



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

February 05, 2025

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# Hardeman

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Dear Reader:

The following document was created from the CTAS website ([ctas.tennessee.edu](http://ctas.tennessee.edu)). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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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|  |           |
|--|-----------|
| <b>Hardeman .....</b>                              | <b>4</b>  |
| <b>Chapter I - Administration .....</b>            | <b>5</b>  |
| <b>Budget System .....</b>                         | <b>5</b>  |
| <b>Private Acts of 1937 Chapter 68 .....</b>       | <b>5</b>  |
| <b>Building Permit .....</b>                       | <b>7</b>  |
| <b>Private Acts of 1988 Chpater 154 .....</b>      | <b>8</b>  |
| <b>County Mayor .....</b>                          | <b>9</b>  |
| <b>Private Acts of 1919 Chapter 482 .....</b>      | <b>9</b>  |
| <b>Private Acts of 1959 Chapter 352 .....</b>      | <b>10</b> |
| <b>County Legislative Body .....</b>               | <b>11</b> |
| <b>Private Acts of 1967 - 68 Chapter 59 .....</b>  | <b>11</b> |
| <b>County Register .....</b>                       | <b>11</b> |
| <b>Private Acts of 1949 Chapter 925 .....</b>      | <b>12</b> |
| <b>Purchasing .....</b>                            | <b>12</b> |
| <b>Private Acts of 1989 Chapter 90 .....</b>       | <b>12</b> |
| <b>Welfare Fund Transfers .....</b>                | <b>13</b> |
| <b>Private Acts of 1949 Chapter 370 .....</b>      | <b>13</b> |
| <b>Administration - Historical Notes .....</b>     | <b>14</b> |
| <b>Chapter II - Animals and Fish .....</b>         | <b>17</b> |
| <b>Animals and Fish - Historical Notes .....</b>   | <b>17</b> |
| <b>Chapter III - Bond Issues .....</b>             | <b>19</b> |
| <b>Bond Issues - Historical Notes .....</b>        | <b>19</b> |
| <b>Chapter IV - Boundaries .....</b>               | <b>20</b> |
| <b>Creation of the County .....</b>                | <b>20</b> |
| <b>Private Acts of 1823 Chapter 108 .....</b>      | <b>20</b> |
| <b>Change of Boundary Lines .....</b>              | <b>20</b> |
| <b>Private Acts of 1823 Chapter 129 .....</b>      | <b>21</b> |
| <b>Public Acts of 1833 Chapter 46 .....</b>        | <b>21</b> |
| <b>Acts of 1837 - 38 Chapter 7 .....</b>           | <b>21</b> |
| <b>Public Acts of 1879 Chapter 42 .....</b>        | <b>22</b> |
| <b>Boundaries - Historical Notes .....</b>         | <b>23</b> |
| <b>Chapter V - Court System .....</b>              | <b>23</b> |
| <b>Juvenile Court .....</b>                        | <b>23</b> |
| <b>Private Acts of 1994 Chapter 161 .....</b>      | <b>23</b> |
| <b>Court System - Historical Notes .....</b>       | <b>24</b> |
| <b>Chapter VI - Education/Schools .....</b>        | <b>27</b> |
| <b>Board of Education .....</b>                    | <b>27</b> |
| <b>Private Acts of 1981 Chapter 105 .....</b>      | <b>27</b> |
| <b>Superintendent or Director of Schools .....</b> | <b>28</b> |
| <b>Private Acts of 1953 Chapter 19 .....</b>       | <b>28</b> |
| <b>Education/Schools - Historical Notes .....</b>  | <b>29</b> |
| <b>Chapter VII - Elections .....</b>               | <b>33</b> |
| <b>Elections - Historical Notes .....</b>          | <b>33</b> |
| <b>Chaper VIII - Health .....</b>                  | <b>35</b> |
| <b>Health - Historical Notes .....</b>             | <b>35</b> |
| <b>Chapter IX - Highways and Roads .....</b>       | <b>35</b> |
| <b>Bridges .....</b>                               | <b>35</b> |
| <b>Private Acts of 1949 Chapter 369 .....</b>      | <b>35</b> |
| <b>Road Law .....</b>                              | <b>36</b> |
| <b>Private Acts of 1983 Chapter 34 .....</b>       | <b>36</b> |
| <b>Highways and Roads - Historical Notes .....</b> | <b>38</b> |
| <b>Chapter X - Law Enforcement .....</b>           | <b>41</b> |
| <b>Sheriff .....</b>                               | <b>41</b> |

|  |     |
|--|-----|
| Private Acts of 1947 Chapter 833 .....   | .41 |
| Law Enforcement - Historical Notes ..... | .41 |
| Chapter XI - Taxation .....              | .42 |
| Assessor of Property .....               | .42 |
| Private Acts of 1949 Chapter 925 .....   | .42 |
| Private Acts of 1959 Chapter 245 .....   | .42 |
| Building Permit .....                    | .43 |
| Private Acts of 1988 Chapter 154 .....   | .43 |
| Hotel/Motel Tax .....                    | .44 |
| Private Acts of 1988 Chapter 206 .....   | .44 |
| Wheel Tax .....                          | .46 |
| Private Acts of 1972 Chapter 228 .....   | .46 |
| Taxation - Historical Notes .....        | .47 |
| Chapter XII - Solid Waste .....          | .48 |
| Solid Waste Disposal Fee .....           | .48 |
| Private Acts of 2016 Chapter 38 .....    | .48 |

# Hardeman



Hardeman County Courthouse

**Original Compilation** By William C. McIntyre, Legal Specialist  
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# Chapter I - Administration

## Budget System

### Private Acts of 1937 Chapter 68

#### **SECTION 1.**

- (a) The term "County Judge or Chairman" when used in this Act shall mean the County Judge or Chairman of Hardeman County, Tennessee.
- (b) The term "County Court Clerk" when used in this Act shall mean the County Court Clerk of Hardeman County, Tennessee.
- (c) The term "Sheriff" when used in this Act shall mean the Sheriff of Hardeman County, Tennessee.
- (d) The term "Trustee" when used in this Act shall mean the Trustee of Hardeman County, Tennessee.
- (e) The term "Circuit Court Clerk" when used in this Act shall mean the Circuit Court Clerk of Hardeman County, Tennessee.
- (f) The term "Register of Deeds" when used in this Act mean the Register of Deeds of Hardeman County, Tennessee.
- (g) The term "Highway Commissioners" when used in this Act shall mean the Commissioners of Highway of Hardeman County, Tennessee.
- (h) The term "Tax Assessor" when used in this Act shall mean the Tax Assessor of Hardeman County, Tennessee.
- (i) The term "Commissioner" when used in this Act shall mean any superintendent or person or persons appointed or elected by the Quarterly County Court over any department or institution of Hardeman County.
- (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 Hardeman County. After September 1, 1978, such term also means the county legislative body or the members of such body.
- (k) The term "Clerk and Master" when used in this Act shall mean the Clerk of the Chancery Court of Hardeman County.
- (l) The term "County Superintendent" when used in this Act shall mean the County Superintendent of Schools of Hardeman County.
- (m) The term "School Board" when used in this Act shall mean the County Board of Education of Hardeman 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 Hardeman 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 Hardeman County.
- (p) The term "Budget Committee" when used in this Act shall mean the budget committee appointed pursuant to Section 12 of this Act.
- (q) The term "Expenditure or Expend" when used in this Act shall mean the act of committing Hardeman County to expend monies then and there in the County Treasury or to come into the County Treasury of Hardeman County.

As amended by:

Private Acts of 1980, Chapter 318

**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 Hardeman County shall prepare a budget containing a complete plan itemized and classified according to function and activity of all proposed expenditures and all estimated revenues by sources and borrowing for the county for the ensuing appropriation year, which shall begin on the first day of September of 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 parallel 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 Hardeman 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 Hardeman 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 Hardeman 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 Hardeman 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) A general tax rate for the general fund, assuming that not more than eighty-five percent (85%) of the total 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 general fund budget so adopted by the Quarterly County Court; and

(b) A school tax rate for the dedicated education fund, assuming that not more than ninety-two percent (92%) of the total 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 education budget so adopted by the Quarterly County Court.

As amended by: Private Acts of 2003, Chapter 63

**SECTION 4.** That the Budget Committee of Hardeman County may require the heads or other responsible representatives of all departments, divisions, boards, commissions, 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 courthouse 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 in April or each year to prepare and file with the Budget Committee an itemized statement of 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 or 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, or debt service, 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. Provided, however, a requisition and purchase order shall not be required for any expenditure of less than three hundred dollars (\$300).

As amended by: Private Acts of 2003, Chapter 22

**SECTION 9.** That any official of Hardeman 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 Hardeman 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 Hardeman County, shall be personally liable, together with his sureties on his official bonds, to Hardeman County for such overdrafts or over expenditures, and the county shall have their bondsmen the amount of the overdrafts 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 Hardeman 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 when such warrant, purchase order or other commitment added to amounts previously expended shall exceed the appropriation made by 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 the 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 county legislative body shall at the January, 1981, regular meeting of such body, and at the expiration of each calendar year period thereafter, elect a Budget Committee consisting of five persons who shall be and constitute the Budget Committee of Hardeman County. Two of such persons so appointed shall reside in Hardeman County, Tennessee and three of such persons shall be members of the county Legislative Body of Hardeman County. That no member of such Budget Committee, with the exception of the members of the county legislative body, shall have any official connection with the County of Hardeman or be related by affinity of consanguinity to any official or employee of Hardeman County within the third degree computed by the Civil Law. Such Budget Committee to receive as compensation for their services a per diem fee of \$10.00 for each and every day, and mileage at the rate of ten (10¢) for each mile traveled from their home to the Courthouse and return spent in the preparation of the budget, as hereinbefore specified; provided, however, the total compensation for each member of the committee shall not in any one appropriation year exceed the sum of \$100.00.

As amended by: Private Acts of 1967-68, Chapter 61  
Private Acts of 1980, Chapter 318

**SECTION 13.** That the holding of any section or part thereof, or any subsection, 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, subsection, sentence, clause and phrase thereof would have been passed and enacted, irrespective of the fact that any one or more sections, subsections, 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: January 20, 1937.

## Building Permit

## Private Acts of 1988 Chapter 154

**SECTION 1.** No person shall erect or have erected, constructed, or reconstructed, any building or structure in Hardeman County, or no person shall alter or have altered any existing building or structure in Hardeman County, where the value of such alteration will exceed the sum of five thousand dollars (\$5,000) without first applying to the assessor of property of Hardeman County for a building permit for such erection, construction, reconstruction, or alteration. As used in this act, "building or structure" includes any modular structure, or manufactured structure.

No person shall place, locate or cause to be placed or located any mobile home or trailer in Hardeman County regardless of the value of the mobile home or trailer without first applying to the assessor of property of Hardeman County for a building permit for such placement or location.

Such application shall be in a form to be prescribed by the assessor of property and shall contain the following information:

- (1) whether the proposed work is to be new construction or the alteration of an existing structure;
- (2) the location or address of the proposed construction or alteration;
- (3) the identity of the owner or owners of the premises;
- (4) the estimated cost of the completed structure in the case of new construction, or in the case of alteration of an existing structure, the estimated value of such structure before and after such alteration; and
- (5) Such other information as the assessor shall prescribe.

Upon proper application, duly filed, the assessor shall then issue a building permit and shall take note of the fact of such erection, construction, reconstruction, or alteration for his tax records.

**SECTION 2.** This act shall not apply to the erection, construction, reconstruction, or alteration of buildings or other structures in cities requiring permits for the same, providing that the copies of such permits are made available to the office of the county assessor of property.

**SECTION 3.** The assessor of property shall collect a fee for the issuance of each building permit. The amount of the fee shall be twenty-five dollars (\$25.00). The assessor shall make the monthly reports and pay over to the county trustee all funds received for such permits. The proceeds of the building permit fee shall be deposited in the general fund of Hardeman County. The expenses incident to this act shall be paid out of the general funds of the county.

**SECTION 4.** no electric, gas, or water service shall be provided for any building or other structure to which this act applies until the building permit as required herein has been obtained, and it shall be unlawful for any person, corporation, municipality, co-operative or other agency to make assist in making or permit to be made any connection which provides such electric, gas or water service until the required permit has been obtained.

**SECTION 5.** When there is reason to believe that any violation of any of the provisions of this act is about to occur, is occurring or has occurred, the county attorney may institute proceedings in the appropriate court for injunctive relief to prevent continuance of such violation. In the event injunctive relief is granted in favor of the county, the court granting such relief may award the county all of its expenses incurred in enforcing this act including reasonable attorney fees all of which expenses and fees shall be a civil penalty in addition to the injunctive relief granted by the court.

**SECTION 6.** If any person shall erect or have erected, constructed or reconstructed, any building or structure shall alter or have altered any existing building or structure or shall place or locate any mobile home or trailer in Hardeman County without payment of the fee set forth in Section 3 hereof, then the fee shall constitute a lien on the real property and the lien shall be collected on the first assessment role prepared subsequent to such erection, construction, reconstruction of any building, or alteration of any existing building or structure in the same manner and at the same time as other real property taxes of hardeman County.

**SECTION 7.** If any provisions of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect the other provisions or applications of this act which can be given effect without the invalid provisions or application and to end the provisions of this act are declared to be severable.

**SECTION 8.** This act shall have no effect unless it is approved by a two-thirds vote of the county legislative body of Hardeman County. Its approval or nonapproval shall be proclaimed by the county executive of Hardeman County, and certified by him to the Secretary of State.



**SECTION 9.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming law, the public welfare requiring it. Upon being approved as provided in Section 8, for all other purposes, it shall become effective on July 1, 1988.

Passed: March 14, 1988.

## County Mayor

### Private Acts of 1919 Chapter 482

**COMPILER'S NOTE:** Private Acts of 1919, Chapter 482, was amended by Private Acts of 1925, Chapter 958, by adding a paragraph declaring that the County Judge need not be an attorney. The act applied the amendment to Putnam County by population figures. Furthermore, the Index only attributes the Act to Putnam County and the Act was introduced by the Putnam County Representative.

Private Acts of 1919, Chapter 482, was also amended by Private Acts of 1937, Chapter 239, which required the County Judge to be the Purchasing Agent. The amending act did not change any wording of the original act and is therefore re-printed in full, with its amendments, under the heading: "Administration, Purchasing Agent".

**SECTION 1.** That the office of County Mayor is hereby created in counties of this State having a population of not less than 23,000 and not more than 23,025 according to the Federal Census of 1910 or any subsequent Federal Census.

**SECTION 2.** That said County Mayor shall not be under thirty years of age, and shall be a citizen of the United States and a resident of the State of Tennessee for at least five years and a resident of said counties for at least one year.

**SECTION 3.** That said County Mayor shall be commissioned as other Judges of the State and before entering upon the duties of the office shall execute bond for the sum of one thousand (\$1,000.00) dollars, to be approved by the Judge of the Circuit Court, for the faithful performance of his duties, and shall take an oath to support the constitution of the United States and the State of Tennessee and to faithfully perform the duties of his office.

**SECTION 4.** That all vacancies in the office of County Mayor of said counties of this State shall be filled in the same manner as vacancies in the office of Chancellor and Circuit Judges, and when from sickness or other causes, said Mayor is unable to hold his court or attend to the duties of his office, temporary appointments shall be made in the same manner as is now provided by law for Chancellors and Circuit Judges under similar circumstances.

**SECTION 5.** That the office of Chairman and Chairman pro tem of the County Court in said counties of this State be, and the same is hereby abolished, and the office of County Mayor created by this Act shall have and exercise all the powers and jurisdiction now conferred by law on said Chairman and shall perform all of the duties now required of him by law.

**SECTION 6.** That said County Mayors shall also have power and authority to grant fiats for writs of attachment or injunction and certiorari and supersedeas that Chancellors and Circuit Judge (sic) of the State now have; to hear and determine cases on writ of habeas corpus, and in so doing he will be governed by the same rules and regulations provided for Chancellors and Circuit Judges.

**SECTION 7.** That said County Mayors of said counties of this State shall have the rights to solemnize the rites of matrimony.

**SECTION 8.** That said County Mayors shall be the accounting officers and agents of said counties and as such shall have the power, and it shall be their duty, to control all books, papers and documents pertaining to the office of County Court and that it shall be their duty to audit all claims against said counties and audit and settle the accounts of the County Trustee, and those of any other collection of revenues, taxes, or income payable into the County Treasury, and those of any other person intrusted to receive and expend any money of the counties and to require said officers or persons to render and settle their accounts as required by law, or their authority under which they may act.

**SECTION 9.** That the Mayors of the County Court of said counties of this State shall be ex-officio Chairman of the Workhouse Commissioners, and shall also audit all of the accounts of said Workhouse Commissioners, and no warrant shall be drawn and paid by the County Trustee for any purpose out of the county road, bridge or any other fund of the county until it is first approved and signed or countersigned by the County Mayor.

