensated at the rate of \$1 per day for each day devoted to his duties hereunder, but not to exceed ten days per year. The County Court would fix the number of days the road hands were required to work at no less than five, nor more than eight, and fix the price a road hand must pay in order to commute. The County Court was empowered to levy a road tax of two cents per \$100 property valuation for each day road hands were required to work. The Road Commissioners were to name and supervise the Road Overseers in their Districts, who would be in immediate charge of a section of road, who must work the same number of compulsory days as anyone else but after that would be paid up to \$6 per year for extra work. All males between the ages of 21 and 45 were compelled to work on the roads. Road Commissioners could receive, hear, and dispose of petitions to open, close, or change roads in their Districts; they must classify and index all the public roads in their areas, and must see that the public roads met the specifications set up in this Act. This statute was involved in the case of Carroll v. Griffith, 117 Tenn. 500, 97 SW 66 (1906).
15. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, in several minor particulars but primarily in changing the procedures for opening, closing, or changing roads especially when the process involved the exercise of the power of eminent domain.
16. Acts of 1907, Chapter 175, stated that the Quarterly County Court of Obion County would elect two County Road Commissioners to serve terms of two years under a \$3,000 Bond. If the Road Commissioners failed to qualify, then the County Judge could make the appointment. The Commissioners were obligated to lay out and classify all the public roads in the County into classes of forty feet width, thirty feet width, and twenty feet width. The Commissioners were to be in charge of the public roads and all the bridges and culverts less than 25 feet in length. The Commissioners were to keep accurate records on all the roads and would receive and dispose of petitions to open, close, and change the same. They were empowered to condemn property for public purposes and to assess its value. All appeals from their decisions must be addressed to the County Court. All males, outside cities, between the ages of 21 and 50 must work at least six days on the public roads or pay a commutation fee of fifty cents for each day not worked. All roads were to be worked between April 1st and October 15th, and a road tax of 20 cents per \$100 property valuation and a privilege tax of five cents could both be levied for road maintenance purposes. A working day could be no less than eight hours nor more than ten hours. Road Commissioners' compensation was fixed at \$800 annually to be paid from the road funds.
17. Private Acts of 1911, Chapter 84, made it the duty of the County Judge to call a special session of the Quarterly Court to elect Road Commissioners. A Road Commissioner would be selected from each Civil District to serve two years. These Commissioners, after making \$500 Bond, would be in charge of all roads, and also bridges and culverts shorter than twenty-five feet. Road classification

standards included widths of 30 feet, 20 feet, and 16 feet, plus the drainage ditches. The Commissioners were directed to prepare a list of all eligible road hands in their area. The District Road Commissioner would every two years let out bids and employ the lowest bidder to work the public roads. All males between the ages of 21 and 50 would work for five days unless they paid a commutation fee of fifty cents for each day missed, which commutation funds were to be turned over to the Trustee. Road work was scheduled between March 1 and November 1. A road tax from 15 cents to 25 cents could be levied for road purposes. The Road Commissioners must supervise and inspect all the work, had the power to contract work out on bid, and were given some latitude in their operations in case of an emergency. Each Commissioner was obligated to make an annual settlement with the County Judge and would be paid \$2 for each day devoted to his duties up to 50 days in one year.

18. Private Acts of 1913, Chapter 62, amended Private Acts of 1911, Chapter 84, in several particulars, (1) by making the contracts negotiated by the Road Commissioners subject to the approval of the District Justice of the Peace, (2) any contractor not beginning his work in five days would forfeit his contract (3) if both the Commissioner and the contractor should fail to do their duty, the County Judge was directed to investigate and, where warranted, suspend the parties, and (4) any road hand who did not work, or pay the commutation fee was guilty of a misdemeanor and could be fined from \$5 to \$25 and committed to the county workhouse.
19. Private Acts of 1919, Chapter 535, provided that all money collected from the annual registration and licensing of automobiles in Obion County, over and above collection expenses, and the ten percent set aside for the State Highway Department, was to be expended under the direction of the County Highway Commission for the maintenance of public roads. The funds would be apportioned to each civil district in relation to collections.
20. Private Acts of 1919, Chapter 592, stated that Road Districts would be coextensive with Civil Districts and one Road Commissioner would be selected by the Quarterly County Court from each of the Districts, each one serving for two years. If a Commissioner failed to qualify, the County Judge would fill that vacancy. After making \$500 bonds, Commissioners were responsible for the classification of the public roads in their Districts according to their width. The Commissioners were obligated to oversee all the roads, bridges and the culverts less than 16 feet in length, lay out the bounds and right of way of each of their roads, and assign the road hands to their respective duties, on the road on which the road hand lives. All males between the ages of 21 and 50, outside of Cities and physically able, were required to work five days on the roads or pay \$1 as a commutation fee for each day missed. A list of all qualifying road hands was to be compiled by the Commissioners of the District and reported to the County Judge. The Road Commissioners had the authority to contract road work out under certain conditions, collect the commutation fees, receive petitions to open, close, or change the roads and make recommendations thereon to the Quarterly County Court. In order to generate the revenue for roads, the Quarterly Court was empowered to levy a road tax between 15 cents and 35 cents per \$100 property valuation and on merchants an ad valorem tax of five cents on the \$100 of his average stock. This Act was repealed by Private Acts of 1921, Chapter 93.
21. Private Acts of 1919, Chapter 767, amended Private Acts of 1919, Chapter 592, by adding a provision at the end of Section 7 to the effect that the Road Commissioner with the approval of the Justice of the Peace in that same District could require all persons who were subject to working on the roads and who, having been properly notified to report for road work, failed to do so, to pay more than the stipulated \$1 per day commutation fee, but the amount imposed under these circumstances could not exceed \$1.50 per day. This Act was repealed by Private Acts of 1921, Chapter 93.
22. Private Acts of 1919, Chapter 786, authorized and directed the Quarterly County Court of Obion County to elect a County Highway Bridge and Levee Commission who would expend all the funds accruing to Obion County under Private Acts of 1919, Chapter 535, Page 1562. The Commission would be composed of five members serving five year terms, after the initial staggered terms. Members of the Commission would report on the condition of the bridges and levees, would receive such per diem compensation as might be set by the Court. Commissioners had the authority to employ a supervisor who was directed to perform the duties designated by the Commission. The Quarterly Court by a two-thirds vote could remove the Commissioners from office without notice or cause.
23. Public Acts of 1920 (Ex. Sess.), Chapter 22, established a formula for computing the tax rate for counties and special school districts. In section 4, the tax rate set by Private Acts of 1919, Chapter 592 was specifically exempted from the provisions of this Act.
24. Private Acts of 1920 (Ex. Sess.), Chapter 43, amended Section 13 of Private Acts of 1919,

- Chapter 592, by reducing the minimum level of the tax rate authorized to be levied for roads from fifteen cents to five cents and the ad valorem tax was lowered from five cents to three cents.
25. Private Acts of 1921, Chapter 93, provided that the public road system of Obion County would be under the supervision of a five member Board of Highway Commissioners from different Civil Districts, one of whom would come from the Civil District containing the County Seat who would also be Chairman. The County Judge would be an ex officio member voting only in case of a tie vote. Hugh Smith of the 13th Civil District; J. D. Peeples of the 16th Civil District; T. P. Finch of the 11th Civil District; Walter Via of the 9th Civil District, and Albert Caldwell of the 3rd Civil District, were named in the Act as the first members of the Board. Successors would be appointed by the County Judge to two year terms. These members must be sworn into office, execute a \$1,000 bond, and could be removed from office for negligence or inefficiency under certain specified conditions by a majority vote of the County Court. The Board was to meet once monthly in regular session at \$5 per day for each regular meeting plus railroad fare. The Secretary, working extra, would be paid the same rate but not over two days each month. The Secretary was responsible for keeping the minutes of each meeting and accurate records of each transaction. The powers and the authority of the Board were enumerated in Section 10, under which the Commission was designated as the Purchasing Agent for road materials but could not exceed the yearly appropriations except in the purchase of large machinery on a time payment plan. The Commissioners were empowered to employ a County Road Supervisor for two year terms who must meet certain qualifications, whose salary could not exceed \$3,400 annually, and whose duties were likewise listed in the Act. The Supervisor could appoint Road Overseers in each District to assist him at \$4 per day, but if they were subject to regular road work he would not be compensated for those days. The Supervisor could contract work out with the approval of the Commission. The Commission was directed to classify the public roads, and would receive petitions to open, close, or change roads which they would endorse, favorably or unfavorably, and forward to the Quarterly Court for disposition. The Commission could also on its own initiative petition the County Court for changes. Physically qualified males, outside cities, and between the ages of 21 and 50 must work five, eight hour days on the roads or pay a commutation fee of \$5. The taxing power was limited to some figure between five and thirty cents per \$100 property evaluation and the ad valorem tax on merchants for road maintenance could not be less than five cents. This Act was repealed by Private Acts of 1925, Chapter 53.
  26. Private Acts of 1923, Chapter 83, amended Private Acts of 1921, Chapter 93, in Section 13, by prohibiting any contracts between the Road Supervisor or the Board of Commissioners and their relatives to the fourth degree of consanguinity, and all Sections dealing with compulsory road work were repealed. The new Sections on the road work affected all males, outside cities, between the ages of 21 and 50 who were mandated to work five, eight hour days, or two days when wagons and teams were furnished, or pay a commutation fee of \$5 in the alternative. Road hands were not to work outside their Districts and must work at the places and times indicated by the Road Supervisor, who must give the hands a three day notice of the same. If the commutation fee was not paid by September 1, a penalty charge of \$1 was added. The Road Supervisor had the duty of compiling a list of the eligible road hands in County and furnishing a copy of it to the County Trustee. The Grand Jury would also be given a copy, and a failure to work as required could result in an indictment. Growth on the roads was to be cleared out as nearly as possible in July and August. This Act was repealed by Private Acts of 1925, Chapter 53.
  27. Private Acts of 1925, Chapter 124, constituted the next Road Law for Obion County. The public road system would be under the general supervision of the Board of Highway Commissioners whose membership was composed of seven members who must live in the Districts specified in the Act, who would serve two years after being sworn and making a \$1,000 performance bond. The members would be elected by the Quarterly County Court, meet at least once each month, select one of their members as a Chairman and a Secretary, who was required to keep the minutes of their meetings and a record of all transactions conducted by the Board. No conflicts of interest between the Board members and others was to be permitted and the power and authority of the Board was generally expressed in eleven paragraphs of the Act. The Board was designated the Purchasing Agent being directed to solicit bids for all items over \$500. The Commissioners could employ a County Highway Supervisor at a salary not to exceed \$2500 annually and the Supervisor could appoint an Assistant to serve in each Road District which were co-extensive with the Civil Districts. All males, outside cities, between 21 and 50 years of age, must work four days of nine hours each, upon notice of one day being given, or pay a commutation fee of \$1.50 per day. The road tax must be set between the limits of ten cents and thirty cents per \$100 property valuation and the merchants ad valorem tax rate was fixed at ten cents.
  28. Private Acts of 1927, Chapter 750, amended Private Acts of 1925, Chapter 124, by setting the

annual compensation of the Chairman of the Board of Highway Commissioners at \$100 and that of the members at \$80, and the Commission would determine the Secretary's salary. Sections 9, 16, 17, and 38 of the prior act was repealed. Section 13 was changed to increase the County Highway Supervisor's salary to \$3,000. Eminent domain could be used by the County Judge to secure essential gravel pits. Minor amendments were made in Sections 25, 30, and 37, and Section 39 was altered to raise the permissible limits of the road tax to twenty cents and fifty cents and by allowing arrangements to be made with the Workhouse Commission for workhouse prisoners to work on the roads. This Act was part of the litigation in Nashville, Chattanooga and St. Louis Railroads v. Obion County, 162 Tenn. 604, 39 S.W.2d 747 (1931).

