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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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## Administration - Historical Notes

### **County Attorney**

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 These acts are included for historical reference only.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

1. Private Acts of 1939, Chapter 313, created the office of County Attorney in Hardin County. The attorney would be appointed at first by the Governor to serve until January, 1940, whereupon the Quarterly County Court would fill the office by election or appointment for two-year terms. The attorney was required to be a resident of the County and licensed to practice law. The salary was fixed at \$1,200 per year, payable monthly out of regular County funds. The Attorney's duties were to attend to and transact all the legal business of the County, advise County officials, and represent the County in all suits including the collection of delinquent taxes.
2. Private Acts of 1943, Chapter 58, repealed Private Acts of 1939, Chapter 313, above.

### **County Clerk**

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

1. Public Acts of 1982, Chapter 858, granted to the County Clerk in Hardin County all the powers, authority, duties, and responsibilities given by general law to clerks and masters of chancery court having probate jurisdiction, and, therefore authorized the County Clerk to grant letters of administration, probate wills, and decide other issues common in probate matters subject to the review of the Chancellor.

### **County Executive**

The references below are of acts which once applied to the office of county judge, or county executive in Hardin County. They are included herein for historical purposes only.

1. Acts of 1907, Chapter 425, created the office of County Judge in Hardin County. The Judge was to be elected for four-year terms and was empowered with concurrent jurisdiction with the Circuit and Chancery Courts to issue extraordinary writs of injunction and attachment. The constitutionality of this grant of power was upheld in the case of Churchwell v. Callens, 36 Tenn. App. 119, 252 S.W.2d 131 (1952), and the act was held constitutional.
2. Private Acts of 1921, Chapter 570, provided that the County Judge of Hardin County would receive the sum of \$300 per year, in addition to all the other compensations as a Judge, for his services as the accounting officer, financial agent, and general agent of the County. This sum would be paid out of the regular funds of the County on the Judge's own warrant.
3. Private Acts of 1937, Chapter 329, amended Private Acts of 1907, Chapter 425, above, and set the compensation of the County Judge at a sum to be determined by the County Court.

### **County Legislative Body**

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

1. Private Acts of 1824, Chapter 102, provided that the County Court of Hardin County would meet on the third Monday of March, June, September, and December.
2. Private Acts of 1826, Chapter 28, ratified the official acts performed by John Hannah, Sr. as a Justice of the Peace of Hardin County.
3. Private Acts of 1826, Chapter 78, was an act regulating the County Courts of several counties, including the Court in Hardin County.
4. Private Acts of 1827, Chapter 81, legalized and validated the acts performed by Anthony Wayne Pope Ussery as a Justice of the Peace in Hardin County. He had been commissioned by the name of Russell rather than his proper name, Ussery.
5. Public Acts of 1883, Chapter 156, authorized the Thirteenth Civil District in Hardin County to elect an additional Justice of the Peace for the town of Saltillo.
6. Private Acts of 1919, Chapter 348, authorized a per diem of \$3.00 for Hardin County Justices of the Peace plus the mileage allowance as then provided by law.
7. Private Acts of 1953, Chapter 182, provided that no conveyance divesting and vesting title to real estate in Hardin County would be registered by the County Register unless the document was first

submitted to the County Trustee and then to the Tax Assessor for their information. The Trustee and Assessor would enter the proper changes on the permanent records of their offices. Any Trustee or Tax Assessor failing to observe these requirements were made subject to ouster proceedings.

8. Private Acts of 1961, Chapter 193, provided for the Justices of the Peace of Hardin County to receive a per diem of \$15 and to receive a mileage allowance of eight cents per mile.
9. Private Acts of 1972, Chapter 390, allowed the Justices of the Peace of Hardin County a per diem of \$50 while in attendance at each session of the County Court. The act was not approved locally and did not become effective.
10. Private Acts of 1972, Chapter 422, provided that the Justices of the Peace of Hardin County would receive compensation of \$1,200 per year. The act was not approved locally and did not become effective.
11. Private Acts of 1975, Chapter 9, repealed Private Acts of 1953, Chapter 182, above, in its entirety.

### **County Trustee**

The following acts once affected the office of county trustee in Hardin County, but are no longer operative.

1. Acts of 1847-48, Chapter 63, required the Trustee of Hardin County to distribute all the school money in his hands on account of the provisions of Acts of 1843-44, Chapter 159, a general law concerning school funds. The trustee was to pay out the money on a pro rata basis among the school districts according to population.
2. Public Acts of 1889, Chapter 131, authorized the Trustee of Hardin County to sell to the highest bidder for one-third cash and the remainder in two, equal, yearly payments, and to convey by general warranty deed, a vacant lot of about one-half acre fronting on Main Street, in Savannah, known as the old "Male Academy lot" and to place the proceeds of the sale of the lot to the credit of the general school fund of the County.
3. Private Acts of 1917, Chapter 562, amended Private Acts of 1913 (1st Ex. Sess.), Chapter 26, by providing that the County Trustee of Hardin County would be entitled to receive as compensation for receiving and disbursing the proceeds from sales of bonds authorized under the act, one-half of one percent of the amount so received and disbursed. The 1913 Public Act related to the issuance of highway bonds.