**SECTION 10.** That it shall be the duty of the County Mayors of said counties of this State, and they are hereby authorized to call all of the Road Commissioners to meet at the courthouse in the county seat of

said counties on Tuesday after the first Monday in January, April, July and October of each and every year for the purpose of hearing reports and advising with said Road Commissioners and they shall require all of said Road Commissioners to make settlements as now required by law.

**SECTION 11.** That the County Mayors of said counties shall be Chairman of all committees appointed by the Quarterly Court to build any bridge or levee in said counties and they shall not draw a warrant for the payment of any bridge or levee built by any person in said counties that cost more than one hundred (\$100.00) dollars, unless aid person has a written contract signed by a majority of a committee of three citizens and the Road Commissioner of the District and by the Mayor of the County Court.

**SECTION 12.** That said County Mayors and Road Commissioners shall not approve and sign such warrants until they have first inspected said bridge or levee or other work, and then shall not sign same unless said work has been done according to contract.

**SECTION 13.** That no stationery, books, fuel or other property shall be bought for the said counties except upon the order of said County Mayors, to be approved by the Quarterly Court of said counties.

**SECTION 14.** That on the first day of each Quarterly term of County Court, the Mayors of said counties shall require the clerks of said courts in one general report to state the amount of money in said office in the cases to which said sums belong, but no cost need be stated except State and county revenue, and it shall be the duty of said County Mayors to appoint some person or persons to examine said report to see that same is correct in every respect, and the same shall be filed, not only for the inspection of the court but also for that of the attorneys of the party, or the parties interested, or their agents.

**SECTION 15.** That the duties of said County Mayors shall not interfere with the duties of the County Court Clerk of said counties as now provided by law, but the said clerk shall be and continue the clerk of said county under the provisions of this Act, and shall have and perform all duties and have all power and jurisdiction incident to the duties of County Court Clerk.

**SECTION 16.** A warrant drawn against the county shall be signed by the county mayor and an employee in the county mayor's office, who shall be designated by the county mayor and approved by the county legislative body. Such employee shall enter into bond with good and sufficient sureties as shall be determined by the county legislative body for the faithful performance of the employee's duties.

As amended by: Private Acts of 1993, Chapter 27

**SECTION 17.** That the County Court to be held by the County Mayor under the provisions of this Act shall hold its regular sessions on the first Monday of each month, and shall sit from day to day so long as the business thereof may require, and shall have power to preserve order by imposing such fines as will affect that purpose. County Quarterly Court shall meet as now provided by law.

**SECTION 18.** That said County Mayors of said counties shall not practice as attorneys in the court over which they preside, nor act as counsel in any case provided by law.

**SECTION 19.** That the County Court Clerk shall keep a docket of all cases pending before said County Mayor and to be tried by him showing the date of filing, names of parties and attorneys, issue all process and returns, etc.

**SECTION 20.** That said County Mayors of said counties shall receive a salary of twenty-seven hundred (\$2700.00) dollars per annum to be paid monthly out of the county revenue on warrant drawn and issued for that purpose.

As amended by: Private Acts of 1949, Chapter 642

**SECTION 21.** That within thirty days after the passage of this Act, the Governor shall appoint a County Mayor for said counties to serve from the first day of January, 1920, until the first day of September, 1921, and that at the first regular August election for the purpose of electing county officer, a County Mayor shall be elected by the qualified voters of said counties to serve from the first day of September, 1921, until the next regular election of Judges, and that at said election a County Mayor shall be elected by the qualified voters of said counties to serve for a term of eight years, or until their successors are elected and qualified.

As amended by: Private Acts of 2003, Chapter 19

**SECTION 22.** That all laws and parts of laws in conflict with the provisions of this Act be, and the same are hereby repealed, and that this Act take effect from and after January 1st, 1920.

Passed: April 9, 1919.

## Private Acts of 1959 Chapter 352

**SECTION 1.** That in counties of this State having a population of not less than 23,300 nor more than 23,325 by the Federal Census of 1950 or any subsequent Federal Census the county mayor is authorized and empowered to employ a clerk and the salary of such clerk shall be fixed at an amount not to exceed

Fifteen Hundred (\$1,500.00) Dollars per annum payable in equal monthly installments from the general fund of the county.

As amended by: Private Acts of 2003, Chapter 19

**SECTION 2.** That this Act shall be of no effect unless the same shall have been approved by a two-thirds vote of the governing body of such county. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court. The result shall be certified by him to the Secretary of State.

**SECTION 3.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 20, 1959.

**COMPILER'S NOTE:** Many of the provisions of these acts relating to the County Judge have been superseded. The County Executive has no judicial power and exercises no judicial functions.

## County Legislative Body

### Private Acts of 1967 - 68 Chapter 59

**SECTION 1.** That the County Court of Hardeman County, under the provisions of Section 9 of Article II, of the Constitution of Tennessee, is vested with powers to pass ordinances with regard to private and local affairs hereinafter expressly set forth, by the affirmative vote of a majority of the members thereof, at any meeting of said County Court; providing notice of intention to present such ordinances or ordinance has been given in the manner hereinafter set forth.

**SECTION 2.** That an ordinance under the powers which it is deemed expedient to vest in said County Court shall only be considered by the County Court of Hardeman County after notice of intention to propose an ordinance, together with a copy of the proposed ordinance under the authority of this Act, shall have been filed in the office of the Clerk of the County Court of Hardeman County, at least two weeks prior to the session of the County Court at which such ordinance shall be considered.

**SECTION 3.** That it shall be the duty of the Clerk of the County Court of Hardeman County, upon the filing of intention to propose an ordinance, together with a copy of said proposed ordinance, to cause to be published in at least two newspapers of general circulation in Hardeman County, a copy of said proposed ordinance, together with a copy of the notice of intention to propose said ordinance. Said newspaper publication shall carry the following statement, over the name of the County Court Clerk, "The above is a copy of an ordinance filed in my office on the \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, by Esquire \_\_\_\_\_." Said ordinance may be considered at any meeting of the County Court of Hardeman County at any time within two weeks after the date said ordinance was filed."

**SECTION 4.** That acting as herein set forth said County Court of Hardeman County may by ordinance: (1) Establish speed and/or load limits upon any county secondary roads and other public grounds outside of incorporated towns, in said County; (2) Enact zoning and health ordinances, applying to sections outside incorporated towns, in said County.

**SECTION 5.** That acting under the provisions of this Act, the County Court of Hardeman County may provide that any violation of any ordinance, passed under the provisions of this Act, is a misdemeanor.

**SECTION 6.** That the provisions of this Act are hereby declared to be severable; and that if any Section, provision, exception, sentence, clause, phrase, or part of this Act, be held unconstitutional or void, the remainder of this Act shall continue in full force and effect, it being the Legislative intent now hereby declared that this Act would have been adopted even if such unconstitutional or void matter had not been included in same.

**SECTION 7.** That this Act shall be void and of no effect unless the same shall have been approved by two-thirds vote of the Quarterly County Court of any county to which it may apply. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve, and shall be certified by him to the Secretary of State.

**SECTION 8.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 3, 1967.

## County Register

## Private Acts of 1949 Chapter 925

**SECTION 1.** That the County Register of the County of Hardeman, State of Tennessee, shall not record any deed conveying real estate in said County unless same bears the stamp of the Tax Assessor of said County, certifying that said Tax Assessor has copied the names of the vendor and vendee in said deed of conveyance for the purpose of making proper corrections on his roll of assessments.

**SECTION 2.** That it shall be the duty of the Tax Assessor of Hardeman County to be present in person, or to have a deputy present, at his office in the courthouse during office hours. It shall be the further duty of the Tax Assessor to stamp or cause to be stamped all deeds presented at his office, with a stamp showing that he has copied the names of the vendor and vendee in said deed of conveyance for the purpose of making proper corrections on his roll of assessments. It shall be the duty of the Tax Assessor to correct his tax rolls in all such cases so that the tax rolls of Hardeman County will be kept up to date and will show the correct owners of real estate to the end that property may be assessed in the name of the true owners thereof. Failure of the Tax Assessor of Hardeman County to comply with the provisions of this Act shall constitute misconduct in office and subject him to removal from office under Section 1877 et seq. of the Code of Tennessee.

**SECTION 3.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 15, 1949.

## Purchasing

### Private Acts of 1989 Chapter 90

**SECTION 1.** Chapter 239 of the Private Acts of 1937, as amended by Chapter 114 of the Private Acts of 1965, Chapter 92 of the Private Acts of 1967, Chapter 335 of the Private Acts of 1982, and Chapter 63 of the Private Acts of 1985 are repealed. This act shall supersede all private acts that may be in conflict with this act.

**SECTION 2.** This act shall be known and may be cited as the "Hardeman County Purchasing Law of 1989".

**SECTION 3.** The county executive of Hardeman County shall serve as the county purchasing agent and shall have the sole power and authority to contract, purchase, lease, or lease-purchase for services, supplies, materials, equipment, construction projects, or any obligation of Hardeman County as further provided by this act, except for items costing less than five thousand dollars (\$5,000) purchased by the Hardeman County Board of Education and the Hardeman County Highway Department.

As amended by: Private Acts of 1997, Chapter 20

**SECTION 4.** All purchases or contracts of Hardeman County shall be made within the limits of the approved budget and the appropriations for the specific department, office, or agency for which the purchase is made.

**SECTION 5.** Purchases or contracts for less than five thousand dollars (\$5,000) may be made directly by the Superintendent of the Hardeman County Board of Education or the Hardeman County Highway Superintendent without going through the county purchasing agent. All other purchases or contracts of Hardeman County for less than five thousand dollars (\$5,000) shall be made by the county purchasing agent. No bidding or advertisement shall be required for purchases or contracts for less than five thousand dollars (\$5,000). Any increases in the bidding limit amount as provided in T.C.A. § 5-14-204 of the County Purchasing Act of 1983 shall apply to purchases pursuant to this act.

**SECTION 6.** Contracts, purchases, leases or lease-purchases for the use of any official, employee, department, or agency of Hardeman County which equal or exceed five thousand dollars (\$5,000) shall, except in emergencies as hereinafter provided, be executed by the county executive as county purchasing agent only after advertising one (1) time in the newspaper published in Hardeman County stating that sealed bids shall be received by the county purchasing agent at a time fixed in the advertisement which time shall not be less than seven (7) days after the publication of the advertisement and which sealed bids shall be opened publicly at the place, time and date advertised. Such advertisement for bids shall describe the requirements and state that detail specifications may be obtained from the county purchasing agent upon request. Bids received after the time of opening shall not be considered. Tabulation of bids shall be compiled as promptly as possible and provided to interested persons upon request. Contracts shall be awarded only to established and responsible vendors or contractors and awards shall be made to the lowest and best bidder or bidders. The county purchasing agent shall reserve the right to reject any or all bids in whole or part and to waive any technical defects in bids received. When two (2) or more bids

are submitted at the same price of the same character, kind and quality, the county purchasing agent may in his discretion award the contract or contracts to either of such bidders or may apportion the requirements between or among such bidders, or may reject all such bids and advertise for additional bids.

As amended by: Private Acts of 1997, Chapter 20

**SECTION 7.** Whenever the item or items are to be delivered in the future and/or require future or extended payments, a written purchase order or contract shall be issued at the time the order is placed or the contract becomes an obligation of the county. The county purchasing agent shall keep a complete record of all purchases or contracts with copies of descriptive advertising, original bids when submitted in writing and the names of all bidders together with the amounts of their several bids, which records shall be open to inspection by any person during normal business hours.

**SECTION 8.** The county purchasing agent may require security to accompany bids and fix the amount thereof and the county purchasing agent may require performance or surety bonds to cover any potential loss to the county.

**SECTION 9.** Any goods or services which may not be procured by competitive means because of the existence of a single source of supply or because of a proprietary product may be exempted from the competitive and sealed bidding process provided the Hardeman County legislative body has authorized the exemption for such product or service prior to the order or contract. Goods and/or services may be purchased from or sold to other governmental entities without competitive bidding. Contracts for professional services pursuant to Tennessee Code Annotated, Section 12-4-106 shall be exempt from competitive bidding requirements.

**SECTION 10.** Purchases, contracts or leases of any supplies, materials or equipment, may be made by the county purchasing agent for immediate delivery in actual emergencies arising from unforeseen causes or which would affect the health or safety of the citizens of Hardeman County, or which might result in Hardeman County being liable or causing harm to any person. A record of any such emergency purchase shall be made by the county purchasing agent and shall specify the amount paid, the items purchased, from whom the purchase was made, the nature of the emergency, and prices or bids secured from various vendors.

**SECTION 11.** The County Executive as County Purchasing Agent shall receive a minimum annual salary of six hundred dollars (\$600) or such greater amount as may be authorized by the county legislative body, payable in equal monthly installments, as compensation for his services as County Purchasing Agent. Such compensation shall be in addition to and apart from any compensation otherwise allowed the County Executive for any other services.

**SECTION 12.** In the event any section, sentence, or part of this act shall be held invalid or unconstitutional, such invalidity or unconstitutionality shall not be held to affect or invalidate the remainder of the act, and the General Assembly hereby declares that it treats each and every section, sentence, and item of this act as severable, and that it would have enacted this act with any invalid or unconstitutional part thereof omitted.

**SECTION 13.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Hardeman County. Its approval or non-approval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

**SECTION 14.** For the purpose of approving or rejecting the provisions of the act, it shall be effective upon becoming law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 13.

Passed: May 11, 1989.

## Welfare Fund Transfers

### Private Acts of 1949 Chapter 370

**SECTION 1.** That Hardeman County, acting by and through its Quarterly County Court at any regular or specially called session, be and the same is hereby authorized to transfer from its County Welfare Fund such sum or sums as it may deem necessary, not in excess of \$20,000.00, and to place the same to the credit of its General County Fund.

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

Passed: March 23, 1949.

## Administration - Historical Notes

### **Budget System**

The following act once created a budgeting system for Hardeman County, but it has been specifically repealed or superseded by current law.

1. Private Acts of 1980, Chapter 210, amended Private Acts of 1937, Chapter 68, by increasing the number of members of the Budget Committee from three to five. The act was not approved by the Hardeman County Legislative Body and did not become effective.

### **County Mayor**

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

1. Acts of 1855-56, Chapter 253, created the office of County Judge in every county in the state, the official to be elected by the people for four-year terms. The County Judge was to be learned in the law and sworn and commissioned as were other Judges. Quorum Courts were abolished and all the duties of those Courts were assigned to the County Judges who would preside over the sessions of the various county Quarterly Courts. The jurisdiction of the County Courts was specifically outlined in the act. The County Judge would be the accounting officer and general agent of the County, and would be responsible for discharging the duties as enumerated in the act.
2. Public Acts of 1857-58, Chapter 5, repealed Private Acts of 1855-56, Chapter 253, above, in its entirety, and restored the Quorum Courts to their former status.
3. Private Acts of 1921, Chapter 687, provided that the County Judge of Hardeman County would receive, in addition to all other compensation then provided by law, the sum of \$300 annually for his services as financial agent of the County, to be paid monthly out of the general funds of the County as other salaries were paid.
4. Private Acts of 1967-68, Chapter 42, empowered the County Judge with jurisdiction concurrent with the Chancery Court in actions to allow guardians and conservators to encroach upon the corpus of the ward's estate for the use and benefit of the ward.

### **County Legislative Body**

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

1. Public Acts of 1823, Chapter 41, stated that the County Court of Hardeman County would meet on the second Monday in February, May, August and November, and hold Court for one week unless its business was sooner finished.
2. Private Acts of 1823, Chapter 108, created Hardeman County and provided that the Court of Pleas and Quarter Sessions would meet at the home of Thomas McNeil in the County on the third Monday in November, February, May and August.
3. Private Acts of 1824, Chapter 102, provided that the County Court of Hardeman County would meet on the third Monday in February, May, August and November.
4. Private Acts of 1825, Chapter 318, changed the opening dates for several county courts in the State. Terms for the County Court of Hardeman County was scheduled for the first Monday in January, April, July and October.
5. Private Acts of 1826, Chapter 78, authorized the Justices of the Peace of the County Courts of Maury, Williamson, Lawrence, Sumner, and Madison Counties, a majority being present, at the first term of each year, to select three of their number to hold a Quorum Court monthly, or more often during the year. The act was made to apply to several other counties including Hardeman County.
6. Private Acts of 1921, Chapter 137, declared that the Justices of the Peace would be paid \$3 per day and a mileage allowance as provided by law for their regular attendance at the sessions of the County Court.
7. Private Acts of 1935, Chapter 766, required all Justices of the Peace of Hardeman County to file with the County Court within five days next preceding the regular quarterly meeting of the Court, a written, itemized, sworn statement showing the amount of all fines, forfeitures, and other

revenue collected by them during that quarter of the year, the report to be filed whether they had any income or not. Failure to comply would subject the Justice to a fine of from \$10 to \$50, plus an additional \$5 for the County's use, and a penalty of twenty-five percent of any money due the county and not paid. The County Judge or Chairman would furnish printed forms to the Justices on which these reports would be made.