29. Private Acts of 1937, Chapter 444, created a seven member Highway Commission and gave the Highway Commission authority to elect a superintendent for a term of four years. The act divided the county into seven road districts or zones. One road commissioner was to be elected by the Quarterly County Court from each zone, for staggered terms. Successors to the first road commissioners elected under the act were to serve for terms of seven years. This act, as amended, provided the basic road law for Obion County until repealed by Chapter 444 of the Private Acts of 1984.
30. Private Acts of 1953, Chapter 12, amended Section 8 of Chapter 444 of the Private Acts of 1937 to increase the maximum annual compensation of the Road Superintendent from \$3,000 to \$5,000.
31. Private Acts of 1957, Chapter 375, amended Chapter 12 of the Private Acts of 1953, to increase the maximum annual compensation of the Road Superintendent from \$5,000 to \$6,500.
32. Private Acts of 1977, Chapter 47, amended Section 3 of Chapter 444 of the Private Acts of 1937, by increasing the annual compensation of the chairman and other members of the County Highway Commission from \$100 and \$80 to \$450 and \$360, respectively.
33. Private Acts of 1979, Chapter 29, amended Section 1 of Chapter 444 of the Private Acts of 1937, by reapportioning the road districts or zones from which road commissioners were to be elected.
34. Private Acts of 1979, Chapter 83, amended Chapter 444 of the Private Acts of 1937, to require the Board of Highway Commissioners to present a plan for the maintenance of roads, bridges, and ferries to the Board of County Commissioners each April. The act also amended Section 8 of the aforementioned act to increase the salary of the Road Superintendent to an amount equal to the salary of the county clerk (to conform the private act in this regard with the County Uniform Highway Law). The act also deleted provisions of Chapter 444, Private Acts of 1937, that dealt with reporting of expenditures, the drawing of warrants by the Road Superintendent and purchasing by the Highway Commission.
35. Private Acts of 1979, Chapter 84, amended Chapter 444 of the Private Acts of 1937 to change the term of office of highway commissioners from seven to four years.
36. Private Acts of 1984, Chapter 202, which created and established the board of highway commissioners of Obion County, was repealed by Private Acts of 2023, Chapter 25.

## Chapter X - Law Enforcement

### Offenses

### Open Beer Cans

### Private Acts of 1981 Chapter 31

**SECTION 1.** It shall be unlawful for any person to drink or consume or have an open can or bottle of beer in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground, or other public place unless the place has the appropriate permits and licenses for on premises consumption as required by law.

**SECTION 2.** Any person violating the provisions of this Act shall upon conviction be guilty of a misdemeanor and shall be punishable by not more than a fifty dollar (\$50.00) fine.

**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 Obion County before September 1, 1981. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

**SECTION 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 4, 1981.

## Law Enforcement - Historical Notes

### **Militia**

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

1. Acts of 1824, Chapter 40, provided that the Sheriffs of the Counties of Weakley, Obion, Dyer, Haywood, Tipton, Hardeman, and McNairy, would hold elections on the first Thursday and Friday in November, 1824, to elect the field officers of their respective county militias. The militia in Obion County was designated as the 83rd Regiment of the 13th Brigade.
2. Acts of 1825, Chapter 69, enacted an entirely new militia law and military code for the State, which established in detail the procedures for the organization and operation of the State Militia and set up a military code of laws by which the members would be governed in their conduct. Obion County's units constituted the 83rd Regiment which would hold their annual muster and field exercises on the first Saturday in October. The 13th Brigade included the militia in the Counties of Obion, Henderson, Carroll, Henry, Weakley, Dyer and Gibson.
3. Acts of 1835-36, Chapter 21, composed the new militia law and military Code enacted pursuant to the new State Constitution. The State Militia would consist of white male inhabitants of the State, between the ages of 18 and 45, with some exemptions. A base Table of organization for the whole State was included which required Constables to hold elections in the proper Districts in order to choose the company officers. The military Code of Conduct was prescribed and the procedure for Courts martial in case of violations was established. The State was laid off into Regiments of two Battalions each. The Obion County units made up the 136th Regiment.
4. Acts of 1837-38, Chapter 157, amended the State Militia Law in several respects but largely by fixing the schedules for county wide and Regiment Drills for every militia unit then organized. Obion County was attached to the 19th Brigade and would hold their county drills on the first Friday and Saturday in September each year. The Regimental musters and drills would be held in October.
5. Acts of 1839-40, Chapter 56, rewrote the entire militia law for the State changing many aspects of the prior law. The people in the units were limited to white males between the ages of 18 and 45 with certain exemptions. Battalion musters were to take place in April of each year and the Regiments would hold their drills according to the schedule in the Act. Obion County's Units were set up for October of each year. Obion County was organized as the 136th Regiment.
6. Acts of 1847-48, Chapter 142, stated among other things, that the 136th Regiment in Obion County would hold their county musters hereafter on the first Saturday after the first Thursday in October of each year. The musters for the other Counties in the 19th Brigade were also listed in this Act.

### **Offenses**

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

1. Private Acts of 1929, Chapter 824, permitted the Quarterly Court of Obion County to offer a reward of \$25 to any person catching or causing to be caught any poultry thief provided a conviction was obtained in the Circuit Court. The Quarterly Court could appropriate up to \$500 annually for this purpose. The Act further required that all persons, firms, or corporations, buying poultry to keep records showing, among other things, the date of purchase, the name of the seller, and the number and kind of poultry bought. Such records were made subject to inspection by law enforcement authorities at any time. This Act was repealed by Private Acts of 1979, Chapter 81.

### **Sheriff**

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

1. Acts of 1827, Chapter 178, provided for the release of Joel S. Enloe, the Sheriff and Revenue

- Collector of Obion County, from the payment of taxes on 65,284 acres of land for the year 1826, if it were made to appear to the satisfaction of the Commissioners who were appointed by the Quarterly Court to settle accounts with Sheriff Enloe, and other county officials, that there was that amount of land returned to the Treasurer of the State in excess of that number of acres which actually appeared on the tax rolls in Obion County. The certificate of the Commissioners making this finding of fact would be sufficient to exonerate and release the Sheriff.
2. Acts of 1831, Chapter 45, was the authority for the Sheriff of Obion County to hold an election in the newly incorporated town of Troy to select a Mayor and seven aldermen. The election was scheduled for the first Saturday in March for terms of one year in each office.
  3. Acts of 1831, Chapter 152, granted to Joel S. Enloe, the Sheriff of Obion County, along with the Sheriff of Dyer County, the further time of one year beginning from December 31, 1831, to pay the taxes on all tracts of land reported as taxable by them in the years 1829 and 1830, any act or law to the contrary notwithstanding.
  4. Acts of 1855-56, Chapter 1, Section 5, was the enabling legislation for the Sheriff of Obion County to appoint one additional Deputy Sheriff over and above the number allowed under the law to serve the citizens of the district lying west of Reelfoot Lake.
  5. Acts of 1873, Chapter 41, declared that the State costs incidental to the guarding of prisoners arrested and tried within the jurisdiction of the Law Courts of Union City, and the costs of their confinement were hereby made a charge on and must be paid by Obion County in misdemeanor cases and by the State of Tennessee in felony cases. Whenever or wherever the Sheriff of the County, or the municipal authorities of Union City have incurred costs in the care and keeping of State prisoners, they were given the authority and the permission to collect the same from Obion County, or from the State whichever government was responsible.
  6. Private Acts of 1925, Chapter 574, stated that the Sheriff of Obion County would hereafter be paid the sum of \$200 per month over and above all the other fees and emoluments of his office, which amount would be payable on the last day of each month upon the warrant of the County Judge and County Court Clerk, drawn on the County treasury.
  7. Private Acts of 1931, Chapter 569, created a Board of County Commissioners in Obion County. The Board would be composed of three members nominated by the County Judge, or Chairman, and elected by the Quarterly County Court to serve terms of three years which would be initially staggered. The Commissioners would be sworn into office and have a performance bond of \$1,000. The Board members were obligated to assume the charge of the workhouse and its prisoners as well as the County Poorhouse and the inmates in it, and the Board was authorized to make the necessary rules and regulations to govern the conduct of the inmates of both Institutions and the Staff of each as they might deem desirable. Board meetings must occur at least monthly. The Board had the authority to employ a Superintendent and guards for both places. Compensation of the Board members was fixed at \$10 per month plus \$4 per day travel expenses when they were conducting the business of the County. The Quarterly County Court had the power to levy a tax up to four cents per \$100 property valuation to defray the expenses incurred in the carrying out of the provisions of this Act.
  8. Private Acts of 1931 (2nd Ex. Sess.), Chapter 4, provided that the Sheriff of Obion County would be paid an annual salary of \$3,000 which would be paid by the Chairman of the County Court in the same manner as all other county expenses were paid. The Sheriff was required to notify the Chairman of the Court of his acceptance of the salary provided herein in the place and stead of the compensation permitted under Public Acts of 1921, Chapter 101.
  9. Private Acts of 1931 (2nd Ex. Sess.), Chapter 17, was the authority for the Sheriff of Obion County to appoint one First, or Chief, Deputy whose salary would be \$150 per month but the Sheriff was to pay all the expenses of the position out of that amount. The above salary would not be paid if the Sheriff chose to be paid under the general public law, Public Acts of 1921, Chapter 101.
  10. Private Acts of 1933, Chapter 780, said that the Sheriff of Obion County would not be entitled to receive as compensation for his services more than \$3,500 during any one year of his term, all of which must be paid out of the fees collected in his office. This Act was not intended to interfere with the provisions of Sections 10728 through 10747, of the Tennessee Code, nor was it intended in any way to interfere with the Sheriff receiving special compensation for his services as a Trustee or a Receiver. This Act was repealed by Private Acts of 1979, Chapter 81.
  11. Private Acts of 1937, Chapter 300, created a Board of County Commissioners for Obion County, naming Wade Willy, Willis Williams, and Walter Harper, as the first members of the Board. Their successors would have terms of three years each and would be appointed by the Quarterly County

