



February 05, 2025

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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Table of Contents

Administration - Historical Notes	3
--	----------

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County Legislative Body

The following acts once applied to the quarterly court or the county legislative body of Bedford County and are included herein for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1813, Chapter 134, Section 2, changed the starting dates for the quarterly county courts of several counties, establishing them for Bedford County as the fourth Monday in January, April, July and October.
2. Acts of 1817, Chapter 138, Section 3, stated that the quarterly county court of Bedford County would begin in the future on the first Monday in January, April, July, and October and the court in Bedford County would stay in session two weeks, or longer, or until the docket was completed.
3. Private Acts of 1820 (2nd Sess.), Chapter 68, recited that some doubt had arisen as to whether or not James Norvell, of Bedford County had been properly commissioned as a Justice of the Peace, and since he had performed many acts of that nature, this could cause quite a lot of harm, if the doubts were true, this act states that the judicial acts done by Norvell during his years as a justice of the peace are hereby ratified and made legal in the same way and to the extent as if he were properly commissioned, and directions are given that a proper commission be issued to him in order to clear up all doubt.
4. Private Acts of 1824 (2nd Sess.), Chapter 136, stated that the quarterly county court in Bedford County would be held on the first Monday in February, May, August, and November, beginning with the first session in October, 1824. The sheriff, and all the officers will continue in office until the first Monday in February, as prescribed and all process shall be made to conform thereby.
5. Private Acts of 1826, Chapter 78, regulates and sets the time for the meetings of the quarterly county court or the courts of pleas and quarter sessions, in several counties, including Bedford, and the counties named would select through the county court three of their number at the January term to hold the quorum courts during the year.
6. Private Acts of 1955, Chapter 331, provided that the justices of the peace in Bedford County be paid \$5.00 dollars per day for their attendance upon each session of the quarterly county court, and additionally, a per diem allowance may be set by the quarterly county court to provide compensation for reasonable and necessary expenses incurred in carrying out their duties.
7. Private Acts of 1967-68, Chapter 82, would have amended Private Acts of 1955, Chapter 331, published herein, by increasing the per diem pay of justices of the peace from \$5.00 to \$25.00 per day for each days attendance at the quarterly county court but this act was not acted on by local authorities and therefore never became a law.

County Mayor

The following acts once applied to the office of county judge in Bedford County and are summarized herein for historical purposes. The office of county judge was abolished following the 1978 amendments to the Tennessee Constitution and the implementing legislation, Public Acts of 1978, Chapter 934.

1. Private Acts of 1927, Chapter 432, established the office of county judge in Bedford County with a term of six years, except for the judge elected in August 1927 who held office until the first Monday in January 1931. The county judge was required to be thirty years old and a resident of Bedford County for two years and the State of Tennessee for five years preceding election. The county judge served as chairman of the quarterly county court composed of the justices of the peace and as judge of the monthly county court with jurisdiction over administrators, executors, guardians, wards, trustees, wills, dower, partition, and all matters testamentary. The county judge was made judge of the juvenile court. The county judge was also granted control over the county roads. Additionally, the county judge served as the accounting officer of the county and had authority to draw warrants upon the county treasury. The annual compensation was set at \$1,800.
2. Private Acts of 1937, Chapter 393, authorized the county judge of Bedford County to grant fiats for writs of injunction, attachment, replevin, certiorari and supersedeas, habeas corpus and all other writs to the same extent that chancellors and circuit judges were authorized. The county judge was granted concurrent jurisdiction with the chancery and circuit courts to try all suits to encroach or entrench upon the corpus of estates of minors or other persons under disability, where the amount involved is \$1,000 or less.

3. Private Acts of 1947, Chapter 725, amended Private Acts of 1927, Chapter 432, to provide additional annual compensation of \$1,200 for the county judge for services as fiscal agent of the county. Beginning, September 1, 1950, the total annual compensation of the county judge became \$3,000 and no extra compensation was to be paid for services as fiscal agent.
4. Private Acts of 1953, Chapter 422, amended Private Acts of 1947, Chapter 725, to remove the prohibition against extra compensation for the county judge's service as fiscal agent of the county.
5. Private Acts of 1980, Chapter 241, amended Private Acts of 1927, Chapter 432, to remove the county judge as judge of the juvenile court if a vacancy occurs in the office of county judge, or by September 1, 1982, whichever is earlier. Juvenile jurisdiction is transferred to the general sessions court.

County Trustee

The following act once affected the office of county trustee in Bedford County, but is no longer operative.

1. Private Acts of 1915, Chapter 199, provided that the bond to be made by the county trustee of Bedford County using the 1910 Federal Census figures, would be \$20,000 for the state taxes and bond for the county tax would be \$30,000. No other or further bonds would be required of this official.