8. Private Acts of 1957, Chapter 392, allowed a per diem of \$8 to Hardeman County Justices of the Peace for attendance at the Quarterly County Court. Along with the per diem, a mileage allowance of five cents per mile was authorized.

### **County Trustee**

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

1. Private Acts of 1917, Chapter 611, amended Private Acts of 1911, Chapter 46, which set the bonds for county trustees across the State, so that the County Trustee of Hardeman County, charged with the collection of state and county revenues, taxes, funds, and money, was required to enter into a bond in an amount not less than one-fourth of the amount of the state taxes collected the previous year, and a bond in an amount not less than one-fourth of the County taxes collected in the prior year, and both bonds were to be conditioned upon the faithful performance of the duties of office by the County Trustee.

### **Purchasing**

The following acts once affected the purchasing procedures of Hardeman County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1931, Chapter 760, created a Purchasing Commission for Hardeman County to be composed of three members. The County Sheriff and County Judge would be members and the Quarterly Court would elect the third member. The duty of the Commission was to purchase all supplies and materials for the County and to set procedures for the maintenance and storage of County property. The commission was further vested with authority over the County Workhouse and the prisoners sentenced to the workhouse. For their services, the members were allowed \$5 per day, \$50 per month, maximum.
2. Private Acts of 1933, Chapter 260, repealed Private Acts of 1931, Chapter 760, above.
3. Private Acts of 1937, Chapter 239, as amended by Chapter 114 of the Private Acts of 1965, Chapter 92 of the Private Acts of 1967, Chapter 335 of the Private Acts of 1982, and Chapter 63 of the Private Acts of 1985, sets out the procedure for purchases or contracts for purchases for the county. This act was repealed by Chapter 90 of the Private Acts of 1989.

### **General Reference**

The following private or local acts constitute part of the administrative and political history of Hardeman 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. Private Acts of 1823, Chapter 206, appointed Abram Maury, William Hall, James Fentress, and Benjamin Reynolds, as Commissioners to select and fix on a site for the permanent seat of justice in the Counties of Dyer, Weakley, Gibson, McNairy, Hardeman, Obion, Tipton and Haywood. These sites would be selected as near the center of the particular county as possible. The Commissioners were authorized to acquire at least fifty acres of land, subdivide the acreage into lots, and cause deeds to be made to themselves and their successors in office by general warranty deed.
2. Private Acts of 1824, Chapter 132, stated that the Commissioners appointed by the County Courts of Gibson, Dyer, Hardeman, Tipton, Fayette, Weakley, Obion, and McNairy Counties to lay off and sell the lots in the Counties' seats of justice, would have full power to determine the size of the public square in the towns and the widths of their streets and alleys. The act stated that the name of the County Seat in Hardeman County would be Hatchee.
3. Private Acts of 1825, Chapter 114, declared that the Town of Hatchee in Hardeman County would thereafter be known and called by the name of the Town of Bolivar.
4. Private Acts of 1825, Chapter 204, appointed James Chisom, Josiah Hatley, and Ebenezer Kilpatrick as additional Commissioners for the Town of Bolivar, all of whom would have the same authority and responsibilities as the Commissioners appointed prior to the act.

5. Private Acts of 1826, Chapter 127, Section 2, authorized C. Brock to build a mill on Little Creek in Hardeman County.
6. Public Acts of 1827, Chapter 12, created a Treasury Department for the Western District of Tennessee which consisted 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 the city of Jackson, Tennessee. All taxes due the State from the Western District would be paid at that office instead of in Nashville.
7. Private Acts of 1827, Chapter 50, incorporated the citizens of Bolivar into a body corporate and politic to operate by the name of the Mayor and Aldermen of the Town of Bolivar. The Sheriff would hold an election for seven Aldermen who would choose one of their number to be Mayor.
8. Private Acts of 1827, Chapter 58, allowed Joseph W. McKain, Francis Shoemake, Thomas J. Hardeman, Hiram Bradford, Jacob Tipton, John T. Brown, Lawrence McGuire, David Jeffries, Jesse L. Kirk, John Bills, John Lee, James Ruffin, David Laird, Edmund Anderson, Austin Miller, and William Polk to compose a scheme and conduct a lottery to raise up to \$20,000 to improve the navigation of the Hatchie River. All money raised by the lottery would be paid to the Chairman of the County Court in Hardeman County.
9. Private Acts of 1831, Chapter 183, allowed Robert Robson, of Hardeman County, to lay off a town on thirty acres of property which he owned and lived on, including the Cross Roads, which town would be named Van Buren. All streets, alleys, and public places would be marked on the official map of the town and held in trust for those who were to buy lots in the town.
10. Private Acts of 1832, Chapter 511, authorized the Court of Pleas and Quarter Sessions of Hardeman County to permit David McKinly to build a bridge and causeway across the Hatchie River at or near the point where the Purdy Road crossed. The court would regulate the amount of tolls to be charged.
11. Private Acts of 1833, Chapter 71, permitted Elihu C. Crisp, the surveyor of the Tenth District, to keep his office at any place within three miles of the town of Bolivar in Hardeman County. Those laws which required the office kept at or in the town of Bolivar were repealed.
12. Public Acts of 1835-36, Chapter 48, abolished the County Surveyor offices in those counties south and west of the Congressional Reservation Line. Surveyors would turn over all of their official records to the Entry Takers of the respective counties who would perform and discharge the Surveyors duties in the future. The Surveyor of the 10th District would deliver and turn over all his official records to the Entry Taker of Hardeman County.
13. Acts of 1837-38, Chapter 48, repealed that part of the 1835 Public Law which permitted the Board of Common School Commissioners of Hardeman County to receive the portion of the Internal Improvement Fund to which the County would be entitled. The County Court of the County would receive this money and all other money which would be due Hardeman County from any source. The County Court was authorized to expend the monies in whatever way it may deem best for the County's internal improvement.
14. Acts of 1837-38, Chapter 60, declared the Big Hatchie River in Hardeman County to be navigable up to the place known as Rosson's Bridge, near the three forks of the River. It would be unlawful for anyone to obstruct or impede the navigation of the River by a dam, or otherwise, except that the public bridges then standing were not required to be removed.
15. Acts of 1847-48, Chapter 11, stated that certain persons had been granted the authority to build a bridge across the Hatchie River on the road from Bolivar to Purdy; that the river had been declared navigable along that route; that money had been spent to clear the river of obstructions; and that the river was obstructed by this bridge so that steamboats could not go beyond Bolivar. The act appropriated \$500 to build a drawbridge using the existing bridge. Thomas Joynes, David McKennie, and Rufus P. Neely were named Commissioners to oversee the work, subject to final acceptance by the County Court of Hardeman County.
16. Acts of 1847-48, Chapter 12, repealed the laws incorporating Bolivar and re-incorporated the City. It provided for the election of seven Aldermen, from whose number a Mayor would be selected. The act created the offices of Recorder, Constable, and Treasurer.
17. Acts of 1847-48, Chapter 209, appropriated \$250 to clear out obstructions in the Hatchie River and to convert a bridge into a drawbridge in the area between the two bridges over the said River, one on the road leading from Bolivar to Purdy, and the other on the road from Bolivar to Jackson.
18. Acts of 1849-50, Chapter 231, appropriated \$300 to clear out the Hatchie River of obstruction and to complete a drawbridge on Simpson's Bridge so as to afford a safe and convenient passage for



steamboats from the mouth of the Hatchie River to the mouth of the Tuscumbia River. William Simpson, Rufus P. Neely, and Jesse Franklin were appointed Commissioners to supervise the projects and to report to the Hardeman County Court.

19. Public Acts of 1870-71, Chapter 98, declared that the Hatchie River was navigable from its mouth to the railroad bridge at Bolivar.
20. Public Acts of 1871, Chapter 119, specifically repealed Acts of 1870-71, Chapter 98, above, and declared that the Big Hatchie was navigable from its mouth only to the railroad bridge in Haywood County.
21. Acts of 1879, Chapter 32, repealed Public Acts of 1871, Chapter 119, above, and declared that the Big Hatchie River was navigable from its mouth to the point where the Mississippi Central Railroad crosses said river in Hardeman County, provided that all railroad companies having bridges across said River would have until the first Monday in November, 1879, to put draws on their bridges, or arrange the bridge structure so that they would not impede the navigation of the river.
22. Public Acts of 1879, Chapter 104, granted the authority to the County Court of Hardeman County to appoint three Notaries Public for the County in addition to the number then permitted by law. They would reside and keep their offices respectively, in Pocahontas, Grand Junction, and Toons Station.
23. Public Acts of 1899, Chapter 69, closed navigation on the Big Hatchie River from the point where the Illinois Central Railroad crossed the River in Hardeman County to the point where the dividing line between Hardeman and Haywood Counties crossed the River, but no obstruction was allowed to be placed in the portion of the River described which would prevent the passage of rafts and flat boats up and down the River.
24. Acts of 1907, Chapter 546, amended Acts of 1901, Chapter 136, above, in several details but most importantly, but primarily in the manner that the Road Commissioner would receive and dispose of petitions to open, close, or change the roads.
25. Private Acts of 1915, Chapter 90, authorized the County Court of Hardeman County to appoint female citizens, over the age of 21, who are residents of the County and State, to the office of Notary Public.

## Chapter II - Animals and Fish

### Animals and Fish - Historical Notes

The following is a listing of acts that at one time affected, but no longer appear to have any effect on, hunting, fishing or animal control in Hardeman County. They are included herein for reference purposes.

1. Private Acts of 1897, Chapter 299, made it unlawful for any person to catch, kill, or wound any fish in any of the streams, lakes, or ponds of Haywood, Rutherford, and Hardeman Counties by the use of seine, trap, net, gun, grabbling with hands, gig, poison, dynamite, or by any contrivance whatever except rod, or line, or trot line. The act did not apply to private ponds or to minnows less than 4½ inches in length. Building a dam or other obstruction was also declared unlawful. The fines for violations ranged from \$50 to \$100, and in the case of the use of poison or dynamite, a six months jail term would be added to the fine. The fines collected would go into the Treasury for the common school fund.
2. Public Acts of 1899, Chapter 95, amended the Private Acts of 1897, Chapter 299, above, so as to make it lawful for any resident citizen of Hardeman County to catch fish in any of the streams of that County by grabbling with the hands or by using a basket, slat trap, seine or net, provided that the slats of the trap and the mesh of the netting were not less than two inches apart.
3. Acts of 1901, Chapter 41, declared that all persons owning or controlling swine in this State must keep them confined on their own premises. Any person damaged by trespassing swine would have a lien on the animals for his damages regardless of whether he had a lawful fence or not.
4. Acts of 1901, Chapter 70, stated that every planter must make and keep a sufficient fence of ordinary, sound, and substantial material around his land which is in cultivation. The act defined and described four types of fences which would be acceptable in meeting the requirements of the act: (1) a four foot high post and plank, or post and paling; (2) a common worm, or crooked, rail fence, 4½ feet high; (3) osage orange fences, part wood and part wire; (4) a fence of barbed wire, or slats, 4½ feet high. All persons who met the requirements of this act would have a lien

for damages on all trespassing animals damaging their crops.

5. Acts of 1905, Chapter 481, declared it to be unlawful to kill, or injure, in any way deer of any age, or any English ringnecked or mongolian pheasant in Hardeman County prior to two years from November 1, 1905. Any person could trap birds during the open season on his own land and sell the same to be consumed, or for breeding purposes, but not to ship out of the County. It was declared unlawful to kill squirrels from March 1 to July 15 except that one could kill them on one's own land at any time. It was lawful to sell game in the County that the seller himself had killed to any actual, resident consumer of the County. The County Court was empowered to elect a Game Warden in Hardeman County who would receive one-half of all the fines collected for violations of game laws in the County.
6. Acts of 1907, Chapter 508, amended Acts of 1901, Chapter 70, above, by making "smooth and twisted" wire acceptable material in lawful fences, as well as "barbed" wire.
7. Private Acts of 1915, Chapter 52, declared it unlawful in Hardeman County for any owner or one in control of horses, mules, donkeys, cattle, sheep, goats, and swine, to allow the animals to run at large. Violators were subject to fines of from \$2 to \$50 and could be held liable for damages. The act granted a lien to any person damaged who could take up and care for the animals at large and be compensated for the costs. The act stated it was not to be construed as affecting any of the railroad laws.
8. Private Acts of 1917, Chapter 643, enabled any resident of Hardeman County to catch fish from any of the waters of the County by trap, net, or seine, provided the slats of the trap and the mesh of the net were at least 1½ inches apart and any seine could not exceed twelve feet in length.
9. Private Acts of 1921, Chapter 405, exempted several counties, including Hardeman County, from the provisions of Public Acts of 1919, Chapter 61, which was a rather harsh regulation of the care and keeping of dogs throughout the State.
10. Private Acts of 1923, Chapter 486, declared that the open season for the shooting of quail in Fayette and Hardeman County would be from the 22nd Day of November to the first day of March following.
11. Private Acts of 1925, Chapter 89, set the open season on quail in Fayette, Hardeman, Haywood and Lauderdale Counties from December 10 to the following March 1, and the open season to shoot squirrels from July 1 to January 1 of each year.
12. Private Acts of 1925, Chapter 460, declared that the cotton-tailed rabbit was game in Fayette, Hardeman, and Haywood Counties and the open season in which it may be hunted, taken, and killed would be from November 25 to March 1 of the following year. Fines for violations were set at \$10 to \$25. The act would not apply to a farmer, tenant, or renter or his boys, if they were to kill rabbits on their own land if the rabbits became a hazard to crops.
13. Private Acts of 1925, Chapter 620, regulated the hunting of squirrels in Hardeman County by changing the open season from June 1 to December 1 of each year to July 1 to January 1.
14. Private Acts of 1927, Chapter 188, fixed the open season on squirrels in Hardeman County from June 1 to January 1 each year.
15. Private Acts of 1927, Chapter 674, made it unlawful in Hardeman County for any person, firm, or corporation to take, trap, catch, hunt, or kill, any wild animal by any means whatsoever. Cotton-tail rabbits could be killed, bought, sold, shipped, and transported within the State from October 15 to March 1 of the ensuing year. Wild animals could lawfully be killed with dogs from October 15 to the following March 1. The owner or occupant of lands was allowed to kill rabbits at any time if the animals menaced crops. County residents were permitted to kill wild animals at night with dogs from October 15 to March 1 following.
16. Private Acts of 1929, Chapter 808, provided that the open season for shooting quail in Hardeman County would run from November 24 until the following February 1. Fines were scheduled for violations from \$10 to \$25.
17. Private Acts of 1935, Chapter 765, stated that any person who had engaged in the practice of veterinary medicine in Hardeman County for a period of 15 years or more, next preceding the effective date of the act, and who was of good, moral character, would be entitled to continue the practice when they obtained a certificate of good moral character from the County Court Clerk and filed it with the State Board of Veterinary Examiners. The licenses granted was valid in Hardeman County.

## Chapter III - Bond Issues

### Bond Issues - Historical Notes

A listing of the acts which authorized various bond issues for Hardeman County is included below for reference purposes, although these acts are no longer current.

#### **Courthouse**

1. Private Acts of 1867-68, Chapter 71, authorized Bedford County to issue its general obligation county bonds in any amount up to \$50,000 to rebuild their courthouse which had been destroyed by fire. Section 2 provided for Johnson County to issue bonds in the amount of \$25,000 to mature no later than 15 years and bear an interest rate not in excess of six percent, the proceeds from which could be used to purchase stock in the Mineral Home Railroad. Section 5 made the act applicable to Hardeman County.

#### **Debts**

1. Private Acts of 1921, Chapter 423, allowed the County Court of Hardeman County to issue bonds in an amount not to exceed \$100,000 at an interest rate not to exceed six percent, with a maturity schedule which would not go beyond twenty years, for the purpose of paying off the floating indebtedness of the County, including all its interest bearing warrants which related to the construction of roads and bridges. The details of the issue, the form of the bonds, and the requirement of a tax levy were set forth in the law. The bonds would be called the "Hardeman County Refunding Bonds."
2. Private Acts of 1931, Chapter 149, permitted the Quarterly County Court of Hardeman County to issue bonds in the principal amount \$280,000. The proceeds of the bond issue were to be used to pay off the outstanding road indebtedness evidenced by warrants and to enable the County to continue road construction.
3. Private Acts of 1937, Chapter 215, validated and ratified all the prior proceedings of the Hardeman County Quarterly Court in connection with the issuance of Funding Bonds in the amount of \$344,000 dated February 1, 1937, and bearing interest at five percent with a twenty year maturity period. The Court was required to levy a tax, in addition to all other taxes, which would be for the purpose of paying principal and interest on the bonds when due.
4. Private Acts of 1937, Chapter 883, permitted the Quarterly County Court of Hardeman County to adjust and refinance its outstanding indebtedness whether evidenced by bonds, warrants, notes, judgments, open accounts, or otherwise, by a limited grant of authority to issue bonds in substitution for the debts. The bonds could be issued in series or as a whole and at one time or at different times. The bonds were restricted to no more than six percent interest, a thirty -year maturity, and the then current indebtedness of the County.
5. Private Acts of 1941, Chapter 20, validated, ratified, and confirmed the proceedings of the Quarterly County Court of Hardeman County with reference to the County bond issue concerning the Refunding Bonds, Series G, in the total amount of \$1,054,000, and authorized a tax levy to pay principal and interest on all bonds issued during the proceedings.
6. Private Acts of 1941, Chapter 21, validated, ratified, and confirmed the proceedings of the Quarterly County Court in relation to the issuance of bonds entitled "Funding Bonds, Series H", in the amount of \$26,000. A tax levy to pay for the bonds was authorized.
7. Private Acts of 1941, Chapter 22, validated the actions of the Quarterly County Court of Hardeman County relating to the issuance of \$311,000 worth of bonds, named the Refunding Bonds, Series "I", dated January 6, 1941. It authorized tax levy to pay for the bonds.

