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Administration - Historical Notes

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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Alcoholic Beverages - Beer

This Act was declared to be unconstitutional in the case of Sandford v. Pearson, 190 Tenn. 652, 231 S.W.2d 336 (1950), because the Legislature made the efficacy of the Act dependent upon the affirmative vote of the people in a referendum, a power which that body did not possess according to the Court.

1. Private Acts of 1949, Chapter 756, provided that, upon a petition being filed with the names of 120 voters on it asking for an election to be held in Haywood County in connection with the sale of beer therein, it would be the duty of the Election Commission to hold the election, as requested, with the ballot consisting of "For" or "Against" slots. All expenses of the election would be paid out of the County Treasury. If the referendum should be against the sale of beer, then this act declares it to be unlawful to sell, transport, or possess beer in Haywood County.

County Clerk

The following acts once affected the office of county clerk in Haywood County. They are included herein for historical purposes.

1. Private Acts of 1919, Chapter 153, stated that women over the age of 21 years and resident of the county appointing them which is Haywood County, using Federal Census figures of 1910, were eligible to serve in the office of Deputy Clerk of the County Court with all the duties, rights and responsibilities as were conferred upon those in like positions.
2. Private Acts of 1933, Chapter 590, stated that the County Court Clerk in Haywood County shall not be entitled to receive more than \$2,500 for his services during anyone year of his term which compensation would be payable only out of the fees collected by the office. This Act was not intended to modify or interfere with Sections 10728 through 10747 of the Tennessee Code.

County Mayor

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

1. Acts of 1856, Chapter 253, created the office of County Judge for all counties in Tennessee, who would be learned in the law and elected for a four year term. All the Quorum Courts were abolished, and their jurisdiction conferred upon the County Judge. The jurisdiction of the new court was spelled out in the act as well as the power and authority of the Judge. This Act was repealed by Acts of 1857-58, Chapter 5, and the Quorum Courts were restored.
2. Private Acts of 1921, Chapter 283, recites that it amends Private Acts of 1919, Chapter 153, Section 12. This statement is in error since Private Acts of 1919, Chapter 153, which is applicable to Haywood County, does not have a Section 12, and concerns the employment of women as Deputy County Court Clerks. This Act states that the County Judge shall have no vote in any of the deliberations of the Quarterly County Court except in case of a tie vote when he would be allowed to break the tie. The Act was sponsored by J. S. Remine, who represented Knox and Loudon Counties. Private Acts of 1919, Chapter 163, created the County Judge's office for Loudon County and Section 12 of that Act concerns the matter of voting by the County Court. It is the opinion of the writer that Chapter 163 is the one the Legislature intended to amend and this act actually has no effect on Haywood County.
3. Private Acts of 1933, Chapter 481, established the office of County Judge for Haywood County and defined the duties and powers of the office. The act was superseded by Chapter 934 of the Public Acts of 1978 and expressly repealed by Chapter 24 of the Private Acts of 1987.
4. Private Acts of 1939, Chapter 252, amended Chapter 481 of the Private Acts of 1933, to provide an additional annual compensation of \$600 to the County Judge for services as Financial Agent of the county. The act was repealed by Chapter 24 of the Private Acts of 1987.
5. Private Acts of 1941, Chapter 39, amended Private Acts of 1933, Chapter 481, which created the office of County Judge for Haywood County, by adding two paragraphs at the end of Section 5 of that act. The first paragraph gave the County Judge the authority to allow guardians to encroach upon the corpus of a ward's estate if the estate did not exceed \$1,000. The second paragraph granted the County Court and Judge concurrent jurisdiction with Circuit and Chancery Courts in divorce suits. Both of these paragraphs were nullified by Private Acts of 1965, Chapter 79, which returned this jurisdiction, and the cases under them pending in the County Court, to the Circuit and Chancery Courts as the proper case may be. The act was repealed by Chapter 24 of the

Private Acts of 1987.

6. Private Acts of 1941, Chapter 116, allowed the County Judge in counties with a population of no less than 27,700 and no more than 27,714 to employ a competent person as a stenographer for the County Judge and authorized the salary to be paid out of the regular county treasury. This act is also listed as applying to Haywood County but, according to our population figures for Haywood County in 1940, which are 27,699, this Act is beyond that population count and does not apply. The act was repealed by Chapter 24 of the Private Acts of 1987.
7. Private Acts of 1947, Chapter 720, amended Private Acts of 1939, Chapter 252, by increasing the amount of compensation stated in that Act for the County Judge as Financial Agent from \$600 a year to \$1,200 a year. The act was repealed by Chapter 24 of the Private Acts of 1987.
8. Private Acts of 1953, Chapter 571, amended Private Acts of 1947, Chapter 720, by raising the salary of the County Judge of Haywood County as Financial Agent from \$1,200 to \$1,800. The act was repealed by Chapter 24 of the Private Acts of 1987.
9. Private Acts of 1957, Chapter 352, amended Chapter 481 of the Private Acts of 1933, to grant to the County Judge the same authority in civil cases as was granted by the law to justices of the peace. The act was repealed by Chapter 24 of the Private Acts of 1987.