Court and could be removed from office by a two-thirds vote of that body. The terms and provisions of this Act were very similar to Private Acts of 1931, Chapter 569, except that an Assistant Superintendent would be employed for the County Poorhouse but the combined salaries of the Superintendent and the Assistant could not exceed \$1,200 annually. In the event the county jail was formally declared to be a Workhouse the Board had the authority to contract with the Sheriff to maintain and board prisoners. The Board would receive \$10 per month as their sole compensation. A tax levy of four cents per \$100 of taxable property was also mandated.

12. Private Acts of 1943, Chapter 381, expressly and specifically repealed all Private Acts heretofore enacted relative to the Workhouse and the County Farm located in Obion County.

## Chapter XI - Taxation

### Assessor of Property

#### Private Acts of 1949 Chapter 304

**SECTION 1.** That in counties of this State having a population of not less than 30,900, nor more than 31,000, by the Federal Census of 1940, or any subsequent Federal Census, the County Tax Assessor shall as a part of his duty:

1. Devote his entire time to the duties of the office.
2. Maintain an office in the Court House at the county seat which office shall be at all reasonable hours open for the transaction of business.
3. At least once a week examine all records of conveyance of real estate in the office of the County Register of such county, make notations therefrom of any changes in ownership and promptly transfer such notations to his assessment records for future reference.
4. Make and file with the Trustee the tax books and tax aggregates to be used in the collection of taxes.

His salary shall be \$5,000.00 per annum, payable in equal monthly installments out of the County Treasury.

**COMPILER'S NOTE:** See Tennessee Code Annotated §8-24-102 for the general law on compensation. For additional compensation information, see Tennessee Code Annotated §67-1-508.

**SECTION 2.** That in order to set up and promote such more efficient system of tax assessment, the Quarterly County Court of counties to which this Act applies are hereby authorized to appropriate, not to exceed \$1,000.00, to be used for the purchase of record books and other supplies incident to the establishment of such more efficient system of assessment. But this power to appropriate the sum above mentioned shall be limited to twelve (12) months next following the effective date of this Act and shall not exist after the lapse of such period of time.

**SECTION 3.** That this Act shall take effect from and after March 1, 1949, the public welfare requiring it.

Passed: February 25, 1949.

### Hotel/Motel Tax

#### Private Acts of 1991 Chapter 133

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

- (1) "Clerk" means the county clerk of Obion County, Tennessee.
- (2) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.
- (3) "County" means Obion County, Tennessee.
- (4) "Hotel" means any structure or space, or any portion thereof, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any

hotel, inn, tourist camp, tourist court, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.

(5) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.

(6) "Operator" means the person operating the hotel whether as owner, lessee or otherwise, and shall include governmental entities.

(7) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, governmental unit other than the United States or any of its agencies, or any other group or combination acting as a unit.

(8) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodations in a hotel for a period of less than thirty (30) continuous days.

**SECTION 2.** The legislative body of Obion County is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient in an amount not to exceed five percent (5%) of the rate charged by the operator effective July 1, 1991. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided in this act.

**SECTION 3.** The proceeds received by the county from the tax shall be retained by the county and deposited into the general fund of the county. The county legislative body shall designate and use the proceeds to promote tourism and economic development in Obion County.

As amended by: Private Acts of 2018, Chapter 42.

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

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

**SECTION 5.(a)** The tax levied shall be remitted by all operators who lease, rent or charge for any rooms, lodgings, spaces or accommodations in hotels within the county to the clerk or such other officer as may by resolution be charged with the duty of collection thereof, such tax to be remitted to such officer not later than the twentieth (20th) day of each month for the preceding month. The operator is required to collect the tax from the transient at the time of the presentation of the invoice for such occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient, then the obligation to the county entitled to such tax shall be that of the operator.

(b) For the purpose of compensating the operator for remitting the tax levied by this act, the operator shall be allowed two percent (2%) of the amount of the tax due and remitted to the clerk in the form of a deduction in submitting the report and paying the amount due by such operator, provided the amount due was not delinquent at the time of payment.

**SECTION 6.** The clerk, or other authorized collector of the tax, shall be responsible for the collection of such tax and shall place the proceeds of such tax in accounts for the purposes stated herein. A monthly tax return shall be filed under oath with the clerk by the operator with such number of copies thereof as the clerk may reasonably require for the collection of such tax. The report of the operator shall include such facts and information as may be deemed reasonable for the verification of the tax due. The form of such report shall be developed by the clerk and approved by the county legislative body prior to use. The clerk may audit each operator in the county at least once a year and may report on the audits made on a quarterly basis to the county legislative body.

As amended by: Private Acts of 2018, Chapter 42.

The county legislative body is authorized to adopt resolutions to provide reasonable rules and regulations for the implementation of the provisions of this act, including the form for such reports.

**SECTION 7.** No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator or that it will not be added to the rent, or that if added, any part will be refunded.

**SECTION 8.** Taxes collected by an operator which are not remitted to the clerk on or before the due dates are delinquent. An operator is liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and is liable for an additional penalty of one percent (1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the



tax herein required to be remitted. Each occurrence of willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is unlawful and shall be punishable by a civil penalty not in excess of fifty dollars (\$50.00).

**SECTION 9.** It is the duty of every operator liable for the collection and payment to the county of any tax imposed by this act to keep and preserve for a period of three (3) years all records necessary to determine the amount of tax due and payable to the county. The clerk has the right to inspect such records at all reasonable times.

**SECTION 10.** The clerk in administering and enforcing the provisions of this act has as additional powers, those powers and duties with respect to collecting taxes as provided in Title 67 of Tennessee Code Annotated or otherwise provided by law.

For services in administering and enforcing the provisions of this act, the clerk is entitled to retain as a commission five percent (5%) of the taxes collected.

Upon any claim of illegal assessment and collection, the taxpayer has the remedies provided in Tennessee Code Annotated, Title 67. It is the intent of this act that the provisions of law which apply to the recovery of state taxes illegally assessed and collected shall also apply to the tax levied under the authority of this act. The provisions of Tennessee Code Annotated, Section 67-1-707, shall be applicable to adjustments and refunds of such tax.

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

Notice of any tax paid under protest shall be given to the clerk and the resolution authorizing levy of the tax shall designate a county officer against whom suit may be brought for recovery.

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

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

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

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

Passed: May 30, 1991.

## Motor Vehicle Tax

### Private Acts of 1977 Chapter 137

WHEREAS, under the provisions of Tennessee Code Annotated, Section 5-802, each county in the state of Tennessee is empowered to levy for county purposes a motor vehicle privilege tax as a condition precedent to the operation of a motor vehicle with the county; and

WHEREAS, in accordance with said provisions, the Obion County Quarterly County Court adopted a resolution on July 12, 1976, setting such a levy as the rate of ten dollars (\$10.00) per vehicle; and

WHEREAS, a referendum was held for the purpose of approving or rejecting such tax levy by the qualified voters of Obion County on November 2, 1976, and a majority of the number of qualified voters of Obion County voting in the referendum approved the resolution of the Quarterly County Court setting said tax levy; now, therefore,

**SECTION 1.** Any resident of Obion County who owns a vehicle required by the state of Tennessee to be licensed and who fails to pay the Obion County motor vehicle tax shall be guilty of a misdemeanor, and, upon conviction, shall be fined two dollars (\$2.00). It shall also be a part of the judgment rendered in any such conviction that the person convicted pay to the county clerk the amount of the motor vehicle tax and the penalty set by such resolution.

As amended by:

Private Acts of 1981, Chapter 27

Private Acts of 1986, Chapter 188

**SECTION 2.** It shall be the duty of the Sheriff of Obion County to enforce the provisions of this Act as

prescribed by law in Tennessee Code Annotated, Section 8-810.

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

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

Passed: May 17, 1977.

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

1. Private Acts of 1925, Chapter 32, set the salary of the Obion County Tax Assessor for the assessment of all real and personal property, and polls, at \$2,500 per year, which would be paid on July 1 each year on the warrant of the County Judge, and the Tax Assessor would in no wise be paid any more than that amount. He would pay the compensation of his deputies from this same amount.
2. Private Acts of 1933, Chapter 241, amended Private Acts of 1925, Chapter 32, by striking out the figures \$2,500 and inserting \$1,500 in the place of them, thus reducing the annual salary of the assessor of property by that amount. This Act was repealed by Private Acts of 1945, Chapter 236.
3. Private Acts of 1935, Chapter 604, amended Private Acts of 1925, Chapter 32, so as to raise the compensation of the Obion County Tax Assessor from \$1,500 to \$2,000 per year. This Act was repealed by Private Acts of 1945, Chapter 236.
4. Private Acts of 1961, Chapter 260, relative to notation and collection of a notation fee of \$1.00 by the Tax Assessor on all instruments vesting or divesting title or interest in real property. This act was repealed by Private Acts of 1997, Chapter 45.

