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Administration - Historical Notes

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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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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 These acts are included for historical reference only.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 This Act, as amended, was repealed by Chapter 45, Private Acts of 1947.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 Private Acts of 1947, Chapter 45, expressly repealed Chapter 282, Private Acts of 1939, as amended, in its entirety.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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