County Legislative Body

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

1. Acts of 1823, Chapter 41, set the regular meeting dates of the Haywood Quarterly County Court on the second Monday in March, June, September and December.
2. Acts of 1824 (Ex. Sess.), Chapter 102, changed the meeting dates for the regular County Court of Haywood County to the third Monday in January, April, July and October.
3. Acts of 1825, Chapter 318, rescheduled the regular meetings of the County Court in Haywood County to the second Monday in March, June, September and December.
4. Acts of 1827, Chapter 44, authorized the County Courts of Haywood, Fayette, Tipton, Shelby and Madison Counties to select three of their number to hold the County Court each month bestowing upon the three-Judge, or Quorum Court all the jurisdiction, powers, and legal responsibilities of the regular Court in Civil and Criminal cases.
5. Private Acts of 1927, Chapter 338, established the per diem compensation of the Justices of the Peace in Haywood County at \$4.00 per day for each day for each spent in regular attendance at the Quarterly County Court, at regular, or called, meetings.
6. Private Acts of 1933, Chapter 481, Section 10, provided that the County Court of Haywood County shall meet on the first Monday of January, April, July and October. The County Judge shall preside over the meetings of the County Court, the office of County Chairman being specifically abolished.

County Register

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

1. Private Acts of 1915, Chapter 583, provided that the Registers of Haywood County may appoint women over the age of 21 as a Deputy Register. She would have and could exercise all the rights, powers, duties, and obligations of any other Deputy Register.
2. Private Acts of 1933, Chapter 589, stated that the Register in Haywood County was not entitled to receive more than \$2,500 as compensation for the performance of his duties in any one year during his term and this amount could be paid only out of the fees collected in his office. This act was not intended to modify or interfere with Sections 10728 through 10747, Tennessee Code.

County Trustee

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

1. Acts of 1857-58, Chapter 127, authorized the County Court Clerk of Haywood County to make a settlement with Dr. William C. Bruce, late Trustee of Haywood County, and receive from him all legal vouchers and/or monies paid out to teachers by order of the School Commissioners from April, 1852. It has been proposed that Dr. Bruce paid out \$330 or thereabouts during that time.
2. Private Acts of 1917, Chapter 778, amended Public Acts of 1911, Chapter 46, so that the County Trustees of Haywood and Fayette Counties who were charged with the collection of State and

County revenue must enter into a \$50,000 bond conditioned upon the collection of and proper accounting thereof to the correct authorities for all county revenues of whatsoever nature and description.

3. Private Acts of 1933, Chapter 591, stated that the Trustee of Haywood County shall not be entitled to receive more than \$2,500 as compensation for his services during any one year of his term, and that amount would be payable out of the fees of his office only. This Act was not intended to modify or interfere with Sections 10728 through 10947, of the Tennessee Code.

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 Haywood 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 a Commission to fix on a site for the county seat of Weakley, Gibson, McNairy, Dyer, Obion, Hardeman, Tipton and Haywood Counties. They were authorized to acquire fifty acres as near the center of the site as possible, to sell the lots in the acreage and use the money for the construction of public buildings. Each would be paid \$4.00 per day for each day spent in actual discharge of this assignment.
2. Acts of 1824 (Ex. Sess.), Chapter 32, declared that Abram Maury and William Hall declined to accept appointment to the above Commission and that Robert Jetton was appointed to act in Maury's place.
3. Acts of 1824 (Ex. Sess.), Chapter 40, stated that Haywood County would be the 86th Regiment in the 14th Brigade of the Tennessee State militia.
4. Acts of 1824 (Ex. Sess.), Chapter 128, made it legal for the Quarterly County Courts of Henry, Weakley, Obion, Dyer, Gibson, Carroll, Madison, Haywood, Tipton and Hardeman Counties to levy a tax for the next five years, not to exceed 12½ cents per \$100 which money raised thereby would be used to improve the navigation of all the streams in those counties.
5. Acts of 1824 (Ex. Sess.), Chapter 132, declared that the Commission, heretofore appointed to fix a seat of Justice for Haywood County, was vested with the full power and authority to determine the size of the town, the public square and the width of the street. The said town, when established and laid off, shall be called Brownsville in honor of Major General Jacob Brown of the Army of the United States.
6. Acts of 1826 (Ex. Sess.), Chapter 9, incorporated the city of Brownsville under the Mayor-Alderman type of government with a grant of specific powers stated therein. The Sheriff of the County would hold an election on the first Monday in January, 1927, to elect seven Aldermen who would then meet and elect a Mayor from their own number by ballot. The Constable of the town would be elected once a year.
7. Acts of 1827, Chapter 12, created a branch of the State Treasury for the Western District of Tennessee. A majority of both houses would afford an appointment as the Treasurer of the new branch. The office would be at Jackson, in Madison County, and all people in that area paying taxes to the State, or other money, would pay the same in Jackson.
8. Acts of 1829, Chapter 103, provided that Samuel P. Ash may, by any good and valid land warrant, have from 25 to 200 acres in the 11th Surveyor's District of Haywood County. The Act further declared that the creek known as Big Muddy Creek is navigable from where the mill is located and erected by Ash to its mouth and Ash has the authority to clear it of obstructions.