### **Taxation**

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

1. Acts of 1824 (Ex. Sess.), Chapter 66, Section 3, stated that the land lying west of the Henry County line in Obion County and Weakley County which was formerly taxed by Henry County for public buildings was hereby released from all obligations for the payment of the said tax.
2. Acts of 1824 (Ex. Sess.), Chapter 128, permitted the Quarterly Courts of the counties of Henry, Weakley, Obion, Dyer, Gibson, Carroll, Madison, Haywood, Tipton, and Hardeman to levy a tax on property of up to 12 cents per \$100 on taxable lands for the next 5 years, to improve the navigation along several rivers in West Tennessee, naming Trustees for each sizeable area of each river in the covered region.
3. Acts of 1826 (Ex. Sess.), Chapter 131, Section 2, stated that the County Court of Obion County could apply the navigation tax to the project of cutting a road from Troy to any town on the Mississippi River, and to apply the funds to assist Weakley County in cutting a road from Dresden to Mills Point, if the Court deemed it expedient to do so. This Act conferred the responsibility on the Treasurer of the Board of Trustees of the navigation of streams in the Western Section of the State to pay the said tax money to the Trustees of Obion County and Weakley County.
4. Acts of 1829, Chapter 234, was the authority for the Quarterly Court of Obion County to lay a tax on all the taxable property within the county, not to exceed the amount of the State tax, in order to complete the construction of public buildings in the County. The Sheriff of the County was directed to collect the tax and pay the same over to the County Trustee. All action taken by the County Court in connection therewith were ratified, confirmed, and validated by this Act.
5. Acts of 1831, Chapter 250, exempted portions of the land grants in Obion County made to William Polk by the State of North Carolina that included land flooded by Reelfoot Lake from all forms of taxation, provided Polk had a survey and plot made to show the quantity of the flooded land.
6. Acts of 1847-48, Chapter 98, provided that the State revenue which would be collected in Obion

- County during the years of 1848, 1849, and 1850, would be and was thereby loaned to the said County, without interest, for the purpose of enabling her citizens to build a court house for the said County. The money would be repaid to the State in three equal annual installments beginning on October 1, 1852.
7. Acts of 1857-58, Chapter 168, declared that the Railroad Tax Collectors in Obion County would be allowed one additional year in which to collect all the arrearages due and payable and they would have and could exercise all the same powers and rights they were granted and used while they were in office. When the past due debts were collected they would then be paid over to the proper parties.
  8. Acts of 1869-70, Chapter 51, made it the additional responsibility of the Revenue Collector of Obion County to make a report of all non-payment of taxes to the Clerk of the Circuit Court at Troy.
  9. Acts of 1870-71, Chapter 50, pronounced that the counties and the cities of the State of Tennessee could impose taxes for county and municipal purposes in the following manner and upon these conditions taken almost directly from the 1870 Constitution; (1) that all taxable property shall be taxed according to its value upon the principles established for State taxation, and (2) the credit of no county, or city, would be given, or loaned, to any person, firm or corporation, unless the majority of the Justices, or Councilmen, first agree and then upon an election wherein three-fourths of the voters likewise approve. Twenty-six Counties, not including Obion County, exempted themselves from the three-fourths voters approval and substituted a simple majority for ten years next following the effective date of the Act.
  10. Acts of 1883, Chapter 177, amended Acts of 1847-48, Chapter 98, to provide that the State revenue to be collected in the county of Obion for the years 1848, 1849, and 1850, be loaned to the County with no interest for the purpose of enabling the citizens of Obion County to build a Court House. Obion County would forfeit any claims the county might have against the State as to cost for keeping prisoners in felony cases.
  11. Private Acts of 1919, Chapter 57, authorized that an election be held on March 1, 1919, in the 6th Civil District of Obion County in order to ascertain the will of the voters on the question of a special high school tax. Polls would be located at Troy and Polk with all the essential details of conducting the election being prescribed in the Statute even to the naming of the officers of election at both polling places who were J. Lee Hughes, Joe Bennett, F. A. Bumpass, T. N. Neely, J. H. Blanton, and John Moffatt, at Troy; and R. L. Andrews, S. G. Ervin, Mike Buchanan, Ross Brown, James G. Cunningham, and H. F. Henderson, at Polk.
  12. Private Acts of 1919, Chapter 805, allowed the Quarterly County Court of Obion County to levy and collect an annual privilege tax upon any and all vehicles which were operated on the public roads, streets and highways of the county. The amount of the tax was predicated upon a schedule prescribed therein which went from \$1.00 for a motorcycle and a buggy up to \$5.00 for automobiles, trucks, and log wagons. Vehicle owners were obligated to register them with the County Court Clerk who would prepare the necessary tags and who could charge ten cents for each registration. The County Court Clerk had the responsibility of allocating the proceeds to the road district in which the taxpayer lived. All of the funds were to be spent for construction, maintenance and improvement of the county roads at the direction of the County Court.
  13. Public Acts of 1920 (Ex. Sess.), Chapter 22, recited in its preamble that there were a large number of special acts by the General Assembly which levied specific tax rates for various special purposes covering a limited area, and that there were other acts which authorized and directed the Quarterly Courts to levy a specific tax rate for a particular purpose, and since the assessments of property have been increased so much of late, the result was that a much larger amount of tax money was generated than was intended by those acts if the old tax rates were applied. Therefore, in the year 1920, and the years following, the tax rate must be in proportion to the property assessments as they appeared on the tax rolls in 1920. This Act was intended to apply to school districts, also.
  14. Private Acts of 1925, Chapter 293, averred that the Quarterly Court of Obion County had the power to levy a special tax, which would be in addition to all other taxes, on all taxable property in the county up to and including fifty cents on every \$100 property valuation which funds would be used for the construction and maintenance of hard surfaced roads, and the bridges and culverts located in the county, the tax levy beginning in 1925.
  15. Private Acts of 1925, Chapter 445, allowed Obion County and Campbell County to levy an additional tax for schools which would be in excess of the aggregate State tax for all purposes. The new tax was to produce a school fund sufficient to extend the length of the school year for

the elementary schools to eight months.

16. Private Acts of 1931, Chapter 223, created the position of Delinquent Poll Tax Collector in all the counties falling between 22,193 and 30,000 in population according to the 1930 census, which included Obion County. The County Judge, or Chairman, would appoint the Delinquent Poll Tax Collector to serve for two years to collect the poll taxes which were delinquent as they were defined in this Act. The appearance of one's name on the delinquent poll tax list constituted a summary judgment against that individual for which distress warrants could be issued to collect. Special receipt books were to be issued to the Delinquent Poll Tax Collector from which all receipts would be issued, and the funds collected by him were to be turned over to the County Trustee. The Delinquent Poll Tax Collector must take an oath before entering upon the office and execute a bond covering the handling of the money. The Collector was given the authority to conduct hearings and to summon witnesses. Records of companies, including payrolls, were subject to his examination. Poll taxes were delinquent which were not paid by March of the year following their due date. This Act was repealed by Private Acts of 1931, Chapter 757.
17. Private Acts of 1931, Chapter 518, amended Private Acts of 1931, Chapter 223, by making the Act only apply to males.
18. Private Acts of 1931, Chapter 757, repealed Private Acts of 1931, Chapter 223, and restored to effectiveness all the acts relative to the collection of poll taxes which might have been expressly or impliedly repealed by Private Acts of 1931, Chapter 223.
19. Private Acts of 1991, Chapter 80, which would have enacted a hotel occupancy tax, was not locally approved and never took effect.

## Chapter XII - Utility Districts

### Drainage and Levee Districts

#### Reelfoot Levee District

#### Private Acts of 1981 Chapter 905

WHEREAS, by decree of the County Court of Lake County, Tennessee, presided over by the Chairman or Chairman pro tempore thereof, made on Feb. 16, 1920, and entered at pages 43 and 49 inclusive, of Levee and Drainage Record No. 1, being one of the minute books of said Court, an improvement district was organized and established under the name and style of the "Reelfoot Levee District of Lake and Obion Counties in the State of Tennessee," including within its boundaries certain lands in the Counties of Lake and Obion which are subject to and affected by the floods and overflows of the Mississippi River, and said boundaries being as hereinafter set out in detail, the said degree and proceedings being had under and pursuant to Chapter 185, Acts of the General Assembly of Tennessee of 1909, and subsequent Acts amendatory thereto, commonly referred to as the Levee and Drainage Law, governing the establishment of Levee and Drainage Districts for the reclamation of low, swamp and overflowed lands; and

WHEREAS, the various proceedings required by said Levee and Drainage Laws for the organization and establishment of such improvement districts, from the filing of the petition seeking the establishment of said district down to the point in such proceedings where assessments have been made and levied against the various tracts of land in the district to pay the cost and expense of the cause, and of the improvements sought to be constructed and ordered constructed therein, and down to the point where bonds are ready to be issued and sold; and all parties having an interest in said proceedings having been brought before the Court by notice, process or publication, and due notice having been given to all property owners and others interested in each of the steps in said proceedings as required by law, as shown by the record in said cause, entitled, "In Re Reelfoot Levee District," and as shown by the minutes of said County Court of Lake County, to which reference is hereby had for all purposes necessary or desired; and

WHEREAS, the said "Reelfoot Levee District" was established for the purpose of protecting the lands, and property, in said district, from the floods and overflows of the Mississippi River, by the construction of levees or dikes and by the enlargement and improvement of existing levees within said district, and particularly by the enlargement and improvement of so much of the Reelfoot Levee, or Hickman Slough Landing Levee, as lies south of the Kentucky-Tennessee State line, which portion of said levees was originally built by the County of Lake, and by said County transferred to said district for improvement and control; and

WHEREAS, the Mississippi River Commission, an agency of the Federal Government, by virtue of certain Acts of Congress including what is known as the Flood Control Act, is empowered to assist localities along the Mississippi River in constructing and enlarging levees, and has assisted said Levee District by paying two-thirds of the cost of work already done or under contract, and is authorized to further assist in building banquettes on, and enlarging said Reelfoot Levee, on condition, that said district contribute and pay for one-third the cost of said enlargement and improvement work, with the understanding that the amount furnished by the district will be paid over to said Mississippi River Commission and expended by the latter under contracts to be made by said River Commission; and

WHEREAS, it is probable, that further aid may be secured by cooperating with State and County agencies, such as the Highway Departments and the Department of Game, Fish and Forestry, in enlarging and improving the levee separating Reelfoot Lake from the washout and other levees; therefore,

**SECTION 1.** That the said "Reelfoot Levee District" through its Board of Directors and with the approval of the Chairman of the County Court of Lake County, which Court has jurisdiction in said matter, is hereby authorized and empowered to cooperate with said Federal, State and County agencies, for the construction and improvement of said levees referred to above, and is particularly authorized to make contracts with said Mississippi River Commission, or its representatives, for the construction, enlargement and strengthening of said Reelfoot Levee, or other improvements necessary for the protection and reclamation of the lands and property within said district, and to pay over to said River Commission, or other agencies such amounts as may be deemed necessary, or as may be required by law, or the regulations of said Mississippi River Commission, in order to secure the benefits of said Federal, or other funds; and all agreements heretofore made with said Mississippi River Commission for the recent construction of said improvements and enlargements, and banquettes, including contracts let and not completed and all payments of money on account thereof to said River Commission by said district, or by individual property owners, in said district in contemplation of the formation of said district, are hereby ratified, confirmed and validated.

