



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

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# Chapter I - Administration

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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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## Chapter I - Administration

### Budget System

#### Private Acts of 1937 Chapter 864

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Passed: May 19, 1937.

## Private Acts of 1947 Chapter 588

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

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

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

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

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

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

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

Passed: March 3, 1947.

## County Register

## Recording Deeds

## Private Acts of 1951 Chapter 89

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

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

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

Passed: January 30, 1951.

## Obion and Forked Deer River

## Flood Control and Drainage Improvements

## Public Acts of 1959 Chapter 129

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

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

required by law:

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

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

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

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

As amended by: Public Acts of 1974, Chapter 415

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

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

As amended by: Public Acts of 1974, Chapter 415

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

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

As amended by: Public Acts of 1974, Chapter 415

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

As amended by: Public Acts of 1974, Chapter 415

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

Passed: March 11, 1959.

## Purchasing

### Private Acts of 1990 Chapter 171

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

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

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

Passed: March 26, 1990.

## Administration - Historical Notes

### County Attorney

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

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

### County Mayor

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



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

### **County Legislative Body**

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

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

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

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

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

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

#### **General Reference**

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

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

State which would be given by law to the said county, to the payment of the debt the county owes, or may owe, on the court house at the county seat.

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

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