#### **Hospital**

1. Public Acts of 1931, Chapter 87, authorized the Funding Board of the State, composed of the Governor, the Comptroller of the Treasury, the Treasurer of the State, the Secretary of State, and the Commissioner of Finance and Taxation, to issue bonds of the State in the amount up to \$500,000 to make improvements at and in connection with the Western State Hospital in Bolivar. The bonds were limited to 5% interest and a ten year maturity period. The Commissioner of Institutions would supervise the project with the advice, consent, and approval of the Governor.

#### **Jail**

1. Public Acts of 1875, Chapter 26, allowed Hardeman County to issue and sell the bonds of the County, at interest not to exceed eight percent, with coupons attached, payable semi-annually, in

an amount not to exceed \$20,000 to build a jail in the County. A tax on the property and polls of the County would support the bond issue.

### **Roads**

1. Private Acts of 1921, Chapter 461, permitted the County Court of Hardeman County to issue bonds in an amount up to \$250,000, with interest at six percent, maturing within twenty-five years. The proceeds of the bond issue would be used to pay the County's pro rata share of the cost of construction of the State and Federal Highways in the County.
2. Private Acts of 1931, Chapter 103, allowed the County Court to issue bonds in the amount of \$150,000, to bear interest at six percent, maximum, for the purpose of paying for the completion of roads and bridges which were already contracted for. The County Trustee would handle the funds and receive a commission of 1/20 of one percent of the funds received and disbursed.
3. Private Acts of 1945, Chapter 540, authorized Hardeman County to issue bonds in the aggregate amount of \$20,000, for the purpose of purchasing or repairing road equipment, roads, and bridges in the County. The bonds would bear a maximum interest rate of four percent per year and mature within ten years.

### **Schools**

1. Private Acts of 1927, Chapter 673, amended Private Acts of 1919, Chapter 505, in several sections and granted to the Board of Directors of the Middleton Special School District the authority to issue bonds in the amount of \$12,000, for the purpose of maintaining the school buildings in the District.

## Chapter IV - Boundaries

### Creation of the County

#### Private Acts of 1823 Chapter 108

**SECTION 1.** That a county heretofore laid off south of Madison county, beginning at the south west corner of Madison county, running thence west six miles to a point one mile west of the fourth range line, the tenth district; thence south parallel with said line, to the south boundary of the state; thence east on said boundary, in a point two miles east of the meridian separating the ninth and tenth surveyors' districts; thence north of the Madison County line; thence west with the same to the beginning; be, and the same is hereby, established, to be called and known by the name of Hardeman County.

**SECTION 2.** That for the due administration of justice in the said county of Hardeman, the circuit court, and court of Pleas and Quarter Sessions, for said county, shall be held at the house of Thomas M'Neil, at the following times, to-wit: the court of Pleas and Quarter-Sessions, in said county, on the third Mondays in November, February, May, and August, in each and every year; and the circuit court, in said county, on the first Mondays in May and November in each and every year; at which place and times the said courts shall be holden, until otherwise provided for by law, under the same rules, regulations and restrictions, and shall exercise the same power and jurisdiction, that are now possessed by the said court respectively in other counties of this state.

**SECTION 3.** That the sheriff of the said county of Hardeman shall hold an election at the house of Thomas M'Neil, the place of holding courts in said county on the second Thursday and succeeding day in February, for the purpose of electing field officers of the militia for said county, under the same rules, regulations, and restrictions as are pointed out by law in similar cases; and the militia of the said county of Hardeman shall compose the eighty-first regiment, and shall be attached to the \_\_\_\_\_ brigade.

**SECTION 4.** That it shall be the duty of the commandant of the said eighty-first regiment, having first been commissioned, and sworn according to law, to divide his regiment into such number of companies as he shall think best for the convenience of said companies; and it shall be the duty of said commandant, to issue writs of election for company officers according to law.

**SECTION 5.** That this act shall go into effect from and after the passage thereof.

Passed: October 16, 1823.

**COMPILER'S NOTE:** Sections 6, 7, and 8 of the act concern Dyer County and are not reprinted here.

### Change of Boundary Lines

## Private Acts of 1823 Chapter 129

**SECTION 1.** That the following described bounds, to wit: beginning at the south-west corner of Hardeman county, running north with the west boundary line of said county, to the fifth sectional line in the tenth district; thence west, to a point one mile west of the third range line in the eleventh district; thence south parallel with said range line, to the south boundary of the state; thence east with said boundary, to the beginning; which above-described bounds was heretofore attached to Shelby county, shall be hereafter attached to, and be a part of Hardeman county, until otherwise provided for by law.

**SECTION 2.** That the citizens of the above-described bounds shall be entitled to all the privileges, and subject to all the duties, as other citizens of Hardeman county, with this exception, that they shall not be liable to pay any taxes for the purpose of erecting public buildings in said county of Hardeman.

Passed: October 30, 1823.

## Public Acts of 1833 Chapter 46

**SECTION 1.** That the line as run and marked between this State and Mississippi, by John Thompson, commissioner for the State of Tennessee, be, and the same is hereby, declared to be the true southern boundary of the State of Tennessee, being the 35th degree of north latitude, and that the jurisdiction of the State be extended to the said line, in the same manner and under the same rules and regulations, and in as full and ample a manner as the same was extended to the line run by Winchester.

**SECTION 2.** That it is hereby made the duty of the principal surveyors in whose districts the counties hereunder named lie, (viz:) Hardin, McNairy, Hardeman, Fayette, and Shelby, to extend the dividing lines of the same from what is called Winchester's line, to the line run by John Thompson, on the 35th degree of north latitude, and cause the same to be laid down on the general plan; and it is hereby made the duty of the treasurer of the western district to pay such surveyors for the same, and to take their receipts, which shall be good in settling his accounts: Provided, said surveyors shall not receive more than two dollars per mile, for the lines to be run under the provisions of this act: Provided, also, nothing in this act contained, shall be construed to authorize the location of any land warrant, or grant any right of occupancy between Winchester's and Thompson's line.

Passed: November 29, 1833.

## Acts of 1837 - 38 Chapter 7

Whereas the State of Tennessee, believing the southern boundary line of the State, dividing Tennessee from Mississippi, was not correctly run by the commissioners in 1819, with the 35th degree of north latitude; and whereas, the State of Tennessee, by an act passed by the Legislature of the State, November 29th, 1833, entitled "An act to define and establish the southern boundary line of the State of Tennessee and Mississippi, and for other purposes," did establish what is known as "Thompson's line," as the southern boundary of the State, which act did not receive the sanction of the State of Mississippi; and whereas, the authorities of Tennessee and Mississippi having recently, by commissioners on the part of the two States, run and marked another line, which is agreed upon, as the dividing line of the States respectively, provided they ratify the same; which line is described in the commissioners report, as "commencing at a point on the west bank of the Tennessee river, six, four pole, chains south, or above the mouth of Yellow Creek, and about three quarters of a mile north of the line known as Thompson's line, and twenty-six chains and ten links north of Thompson's line, at the basis meridian of the Chickasaw surveys, and terminating at a point on the east bank of the Mississippi river, (opposite Cow Island,) sixteen chains north of Thompson's line: -- Therefore,

**SECTION 1.** That the line as run and marked between this State and Mississippi, by A. B. Ludlow, D. W. Connely, W. Petrie, John D. Graham, and Austin Miller, Commissioners for the two States, be, and the same is hereby declared to be the true southern boundary of the State of Tennessee, being the 35th degree of north latitude, and that the jurisdiction of the State be extended to said line, in as full and ample a manner as the same was extended to the line run by Winchester.

**SECTION 2.** That the State of Tennessee hereby surrenders all jurisdictions south of the line, recently run by the commissioners.

**SECTION 3.** That it shall be the duty of the different surveyors in the counties of Hardin, M'Nairy, Hardeman, Fayette, and Shelby, where the same has not been done, to extend the dividing lines of said counties to the line recently run by the commissioners, under the rules and regulations prescribed in the second section of the act of 1833, Chapter 46.

**SECTION 4.** That this act shall take effect from the date of the governor's proclamation, whose duty it

shall be to issue the same, whenever the State of Mississippi shall ratify the line recently run and marked by the commissioners of the States of Tennessee and Mississippi.

Passed: November 9, 1837.

## Public Acts of 1879 Chapter 42

**SECTION 1.** That a new county be, and the same is hereby established, out of fractions of Madison, Henderson, McNairy and Hardeman counties, to be known as Chester County.

**SECTION 2.** That the county of Chester shall be bounded as follows: Beginning at a stake on the south bank of the middle fork of the Forked Deer River, where the Henderson and Madison county line crosses said river, at a beech and two hickory pointers, thence east with the meanderings of said river to a stake, hickory, elm and hornbean pointers on the land of Dr. W. E. Tucker; thence with the arc of a circle with the radius of 11 miles; from the town of Lexington 12°93 miles; thence east 1 mile; thence in a southern direction to the northwest corner of Hardin County; thence with said line to the northeast corner of McNairy county; thence south with the McNairy and Hardin county line 1°52 miles; thence west 1°39 miles; thence south to the corner of the old survey of Wisdom County, made under the Act, this to repeal, on the lands of Thomas Wilkerson; thence west 8 miles; thence with the arc of a circle, with the radius of 11 miles, from the town of Purdy 14 miles; thence west 2°53 miles; thence with the arc of a circle with the radius of 11 miles from the town of Bolivar, 8°75 miles; thence north to the Madison county line; thence east with the Madison and Hardeman county line to a stake 10 poles east of the house of Rev. Robert Rainey; thence north 61½ degrees east 9 miles; thence north 26½° east to the Henderson and Madison county line; thence north with said line to the beginning. 278°77 square miles.

**SECTION 3.** That for the purpose of organizing the said county of Chester, that J. F. Hamlet, Robert Long, B. H. Brown, J. H. Fry, B. I. Young, A. B. Patterson, J. W. Perkins, J. H. Mitchel, J. M. Simmons, John Barham, John M. Sherrell, W. L. Steagall, William Rust, J. M. Reams, M. D. Pare and Able Stewart, shall be, and are hereby appointed Commissioners on the part of the several fractions in which they reside who shall, before entering on the discharge of their duty, take an oath before some Justice of the Peace, to faithfully and impartially discharge all the duties incumbent upon them in this Act, and in all cases of vacancy that may occur among said Commissioners previous to the organization of the County Court of said county of Chester, the remaining Commissioners shall fill by appointment said vacancies -- and vacancies occurring after the organization of such court, shall be filled by said court of the county of Chester. The said Commissioners shall enter into such bond and security as may be required by the said County Court of Chester -- made payable to the Chairman thereof, conditioned for the faithful performance of their duties as required by this Act; a majority of said Commissioners shall constitute a board competent to do all things herein enjoined upon them. They shall keep a record of their proceedings as Commissioners, which shall be returned to the County Court of Chester county, at its first term, and the same shall be recorded by the clerk thereof, on the records of said court, and they shall make such returns after the organization of said court, as shall be directed thereby.

**SECTION 4.** That it shall be the duty of said Commissioners, first giving thirty days notice in one public place or more, of the time and place to open and hold an election in one or more places in each of the fractions proposed to be stricken off from the counties of Madison, Henderson, McNairy and Hardeman, in order to ascertain whether two-thirds of the voters residing in each of the said fractions are in favor of, or opposed to, the formation of said new county of Chester, and all persons qualified to vote for members of the General Assembly, residing in said fractions, shall be entitled to vote in said elections, and each voter who is in favor of the formation of the new county, shall have on his ticket, "New County," and each voter opposed to the formation of said new county of Chester, shall have on his ticket, "Old County," and after counting the vote cast in said election, if it shall appear that there are two-thirds of the legal voters in each of said fractions in favor of the new county, then in that case, the county of Chester shall be, and is hereby declared a county, with all the privileges and advantages, and subject to all the liabilities and duties with other counties in this State.

**SECTION 5.** That in order to carry into effect, and make certain and accurate, the provisions in the fourth section of this Act, said Commissioners are hereby empowered and authorized to canvass and take the census of the qualified voting population in the bounds of the several fractions proposed to be stricken off from the counties of Madison, Henderson, McNairy and Hardeman, and if for any cause the election as herein provided shall not be held in any of said fractions, on the day appointed, said Commissioners shall provide for another election as herein provided in such fractions.

Passed: March 1, 1879.

**COMPILER'S NOTE:** The remaining sections of the act do not apply to Hardeman County are not reprinted here.

## Boundaries - Historical Notes

The following is a summary of acts which authorized boundary changes for Hardeman County.

1. Private Acts of 1823, Chapter 238, declared that John H. Bills of Hardeman County would run and mark the south boundary line of Madison County and the Madison County Court was directed to compensate him. He would also run and mark the line between McNairy and Hardeman Counties, the Courts of which would pay him at the rate of \$3.00 per day and the chain bearers at \$1.50 per day.
2. Public Acts of 1857-58, Chapter 11, changed the boundary line between Hardeman and McNairy County so as to include in McNairy County the dwelling, out houses, and lands of Francis Clement.
3. Public Acts of 1883, Chapter 41, changed the boundary so that all the lands of Jesse Scoggins and W. A. Naylor, as described in the act, were transferred into Hardeman County.
4. Public Acts of 1883, Chapter 125, transferred all the land then owned by E. Chambers, R. H. Beard, and J. W. Bass, out of Fayette County and into Hardeman County.
5. Public Acts of 1885, Chapter 109, detached the farms and dwellings belonging to Jeremiah Hooper, William Howell, R. C. Howell, and Jasper Shelton from Chester County and attached them to Hardeman County.
6. Public Acts of 1889, Chapter 54, changed the line between Hardeman and Chester Counties so as to include in Hardeman County all the properties of Vincent King, S. B. White, J. N. Wilson, Eliza Glidewell, James Glidewell, and Solomon Wilson.
7. Public Acts of 1893, Chapter 30, changed from Chester County to Hardeman County all the lands of Albert T. McNeal lying in that part of Chester County that was formerly in the Sixteenth Civil District of Hardeman County prior to the creation and organization of Chester County.
8. Public Acts of 1893, Chapter 44, transferred the lands belonging to C. H. Joyner out of McNairy County and into Hardeman County.
9. Acts of 1907, Chapter 429, transferred the lands belonging to James Parsons from Hardeman County into Fayette County.
10. Acts of 1907, Chapter 570, changed the line between Hardeman and Madison Counties so that all the lands of Robert B. Swint, which were formerly owned by Albert G. McNeal and located in the old Sixteenth Civil District of Hardeman County, would be located in Madison County.
11. Private Acts of 1931, Chapter 726, transferred a parcel of land located in the northeast corner of Hardeman County into Madison County. The 1931 taxes were to be paid by the inhabitants to Hardeman County and all subsequent taxes were to be paid to Madison County.
12. Private Acts of 1957, Chapter 152, repealed Private Acts of 1931, Chapter 726, above, and restored the property to Hardeman County.

## Chapter V - Court System

### Juvenile Court

### Private Acts of 1994 Chapter 161

**SECTION 1.** The duties of clerk of Juvenile Court shall be transferred from the County Clerk to the Clerk of the Circuit Court on the first day of the month following approval of this act by the county legislative body. All records of the Juvenile Court in the custody of the county clerk shall be transferred from the County Clerk to the Circuit Court Clerk within thirty (30) days of the approval of this act by the county legislative body.

**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 Hardeman County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified to the Secretary of State.

**SECTION 3.** For the purpose 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: April 6, 1994.

# Court System - Historical Notes

## **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Hardeman County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification.