**SECTION 2.** That all funds heretofore advanced by Lake County, and by individuals or corporations who own land or property subject to assessment in said district in contemplation of the organization of said district, including preliminary expenses, cost of right-of-way, construction work and all moneys paid said Mississippi River Commission, shall be refunded to said contributors out of the proceeds of the sale of bonds, or said amounts so paid may be allowed as credits against any assessments made, or hereafter to be made, against the lands or property of said parties so making said advancements.

**SECTION 3.** That said Reelfoot Levee District, through its Board of Directors, and with the approval of the Chairman, or Chairman pro tempore, when acting in the place and stead of the Chairman of the County Court of Lake County, is hereby authorized to make contracts with the Highway authorities of the State and of Lake County, and with the State authorities having charge of Reelfoot Lake, and other State and County agencies, for the purpose of enlarging and improving the existing levee separating Reelfoot Lake from the washout, and, said district is authorized to expend so much of the funds of said district as may be deemed necessary to construct said levee, or other levees, to the grade and section required to prevent the floods of the Mississippi River from entering said Lake, or the Reelfoot Lake Basin, if the Directors and the Court deem it for the best interests of said district.

**SECTION 4.** That the various proceedings, orders and decrees made and had in the matter of Reelfoot Levee District, pending in said County Court of Lake County, including among other things, the order appointing a Civil Engineer, and action on his report, notices and publications, decrees of organization, order condemning land for levee right-of-way, the appointment of Commissioners to classify, and make assessments on the lands in said district for the purpose of defraying the costs, expenses, costs of construction, fees, damages, and other costs incident to said proceedings, the decree acting on the report of Commissioners and the levy of assessments, the appointment of Directors, the making of an assessment roll, as well as all other proceedings, orders and decrees had, and promulgated in said cause, as shown by the record in the cause and the minutes of said court as contained in the Levee and Drainage Record, Vol. 1, of said Court, up to the date of the passage of this bill, are in all things recognized as valid, and not subject to attack or impeachment either directly or collaterally, and if by inadvertence, there has been a noncompliance with the law in any of its details, or if there be any irregularities in any of said proceedings, the same are hereby waived, and the organization of said levee district and all orders prior to, or subsequent to the decrees of organization, are in all things validated.

**SECTION 5.** That the boundaries of said Reelfoot Levee District of Lake and Obion Counties, in the State of Tennessee, as set out in said decree of organization, and as therein and herein, and hereby located and established, are declared to be as followings, to-wit: Beginning at a point near the bank of the Mississippi River at a point in the Kentucky- Tennessee State line, 740 feet west of the center of the Reelfoot levee, sometimes referred to as the Hickman Slough Landing, or Government levee, on the west side of Reelfoot Lake, which point is called Hub-O: running thence southeastwardly and southwestwardly with a line

parallel with said levee and running 740 feet west of the same, following the various angles in said levee as follows:

S. 9 degrees 15 minutes E. 210 feet to Hub No. 1; S. 42 degrees 15 minutes E. 1,510 feet to Hub No. 2; S. 11 degrees 30 minutes W. 505 feet to Hub No. 3; S. 14 degrees 0 minutes W. 600 feet to Hub No. 4; S. 23 degrees 50 minutes W. 300 feet to Hub No. 5; S. 13 degrees 50 minutes W. 1,000 feet to Hub No. 6; S. 2 degrees 20 minutes E. 300 feet to Hub No. 7; thence S. 1 degree 35 minutes E. 400 feet to Hub No. 8; S. 7 degrees 0 minutes W. 400 feet to Hub No. 9; S. 9 degrees 30 minutes W. 400 feet to Hub No. 10; S. 13 degrees 10 minutes W. 300 feet to Hub No. 11; S. 3 degrees 30 minutes W. 1,100 feet to Hub No. 12; S. 4 degrees 0 minutes W. 589 feet to Hub No. 13; S. 9 degrees 30 minutes W. 510 feet to Hub No. 14; S. 25 degrees 45 minutes W. 801 feet to Hub No. 15; S. 4 degrees 0 minutes E. 439 feet to Hub No. 16; S. 15 degrees 0 minutes W. 1,739 feet to Hub No. 17; S. 23 degrees 0 minutes W. 732 feet to Hub No. 18; S. 32 degrees 55 minutes W. 868 feet to Hub No. 19; S. 24 degrees 35 minutes W. 954 feet to Hub No. 20; S. 36 degrees 0 minutes W. 524 feet to Hub No. 21; S. 40 degrees 10 minutes W. 2,222 feet to Hub No. 22; S. 36 degrees 0 minutes W. 966 feet to Hub No. 23; S. 29 degrees 45 minutes W. 445 feet to Hub No. 24; S. 33 degrees 0 minutes W. 2,137 feet to Hub No. 25; S. 54 degrees 20 minutes W. 460 feet to Hub No. 26; S. 41 degrees 45 minutes W. 803 feet to Hub No. 27; S. 49 degrees 45 minutes W. 1,789 feet to Hub No. 28; thence east 740 feet to the center of said Reelfoot Levee, at mile post 0-2, Hub No. 28 1-2, being the southern terminus of said levee, east of Slough Landing; thence south 63 degrees 0 minutes W. 200 feet to Hub No. 29, S. 23 degrees 15 minutes W. 301 feet to Hub No. 30; S. 3 degrees 0 minutes E. 775 feet to Hub No. 31; S. 31 degrees 15 minutes W. 1,250 feet to Hub No. 32; S. 9 degrees 45 minutes W. 4,475 feet to Hub No. 33 in the center of the public road leading north from Proctor City; thence S. 10 degrees 30 minutes W. 2,037 feet to Hub No. 34; being the northwest corner of the Proctor City School lot, where the road turns; thence S. with road 4 degrees 30 minutes E. 950 feet to Hub No. 35; thence south 48 degrees 45 minutes E. 3,000 feet to Hub No. 36 near Proctor City R. R. Station on the C. M. and G. R. R. thence S. 3 degrees 0 minutes E. 1,625 feet to Hub No. 37; thence S. 46 degrees 15 minutes W. 2,750 feet to Hub No. 38, just west of the N. W. point of Champey Pocket of Reelfoot Lake, thence running west of the shore of Reelfoot Lake S. 5 degrees E. 8,475 feet to Hub No. 39; thence S. 44 degrees 45 minutes E. 5,340 feet to Hub No. 40; thence S. 18 degrees 30 minutes W. 3,150 feet to Hub No. 41; thence S. 87 degrees 15 minutes W. 1,900 feet to Hub No. 42, where the road turns at the S. E. corner of the Tennon Tract; thence N. 39 degrees 30 minutes W. 2,350 feet to Hub No. 43 at the intersection of roads at J. M. Sudberry's S. W. corner; thence N. 84 degrees 30 minutes W. 3,125 feet to Hub No. 44; thence S. 78 degrees 15 minutes W. 4,700 feet to Hub No. 45 in the Tipton-Wyburg Road; thence N. 77 degrees 15 minutes W. 4,500 feet to Hub No. 46, standing east of the bank of the chute of the Mississippi River on the land of Mrs. J. C. Jackson, thence S. 52 degrees 15 minutes W. 6,862 feet, running east of said chute, to Hub No. 47, thence S. 15 degrees 15 minutes W. 3,700 feet to Hub No. 48; thence S. 3 degrees 15 minutes E. with the Tiptonville-Ridgely Road, 6,775 feet to Hub No. 49; thence S. 2 degrees W. 4,500 feet, with the road to Hub No. 50, at the point where the road turns east; thence S. 88 degrees E. 750 feet to Hub No. 51, to another turn in said public road; thence south 2 degrees 30 minutes E. 2,300 feet to Hub No. 52, the point where the public road intersects the Bayou at Mooring; thence N. 88 degrees 45 minutes E. 1,725 feet to Hub No. 53; thence S. 38 degrees 15 minutes E. 2,500 feet to Hub No. 54; thence S. 15 degrees E. 1,600 feet to Hub No. 55; thence S. 47 degrees 30 minutes E. 800 feet to Hub No. 56; thence S. 4 degrees 30 minutes E. 5,050 feet running with the road, to Hub No. 57; thence N. 81 degrees 15 minutes E. 12,625 feet, partly with the Madie Road, to Hub No. 58; N. E. of Madie Church; thence S. 3 degrees 30 minutes E. 3,450 feet to Hub No. 59 being the S. E. corner of the Mrs. Bessie Moss, or Glascock Tract; thence S. 45 degrees W. 17,750 feet to Hub No. 60, in the west boundary line of the C. M. and G. R. R. right-of-way, and south of the Horn Ridge school and cemetery lot; thence S. 5 degrees 15 minutes E. with the west line of the C. M. and G. R. R. right-of-way 4,350 feet to Hub No. 61, near B. T. LeDuke's S. W. corner; thence S. 3 degrees 15 minutes E. with the west line of said right-of-way 3,925 feet to Hub No. 62; south of Tank No. 2; thence north 87 degrees 15 minutes E. and with the County line dividing Obion and Dyer County, 18,700 feet to Hub No. 63, the S. E. corner of the S. J. Bradshaw tract, in said County line; thence running east of the Schatters of Reelfoot Lake, and east of Reelfoot Lake, and west of the Bluffs of Obion County, as follows: North 2 degrees E. 4,875 feet to Hub No. 64; in the center of the road; thence N. 6 degrees E. 5,755 feet to Hub No. 65; thence N. 27 degrees 45 minutes E. 2,275 feet to Hub No. 66; thence N. 4 degrees E. 5,525 feet to Hub No. 67; thence N. 31 degrees 30 minutes E. 3,812 feet to Hub No. 68; thence N. 17 degrees E. 12,350 feet to Hub No. 69; thence N. 22 degrees 15 minutes E. 8,575 feet to Hub No. 70; thence N. 44 degrees 45 minutes E. 2,150 feet to Hub No. 71 in the center of the Free Bridge Road, and west of Webb's store; thence N. 12 degrees E. 4,300 feet to Hub No. 72; thence N. 3 degrees 30 minutes E. 3,150 feet to Hub No. 73; thence N. 20 degrees 30 minutes E. 6,600 feet to Hub No. 74; thence N. 36 degrees E. 6,900 feet to Hub No. 75; thence N. 26 degrees E. 8,150 feet to Hub No. 76; thence N. 37 degrees about 4,200 feet across the lands of Taylor, Fitenbutts and Ransom, to Hub No. 77; thence N. 16 degrees 15 minutes E. 14,650 feet to Hub No. 78; thence N. 11 degrees W. 4,400 feet to Hub No. 79; thence N.