### **Purchasing**

The following act once affected the purchasing procedures of Hardin County, but is no longer operative.

1. Private Acts of 1967-68, Chapter 412, created the office of County Purchasing Agent for Hardin County, the Agent to be elected by the Quarterly County Court for two-year terms with annual compensation set by the Court but not to exceed \$10,000. The Purchasing Agent's duty would be to contract for and purchase all materials, supplies, and equipment for all branches of County government. The act set forth bid requirements and restrictions and other procedures. The act was not approved locally and did not become effective.

### **General Reference**

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

1. Private Acts of 1821, Chapter 84, authorized the laying out of a town on the south bank of the Tennessee River across from the mouth of Swift Creek on the land of Joseph and James F. McMahon. It would consist of one hundred, half-acre lots with lanes, streets and alleys and the town would be called Mount Etna.
2. Public Acts of 1823, Chapter 50, required the President and Directors of the Bank of Tennessee to appoint an agent and establish an agency of the Bank in McMinn, Monroe, Madison, Wayne, Hardin, Henderson, Carroll, and Henry Counties, and to place in the hands of the agents the amounts of money to which the counties would be entitled to receive from state funds, as other counties in the state, to be lent by the agents to the citizens of the counties.
3. Private Acts of 1824, Chapter 94, constituted as a body politic and corporate the resident citizens of the Town of Hardinville under the Mayor-Aldermen form of government. The Sheriff would hold an election for seven Aldermen who would choose the Mayor from among their own number.
4. Private Acts of 1825, Chapter 320, recited in the preamble that it was believed that a large majority of the citizens in Hardin County are dissatisfied with the location of the county seat and

would prefer it to be located on the Tennessee River. The act directs the Sheriff of Hardin County to hold an election at the same places where votes were cast for the General Assembly. If the vote were to be favorable, the county seat was to be moved and known by the name of Hardinsville. Three commissioners from other counties were to select the site and lay out the new town, being empowered to pass good title to the land sold in the town.

5. Private Acts of 1826, Chapter 75, appointed Commissioners for Hardin County who would locate the site of the county seat of justice at a place determined by them to be in the best interest of the people. They were required to make a report to the County Court Clerk of their choice which would then be designated as the county seat.
6. Public Acts of 1827, Chapter 12, created a Treasury Department for the Western District of Tennessee composed of the Counties of Shelby, Fayette, Hardeman, McNairy, Hardin, Perry, Henderson, Carroll, Henry, Weakley, Obion, Dyer, Tipton, Haywood, Madison, and Gibson. The Treasurer of the District would be appointed by joint ballot of both houses of the Legislature and would open an office in Jackson, Tennessee. All taxes due the State would be paid in at that office instead of in Nashville.
7. Private Acts of 1827, Chapter 140, changed the name of Hardinsville in Hardin County to Savannah. The Commissioners of Savannah were to sell all that part of the old city relinquished to them and apply the proceeds to the building of a courthouse and jail in Savannah.
8. Public Acts of 1831, Chapter 43, Section 6, required the Cashier of the Bank of the State of Tennessee to pay over to the Trustees of Montgomery, Dickson, Robertson, Sumner, Davidson, Stewart, Humphreys, Perry, Hickman, Williamson, Lawrence, Wayne, Hardin, and Wilson Counties, their proportionate share of the \$60,000 appropriated for the internal improvement of Middle Tennessee. Officers of the Bank could also lend out the funds for the benefit of the County.
9. Public Acts of 1831, Chapter 44, allowed the counties west of Tennessee River, including Humphreys, Hardin and Perry Counties, to select three residents of their respective counties who would become the County Commissioners for Internal Improvement. These Commissioners would manage the share of the Internal Improvement funds allotted to their counties by improving their public works, such as roads, highways, and navigable rivers. Two counties could cooperate in the improvements under a five man Board. The Commissioners would operate under procedural rules which were prescribed in the act and be paid \$1.00 for each day actually spent in the discharge of their duties.
10. Private Acts of 1832, Chapter 73, Sections 4 and 5, provided that the \$30,000, set apart and appropriated for internal improvement west of the Tennessee River, would be equally divided among the counties lying west of the said River regardless of population. Humphreys, Perry, and Hardin Counties would be included but each would receive one-half of the amount received by the other counties.
11. Private Acts of 1832, Chapter 109, Section 5, named Lewis H. Broyles, Robert Watt, David Robertson, John Houston, and James Irwin, as the members of the Board of Internal Improvement for Hardin County, who would receive appropriated funds, invest them, and use the interest for various county projects.
12. Public Acts of 1833, Chapter 25, provided that any person who might wish to build a mill on the streams in Hickman, Lawrence, Wayne, Hardin, and McNairy Counties, or any other county west of the Tennessee River, could do so, so long as no nuisance was created. The builders would be entitled to have their mill placed on the general plan of the Surveyor's District. The mills could occupy any number of acres less than 25 and must be erected within two years after being marked on the general plan.
13. Private Acts of 1833, Chapter 39, provided that John J. Williams, of Hardin County, would be allowed to hawk and peddle in the Counties of Hickman, Lawrence, Wayne, Hardin, and McNairy without having to obtain a license, and that he could keep a grocery in the town of Savannah only, without a license, provided he took an oath before a Justice of the Peace in Hardin County that the goods sold would be for his own benefit and no others.
14. Private Acts of 1833, Chapter 73, incorporated Savannah under the Mayor-Aldermen form of government with fifty years succession. The Sheriff of Hardin County would hold an election to select seven Aldermen who would choose one of their number as the Mayor. The powers and duties of most of the elective offices were prescribed in the law.
15. Private Acts of 1833, Chapter 77, provided that John T. Burtwell, of McNairy County, would have preference of entry upon a tract of land of not exceeding 2000 acres in Hardin County in order to