1. Public Acts of 1824, Chapter 14, required that the Judges of the Supreme Court make the arrangements among themselves to hold the Chancery Courts of the State at least twice each year at Greenville, Rogersville, Kingston, McMinnville, Franklin, Columbia, Charlotte, Jackson, and at Carthage. The Court would be held west of the Tennessee River on the second Monday in April and October in Jackson.
2. Public Acts of 1827, Chapter 79, divided the State into two Chancery Divisions, the Eastern and the Western. The Courts in the Western Chancery Division were held at Franklin, Columbia, Charlotte, Jackson, and Paris.
3. Public Acts of 1829, Chapter 52, created a Tenth Judicial Circuit composed of Wayne, Hardin, McNairy, Hardeman, Fayette, and Shelby Counties. The Judge of the Circuit would be elected by the ballot of both houses of the General Assembly. The Counties would also constitute a Chancery Division, the Court for which would meet at Bolivar on the first Monday of May and November. A Clerk and Master would be appointed who would serve under the same rules and regulations as other Clerks and Masters in the State.
4. Public Acts of 1829, Chapter 104, changed the time of beginning terms of the Chancery Court of the Tenth Judicial District which met at Bolivar in Hardeman County to the second Monday in March and September.
5. Public Acts of 1835-36, Chapter 4, enacted after the adoption of the 1835 Constitution, separated the State into three Chancery Divisions which were further divided into Districts. Three Chancellors would be appointed by the joint ballot of the General Assembly to preside over the Courts instead of the Supreme Court Justices. These Chancellors would hold Court at least twice each year. Hardeman and McNairy Counties were in the Ninth District of the Western Division, the Court for which would be held in Bolivar on the first Monday in June and December.
6. Acts of 1837-38, Chapter 14, declared that the Counties of Fayette, Shelby, Hardeman, and McNairy would compose one Chancery District in the Western Division. The Court would meet at Somerville on the fourth Monday in May and November.
7. Acts of 1851-52, Chapter 345, provided that Hardeman County would compose one Chancery Division, the Court for which would start on the fourth Monday of April and October at Bolivar. The act directed the Clerk and Master of the Court at Somerville to transfer case records involving citizens of Hardeman County to the Court at Bolivar upon application of either party in the case.
8. Acts of 1853-54, Chapter 55, Section 5, changed the times for starting Chancery Court terms effective after the Chancellors of the State had been elected. Court terms at Bolivar in Hardeman County would commence on the first Monday in March and September.
9. Acts of 1855-56, Chapter 158, rearranged the starting dates for many of the Chancery Courts in the Western Chancery Division of the State including Hardeman County, the Court for which would begin on the first Monday in June and December.
10. Public Acts of 1857-58, Chapter 88, reorganized the entire lower judicial system in Tennessee. The State was separated into the Eastern, Middle, Western, Fourth, Fifth, and Sixth Chancery Divisions. Hardeman County was assigned to the Western Division, also containing the Counties of Weakley, Henry, Obion, Dyer, Madison, Haywood, Fayette, Tipton, Lauderdale, Gibson, and Shelby. Chancery Court would begin on the second Monday in May and the first Monday in November at Bolivar.
11. Private Acts of 1857-58, Chapter 93, provided that the Chancery Court of Hardeman County, held at Bolivar, would begin its terms on the second Monday in May and November.
12. Private Acts of 1859-60, Chapter 178, stated that after the passage of the act, the Judge of the Fourteenth Judicial Circuit would preside over the Chancery Courts for Hardeman and Madison Counties. The Court in Bolivar would be held on the second Monday in February and August for Hardeman County.
13. Public Acts of 1865-66, Chapter 14, Section 2, rescheduled the opening dates of the Chancery Court at Decaturville, Linden, and Bolivar. The Court would begin in Bolivar on the third Monday in March and September.



14. Public Acts of 1869-70 (2nd Ex. Sess.), Chapter 32, divided Tennessee into twelve Chancery Districts. The Tenth District was composed of the Counties of Hardeman, Madison, Haywood, Tipton, Fayette, and Lauderdale.
15. Public Acts of 1869-70 (2nd Ex. Sess.), Chapter 47, scheduled the starting dates for both terms of the Chancery Court in every county of the State. In Hardeman County the Chancery Court would meet at Bolivar on the second Monday of January and July.
16. Public Acts of 1879, Chapter 122, set the term of the Chancery Court for Hardeman County to begin on the second Monday in June and December.
17. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the entire lower judicial structure of Tennessee. The act created eleven Chancery Divisions of which the Ninth was made up of the Counties of Hardeman, McNairy, Chester, Madison, Crockett, Henderson, Carroll, and Henry with the Courts in Hardeman scheduled to begin on the third Monday in March and September. This act was the subject of litigation in *Flynn v. State*, 203 Tenn. 341, 313 S.W. 2d 249 (1958).
18. Public Acts of 1887, Chapter 111, changed the schedule of court terms in some of the counties in the Ninth Chancery Division. The third Monday in March and September remained the days when Chancery Court terms begin in Hardeman County.
19. Public Acts of 1899, Chapter 427, created ten Chancery Divisions in the State. Dyer, Obion, Lake, Weakley, Gibson, Lauderdale, Fayette, Haywood, Tipton, and Hardeman Counties composed the Ninth Chancery Division. Court terms would begin in Hardeman County on the fourth Monday in May and the second Monday in December.
20. Acts of 1901, Chapter 35, amended Public Acts of 1899, Chapter 427, above, by transferring Hardeman County out of the Ninth Chancery Division into the Eighth Chancery Division.
21. Acts of 1903, Chapter 36, rescheduled Chancery Court terms in the Eighth Chancery Division. Court terms for Hardeman County would begin on the third Monday in March and September.
22. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, reorganized the entire system of lower courts in the State. The act created fourteen Chancery Divisions. The Counties of Carroll, Henry, McNairy, Crockett, Henderson, Decatur, Hardin, Benton, Chester, and Hardeman were assigned to the Eighth Division. Court would begin in Hardeman County on the third Monday in March and September.
23. Public Acts of 1973, Chapter 356, transferred Hardeman County from the Eighth Chancery Division to the Ninth Chancery Division.
24. Public Acts of 1974, Chapter 547, provided an additional Chancellor for the Ninth Chancery Division and separated the Division into Part I and Part II, designating the Chancellor of Part I as senior.
25. Public Acts of 1976, Chapter 577, amended Public Acts of 1974, Chapter 547, above, by specifying which counties in the Ninth Chancery Division would be placed in each Division Part. Hardeman County was in Part I and the Court term would begin as the third Monday in March and September.

### **Clerk and Master**

The reference list below contains acts which once applied to the clerk and master in Hardeman County.

1. Private Acts of 1917, Chapter 60, provided that the Clerk and Master of Hardeman County would receive an annual salary of \$900 payable quarterly, on condition that a sworn, itemized statement showing the amount of fees collected by the office be filed with the County Judge or Chairman. The fees allowed the Clerk and Master for his services as special receiver and for loaning and collecting the money in estates were not to be counted. If the fees were less than \$900 per year, the County would pay the difference. If the fees were more, the excess would be paid into the treasury on the order of the County Judge.
2. Private Acts of 1927, Chapter 619, amended Private Acts of 1917, Chapter 60, above, by declaring that the Clerk and Master of Hardeman County, in addition to all the compensations set forth in the original act would receive all commissions on land, or other properties, sold by him, pursuant to the orders of the Court, and would not be required to account for them but could keep them as a part of his compensation.

### **Circuit Court**

The following acts were once applicable to the circuit court of Hardeman County but now have no effect, having been repealed, superseded, or having failed to win local approval.

1. Public Acts of 1823, Chapter 41, fixed the terms of Circuit Court in Hardeman County to begin on

the third Monday in April and October.

2. Private Acts of 1823, Chapter 108, directed that the Circuit Court would meet at the home of Thomas McNeil in the newly created Hardeman County on the first Monday in May and November.
3. Private Acts of 1824, Chapter 102, set the dates for the terms of the Circuit Courts in the counties of the Eighth and Ninth Judicial Circuits. In Hardeman County, the terms of the Circuit Court would begin on the third Monday in April and October.
4. Private Acts of 1825, Chapter 318, changed court dates for the Circuit Courts in the Eighth and Ninth Judicial Circuits. Hardeman County would begin Circuit Court terms on the fourth Monday in May and November.
5. Public Acts of 1827, Chapter 53, changed the beginning days for several of the counties in the Eighth and Ninth Judicial Circuits but Hardeman County's Court terms would remain as before except that the Court would stay in session for two weeks.
6. Public Acts of 1829, Chapter 52, created a Tenth Judicial Circuit assigning to it the Counties of Wayne, Hardin, McNairy, Hardeman, Fayette and Shelby. The Judge of the new circuit would be elected by the joint ballot of both Houses of the General Assembly.
7. Public Acts of 1835-36, Chapter 5, reorganized the lower court system of Tennessee into eleven Judicial Circuits and directed that the Circuit Courts hold three terms per year. The Eleventh Judicial Circuit was composed of the Counties of Shelby, Fayette, Hardeman, McNairy, Hardin and Wayne. Circuit Court for Hardeman County would begin on the first Monday in February, June and October.
8. Acts of 1837-38, Chapter 116, rescheduled Circuit Court terms for the Counties of Shelby, Fayette, McNairy and Hardeman. The third Monday in the months of March, July and November was set as the date for opening Court terms in Hardeman County.
9. Acts of 1839-40, Chapter 21, Section 16, fixed the schedule for the terms of the Circuit Courts in several counties throughout the State. In the Eleventh Judicial Circuit, court terms in Hardeman County would begin on the second Monday in January, May and September.
10. Acts of 1841-42, Chapter 149, Section 2, scheduled the terms of the Circuit Court in McNairy and Hardeman Counties to begin on the first Monday in January, May and September.
11. Acts of 1845-46, Chapter 21, changed the dates for Court terms in the Counties of the Eleventh Judicial Circuit. Hardeman County's Circuit Court would begin its terms on the fourth Monday in February, June and October. In addition, the act added McNairy and Decatur Counties to the Fourteenth Judicial Circuit and Tipton County to the Eleventh Circuit.
12. Public Acts of 1857-58, Chapter 98, created sixteen Judicial Circuits for the State of Tennessee. The Fifteenth Circuit was composed of the Counties of Tipton, Shelby, Fayette and Hardeman. Circuit Court terms in Hardeman County would commence on the fourth Monday in February, June and October.
13. Public Acts of 1865-66, Chapter 8, added Hardeman County to the Fourteenth Judicial Circuit and scheduled the terms of the Circuit Court to start on the first Monday in March, July and November.
14. Public Acts of 1865-66, Chapter 14, Section 3, rearranged the commencement dates for some of the Circuit Courts in the Fourteenth Judicial Circuit which contained the Counties of Madison, Haywood, Henderson and Hardeman. The Circuit Court terms in Hardeman County would begin on the fourth Monday in February, June and October.
15. Public Acts of 1869-70 (2nd Ex. Sess.), Chapter 31, divided Tennessee into fifteen regular and one special Judicial Circuits. The Fourteenth Judicial Circuit contained the Counties of Fayette, Tipton, Lauderdale, Hardeman and the Circuit Court at Bartlett in Shelby County.
16. Public Acts of 1869-70 (2nd Ex. Sess.), Chapter 46, scheduled the starting dates for the terms of the Circuit Courts in every county of the State. The Court in Hardeman County, in the Fourteenth Judicial Circuit, would begin on the third Monday in March, July and November.
17. Public Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the State into fourteen regular and one special Judicial Circuits. The Thirteenth Circuit was composed of the Counties of Fayette, Tipton, Lauderdale, Dyer, Lake and Hardeman. The terms of the Circuit Court at Bolivar would start on the first Tuesday in January, May and September.
18. Public Acts of 1899, Chapter 427, reorganized the entire lower court system of the State into fourteen Judicial Circuits. The Counties of Hardeman, McNairy, Hardin, Chester, Henderson, Decatur and Madison were assigned to the Twelfth Judicial Circuit. Court terms for the Hardeman County Circuit Court would commence on the first Monday in January, May and September.

19. Acts of 1905, Chapter 57, created the Sixteenth Judicial Circuit of the State composed of the Counties of Tipton, Fayette, Lauderdale, Hardeman, Madison and McNairy. The Governor would appoint a Judge and an attorney general for the new circuit both of whom would serve until the next general election when their successors would be chosen by popular vote. Circuit Court terms would start at Bolivar on the first Monday in January, May and September. All process was required to conform to those dates.
20. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, established twenty Judicial Circuits for the State of Tennessee. The Sixteenth Judicial Circuit was composed of the Counties of McNairy, Lauderdale, Madison (for civil purposes), Tipton, Fayette and Hardeman. The terms of the Circuit Court in Hardeman County would commence on the first Monday in January, May and September.

### **Circuit Court Clerk**

The following acts have no current effect, but once applied to the Hardeman County Circuit Court Clerk. They were repealed, superseded, or never received local approval.

1. Acts of 1903, Chapter 255, fixed the salaries of the Circuit Court Clerks of the State. The act required the Clerk to file with the County Judge a sworn, itemized statement showing all fees collected in the office during the year. If the fees failed to equal the specified salary, the county would pay the difference to the Clerk but if the fees were more than the salary, the Clerk was permitted to keep the excess. The annual salary of the Circuit Court Clerk of Hardeman County was set at \$1,000.
2. Private Acts of 1927, Chapter 544, set the salary of the Circuit Court Clerk in Hardeman County at \$1,500 payable at the rate of \$125 a month. The Clerk was required to account for the fees received in his office on an annual basis.
3. Private Acts of 1967-68, Chapter 22, provided that the Circuit Court Clerk of Hardeman County would be allowed \$1,500 a year as compensation for his services in collecting delinquent taxes, which amount would be supplementary to and in addition to the salary allowed by law. The act was not approved by local authorities and did not become effective.

### **Juvenile Court**

The following act once affecting juvenile courts in Hardeman County is included herein for reference purposes.

1. Private Acts of 1967-68, Chapter 21, created a Juvenile Court for Hardeman County and vested in it concurrent jurisdiction with the County Judge in juvenile matters. The General Sessions Court Judge would preside over the Court and be paid \$1,500 per year extra for his services. The act was not approved by the Quarterly County Court of Hardeman County and did not become effective.

### **Secretarial Assistance**

The following act is no longer in effect but is listed here for historical purposes.

1. Public Acts of 1939, Chapter 71, created the office of stenographer for the Eighth Chancery Division. The Chancellor would appoint a competent person to fill the position whose duties would include stenographic work as required by the Chancellors.

## Chapter VI - Education/Schools

### Board of Education

#### Private Acts of 1981 Chapter 105

**SECTION 1.** There is hereby created the Board of Education of Hardeman County to be composed of nine (9) members. As the term of each member of the existing Board of Education becomes vacant, the office shall be filled in the General Election for the districts as established pursuant to Section 2 of this Act; provided, however, that where two (2) existing districts are combined to form one (1) new district, the incumbent shall represent the new district.

**SECTION 2.** Prior to January 1, 1982, the county legislative body shall meet and a majority of the members being present and concurring, shall establish the boundaries of the school districts. The county legislative body may thereafter change the boundaries of such districts in accordance with the procedure established in Tennessee Code Annotated, Section 5-1-111, if necessary to apportion such districts so that

the members represent substantially equal populations.

**SECTION 3.** At the 1982 General Election, three (3) members shall be elected for a term of six (6) years; at the 1984 General Election, three (3) members shall be elected for a term of six (6) years; and at the 1986 General Election, three (3) members shall be elected for a term of six (6) years. Thereafter, all members shall be elected for six (6) year terms.

Each office in any multi-member district shall be separately designated on the ballot with candidates required to run and to be elected on the basis of such separately designated office within the district. No candidate shall qualify for more than one such separately designated office within such district.

**SECTION 4.** Whenever a vacancy occurs on the Board of Education, the county legislative body shall appoint a person to serve until the next General Election, at which time a person shall be elected to fill the unexpired term.

**SECTION 5.** A majority of the members of the Board of Education shall constitute a quorum for the transaction of all business by such board and a favorable vote of the majority of the members of such board shall be required to transact all business of such board.

**SECTION 6.** The county legislative body shall establish the compensation of members of the Board of Education.

**SECTION 7.** Nothing in this Act shall be construed as having the effect of removing an incumbent from office or abridging the term of any official prior to the end of the term for which he was elected.

**SECTION 8.** Chapter 28 of the Private Acts of 1953, Chapter 114 of the Private Acts of 1959, Chapter 286 of the Private Acts of 1965, Chapter 154 of the Private Acts of 1971, Chapter 120 of the Private Acts of 1979 and all other acts amendatory thereto are repealed.

**SECTION 9.** If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to that end the provisions of this Act are declared to be severable.

**SECTION 10.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Hardeman County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

**SECTION 11.** For the purpose 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 10.

Passed: April 16, 1981.