15 degrees E. 16,000 feet to the State line dividing Tennessee and Kentucky; thence in a westerly direction, along said State line, about 36,000 feet to Hub No. 0., the point of beginning. The foregoing description is intended to be identical with that in the decree of organization, recorded at pages 43-49 of said Levee and Drainage Record, and if there be any differences, the text of said decree shall govern.

**SECTION 6.** That the territory included within the boundaries set out in the foregoing section is hereby organized and established into an improvement district under the name and style of Reelfoot Levee District of the Counties of Lake and Obion in the State of Tennessee, and is hereby vested with all the power, authority and jurisdiction which is conferred upon levee and drainage districts under and by the terms of said Chapter 185, Acts of 1909 and Acts amendatory thereto, and said district is authorized to provide funds by the sale of bonds, or other legal ways and means, and therewith to construct levees for the protections of said district, and particularly to construct, enlarge and improve said Reelfoot Levee, whether Government aid, or aid from said Mississippi River is available or not.

**SECTION 7.** That the Board of Directors of said district, consisting of A. E. Markham and W. L. Willingham heretofore chosen by the County Court of Lake County and J. R. Lambert, member ex-officio, and their successors in office, are hereby constituted and recognized as the Board of Directors of said district, and they are vested with the general control and management of the business affairs of said district, and supervision of the same, including the power and authority to make contracts, to borrow money, to fix the time and terms of payment of bonds and other details concerning same, and to do, and perform, all the duties required of them, and as provided by said Chapter 185, Acts of 1909, and subsequent amendatory Acts, and if, at any time the Chairman of said Court and ex-officio member of said Board, is absent, or unable for any reason to act, either as Chairman, or as a member of said Board, the Chairman pro tempore is hereby authorized to act in his place and stead in all matters requiring attention, either in the capacity of presiding officer of said Court or as a member of said Board of Directors, and as Chairman of the same.

**SECTION 8.** That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 5, 1921.

## Reelfoot Lake Regional Utility and Planning District

### Public Acts of 1983 Chapter 222

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

**SECTION 1.** Creation -- Purpose. -- (a) There is hereby created the Reelfoot Lake Regional Utility and Planning District in the counties of Lake and Obion.

(b) This District is intended to secure economic benefits to the above counties and to the cities of Tiptonville and Samburg by providing for sewer and other utilities in the District and by providing for a District with powers for planning and other related activities to preserve Reelfoot Lake.

(c) The boundaries of the District are as follows:

An area comprising the central portion of Lake County and the west central portion of Obion County including the municipalities of Tiptonville and Samburg. The area being more specifically as shown on the illustration below and approximately described as follows: Beginning at point "A" (36 degrees 23' 28" Lat., 89 degrees 31' 07" Long.) on the east levee of the Mississippi River; thence in a southern direction along the river levee to point "B" (36 degrees 21' 24" Lat., 89 degrees 31' 21" Long.); thence easterly to point "C" (36 degrees 21' 15" Lat., 89 degrees 22' 16" Long.); thence northeasterly to point "D" (36 degrees 23' 53" Lat., 89 degrees 18' 50" Long.); thence northwesterly to an east bank of Reelfoot Lake at point "E" (36 degrees 24' 33" Lat., 89 degrees 20' 03" Long.); thence in a southwest direction following the southern shore of Reelfoot Lake to point "F" (36 degrees 24' 40" Lat., 89 degrees 26' 36" Long.) thence to the point of beginning.

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

**SECTION 3.** General Implementing Powers. -- The District created pursuant to the provisions of this chapter shall be vested with all the powers necessary and requisite for the accomplishment of the purpose for which such District is created, capable of being delegated by the legislature. No enumeration of particular powers herein created shall be construed to impair or limit any general grant or power herein contained. This district is empowered to do all acts necessary, proper or convenient in the exercise of the powers granted herein.

**SECTION 4.** Exemption From State Regulation -- Neither the public service commission nor any other board of commission of like character hereafter created shall have jurisdiction over the District in the management and control of any system, including the regulation of its rates, fees, tolls or charges.

**SECTION 5.** Powers in Carrying Out Purposes -- Services By Cities Or Towns. -- (a) The District created pursuant to this chapter shall have the power

- (1) To sue and be sued;
- (2) To have a seal;
- (3) To acquire by purchase, gift, devise, lease or exercise of the power of eminent domain or other mode of acquisition, hold and dispose of real and personal property of every kind within or without the District, whether or not subject to mortgage or any other liens;
- (4) To make and enter into contracts, conveyances, mortgages, deeds of trust, bonds or leases;
- (5) To incur debts, to borrow money, to issue negotiable bonds and to provide for the rights of holders thereof;
- (6) To fix, maintain, collect and revise rates and charges for any service;
- (7) To pledge all or any part of its revenues;
- (8) To make such covenants in connection with the issuance of bonds, or to secure the payment of bonds, that a private business corporation can make under the general laws of the state, notwithstanding that such covenants may operate as limitations on the exercise of any power granted by this chapter;
- (9) To use any right-of-way, easement or other similar property right necessary or convenient in connection with the acquisition, improvement, operation or maintenance of a utility, held by the state or any political subdivision thereof, provided that the governing body of such political subdivision shall consent to such use;
- (10) To apply for or accept grants, loans or other financial assistance from any federal, state, county or municipal agency in aid of the acquisition, planning, development, management or operation of the lands, improvement to lands, or facilities provided for herein;
- (11) To enter upon any lands and premises for the purpose of making surveys, soundings, and examination in connection with the acquisition, improvement, operation, or maintenance of any of the facilities of the District; provided, however, the District shall be liable for any damages caused thereby.

(b) The powers of the District shall be vested in and exercised by a majority of the members of the board of directors of the District.

(c) The District is empowered to conduct, operate and maintain a system, or systems, for the furnishing of water, sewer, sewage disposal, natural gas, natural gas storage and related activities, liquefied natural gas storage and related activities, liquid propane gas storage and related activities and other gaseous storage and related facilities, artificial gas, garbage collection and garbage disposal, street lighting, parks and recreational facilities.

(d) Incorporated cities and towns within the District or within five miles of the District boundary shall lose their right to provide the utilities under the following conditions:

- (1) Where an agreement cannot be reached, the Utility District, by a resolution setting out the area to be served and the type of utility, shall notify the city or town of its intention to serve the area;
- (2) After receipt of such notice, the city or town shall have sixty (60) days in which to adopt an appropriate ordinance or resolution determining to serve the area within a specified time; the Utility District may within ten (10) days appeal to the county executive of the county in which the major part of the land area is located if it considers the time so determined is too long, whereupon the county executive after hearing both parties shall determine a reasonable time for the city or town to provide the services, and further appeal may be taken by either party to the Chancery Court of the county affected.
- (3) Upon failure of the city or town to provide the services within the time so determined, or to adopt an ordinance or resolution within the 60-day period, the Utility District shall be authorized to serve any part of the area not already served by the city or town.

(e) The District shall have powers for zoning and planning, land use control, situation and drainage control and lake management control within the District but subject to the provisions of paragraph (f).

(f) Where the powers expressed in paragraph (e) have been delegated to another governmental entity,



the District shall exercise these powers only with the consent of such governmental entity. The District, by resolution setting out the powers to be exercised under paragraph (e), shall notify the appropriate governmental entity of its intention to exercise such power, and after receipt of such notice, such governmental entity shall consent or object to the exercise of same by the District, and if no action is taken within one hundred twenty (120) days from the receipt of such notice, there shall be a conclusive presumption that such governmental entity consented to the exercise of such power by the District.

**SECTION 6. Contracts.** -- All contracts of the District shall be entered into and executed in such manner as may be prescribed by statutes, regulations and procedures governing contracting by county governments; but no contract or acquisition by purchase of equipment, apparatus, materials or supplies involving more than five hundred dollars (\$500), or for construction, installation, repair or improvement of the property or facilities involving more than five hundred dollars (\$500) shall be made except after such contract has been advertised for bids, provided that advertisement shall not be required when an emergency arises and requires immediate delivery of the supplies or performance of the service.

**SECTION 7. Eminent Domain.** -- The District is hereby authorized and empowered to condemn, in the name of the District, any land, easements, or rights-of-way in the boundaries of the District that, in the opinion of the board of directors, are necessary or convenient to carry out the purposes of this Act provided that the condemnation of such property shall first be approved by the legislative body of the county wherein such property is located. Title to property so condemned shall be taken by and in the name of the District, and the property shall thereafter be entrusted to the District for the purposes of this part. Such condemnation proceedings shall be in accordance with Chapters 16 and 17 of title 29 of the Public Acts of Tennessee. Provided, however, that where title to any property sought to be condemned is defective, it shall be passed by the judgment or decree of the court. Provided, further, that where condemnation proceedings become necessary, the court in which any such proceedings are filed shall, upon application by the District, 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 a writ of possession shall issue immediately, or as soon and upon such terms as the court, in its discretion, may deem proper and just.