- build a salt works. Burtwell could request the Surveyor of the Ninth District to lay off and mark this land for him.
16. Private Acts of 1833, Chapter 128, appropriated \$1,000 of the Internal Improvement Fund which was set apart for Hardin County to the building of a courthouse in Savannah and the Internal Improvement Board was directed to pay over that amount to the commissioners of Savannah.
  17. Acts of 1841-42, Chapter 156, stated that the clerks, collectors, and other officers of Hardin County, who may be required by law to pay money into the State Treasury, would make returns and settlements with the Comptroller at Jackson, in Madison County, at the same time as officers in the several counties in the Western District were required to make settlements.
  18. Acts of 1845-46, Chapter 132, appointed John J. Williams, Jesse B. Gantt, Daniel Smith, Bowen Davy, and James W. Cantrell as Commissioners to meet and employ a surveyor or mathematician to meander the Tennessee River, in Hardin County, on both sides by taking the courses and distances by measurement. They were to create a map of the river on canvas, parchment, or paste board. The work would be reviewed by two other surveyors for certification. The cost of the entire project would not exceed \$500.
  19. Acts of 1845-46, Chapter 174, gave the County Court of Hardin County permission to elect at the next April or July term of Court, a competent surveyor for that part of the County lying west of the Tennessee River, who would be under the same rules and regulations, and draw the same fees, as other surveyors in the State.
  20. Acts of 1851-52, Chapter 147, ratified and made valid all the acts of the surveyor elected by the County Court of Hardin County under the 1846 act as though that act authorized his reelection.
  21. Public Acts of 1895, Chapter 77, ceded jurisdiction over a tract of land lying in Hardin and McNairy Counties to the United States for the purpose of establishing the Shiloh National Military Park pursuant to an Act of Congress in 1894. Formal cession would occur upon acquisition of title by the United States from the owners of the land by payment or decree of court. The State of Tennessee would retain concurrent jurisdiction over the land and roads so that all civil and criminal process issued under the authority of the State could be executed there as if the act had not been passed. The Park would serve as a place where the history of all military organizations engaged in the battle that took place there would be impartially preserved by tablets and monuments and where all the states that had troops there would have equal rights and recognition.
  22. Private Acts of 1915, Chapter 92, declared that women, twenty-one years of age or older, were declared eligible for the office of Notary Public in Hardin County.
  23. Private Acts of 1925, Chapter 784, allowed the County Court of Hardin County to appropriate out of the general fund a sum not to exceed \$2,500 annually to be used in connection with the State Geological Department in making maps and surveys, and in printing and advertising the natural resources of the County. The Governor would appoint a citizen of the County who, with the County Judge and the State Geologist, would constitute a Committee to supervise the expenditure of funds.
  24. Private Acts of 1933, Chapter 669, authorized Hardin County to pay six percent interest on any unpaid, outstanding warrant, of any nature, whether it be designated as school, road, courthouse, or otherwise, provided that the holder of the said warrant agreed to forbear from bringing suit on it for at least one year. The agreement would be stamped on the back of the warrant and the interest to be paid would not begin until the warrant was stamped and signed. The act also validated a resolution of the County Court to the same effect.
  25. Private Acts of 1937, Chapter 330, removed all the disabilities of minority from John Leon Freeman of Savannah, and enabled him to conduct all business in the manner of and with the capacity of an adult.

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