## Superintendent or Director of Schools

### Private Acts of 1953 Chapter 19

**SECTION 1.** That in all counties of the State having a population of not less than 23,300 and not more than 23,325 according to the Federal Census of 1950, or any subsequent Federal Census, the County Superintendent of Schools shall be elected by popular vote, by the qualified voters of such Counties at the general election in August, 1954, and every four years thereafter, to serve for a term of four years from and after the 1st day of the following September, and until a successor is elected and qualified; provided, however, that if this Act applies to Hardeman County, Ben Ward Carr, who possesses the qualifications for such office under the general laws, is hereby designated and appointed to fill the office of County Superintendent of Schools in said County till the 31st day of August, 1954, and until his successor is elected and qualified; that the qualifications, duties and powers of any County Superintendent of Schools elected under this Act or appointed and designated under this Act to serve till the 31st day of August, 1954, shall be the same as now or may hereafter be provided by general laws, including any requirements made by the County Board of Education in such counties, pursuant to general law. Candidates for the office of County Superintendent of Schools in any County to which this Act applies may have his or her name placed on the official ballot in any general County election at which the County Superintendent of Schools is to be elected, pursuant to the provisions of this Act, in the same manner and at the same time as provided by law for candidates for other county offices, provided, however, that before the County Board of Election Commissioners shall place the name of any candidate for County Superintendent of Schools upon the official ballot to be voted in such elections pursuant to this Act, said Board shall satisfy itself that the candidate is properly certified according to the general laws to hold such office, and said candidate shall have exhibited to the Chairman and Secretary of said Board a proper certificate issued to

such candidate by the Commissioner of the State Department of Education, as provided by the general laws, covering the period for which the office is to be filled at that election, which shall be sufficient evidence of said candidate's qualifications for such office. In the event of a vacancy in the office of County Superintendent of Schools in such counties, the same shall be filled by the election by the members of the Quarterly County Court of such county, of a successor, possessing such qualifications, who shall serve until the next general county election in August thereafter, and until his successor is elected and qualified.

**SECTION 2.** That in addition to the regular duties as prescribed by law for said County Superintendent of Schools, it shall be his duty to nominate persons for employment as teachers in the public schools of his county by the County Board of Education, and the County Board of Education may approve or reject such nominations, and in the event of rejection, he shall nominate other persons for such employment until said Board shall have approved a sufficient number to fill the positions of teachers in all public schools of said County.

**SECTION 3.** That the compensation of any County Superintendent of Schools serving under this Act shall be the sum prescribed by the salary scale set by the State Department of Education which shall be paid in equal monthly installments by the County and/or as provided by general law, upon proper warrants drawn on and out of funds that are now or may hereafter be provided by law.

**SECTION 4.** That the County Superintendent of Schools shall be allowed to employ a Clerk, who shall be paid a maximum salary of Twenty-four Hundred Dollars per annum, to be paid in equal monthly installments out of the elementary and high school funds as provided by law, the appointment of such Clerk to be made upon nomination of said County Superintendent of Schools and with the approval of the County Board of Education.

**SECTION 5.** That if any section, paragraph, clause or portion of this Act shall be declared unconstitutional or invalid, the same is hereby declared to be severable, and shall not affect the remaining portions of this Act, as the same would have been enacted, if such unconstitutional or invalid section, paragraph, clause or portion had not been included herein.

**SECTION 6.** That all laws and parts of laws in conflict with this Act be and the same are hereby repealed; and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 18, 1953.

**COMPILER'S NOTE:** The constitutional validity of this act was upheld by the Tennessee Supreme Court in Carr v. State, ex rel. Armour, 196 Tenn. 256, 265 S.W.2d 556 (1954). The clause appointing Ben Ward Carr as an interim Superintendent pending the election of 1954 was stricken as violative of Article 11, Section 17, of the Constitution of Tennessee which prohibits the Legislature from creating an office that is filled otherwise than by the people or the County Court.

## Education/Schools - Historical Notes

### **Board of Education**

The following acts once affected the board of education in Hardeman County but are no longer operative.

1. Acts of 1907, Chapter 236, created a Board of Education and a District Board of Advisors for every county in the state, abolishing the office of District Directors. Counties would be divided by their County Courts into at least five school districts, to be composed of whole Civil Districts. One member of the Board of Education would be elected from each school district. The duties of the Chairman, the Secretary, and the members of the Board were prescribed in the act. The County Superintendent would be ex officio Secretary to the Board. The members would be paid no less than \$1.50 and no more than \$3.00, as decided by the County Court, for each day devoted to their duty. The voters of each Civil District would elect three Advisory Board members whose duties were to advise the board.
2. Private Acts of 1925, Chapter 403, established a seven member Board of Education. The members of the first Board under the act were to be G. M. Rogers, J. H. Landress, E. H. Dorris, Council Holmes, S. P. Harris, J. F. Dunbar, and H. J. Brent. They were to have staggered terms but their successors would serve six-year terms. The Board was vested with all the power and authority then prescribed by law. In addition, the Board was required to establish and maintain a school for as few as fifteen students to serve a community whenever the children would have to travel unreasonable distances to attend some other school. The schools established under this rule would run not less than six months per year.
3. Private Acts of 1931, Chapter 734, abolished the Board of Education of the Town of Bolivar in Hardeman County and transferred the responsibility for the operation and maintenance of the public schools in Bolivar to the County Board of Education of Hardeman County. Provision was

made for paying the indebtedness of the school district and for property to be transferred to the County.

4. Private Acts of 1953, Chapter 28, created a Board of Education for Hardeman County consisting of nine elected members who would serve for four-year terms. The duties of the Board were to be consistent with the duties prescribed by general law.
5. Private Acts of 1959, Chapter 114, set the compensation of the members of the Board of Education in Hardeman County at \$8 per meeting and ten cents per mile. The Chairman's compensation was set at \$100 per month.
6. Private Acts of 1965, Chapter 286, amended Private Acts of 1959, Chapter 114, above, by increasing the compensation of members of the Board of Education from \$8 per meeting and ten cents per mile travel allowance to \$400 a year, payable quarterly. The Chairman's compensation was set at \$1,200 per year.
7. Private Acts of 1971, Chapter 154, amended Private Acts of 1953, Chapter 28, above, by reducing the membership of the Board of Education from nine members to eight.
8. Private Acts of 1977, Chapter 28, amended Private Acts of 1959, Chapter 114, above, by raising the compensation of members of the Board of Education from \$400 to \$600 annually, payable in monthly installments. The act was not approved by the County Court and did not become effective
9. Private Acts of 1979, Chapter 120, amended Private Acts of 1953, Chapter 28, above, by making the school districts coextensive with the eight civil districts. Two members would be elected from the first district so that the total membership would be nine.
10. Private Acts of 1980, Chapter 185, established a Board of Education for Hardeman County to be composed of seven members. A procedure for election of Board members and for filling vacancies was set forth with the provision that the act was not to be construed to remove an incumbent member from office. The act was not approved locally and did not become effective.
11. Private Acts of 1980, Chapter 317, established a Board of Education for Hardeman County to be composed of seven members. The election procedure was set forth and compensation was set for the Chairman at \$1,200 annually and for each member at \$400 annually. The act was not approved locally and did not become law.

### **Superintendent or Director of Schools**

The acts referenced below once affected the office of superintendent of education in Hardeman County, but are no longer operative. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1919, Chapter 781, provided that in Hardeman County the County Superintendent of Public Instruction would be elected by popular vote to a four-year term at the regular August election, the first one to take place in August, 1920. The duties, qualifications, and compensation of the Superintendent would remain as they were then fixed by law.
2. Private Acts of 1939, Chapter 591, repealed Private Acts of 1919, Chapter 781, above, with the proviso that it would remain in force until September 1, 1940.

### **General Reference**

The following acts constitute part of the administrative and political heritage of the educational structure of Hardeman County but are no longer operative since 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. Private Acts of 1826, Chapter 112, established as a body politic and corporate the Trustees of Bolivar Academy, in the town of Bolivar in Hardeman County.
2. Private Acts of 1827, Chapter 99, named Adam R. Alexander, John Lee, William Polk, Willis B. Peck, Doctor Colyer, and Elihu C. Crisp as additional Trustees for Bolivar Academy in Hardeman County.
3. Private Acts of 1827, Chapter 156, named Edmund H. Aderson, Thomas Simmons, J. C. N. Robertson, James Ruffin, Josiah Hatley, Robert Rivers, Wiley B. Peck, Adam R. Alexander, and Peter Miller as the incorporators of the Female Academy of Bolivar. The corporation was granted an existence of fifty years and the authority to hold property valued at a maximum of \$30,000.
4. Private Acts of 1829, Chapter 57, appointed John H. Bills, John Rogers, Francis Shoemake, Edmund Fitzhugh, and Valentine D. Barry as additional Trustees for Bolivar Academy in Hardeman

- County, vesting them with the same powers and duties as Trustees appointed previously.
5. Private Acts of 1831, Chapter 139, appointed John Lea, Carter C. Collier, William W. Berry, Francis Shoemake, Alexander Kilpatrick, and Valentine D. Barry as additional Trustees for the Bolivar Female Academy granting them full power and privileges of office. The act declared that a quorum on the Board consisted of five Trustees, provided the President of the Board be one of that number.
  6. Private Acts of 1833, Chapter 91, named Sylvester Bailey, Edward R. Belcher, David Fentress, John. C. McKean, Levi Jay, William B. Turley, and Calvin Jones as additional Trustees for Bolivar Male Academy.
  7. Private Acts of 1835-36, Chapter 121, authorized the Board of Common School Commissioners of Hardeman County to receive and use any money the County then had or was entitled to receive from the Internal Improvement Fund. The agent of the Bank of Tennessee was directed to pay over to the Commissioners any funds which he might have on hand and their receipt would be good for evidence of payment.
  8. Acts of 1837-38, Chapter 43, repealed Private Acts of 1835-36, Chapter 121, above, to the extent that it authorized the Board of Common School Commissioners to receive Internal Improvement funds and authorized the County Court of Hardeman County to receive and expend those funds.
  9. Acts of 1847-48, Chapter 75, divided the County Academy of Hardeman County into two branches, the Bolivar Female Academy for the education of girls and the male branch.
  10. Acts of 1847-48, Chapter 88, appointed James A. Haire, Guilford Cannon, Robert F. Cooke, Rev. Wilson Chapman, Rev. A. A. Mathis, Joseph Upton, and Joseph B. Heiskell as additional Trustees for Bolivar Academy. The Trustees were required to establish a female branch of the academy and locate it in or around Madisonville. One half of the funds then in the hands of the Trustees would be appropriated for the benefit of the female branch of the academy.
  11. Acts of 1849-50, Chapter 104, authorized the Trustees of Bolivar Academy to sell the properties of the academy and apply the proceeds to the use and benefit of the female section of the school provided a majority of the Trustees consented. The Trustees were authorized to change the name of the female department of Bolivar Academy to the Madisonville Female Academy and under that name have and exercise all rights and privileges as before.
  12. Acts of 1851-52, Chapter 216, repealed Acts of 1849-50, Chapter 104, above, and transferred any funds of Bolivar Academy to Hiwassie College.
  13. Public Acts of 1875, Chapter 5, allowed the Trustees of the Bolivar Male Academy in Hardeman County to sell and convey that portion of the Academy corner lot cut off by and lying east of the New Orleans, St. Louis & Chicago Railroad, and provided that the proceeds of the sale would be used for the benefit of the institution.
  14. Public Acts of 1879, Chapter 203, permitted and authorized the Trustees of Bolivar Male Academy to sell the lot and improvements thereon of the Academy for the best price obtainable and to execute an absolute deed to the purchaser. If it was impractical to build an academy building the trustees would turn over the proceeds of the sale to the Sixth School District of Hardeman County for the purpose of constructing a common school building in the District.
  15. Private Acts of 1919, Chapter 505, created a special school district in the Fifth Civil District of Hardeman County including the town of Middleton to be called the Middleton School District. The act established a five-member Board of Directors to operate the district and named J. H. Cornelius, J. B. Hudson, J. T. Jenkins, M. Wilson, and A. L. Thompson to the first Board. The officers of the school district would be elected for two-year terms by the qualified voters of the District. The Board was directed to apportion school funds within the school district according to the scholastic census. The Board was granted the authority to issue bonds for the District up to \$18,000 and was required to maintain a high school at Middleton. The act levied a tax of thirty-five cents per \$100 of property valuation and a \$1 poll tax on each male to retire the bonds. All children residing in the District could attend school free of tuition charges.
  16. Private Acts of 1920 (Ex. Sess.), Chapter 79, amended Private Acts of 1919, Chapter 505, above, by inserting in the act a provision which changed the method of selecting teachers for the special school district. The Board of Directors would nominate teachers to the County High School Board of Education who would elect them. The Board of Directors would choose the elementary teachers, subject to the approval of the County Superintendent, fix their salaries, and discharge them, if necessary. Any surplus funds available after all purposes were accomplished could be used to pay teacher's salaries.
  17. Private Acts of 1921, Chapter 485, created a special school district including the town of Whiteville

- in Hardeman County to be called the Whitefield District. A three-member Board of Directors would operate the school district as a corporation and the act named Rivers Norment, C. R. Howse, and R. A. Thomas as the first Board members with vacancies to be filled by the remaining members. They would serve until their successors were elected by qualified voters of the District in August of 1922. The powers and duties of the Board were enumerated and specified. The district would receive their pro rata share of school funds and, in addition, the act levied a tax of 20 cents per \$100 of property valuation. Children between the ages of six years and twenty-one years, living in the district, could attend school free of tuition charges.
18. Private Acts of 1923, Chapter 372, amended Private Acts of 1921, Chapter 485, above, by setting a two year term for the elected officers of the district and by changing the date of their election to coincide with the Whitefield municipal election. The act required the Trustee to apportion state school funds for this school district.
  19. Public Acts of 1925, Chapter 115, Section 33, abolished all special school districts which were not taxing districts. The taxing districts could hold a referendum on the question of their own abolition, and any district could join the county system when all their debts were paid. This entire chapter became Title 49, Tennessee Code Annotated.
  20. Private Acts of 1927, Chapter 673, amended Private Acts of 1919, Chapter 505, above, which created the Middleton School District, by changing the boundaries of the district to embrace additional territory. The rate of the tax levy was increased to forty cents per \$100, and an additional bond issue in the maximum amount of \$12,000 was authorized to fund the operation and maintenance of the District.
  21. Private Acts of 1927, Chapter 678, created a special school district out of a portion of the Sixth Civil District in Hardeman County which would be known as the Pocahontas School District. A district school tax of twenty cents per \$100 of property valuation was levied to be collected as were other taxes. Dr. J. E. Fortune, Ed Wardlow, and J. C. Crawford were named as the first members of the Board of Directors to hold office until their successors were elected for two-year terms. The Board must have a chairman and secretary and would meet on the first Monday in January, May, and September of each year.
  22. Private Acts of 1927, Chapter 796, created the Silerton School District in the Seventh Civil District of Hardeman County and the Tenth Civil District of Chester County. It included the Town of Silerton. The District would be run by a three-member Board of Directors, the first members of which would be O. T. Rush, Dr. W. H. Siler, and H. G. Master who would serve until their successors were elected in August, 1929. Qualifications of the Board members were specified and their powers and responsibilities were defined. The authority was granted the power to issue bonds in an amount up to \$6,000 which would mature according to a specified schedule over a period of twenty years. A tax was levied in the amount of fifty cents per \$100 of valuation to provide a sinking fund to amortize the bonds and to operate the school. The Trustees of the two Counties were directed to collect and disburse funds for the District under the supervision of the Directors. The bond issue was required to be approved in a referendum by the qualified voters of the district. This act was declared to be in violation of the State Constitution because of the variance between the title and the body of the act. Harris v. Rush, 157 Tenn. 295, 8 S.W.2d 366 (1928).
  23. Private Acts of 1931, Chapter 174, amended Private Acts of 1927, Chapter 673, above, by increasing the maximum permissible tax rate for additional taxes levied on the Middleton School District to fifty cents per \$100 valuation, with the provision that five cents of the levy be used to purchase insurance and furnish janitor service and other incidentals as the school board might see fit and that the remainder of the increase in the tax levy would be used to create a sinking fund to retire the bonds issued by the District.
  24. Private Acts of 1931, Chapter 369, repealed Private Acts of 1921, Chapter 485, above, and Private Acts of 1923, Chapter 372, above, and transferred all the facilities of the Whiteville School District to the Hardeman County Board of Education, providing that the special property tax would continue to be collected until all the debts of the District were.
  25. Private Acts of 1931, Chapter 491, abolished the Board of School Trustees for School District No. 10 and transferred the responsibility for the operation of the District schools to the Hardeman County Board of Education. The taxes which had been previously levied in the school district would continue to be collected and were to be applied to the debts of the school district until paid.
  26. Private Acts of 1947, Chapter 296, created the Bolivar Special Senior High School District embracing all the First, Seventh, Eighth, and Ninth Civil Districts in Hardeman County including the Town of Bolivar. A Board of Directors was established consisting of seven members to



operate the District and build a proper school building for a senior high school. Upon approval of the voters, the Board would issue bonds in the amount of \$80,000 and a tax was levied in the District in the amount of thirty-eight cents per \$100 of property valuation.