**SECTION 8. Funds and Funding.** -- (a) Except as herein otherwise expressly provided, all bonds issued by the District shall be payable solely out of the revenues and receipts derived from the District's projects or of any thereof as may be designated in the proceedings of the board of directors under which the bonds shall be authorized to be issued, including debt obligations of the lessee or contracting party obtained from or in connection with the financing of a project; provided, that notes issued in anticipation of the issuance of bonds may be retired out of the proceeds of such bonds. Such bonds may be executed and delivered by the District at any time and from time to time may be in such form and denominations and of such terms and maturities, may be in registered form or in bearer form subject to registration as to principal or interest or both, may be payable in such installments and at such time or times not exceeding forty (40) years from the date thereof, may be payable at such place or places whether within or without the state of Tennessee, may bear interest at such rate or rates payable at such time or times and at such place or places and evidenced in such manner, may be executed by such officers of the District and may contain such provisions not inconsistent herewith, all as shall be provided in the proceedings of the board of directors whereunder the bonds shall be authorized to be issued. If deemed advisable by the board of directors, there may be retained in the proceedings under which any bonds of the District are authorized to be issued an option to redeem all or any part thereof as may be specified in such proceedings, at such price or prices and after such notice or notices and on such terms and conditions as may be set forth in such proceedings and as may be briefly recited in the face of the bonds, but nothing herein contained shall be construed to confer on the District any right or option to redeem any bonds except as may be provided in the proceedings under which they shall be issued. Any bonds of the District may be sold at public or private sale in such manner, at such price and from time to time as may be determined by the board of directors of the District to be most advantageous, and the District may pay all expenses, premiums and commissions which its board of directors may deem necessary or advantageous in connection with the issuance thereof. Issuance by the District of one or more series of bonds for one or more purposes shall not preclude it from issuing other bonds in connection with the same project or any other project, but the proceedings whereunder any subsequent bonds may be issued shall recognize and protect any prior pledge or mortgage made for any prior issue of bonds. Proceeds of bonds issued by the District may be used for the purpose of constructing, acquiring, reconstructing, improving, equipping, furnishing, bettering, or extending any project or projects, including the payment of interest on the bonds during construction of any such project and for two (2) years after the estimated date of completion, and payment of engineering, fiscal, architectural and legal expenses incurred in connection with such project and the issuance of the bonds, and the establishment of a reasonable reserve fund for the payment of principal of and interest on such bonds in the event of a deficiency in the revenues and receipts available for such payment.

(b) Any bonds or notes of the District at any time outstanding may at any time and from time to time be refunded by the District by the issuance of its refunding bonds in such amount at the board of directors may deem necessary, but not exceeding the sum of the following:

- (1) The principal amount of the obligations being refinanced;
- (2) Applicable redemption premiums thereon;
- (3) Unpaid interest on such obligations to the date of delivery or exchange of the refunding bonds;
- (4) In the event the proceeds from the sale of the refunding bonds are to be deposited in trust as hereinafter provided, interest to accrue on such obligations from the date of delivery to the first or any subsequent available redemption date or dates selected, in its discretion, by the board of directors, or to the date or dates of maturity, whichever shall be determined by the board of directors to be most advantageous or necessary to the District;
- (5) A reasonable reserve for the payment of principal of and interest on such bonds and/or a renewal and replacement reserve;
- (6) If the project to be constructed from the proceeds of the obligations being refinanced has not been completed, an amount sufficient to meet the interest charges on the refunding bonds during the construction of such project and for two (2) years after the estimated date of completion (but only to the extent that interest charges have not been capitalized from the proceeds of the obligations being refinanced); and
- (7) Expenses, premiums and commissions of the District, including bonds discount, deemed by the board of directors to be necessary for the issuance of the refunding bonds. A determination by the board of directors that any refinancing is advantageous or necessary to the District, or that any of the amounts provided in the preceding sentence should be included in such refinancing, or that any of the obligations to be refinanced should be called for redemption on the first or any subsequent available redemption date permitted to remain outstanding until their respective dates of maturity, shall be conclusive.

(c) Any such refunding may be effected whether the obligations to be refunded shall have then matured or shall thereafter mature, either by the exchange of the refunding bonds for the obligations to be refunded thereby with the consent of the holders of the obligations so to be refunded, or by sale of the refunding bonds and the application of the proceeds thereof to the payment of the obligations to be refunded thereby, and regardless of whether or not the obligations proposed to be refunded shall be payable on the same date or different dates or shall be due serially or otherwise.

(d) Prior to the issuance of the refunding bonds, the board of directors shall cause notice of its intention to issue the refunding bonds, identifying the obligations proposed to be refunded and setting forth the estimated date of delivery of the refunding bonds, to be given to the holders of the outstanding obligations by publication of an appropriate notice one (1) time each in a newspaper having general circulation in the area and in a financial newspaper published in New York, New York, and having national circulation. As soon as practicable after the delivery of the refunding bonds, and whether or not any of the obligations to be refunded are to be called for redemption, the board of directors shall cause notice of the issuance of the refunding bonds to be given in the manner provided in the preceding sentence.

(e) If any of the obligations to be refunded are to be called for redemption the board of directors shall cause notice of redemption to be given in the manner required by the proceedings authorizing such outstanding obligations.

(f) The principal proceeds from the sale of any refunding bonds shall be applied only as follows: either,

- (1) To the immediate payment and retirement of the obligations being refunded;

or

- (2) To the extent not required for the immediate payment of the obligations being refunded then such proceeds shall be deposited in trust to provide for the payment and retirement of the obligations being refunded, and to pay any expenses incurred in connection with such refunding, but provision may be made for the pledging and disposition of any surplus, including without limitation, provision for the pledging of any such surplus to the payment of the principal of and interest on any issue or series of refunding bonds. Money in any such trust fund may be invested in direct obligations of, or obligations the principal of and interest on which are guaranteed by the United States government, or obligations of any District or instrumentality of the United States government, or in certificates of deposit issued by a bank or trust company located in the state of Tennessee if such certificates shall be secured by a pledge of any of said obligations having any aggregate market value, exclusive of accrued interest, equal at least to the principal amount of the

certificates so secured. Nothing herein shall be construed as a limitation on the duration of any deposit in trust for the retirement of obligations being refunded but which shall not have matured and which shall not be presently redeemable or, if presently redeemable, shall not have been called for redemption.

(g) All such bonds, refunding bonds and the interest coupons, if any, applicable thereto are hereby made and shall be construed to be negotiable instruments.

(h) The principal of and interest on any bonds issued by the District shall be secured by a pledge of the revenues and receipts out of which the same shall be made payable, and may be secured by a mortgage or deed of trust covering all or any part of the projects from which the revenues or receipts so pledged may be derived, including any enlargements of and additions to any such projects thereafter made, and/or by an assignment and pledge of all or any part of the District's interest in and rights under the leases, sale contracts or loan agreements relating to such projects, or any thereof. The resolution under which the bonds are authorized to be issued and any such mortgage or deed of trust may contain any agreements and provisions respecting the maintenance of the projects covered thereby, the fixing and collection of rents or payments with respect to any projects or portions thereof covered by such resolution, mortgage or deed of trust, the creation and maintenance of special funds from such revenues and from the proceeds of such bonds, and the rights and remedies available in the event of default, all as the board of directors shall deem advisable not in conflict with the provisions hereof. Each pledge, agreement, mortgage and deed of trust made for the benefit or security of any of the bonds of the District shall continue effective until the principal of and interest on the bonds for the benefit of which the same were made shall have been fully paid. In the event of default in such payment or in any agreements of the District made as a part of the contract under which the bonds were issued, whether contained in the proceedings authorizing the bonds or in any mortgage and deed of trust executed as security therefor, such payment or agreement may be enforced by suit, mandamus, the appointment of a receiver in equity, or by foreclosure of any such mortgage and deed of trust, or any one or more of said remedies.

(i) No bond authorized herein may be issued until the financial information provided for in T.C.A. 7-82-501(b) is submitted to the State Director of Local Finance and the provisions of said paragraph are complied with.

**SECTION 9.** Rates Sufficient To Pay Costs And Retire Bonds. -- The board of directors shall prescribe and collect reasonable rates, fees, tolls, or charges for the services, facilities and commodities of its system or systems, shall prescribe penalties for the nonpayment thereof, and shall revise such rates, fees, tolls or charges from time to time whenever necessary to insure that such system or systems shall be and always remain self-supporting. The rates, fees, tolls or charges prescribed shall be such as will always produce revenue at least sufficient:

- (1) To provide for all expenses of operation and maintenance of the system or systems, including reserves therefor; and
- (2) To pay when due all bonds and interest thereon for the payment of which such revenues are or shall have been pledged, charged or otherwise encumbered, including reserves therefor.

**SECTION 10.** Annual Audit -- Publication of Water And Sewer Rates And Annual Financial Statement. --

(a) The directors of the Utility District shall cause an annual audit to be made of the books and records of their District. The comptroller of the treasury, through the department of audit, shall be responsible for determining that such audits are prepared in accordance with generally accepted governmental auditing standards and that such audits meet the minimum standards prescribed by the comptroller. The comptroller shall promulgate such rules and regulations as are required to assure that the books and records are kept in accordance with generally accepted accounting procedures and that audit standards prescribed by the comptroller are met.

(b) Said audits shall be prepared by certified public accountants, public accountants or by the department of audit. In the event the board of directors of the District shall fail or refuse to have said audit prepared, then the comptroller may appoint a certified public accountant, or public accountant or direct the department of audit to prepare said audit, the cost of such audit to be paid by the Utility District. (c) Within ninety (90) days after the close of the fiscal year of the District, the directors of the District shall publish in a newspaper of general circulation, published in the counties in which the District is situated, a statement showing:

- (1) The financial condition of the District at the end of the fiscal year;
- (2) The earnings of the District during that fiscal year just ended;
- (3) A statement of the rates then being charged by the District, and a brief statement of the method used in arriving at such rates.

(d) A copy of such annual statement and audit shall be filed with the county executives of Lake and Obion Counties, and a copy forwarded to the office of the comptroller of the treasury of the state of Tennessee. The failure to file such copies shall be a misdemeanor.

**SECTION 11.** Protest Of Rates -- Adjustment Of Complaints. -- (a) Within thirty (30) days of the date on which this statement is published, any water or sewer user of the District may file with the directors of the District a protest, giving reasons why, in the opinion of the water or sewer user, the rates so published are too high or too low. Within a period of fifteen (15) days after the end of this thirty (30) day period during which such protest may be filed, the directors shall notify each protestant of a hearing to be held by the directors on such protests as may have been filed within the thirty (30) day period prescribed. Upon the hearing date so fixed, which shall be some date within a period of sixty (60) days after giving such notices to the protestants, all such protests shall be heard together by the directors. After hearing and examining statements, exhibits and arguments of the protestants or their counsel the directors shall make and spread upon the minutes of the board their finding as to the reasonableness or unreasonableness of the published rates, and at the same time the board may increase or decrease such rates upon a finding that they are too low or too high, as the case may be.