General Reference

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

1. Acts of 1811, Chapter 35, stated that the surveyor's office for the second district which was then located in Jefferson County, a great distance from the second district, was therefore an inconvenience for the citizens of the district. After January 1, 1812, the surveyor of the second district would move his office promptly to Shelbyville in Bedford County, moving all the records of the office to Shelbyville with him.
2. Acts of 1815, Chapter 2, permitted Charles Fain to sell spiritus liquors in Bedford and in Rutherford counties without the necessity of having to obtain a license therefor or of paying any state and county taxes but he was required to give a bond as other merchants of this sort were.
3. Acts of 1815, Chapter 27, permitted William McGee to erect a warehouse on his lands in Bedford County for the public inspection and safekeeping of tobacco, and other articles, to be located at or near the junction of the Barren and the Garrison Forks of Duck River. Any other person who desired to erect a warehouse on their own land in Shelbyville and at Fishing Ford, under the same regulations applying to other warehouse's operation. All hog lard, butter, hemp, flour, and kiln dried meal were to be inspected before being shipped out of the county.
4. Private Acts of 1819, Chapter 16, incorporated the city of Shelbyville under the mayor and alderman form of government. The sheriff of Bedford County would hold an election to elect seven aldermen on the first Monday in November, 1819, who would then choose one of their own number as mayor.
5. Private Acts of 1821, Chapter 83, directed the quarterly county court of Bedford County at its January Session to appoint three commissioners to settle accounts with the commissioners of the Duck River Navigation project for all the money received by them to open the Duck River's navigation in Bedford County. After a five day notice had been given, the commissioners must pay over all the funds in their hands, or the county trustee would bring suit against them. The trustee would place the money in the regular county accounts to be applied to county purposes.
6. Private Acts of 1821, Chapter 221, stated that the building of dams on the Duck River has proved a great utility and navigation on the river had improved greatly thereby, therefore anyone who is in the process of building a dam in Bedford or Maury County across Duck River shall proceed to erect the same in accordance with the rules and regulations under which the others were built. James Breen could raise his mill dam five feet, as he had petitioned, if he would first build at his own expense a first class road below the dam and intersect the old road. The commissioners would be appointed to inspect and to supervise the work.
7. Private Acts of 1825, Chapter 295, provided that the commissioner of common schools of Bedford County pay Robert B. Harrison the sum of forty dollars and fifty-seven and one half cents, the amount of cost paid by him in the case *Madamus vs. John B. Hogg* surveyor of the second district and which was decided in the circuit court of Bedford County.

8. Private Acts of 1826, Chapter 34, authorized the entry taker of Bedford County to permit Thomas Powers to enter upon any vacant land, still unappropriated, in the said county to the amount of \$22.50 of coverage which would be allowed for that sum under existing rules and regulations, said land to be located north and east of the congressional reservation line.
9. Private Acts of 1826, Chapter 89, appointed William Gilcrist, William Murfree, Farwick Frazier, Thomas A. Peacock, Jeremiah Dial, E. Ragsdale, and William Sample as commissioners to open and manage a lottery to raise up to \$1500.00 which would be applied to making salt in Bedford County. They would be governed by the same rules promulgated for an authorized lottery in Columbia and Franklin for the purpose of building masonic halls.
10. Private Acts of 1826, Chapter 118, authorized James Strut and Alexander Strut, both citizens of Bedford County, to build a mill on Duck River in Bedford County, near the Maury County line, provided that the erection of the mill shall not obstruct the navigation of the river, or violate any requirement imposed by the state for the same purposes.
11. Private Acts of 1827, Chapter 247, Section 4, permitted Samuel Morris to file a petition for a divorce from his wife Malinda before the circuit court of Bedford County.
12. Private Acts of 1829-30, Chapter 2, authorized John Stone, a resident of Bedford County, to hawk and peddle wares throughout the state without the necessity of obtaining a license, or paying any taxes. He was required to take an oath that this privilege was for his benefit and none others.
13. Public Acts of 1831, Chapter 46, appointed John C. Caldwell, John Sutton, and Samuel Phillips to the board of internal improvement for the counties of Davidson, Rutherford, and Bedford, with the authority to open books on stock subscriptions for a turnpike from Nashville to Shelbyville, via Murfreesboro. As soon as \$20,000 was subscribed in stock, the Board could apply for the \$60,000 which had been set aside for the internal improvement of those counties. These commissioners would run the company until 1833 and then others would be elected by the people to take their places. School funds were also permitted to be invested in the company. This act is mentioned in Heath v. Manire, 114 Tenn.107, 84 S.W. 809 (1905).
14. Private Acts of 1831, Chapter 59, Section 3, gave the authority to Robert Cannon, John Eakin, Samuel Phillips, Jacob Greer, and Richard Sims to raise and manage a lottery to raise no more than \$5,000 to build a bridge across the Duck River near Shelbyville. It was made incumbent upon them to devote all money raised by the lottery faithfully to the purpose mentioned.
15. Private Acts of 1831, Chapter 88, authorized the administer of the estate of Samuel Hannah to convey three hundred acres of land lying on M'Bride's Creek in Bedford County to William S. Watterson.
16. Private Acts of 1831, Chapter 106, instructed John Sutton, the entry taker of Bedford County, to record all entries in his office which were received by his predecessor in office, James R. White, and which he failed to record. Sutton was required to number all entries and the county trustee would pay him 12½ cents each for doing so.
17. Private Acts of 1831, Chapter 122, granted Unice Cummings, wife of John B. Cummings of Bedford County, all the rights, privileges and immunities of a *feme sole*, except that of intermarrying with another man.
18. Private Acts of 1833, Chapter 130, authorized Elizabeth Anderson of Bedford County to transact all the business of her husband William Anderson. Nothing in the act was construed as to interfere with the rights of matrimony which existed between the Andersons.
19. Private Acts of 1833, Chapter 134, authorized Moses F. White of Bedford County to hawk and peddle without obtaining a license or paying a tax.
20. Private Acts of 1833, Chapter 158, authorized Heseekiah Ray of Bedford County and his successors, to send his or their children to any free school that was taught under the superintendence of the board of common school commissioners.
21. Private Acts of 1833, Chapter 285, dissolved the bonds of matrimony which existed between Elizabeth A. Jarratt of Bedford County and her husband George S. Jarratt.
22. Acts of 1839-40, Chapter 143, permitted the county trustees of Bedford, Rutherford, and Davidson counties to demand and receive from the Nashville, Murfreesboro, and Shelbyville Turnpike Company such monies as each may be entitled to get from the investment of the internal improvement funds of these counties in the stock of the said company. The trustees were required to apportion these funds among the common public schools of each county according to the scholastic population.
23. Acts of 1843-44, Chapter 163, Section 5, directed the surveyor of Bedford County to take the