27. Private Acts of 1947, Chapter 644, directed the Trustees of Hardeman County to apply \$1500 toward payment of the debts of the Town of Middleton incurred as the result of a town bond issue for the purpose of building a school that burned. The \$1,500 was being held in an account by the Trustee as excess funds from the Middleton Special School District which had been created after the school burned.

## Chapter VII - Elections

### Elections - Historical Notes

#### **Districts - Reapportionment**

The acts listed below have affected the civil districts in Hardeman County, but are no longer operative regarding elections.

1. Acts of 1905, Chapter 29, created and established eight Civil Districts in lieu of the existing twenty Districts and set forth the boundaries for each new District.
2. Acts of 1907, Chapter 509, created the Ninth Civil District in Hardeman County from parts of the Seventh and Eighth Districts. The act also changed the line between the First and the Sixth Civil Districts. The Governor was empowered to appoint two Justices of the Peace for the new District, each to serve until the next regular election.
3. Private Acts of 1923, Chapter 51, changed the line between the Eighth and the Ninth Civil Districts in the area of the Bolivar and Jackson Road near the lands of J. A. Naylor and A. T. and L. E. Nuckolls known as the "Shandy Farm".

#### **Elections**

The following is a listing of acts for Hardeman County which affected the elective process, but which have been superseded or repealed. They are listed here for historical and reference purposes.

1. Public Acts of 1824, Chapter 1, divided the State into eleven Electoral Districts for the election of the President and Vice President. The Eleventh District was composed of Wayne, Perry, and Hardin Counties and all other counties west of the Tennessee River.
2. Public Acts of 1826, Chapter 3, apportioned the State for representation in the General Assembly into 20 Senatorial and 40 Representative Districts. One Senator would be elected jointly by Haywood, Madison, Tipton, Hardeman, Fayette, and Shelby Counties, and McNairy, Hardeman, Fayette, Shelby, and Tipton Counties would elect one Representative.
3. Public Acts of 1827, Chapter 17, separated Tennessee into eleven Presidential Electoral Districts. The Eleventh District contained the Counties of Henry, Weakley, Hardeman, Obion, Carroll, Gibson, Dyer, Henderson, Madison, Haywood, Tipton, McNairy, Fayette and Shelby.
4. Public Acts of 1832, Chapter 4, organized Tennessee into thirteen U. S. Congressional Districts, placing in the Thirteenth District the Counties of Perry, Henderson, McNairy, Hardeman, Fayette, Shelby and Tipton.
5. Public Acts of 1832, Chapter 9, declared that fifteen Presidential electors would be chosen in Tennessee and that the Fourteenth District would be composed of the Counties of Hardeman, Hardin, Henderson, McNairy, Madison, Fayette and Shelby.
6. Public Acts of 1833, Chapter 71, reapportioned the State for the General Assembly which would be composed of twenty Senators and forty Representatives. The Counties of Hardeman, Fayette, Shelby and Tipton would elect one Senator and McNairy and Hardeman Counties would share a Representative. The polls in the Representative District were to be counted at Purdy. The polls in the Senatorial District were to be counted at Sommerville.
7. Public Acts of 1833, Chapter 76, provided that a Constitutional Convention consisting of sixty delegates would convene in Nashville on May 10, 1834. Hardeman County would elect one delegate to the Convention which would revise, amend, or alter the Constitution, or form a new one.
8. Public Acts of 1835-36, Chapter 39, divided the State into Fifteen Presidential Electoral Districts. Hardeman, Hardin, Henderson, McNairy, Madison, Fayette and Shelby Counties were assigned to

the Fourteenth District.

9. Acts of 1839-40, Chapter 79, provided that the Presidential Electoral Districts would coincide with the U. S. Congressional Districts. Fifteen Electors would be selected in the Districts and two selected at large.
10. Acts of 1842 (2nd Sess.), Chapter 1, apportioned the State for the General Assembly into twenty-five Senatorial Districts and fifty Representative Districts. Hardeman County was in the Twenty-fifth Senatorial District with Fayette and Shelby Counties. Polls would be counted in Somerville. Hardeman County alone would elect one Representative and elect another with Fayette and Shelby Counties.
11. Acts of 1842 (2nd Sess.), Chapter 7, provided for eleven U. S. Congressional Districts in Tennessee. The Tenth District contained the Counties of McNairy, Hardeman, Fayette, Shelby, Tipton, Haywood, Lauderdale and Dyer.
12. Acts of 1851-52, Chapter 196, formed ten U.S. Congressional Districts in the State. The Counties of Hardeman, Madison, Haywood, Fayette, and Shelby were assigned to the Tenth District.
13. Acts of 1851-52, Chapter 197, apportioned the State for representation in the General Assembly. Hardeman County would elect one Representative. The Counties of Hardeman, Hardin, and McNairy would elect jointly one Senator.
14. Private Acts of 1859-60, Chapter 32, directed that the Sheriff of Hardeman County, in person or through his Deputy, open and hold an election in the Town of Pocahontas in the Eleventh Civil District of the County in the manner prescribed by law.
15. Private Acts of 1859-60, Chapter 88, Section 15, established a new voting district in Hardeman County at Toon's Depot and the qualified voters residing in that area would be entitled to cast their votes there.
16. Private Acts of 1859-60, Chapter 146, Section 4, directed the Sheriff of Hardeman County, in person or through his Deputy, to open and hold an election in the newly incorporated Town of Middleburg for the purpose of electing Town officials.
17. Public Acts of 1865, Chapter 34, was the first apportionment act subsequent to the Civil War and it divided Tennessee into eight U. S. Congressional Districts. The Eighth District contained the Counties of McNairy, Hardeman, Fayette, Shelby, Tipton, Madison and Haywood.
18. Public of 1869-70, Chapter 105, authorized a referendum to be held on the proposed calling of a Constitutional Convention which would amend, revise, or form a new Constitution for the State. The ballots would be simply a "For" or "Against" proposition. There would be seventy-five delegates to the convention and each county would have the same number of delegates as it had Senators and Representatives in the General Assembly. The delegates elected would convene in Nashville on the second Monday in January, 1870.
19. Public Acts of 1871, Chapter 146, reapportioned Tennessee for the General Assembly based upon the 1870 Federal Census. Of the fifty Representatives, Hardeman County would elect one alone and share a floater with Madison and Haywood Counties. Madison and Hardeman Counties jointly would elect one of the twenty-five Senators.
20. Acts of 1872 (Ex. Sess.), Chapter 7, created nine U. S. Congressional Districts with Shelby, Tipton, Fayette and Hardeman Counties making up the Ninth District.
21. Public Acts of 1873, Chapter 27, added a tenth U. S. Congressional District to the State and rearranged the county assignments of each District. Shelby, Fayette, and Hardeman Counties were allocated to the Tenth District.
22. Public Acts of 1881 (Ex. Sess.), Chapter 5, fixed the number of State Senators at thirty-three and the Representatives at ninety-nine.
23. Public Acts of 1881 (Ex. Sess.), Chapter 6, apportioned Tennessee into districts. McNairy and Hardeman Counties composed the Twenty-fourth State Senatorial District and Hardeman County would elect one Representative and jointly elect another with Fayette County.
24. Public Acts of 1882 (Ex. Sess.), Chapter 27, divided Tennessee into ten U. S. Congressional Districts. The Counties of Hardeman, Fayette, Tipton and Shelby composed the Tenth District.
25. Acts of 1891 (Ex. Sess.), Chapter 10, provided that Hardeman County would elect one Representative alone and share a floater Representative with Lauderdale, Tipton, Haywood, Shelby and Fayette Counties. Hardeman, McNairy and Chester Counties composed the Twenty-seventh State Senatorial District.
26. Acts of 1901, Chapter 109, divided the State into ten U. S. Congressional Districts. The Tenth

District contained the Counties of Shelby, Hardeman, Tipton and Fayette.

27. Acts of 1901, Chapter 122, apportioned the representation for the General Assembly of Tennessee based upon the 1900 Federal Census. The Twenty-sixth State Senatorial District contained the Counties of Hardeman, McNairy, Hardin, Decatur and Benton. Hardeman County would elect one Representative for itself and elect another with Haywood and Chester Counties.
28. Private Acts of 1919, Chapter 101, amended the State Election laws so that the registration of voters would not be a prerequisite to voting in Hardeman County in any election. The Election Commission would appoint two Registrars for each voting precinct and to perform all the acts necessary to carry on the election.
29. Private Acts of 1921, Chapter 607, amended Acts of 1901, Chapter 109, above, by removing Hardeman County from the Tenth U. S. Congressional District and assigning it to the Eighth District.

## Chaper VIII - Health

### Health - Historical Notes

The following summaries are included herein for reference purposes.

1. Public Acts of 1895, Chapter 179, appropriated \$20,000 for an addition to the West Tennessee Insane Asylum located near Bolivar, Tennessee, in Hardeman County.
2. Acts of 1909, Chapter 516, required the Tennessee State Board of Pharmacy, upon application, to issue a permit to persons, firms, or corporations, engaged in the business of retailing drugs, chemicals, or medicinal preparations upon the prescription of a physician in towns or rural districts of Hardeman County having a population of 500 or fewer.
3. Private Acts of 1925, Chapter 354, applied to McNairy, Chester, and Hardeman Counties. The act provided that any person of good moral character over twenty-one years of age and a resident of the State who had been in the practice of medicine would be permitted to engage in the practice of medicine in the same way and manner as any other licensed physician within the applicable Counties. Such person was required to file an affidavit with the State Board of Medical Examiners showing that he met all the conditions prescribed in the act. The Board would then issue a license upon payment of the proper fee.
4. Private Acts of 1927, Chapter 415, repealed Private Acts of 1925, Chapter 354, above, in its entirety.
5. Private Acts of 1937, Chapter 814, recited that one Edgar Galloway, of Bolivar in Hardeman County, had studied optometry in a resident college and by correspondence, had practiced optometry for over 20 years, and was a person of high moral character and standing in the community, and was well qualified to practice. The act required the State Board of Optometry to issue to Galloway a license to practice optometry in Hardeman County.

## Chapter IX - Highways and Roads

### Bridges

#### Private Acts of 1949 Chapter 369

**SECTION 1.** That in all counties of this State with a population of not less than 23,500, nor more than 23,600, by the Federal Census of 1940, or any subsequent Federal Census, that the Quarterly County Courts thereof at their discretion are hereby authorized to levy a tax not to exceed 25¢ upon the one hundred dollars' worth of property for the purpose of constructing, repairing and maintaining bridges in said counties. Said tax when levied shall be collected by the county trustee as are other taxes and its proceeds disbursed as hereinbelow provided. That if the County Courts of such counties determine to and levy such tax, then such Quarterly County Court is hereby authorized to employ some capable person, at a salary of not to exceed \$2,400.00 per annum, as foreman of bridges. He shall have and possess full power and jurisdiction over the erection, maintenance and construction of all bridges of more than three feet in length in said county but all bridge lumber used by him in connection therewith shall be purchased through the Purchasing Agent of such counties. He shall have further power to employ such labor as may be necessary in the maintenance and construction of bridges under his jurisdiction and to purchase

through the Purchasing Department such machinery and equipment as may be deemed necessary for the efficient operation of his Department. No contract with such bridge foreman shall be made for a period of longer than two years.

All disbursements from such bridge fund shall be made upon the warrant of the superintendent thereof but the same shall be countersigned by the County Judge before presentation to the County Trustee. Such bridge foreman shall annually make and file with the Quarterly County Court a report of receipts and disbursements, which report shall constitute a public record and be available for the inspection of any interested person within reasonable hours.

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

Passed: March 23, 1949.

## Road Law

### Private Acts of 1983 Chapter 34

**SECTION 1.** There is established for Hardeman County a highway department to be governed by a three (3) member board of highway supervisors for the purpose of providing a more efficient system of laying out, building, reconstructing, repairing and maintaining public roads and bridges, and constructing and maintaining necessary garages, offices, warehouses and other public works.

**SECTION 2.** There is hereby created a three (3) member board of highway supervisors which board shall determine the overall policy under which the county highway department shall operate. The board of highway supervisors shall consist of three (3) members each of whom is to be elected from districts established pursuant to this Act.

The county legislative body shall meet and the majority of the members being present and concurring, shall establish the boundaries of the highway districts. The county legislative body may thereafter change the boundaries of such districts in accordance with the procedure established in Tennessee Code Annotated, Section 5-1-111, if necessary to apportion such districts so that the supervisors represent substantially equal populations.

The three (3) supervisors shall be elected in an election to be held in August of 1983 to serve until September 1, 1986. Thereafter, all supervisors shall be elected for a four (4) year term. Whenever a vacancy occurs on the board of highway supervisors, the county legislative body shall appoint a person to serve until the next general election at which time a person shall be elected to fill the general election at which time a person shall be elected to fill the unexpired term. Each highway supervisor shall reside in the highway district from which he is elected. The board of highway supervisors shall elect one (1) of its members as chairman to serve a one (1) year term as chairman.

Each office in any multi-member district shall be separately designated on the ballot with candidates required to run and to be elected on the basis of such separately designated office within the district. No candidate shall qualify for more than one such separately designated office within such district.

**SECTION 3.** The members of the board of highway supervisors shall receive compensation to be determined by the county legislative body. The highway supervisors shall be entitled to be compensated for all expenses incurred in the performance of their duties as such supervisors on properly certified statements submitted to and approved by resolution of the county legislative body with these expenses to be paid out of the county highway funds.

**SECTION 4.** That board of highway supervisors shall have the power to acquire necessary rights-of-way for construction of new roads or improvements of the present county road system either by donation from the owner of such property or purchase. The board of highway supervisors shall have the power and authority to open, close and identify county roads. The board of highway supervisors shall have the power and authority to condemn in the name of Hardeman County, under the laws of eminent domain, all lands necessary for the location of highways, roads and bridges. The power of eminent domain shall exist over the lands of private individuals, public corporations, quasi corporations, educational, religious, and eleemosynary institutions, including franchises and easements of such individuals, corporations and institutions. The methods of procedure shall be as set out in the Tennessee Code Annotated, Sections 29-16-101 through 29-16-124. The cost of any such condemnation and the jury's award shall be paid out of the county highway funds and charged to the particular road or project involved. Provided, however, that any such condemnation proceedings in which judgment shall be awarded such judgment shall constitute a secondary liability against the general funds of Hardeman County.

The board of highway supervisors shall prepare at the end of each three (3) month period a report setting

forth the details of the operation of the county highway department for the proceedings quarter and a proposed work program for the next quarter together with the highway superintendent's plans and specifications of any work to be done and the estimated cost of each project, which estimate shall not be in excess of the budget appropriations or any allotment thereof. Such reports shall be filed with the county executive and transmitted by him to each county commissioner.

The board of highway supervisors shall keep a permanent minute record of all of its transactions and no legally binding action shall be taken except at a meeting legally provided for such board, with at least two (2) members present and assenting thereto. Purchases by the county highway department shall be made in accordance with Chapter 90 of the Private Acts of 1989, as amended, known as the "Hardeman County Purchasing Law of 1989".

As amended by: Private Acts of 1991, Chapter 71

**SECTION 5.** The highway superintendent shall be elected in an election to be held in August of 1983 to serve until September 1, 1986. Thereafter the highway superintendent shall be elected for a term of four (4) years. Whenever a vacancy occurs in the office of highway superintendent, the county legislative body shall appoint a person to serve until the next general election at which time a person shall be elected to fill the unexpired term of highway superintendent.

The highway superintendent shall have the powers and duties specified in Tennessee Code Annotated, Section 54-7-109(b) and (c), as amended, regarding highway department personnel.

As amended by: Private Acts of 1991, Chapter 71

**SECTION 6.** No contract shall be made for or funds expended by the board of highway supervisors in any one (1) year exceeding the budgeted funds received for such year. All taxes assessed and funds received for highway purposes shall be collected by the county trustee as now provided by law and deposited in the county highway fund and shall be paid out on the county executive's warrant.

**SECTION 7.** The board of highway supervisors shall require the highway superintendent to execute a bond with a good and solvent surety in the sum of one hundred thousand dollars (\$100,000.00). Any individual who shall be placed in charge of the garage shall be required to execute a bond with good and solvent surety in the sum of five thousand dollars (\$5,000.00), all of such bonds to be for the use and benefit of Hardeman County, conditioned upon faithful performance and discharge of duties, the premiums of such bonds to be paid out of highway funds.

**SECTION 8.** The operation of the county highway department shall be under the direct supervision of, and in accordance with the policies established by the board of highway supervisors. The county highway superintendent shall be responsible for the preparation of plans and specifications for any road construction, reconstruction, repairs and maintenance and the obtaining of all necessary rights-of-way.

It shall be the duty of the board to see that a system of centralized accounts is kept in accordance with law, and the board shall maintain a system of project cost accounting records for all work, which records shall be consistent with and in conformity with the general records and methods of accounting of the county.