The directors shall not be required to receive, consider or act upon any protest filed at any time other than within the thirty (30) day period provided in this section. Any protestant feeling himself aggrieved by the final action of the directors under this section may obtain a review of the directors' action in the Chancery Court of Lake or Obion County through the common law writ of certiorari.

(b) It shall be the duty of the board of directors of the District to have and maintain a set of rules and regulations regarding the adjustment of all complaints which may be made to the District concerning the availability of utility services to persons in need thereof, the quality of service performed, the adjustment of bills, and all other complaints of any nature, with provision as to the manner of resolution of individual complaints, provision as to the types of complaints which may be resolved by salaried employees of the District, and those which may be resolved only by the board of directors. Such rules shall be posted or otherwise available for convenient inspection by customers and members of the public in the offices of the District, they shall provide for the office employees or other employees of the District to schedule for consideration by the board of directors any complaint of such nature as may be decided by the board under its rules and regulations, and also to schedule for consideration by the board of directors, the review of any complaint which shall not have been settled to the satisfaction of the customer or citizen by a salaried employee to whom the settlement of such complaint shall have been delegated.

**SECTION 12.** Planning Development. -- (a) The District shall develop a comprehensive development plan for the economic growth and residential, recreational, commercial and industrial development of Reel- foot Lake.

(b) In making such investigations necessary to the development of the comprehensive development plan and in formulating the comprehensive development plan, the District shall seek the assistance of federal, state and local agencies, and of private citizens and citizen organizations interested in the conservation and development of the resources of the area.

(c) The District may enter into contracts with municipalities, other public agencies or political subdivisions of any kind, corporations, public or private, or with others, for the construction of facilities, utilities, or for the provision of services within or in conjunction with development within the development lands, that the District determines are required for the development of the development lands or for the operation or management of such facilities.

(d) The District may develop, or provide for the development of, the development lands for recreational, residential, commercial and industrial purposes or for any other purpose consistent with this Act, and may provide for the development, management or operation of the development lands or facilities within such lands for these purposes, directly or by contractors, licensees, concessionaires, lessees or vendees.

(e) The District may sell or lease any development lands, or interests therein, for uses consistent with the District's development plan, for such consideration and on such terms as the District deems appropriate and necessary to effectuate the comprehensive development plan, and subject to such restrictions as the District deems necessary for the protection of the economic and environmental values within the area, including requirements related to: (1) the character or design of improvements and activities which may be undertaken on the development lands; (2) the time within which such improvements or activities shall be undertaken; and (3) the areas or places within such lands where such activities shall be undertaken.

(f) The District may acquire, construct or operate such facilities or other works of improvement, or may undertake such site development activities, as are necessary or convenient to effectuate its plans for the comprehensive development of the area.

(g) The District may enter into contracts with any city, county, municipal or other supplier of utilities, for

the abandonment, relocation, reconstruction, maintenance or other adjustment of roads, highways, bridges, utility lines or other facilities in, on, over or across the development lands or such areas adjacent thereto as may be necessary or convenient to carry out the purposes of this Act.

(h) The District may acquire, construct, operate and maintain such public roads in, on, over or across the development lands or such areas adjacent thereto as may be necessary or convenient to carry out the purposes of this Act.

**SECTION 13.** Contributions By Counties. -- The counties represented on the board of directors are hereby authorized and empowered:

(1) To contribute to the public works of the District 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. The county legislative bodies shall be empowered to levy and collect ad valorem taxes for such purposes, which are hereby declared to be for county public purposes.

(2) To issue their bonds as provided in Tennessee Code Annotated, Sections 5-11-101 through 5-11-125, to obtain funds for the financing of public works by the District, or to secure advances made to the District for the construction of public works pursuant to cooperative agreements with the District.

**SECTION 14.** Exemption From Taxation. -- So long as the District shall own any system, the property and revenue of such system shall be exempt from all state, county and municipal taxation. Bonds issued pursuant to this chapter and the income therefrom shall be exempt from all state, county and municipal taxation, except inheritance, transfer and estate taxes, and it shall be so stated on the face of said bonds.

**SECTION 15.** Board of Directors -- Appointment -- Vacancies -- Eligibility. -- (a) Membership of the board of directors shall consist of one member each appointed by the governing bodies of Lake and Obion Counties and of the cities of Tiptonville and Samburg and a fifth director to be appointed by them their directors. The fifth director may not hold office for more than one term unless he receives at least three votes from the other directors. In addition, the county executives of Lake and Obion Counties shall serve as ex officio members of the board. (b) The terms of office for the board of directors shall be for four years for each director except for the initial term of office which shall be as follows:

(1) The director appointed by the town of Tiptonville, and the director appointed by the other members of the board of directors, shall serve an initial term of one year;

(2) The director appointed by the town of Samburg shall serve an initial term of two years;

(3) The director appointed by the county of Obion shall serve an initial term of three years; and

(4) The director appointed by the county of Lake shall serve an initial term of four years.

(c) In the event of failure to elect a successor to any member of the board, the member whose term has expired shall continue to serve until his successor has been duly elected as herein provided.

In the event of the death or resignation of a member of the board, or his inability to serve prior to the expiration of his term, his successor shall be appointed for the unexpired term by the body who appointed him.

(d) Any person at least twenty-five (25) years of age who has resided in Lake or Obion County for a period of at least one year immediately preceding his election, shall be eligible to serve as a member of the board of directors of the District. Any director who ceases to regularly reside within Lake or Obion County shall automatically become ineligible to serve in said office.

**SECTION 16.** Compensation of Directors -- Delegation Of Powers -- Officers -- Records. -- (a) The members of the board, except as provided in subsection (b), shall serve without compensation for their services, but shall be entitled to reimbursement for all expenses incurred in connection with the performance of their duties. The board may delegate to one or more of its members or to its agents and employees such powers and duties as it may deem proper, but at its first meeting and at the first meeting of each calendar year thereafter it shall elect one (1) of its members to serve as chairman, and another of its members as secretary of the board. The secretary shall keep a record of all proceedings of the board which shall be available for inspection as other public records, and shall be custodian of all official records of the District.

(b) The members of the board of directors shall be entitled to receive compensation for their services for each days' attendance of the meetings of said board and the performance of their official duties in an amount not to exceed the compensation paid to members of the Legislative Body of Lake County, Tennessee, for attending meetings of the County Legislative Body. The amount of compensation shall be fixed by the board of directors, but the same shall not exceed the amount provided for above, nor shall

the amount of compensation paid to each of the directors exceed One Thousand Dollars (\$1,000.00) per annum.

**SECTION 17.** Powers of Directors. -- (a) The board of directors of the District shall have power and authority:

- (1) To exercise by vote, ordinance or resolution all of the general and specific powers of the District;
- (2) To make all needful rules, regulations and by-laws for the management and the conduct of the affairs of the District and of the board;
- (3) To adopt a seal for the District, prescribe the style thereof, and alter the same at pleasure;
- (4) To lease, purchase, sell, convey and mortgage the property of the District and to execute all instruments, contracts, mortgages, deeds or bonds on behalf of the District in such manner as the board shall direct.
- (5) To inquire into any matter relating to the affairs of the District, to compel by subpoena the attendance of witnesses and the production of books and papers material to any such inquiry, to administer oaths to witnesses and to examine such witnesses;
- (6) To appoint and fix the salaries and duties of such officers, experts, agents and employees as it deems necessary, to hold office during the pleasure of the board and upon such terms and conditions as the board may require;
- (7) To accept donations to the District of cash, lands or other property to be used in the furtherance of the purpose of this part;
- (8) To accept grants, loans, or other financial assistance from any federal, state, county or municipal agency, or other aid for the acquisition or improvement of any of the facilities of the District;
- (9) To establish schedules of tolls, fees, rates, charges, and rentals for the use of the properties and facilities under its jurisdiction, and for services which it may render;
- (10) To do all things necessary or convenient to carry out its function.

(b) Except as otherwise expressly provided in this part, the directors shall have full and exclusive control of and responsibility for the administration of properties and facilities constructed or acquired pursuant to this part; provided, however, that the District may lease or license lands or facilities under its jurisdiction for operation by private persons or corporations; provided further, however, that this subsection shall not be construed or authorize the directors to exercise such authority in a manner inconsistent with the statutes, regulations and procedures governing such manners in county government.

**SECTION 18.** Prohibition Of Disposal Of Waste By Certain Means -- Penalty. -- At such time as a sewer system is constructed by the District, it shall thereafter be unlawful for any person or corporation to use any method of disposing of human waste other than by the sewer system provided that the property of such person or corporation abuts on any street, alley, or right-of-way in which there is located a sewer line. Any person or corporation who violates the provisions of this section is guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00). Each day that the provisions of this section are violated shall constitute a separate offense.

**SECTION 19.** Severability. -- That if any part, clause, sentence, paragraph or section of this Act shall be held or declared to be unconstitutional or void, it shall not affect the remaining part or parts of this Act; it being hereby declared to be the legislative intent to have passed the remainder of the Act, now withstanding any part held to be invalid.

Passed: April 27, 1983.

## Utility Districts - Historical Notes

### **Drainage and Levee Districts**

The following acts once affected Obion County, or never received local approval.

1. Private Acts of 1923, Chapter 693, amended Public Acts of 1909, Chapter 185, which was the authority to create and regulate levee and drainage districts in order to reclaim lowlands in various Sectors of the State, to grant to the citizens of Obion County owning lands within any of those districts, at their option, to pay at any time the full amount, or any portion thereof, of the drainage assessments and taxes against the said lands, to the Trustee of the County in which the

lands are located, less any amount which might be allowed as a discount. The Trustee was then given the task of placing these funds in a bank at no less than 4% interest and pay the drainage taxes as they became due.

2. Private Acts of 1985, Chapter 24, would have amended Chapter 905 of the Private Acts of 1921, regarding the Reelfoot Levee District. The amendments would have transferred the duties of the Chairman of the Lake County Court of an administrative nature to the County Executive of Lake County, and transferred judicial duties to the Circuit Court. This Act was approved by the county legislative body in Lake County, but was never acted upon by the county legislative body of Obion County as prescribed in the Act and never became effective.

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