- books and papers out of the office of the late surveyor of the second district and certify them where of occasion arose. Such certification shall be valid to support the same in any court of law.
24. Acts of 1853-54, Chapter 73, provided that all the entries in the books of the entry taker of Bedford County are validated and to the same extent as if they were made by the regular entry taker. This act then abolished the office of entry taker in the county. The county register shall take charge of all the books and records and discharge all the duties of the entry taker then required by law to be performed. The register shall keep separate books for the entry taker's offices.
 25. Private Acts of 1867-68, Chapter 46, created the agricultural society for Bedford County with an authorized capital of \$20,000, divided into \$50.00 shares. The society would be located near or in Shelbyville and several commissioners are named in the act to open books for the subscription of stock in the society. The commissioners were empowered to make rules and regulations for the society's conduct, to sponsor fairs and exhibitions, and to promote agriculture, mechanics, dairy products, etc. The commissioners named were William Little, James S. Newton, Anderson S. Wehle, Dr. William H. Christopher, Thomas Tompkins, Junior, William M. Goggin, Wilston M. Gill, Rufus A. Caldwell, Col. Robert Terry, Joshua R. Hin, William J. Shafner, Alex Cartnell, William A. Allen, W. W. Summers, L. P. Fields, John Thomas, James M. Isaner, Joseph Kelly, Thomas Ogilvie, George W. Bell, William Taylor, J. W. Maxwell, Thomas H. Caldwell, James L. Scudder, Robert Frinham, William Cowan, and Robert Sutton.
 26. Private Acts of 1868-69, Chapter 46, Section 53, amended Private Acts of 1867-68, Chapter 46, above, creating the agricultural society of Bedford County, by increasing the authorized capital of the society to \$50,000 and granting permission to it to own, and hold, up to 15 acres of land.
 27. Public Acts of 1875, Chapter 48, Section 4, allowed the county court of Bedford County to elect a notary public for the town of Wartrace which would be in addition to the number now authorized by law.
 28. Public Acts of 1897, Chapter 124, was the harbinger of the present state acts establishing the high and low salary ranges for various county offices according to the population of the county. The act deprived the county officials of their fees, although their salaries would continue to come from them, and placed all of them on a salary to be paid monthly out of regular county funds. Reports stating the amount of fees were required to be filed and the act contains many features of the current laws on that subject. This particular act was declared unconstitutional in *Weaver v. Davidson County*, 104 Tenn. 315, 59 S.W. 1105 (1900).
 29. Private Acts of 1917, Chapter 196, provided that the county court of Bedford County, using the population figures of the 1910 Federal Census, may elect females over the age of 21, and otherwise qualified, who were citizens of the county, to the office of notary public, possessing the same powers and obligations as any other notary. They shall execute the same bond, take the same oath, perform the same duties, and be subject to the same limitations as others in like offices.
 30. Private Acts of 1917, Chapter 451, placed a lien upon any lot of ground, or tract of land, upon which a well may be bored, or dug, under a contract with the owner thereof, in favor of the one so doing this work until such time as the contract price is paid in full. The lien provisions would include all lands of, and work for, married women as well and would be enforced as other liens were enforced under the law.
 31. Private Acts of 1935, Chapter 71, removed all the disabilities of infancy from Mrs. Zella B. Riddle and gave her the authority to conduct her affairs in the same manner as any adult male.
 32. Private Acts of 1935, Chapter 96, also removed the disability of minority from Paul Scott Welch, then 19 years of age, so that he may conduct all matters of business as if he were 21 years of age or older.
 33. Private Acts of 1935, Chapter 594, removed the minority of William Joseph Hale, of Bedford County.
 34. Private Acts of 1972, Chapter 359, would have repealed Private Acts of 1955, Chapter 398 (published herein), dealing with the automobile racing commission, but was rejected or disapproved at the local level by the quarterly county court and never became effective.

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