9. Acts of 1831, Chapter 32, authorized a new militia Regiment for the Haywood County area south of the Hatchie River. An election for field officers would be held where and when the Brigadier General of the 14th decided. The regular musters would take place at the home of Benjamin G. Alexander and the annual muster and drill at whatever place a majority of the officers decided.
10. Acts of 1833, Chapter 16, established a new Regiment of Militia for Haywood County for that area north of the south fork of the Forked Deer River. An election for field officers would be held when and where the Brigadier General of the 14th Brigade should designate. Regular regimental musters would be held at home of Jesse Embry and the annual muster on the third Saturday in October.
11. Acts of 1837-38, Chapter 157, Section 3, organized the State Militia placing Haywood County in the 21st Brigade and scheduling County musters and drills for the first Friday and Saturday in September of each year.
12. Acts of 1855-56, Chapter 16, authorized a Commission to be appointed to clear out the drift in the mouth of the Forked Deer River, allowing them or their successors, to spend \$2,000 in clearing out, opening, constructing, improving, and securing a channel for the river down what is now called Lost Channel. Appoints James Loward, of Lauderdale County, and Henry Buck, of Haywood County, as two of the Commissioners.
13. Acts of 1869-70, Chapter 58, Section 11, permitted Madison, Haywood and Lauderdale Counties to subscribe to the stock of the Jackson and Fulton Railroad Company. The amount of stock to be subscribed was limited to \$100,000. The company was chartered to build a railroad from Jackson, Tennessee, by way of Brownsville and Durbeanville to a Junction with the Tennessee Central Railroad in Lauderdale County.
14. Acts of 1897, Chapter 124, was a statewide salary act for county officials based upon the population of the County. Provisions were made for all the fees collected to become the property of the county. If the sworn, itemized statement required to be filed by the various county officials involved showed that the fees were less than the salary assigned to a particular office, the county would pay that official the difference. This act served as a pattern for all the salary acts to follow even though it was declared to be unconstitutional by the Supreme Court in Weaver v. Davidson County, 104 Tenn. 315, 59 S.W. 1105 (1900).
15. Private Acts of 1915, Chapter 119, provided that all the duties and obligations imposed by law on the Poor House or County Asylum Commissioners of Haywood County will be hereafter performed by the Workhouse Commission which was also granted all powers formerly possessed by the two commissions above.
16. Private Acts of 1931, Chapter 695, allowed the Workhouse Commission to elect one of their own number as a Purchasing Agent for the Commission who should be clothed with the duty of making the purchases for the use of the workhouse and the asylum. He would be paid \$5 per month for his services in addition to the other compensation paid. Members of the Commission would get \$2.50 a meeting which was limited to one meeting per month. The commission could rent or lease land for the purpose of operating the workhouse for which they could also appoint a Superintendent for one year at a time.
17. Private Acts of 1933, Chapter 530, authorized the Quarterly County Court of Haywood County by a majority vote, to subscribe for purchase, and own, capital stock in any bank situated in the county which was chartered under Tennessee Law and to appropriate money in the hands of the Trustee to pay for the stock. It seems that this Act would violate Article II, Section 29, of the Tennessee Constitution.
18. Public Acts of 1974, Chapter 446, amended Section 53-4305, Tennessee Code Annotated, by adding a sentence to the Section which provided that, where the site, or location, of any new solid waste processing, or disposal, facility, was situated within one mile of the boundaries of any municipality, no new construction of any such facility would be approved by the department without the consent of the governing body of the municipality. This act did not apply to any county with a metropolitan form of government, nor to the counties, including Haywood County, which exempted themselves from its provisions.

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