**SECTION 9.** No person, firm or corporation shall open, tear up or dig any ditch, trench or other opening in any public road of the county for any purpose without first obtaining a written permit from the highway superintendent, or his designated agent, and paying therefor the amount estimated to be required to resurface that portion of such road after the excavation or ditch has been refilled, tamped and allowed to settle. The person or firm to whom the permit is issued shall refill the ditch or excavation to the approval of the highway department, and once the approval is obtained the responsibility of such person or firm ceases. The funds received for such permits shall be paid to the trustee of the county and placed by him to the credit of the highway fund.

Any person, firm or corporation violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00). It shall be the duty of the highway superintendent to prosecute any person, firm or corporation violating the provisions of this Act.

**SECTION 10.** The county election commission of Hardeman County is hereby authorized and directed to call an election for the first Thursday in August, 1983, for the purpose of electing three (3) highway supervisors, as provided for in Section 2, and a highway superintendent, as provided for in Section 5. The votes cast on the question shall be canvassed and the results proclaimed by the county election commissioner and certified by it to the Secretary of State as provided by law in the case of general elections. The qualifications of voters voting in the election shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of the election. The cost of the election shall be paid by Hardeman County.

**SECTION 11.** If any provision of this Act or the application thereof to any person or circumstance is held

invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this Act are declared to be severable.

**SECTION 12.** Chapter 539 of the Private Acts of 1945, Chapter 378 of the Private Acts of 1949, Chapter 246 of the Private Acts of 1959, Chapter 229 of the Private Acts of 1967, Chapters 265 and 266 of the Private Acts of 1970, Chapter 20 of the Private Acts of 1975 and Chapter 10 of the Private Acts of 1979 are repealed.

**SECTION 13.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Hardeman County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

**SECTION 14.** For the purpose 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 for purposes of the special election to be held in August of 1983 with the supervisors and highway superintendent to assume office September 1, 1983, and upon being approved as provided in Section 13.

Passed: March 10, 1983.

## Highways and Roads - Historical Notes

The following is a listing of acts which once had some effect upon the county road system in Hardeman County, but which are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1831, Chapter 117, allowed William Simpson of Hardeman County to open and establish a toll bridge across the Hatchie River and to build a turnpike road at the place where he then operated a ferry. The bridge must be similar to the bridge then at Bolivar and was required to be kept in good repair or the right to collect tolls would be suspended. William L. Duncan, John Prassan, and Benjamin Ingram were named Commissioners to supervise and inspect the work. Simpson could collect tolls for the sixty years following completion of the road and bridge if they were kept in good condition and not allowed to fall into disrepair. Citizens of Hardeman County could pass over the bridge free of toll if they were traveling for such purposes as going to church, voting, or taking goods to market.
2. Acts of 1837-38, Chapter 251, allowed Richmond Baker, Austin Miller, William Ramsey, David Fentress, and R. P. Neely, all of Hardeman County; William S. Wisdom, W. B. Terry, Martin Cross, Thomas Bell, and J. P. Young, all of McNairy County; and Christopher H. McGinnis, James Irwin, David Robinson, Richard Davie, and Samuel Perkins, all of Hardin County, to open books to subscribe stock up to \$100,000 to build a turnpike from the bank of the Tennessee River opposite Savannah in Hardin County to Purdy in McNairy County, and on to Bolivar in Hardeman County under the same rules and restrictions applying to other turnpikes then under construction.
3. Acts of 1843-44, Chapter 62, allowed the County Courts of Fayette, Shelby, and Hardeman Counties, through which a stage road might run, to order that the first class roads in their respective Counties be opened to a width of forty-five feet or less.
4. Acts of 1901, Chapter 136, was a statewide road law for all counties in Tennessee under 70,000 in population. The County Court in each county would select a Road Commissioner at its January meeting for each road district. The road districts would be coextensive with the County civil districts. The act detailed the duties of the Road Commissioners and the road section overseers to be appointed by the Commissioners. Male residents of the County were subject to road work but could commute the duty by paying a fee. Prisoners of the County were also subject to road work. A tax levy was authorized not to exceed twenty cents per \$100 valuation.
5. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, above, in several details but most importantly in the manner in which the Road Commissioner would receive and dispose of petitions to open, close, or change the roads.
6. Private Acts of 1915, Chapter 345, was the first special road law for Hardeman County. The Quarterly Court would select a Road Commissioner from each of the Civil Districts to serve two-year terms but those Commissioners then in office would continue until their terms expired. The Commissioners would be sworn and bonded, would supervise the public roads and the bridges in their Districts and supervise bridge repairs on bridges which were ten feet or less in length unless the repairs cost in excess of \$25. They would classify the roads into three groups ranging in width from twelve feet to fifty feet. They were to handle and dispose of all petitions to open, close, and change roads. The act set forth the method of assessing damages in cases of eminent

domain. All males between twenty-one and fifty years of age would work ten days per year on the roads or pay \$40 as a commutation fee. Work would be accomplished between February 1 and October 1 each year, when possible. The work day would be from 8 to 10 hours. A road tax was authorized from sixteen to fifty cents per \$100 valuation to be collected by the Trustee. Contracts for road work would be let using uniform contracts, but if no bids were received for work, the jobs would be performed by road hands and overseers.

7. Private Acts of 1917, Chapter 403, amended Private Acts of 1915, Chapter 345, above, by increasing the commutation fee from \$4 to \$6; by inserting a new Section which required the Road Commissioners to refrain from paying any account due unless it was itemized and verified by the payee and contained specific information as outlined in the act and any failure to observe this rule would subject the Commissioner to a \$25 fine. Each District Road Commissioner would buy at the County's expense a book in which he would keep the names of all the road hands subject to road work. The book would be revised annually to include those coming of age and exclude those exceeding the age limit. An extra credit would be given to those road hands who furnished teams of horses, wagons, or tools. All contractors were required to submit detailed reports.
8. Private Acts of 1921, Chapter 207, amended Private Acts of 1915, Chapter 345, above, by increasing the number of days to be worked on the roads from ten to twelve and the fines for failure to work from \$25 to \$50. The commutation fee was raised from \$6 to \$10 and the fine for noncompliance from \$50 and \$100. This act authorized the Road Commissioners to prosecute the overseers who were delinquent in their duties. The overseers would pay over to the Commissioners all money received by them and provide a record of all work hands who worked or failed to work their quota. The money paid for commutation would be spent, if possible, in the District where it was collected.
9. Private Acts of 1921, Chapter 555, amended Private Acts of 1921, Chapter 207, above, by reducing the number of days to be worked on the roads from 10 to 8 and repeating the increase in fines from \$25 to \$50.
10. Private Acts of 1923, Chapter 126, appointed J. H. Shearin as Supervisor of Roads in Hardeman County to serve until January, 1925, when his successor would be appointed by the County Court. He would be sworn and bonded, would classify roads into three groups ranging in width from thirty to fifty feet and generally would supervise all roads, levees, bridges and culverts in the County. He was required to inspect the roads and report their condition to the County Court quarterly. He could open, close, and change roads as he deemed best for the County and was granted the power of eminent domain to obtain dirt, sand, gravel, or other road building materials. Males from twenty-one to fifty years of age, residing outside corporate town limits, were required to work eight, eight hour days, or pay \$4 for commutation. The Supervisor could appoint foremen who would be paid provided the roads for which they were responsible were kept in good condition. A special road tax of ten to fifty cents per \$100 valuation, plus a privilege tax were permitted. The Supervisor would purchase tools and equipment with the assistance and approval of the County Judge and he could work prisoners on the roads under certain conditions. He would be paid a salary of \$150 per month.
11. Private Acts of 1927, Chapter 662, created a County Road Commission and named C. C. Hillman, G. H. Mitchell, L. M. Yopp, Ras Black and the County Judge as members to serve until January 1928, when their successors would be named by the County Court. All the Commissioners would be sworn and bonded. The County Judge would be the Chairman of the Commission but would not be compensated as such. The Commission was vested with all the powers and duties of the Workhouse Commission and would take charge of the Workhouse and the prisoners. The Commissioners would meet at least one day a month at the Courthouse, would be paid \$5 per day and the Commission Secretary would get \$4 per day for extra days of required work. A limit of sixty days pay was imposed per year. The Commission would be the purchasing agency for the road department, would classify the roads, and collect data as specified concerning total miles of roads, road repairs, and other information. Each Civil District was a Road District in which all males between twenty-one and fifty years of age would work five days or pay \$1 for each day not worked. A special road tax could be levied of between ten and twenty cents per \$100 valuation. The tax proceeds were to be spent in the district where they were collected, if possible.
12. Private Acts of 1931, Chapter 759, provided that funds available from the State on account of reimbursement acts would be paid to the Hardeman County Trustee who would make them available to be spent anywhere in the County necessary to complete the system of hard surfaced roads which was under construction at the time of the act funded by bond issues. Because of bank failures the bond issue proceeds had been frozen and were unavailable.

13. Private Acts of 1931, Chapter 761, provided that the State Highway Department would have full control, direction, and supervision over the expenditure of all funds received by Hardeman County for road purposes from the State collected from any source including auto registration and gasoline tax. The Department could receive funds directly from the state and expend them on the roads in the County, giving the County Judge a report of the activity, or it could allow the County road authorities to spend the funds under supervision.
14. Private Acts of 1931 (2nd Ex. Sess.), Chapter 13, amended Private Acts of 1931, Chapter 759, above, by authorizing the County Trustee to receive state road funds and pay the funds over to the County Road Commission for disbursement. The Trustee would receive a fee for handling the funds.
15. Private Acts of 1931 (2nd Ex. Sess.), Chapter 14, specifically repealed Private Acts of 1931, Chapter 761, above, which permitted the State Highway Department to supervise the expenditure of road funds in Hardeman County.
16. Private Acts of 1931 (2nd Ex. Sess.), Chapter 36, amended Private Acts of 1927, Chapter 662, above, by changing the census figures and making the act applicable to Hardeman County. The act also named J. M. Nuckolls as ex officio chairman of the Road Commission and granted him full control of all expenditures of the Commission including disbursement of funds received by the County from the state gasoline tax. He was to be compensated by a salary of \$100 per month.
17. Private Acts of 1933, Chapter 220, required all male residents of Hardeman County, outside incorporated towns, between the ages of twenty-one and fifty years to do five days labor upon the County roads. Any person could commute the requirement by paying a fee. The County Highway Commissioners were empowered to enforce the measure.
18. Private Acts of 1933, Chapter 253, authorized the Hardeman County Trustee to expend one-half the funds received from the Department of Highways and Public Works to pay the general obligations of the County related to issued and outstanding road bonds.
19. Private Acts of 1937, Chapter 833, amended Private Acts of 1927, Chapter 662, by authorizing the popular election of the Road Commissioners. The County Judge would remain the ex officio Chairman of the Commission.
20. Private Acts of 1939, Chapter 544, organized Hardeman County into six Road Districts and arranged for the shifting of funds, budgeting changes, and election of Road Commissioners to provide for the reduced number of Districts.
21. Private Acts of 1941, Chapter 313, provided for the election of the Road Commissioner of Hardeman County by the qualified voters of the various road districts. The act arranged for the redistribution of funds and debts to allow for the change in road districts and detailed the rights and duties of the Road Commissioners. By the census figures provided in the act, it did not apply to Hardeman County but a subsequent amendment corrected the deficiency.
22. Private Acts of 1943, Chapter 79, amended Private Acts of 1941, Chapter 313, above, by correcting the population figures cited to make the law applicable to Hardeman County.
23. Private Acts of 1945, Chapter 539, was the road law for Hardeman County until 1983. The act created the County Highway Commission and the office of County Road Supervisor. The Commission appointed the Supervisor whose duties were to implement the policies and decisions of the Commission. The Commission had charge of all roads and bridges, all new construction, repair, and designation of County roads and control of road funds.
24. Private Acts of 1949, Chapter 378, amended Private Acts of 1945, Chapter 539, above, the County road law, by abolishing the office of Supervisor and making the County Road Commission solely responsible for County roads and road funds. The Commissioners were required to be age twenty-one or older and at least a five-year resident of the County. No Commissioner could be paid for more than twenty days per month.
25. Private Acts of 1959, Chapter 246, amended Private Acts of 1945, Chapter 539, Section 10, by increasing the per diem pay of the Highway Commissioners from \$7.50 to \$10.
26. Private Acts of 1961, Chapter 229, amended Private Acts of 1945, Chapter 539, above, by increasing the term of the Highway Commissioners from two years to four years, subject to the approval of the voters in a referendum to be held in August, 1962.
27. Private Acts of 1963, Chapter 33, amended Private Acts of 1945, Chapter 539, above, by raising the per diem compensation of the Highway Commissioners from \$10 to \$12.50 and the maximum salary of the Secretary of the Commission from \$50 to \$150.
28. Private Acts of 1967-68, Chapter 41, amended Private Acts of 1949, Chapter 378, above, by



increasing the maximum dollar amount of supplies which could be purchased or contracted for by the Highway Commission from \$50 to \$500.

29. Private Acts of 1970, Chapter 265, increased the per diem rate to be paid to the Highway Commissioners from \$12.50 to \$17.50 per day.
30. Private Acts of 1970, Chapter 266, raised the maximum salary of the Secretary of the Highway Commission from \$150 to \$200 per month.
31. Private Acts of 1975, Chapter 20, amended Section 10 of the Road Law by increasing the monthly salary of the Secretary of the Commission from \$200 to \$400 per month and the per diem compensation of the Commissioners from \$17.50 to \$25.
32. Private Acts of 1979, Chapter 10, raised the per diem of the Highway Commissioners to \$40 and the salary of the Secretary to \$700 per month.
33. Private Acts of 1981, Chapter 179, was a major road law for Hardeman County that was not approved by local authorities and did not become effective. The act provided for a County Highway Department under the control of a highway superintendent and a board of highway commissioners.

## Chapter X - Law Enforcement

### Sheriff

#### Private Acts of 1947 Chapter 833

**COMPILER'S NOTE:** This Act may have been superseded by T.C.A. 8-20-101 et seq., which prescribes the method for employing deputies.

**SECTION 1.** That the office of Chief Deputy Sheriff is hereby created and established in all the Counties of the State of Tennessee having a population of not less than 23,580 and not more than 23,600, according to the Federal Census for the year 1940, or any subsequent Federal Census.

**SECTION 2.** That the Sheriffs in all the Counties coming under the provisions of this Act are hereby authorized to appoint a Chief Deputy Sheriff to assist in the transaction of the business of said Sheriff's office; and the Quarterly County Courts of said Counties shall fix the compensation of such officer not in excess of Seventy-five (\$75.00) Dollars per month.

**SECTION 3.** That the salary of said Deputy Sheriff in such Counties, when fixed as aforesaid, shall be paid by the County Trustee, out of the County Treasury, upon warrant drawn in favor of said Chief Deputy Sheriff by the Judge or Chairman of the County Courts of said Counties monthly.

**SECTION 4.** That all laws or parts of laws in conflict with the provisions of this Act be and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 14, 1947.

## Law Enforcement - Historical Notes

### **Militia**

Those acts once affecting Hardeman County, which related to the militia and to other law enforcement agencies other than the sheriff, are mentioned below in chronological order.

1. Private Acts of 1824, Chapter 40, Page 50, required the Sheriffs of the Counties of Hardeman, Weakley, Obion, Dyer, Haywood, Tipton, and McNairy to hold elections at the proper places in said Counties on the first Thursday and Friday in November to elect field officers for the militia. The Militia of Hardeman County constituted the 81st Regiment and it was a part of the 14th Brigade of the Tennessee Militia. The act scheduled the regimental officers of the Brigade to meet in Jackson in February 1825, to elect brigade offices.
2. Public Acts of 1825, Chapter 69, Page 78, declared that all free men and indentured servants between the ages of 18 and 45 years would constitute the State Militia. Some persons were exempted including judges, ministers of the gospel, grist mill keepers, public ferry men, and mail carriers. The time for muster for Hardeman County's 81st Regiment would be the second Saturday of September of each year. Many changes were made by the act in the military system

of a technical or organizational nature.

3. Public Acts of 1835-36, Chapter 21, Page 97, was a reorganization of the whole state militia law and units. Hardeman County's Regiments were numbered as the 124th and 125th. A company would be composed of a Captain, 1 First Lieutenant, 1 2nd Lieutenant, 1 Ensign, 3 Sergeants, 3 corporals, and no less than 45 privates. The 124th and 125th Regiments formed part of the 22nd Brigade which was in the 4th Division. The State had four Divisions.
4. Acts of 1837-38, Chapter 157, Page 223, scheduled county drills and musters for every county militia unit in Tennessee. Hardeman County would convene and drill its units on the first Monday and Tuesday after the first Friday and Saturday in September. Hardeman, McNairy, Fayette, and Shelby Counties' units would compose the 22nd Brigade.
5. Acts of 1839-40, Chapter 56, Page 91, limited membership in the militia of the State to white, male, inhabitants between the ages of 18 and 45, with some exceptions specified. The Organizational Table did not make any changes in the regiments of Hardeman County.
6. Acts of 1841-42, Chapter 187, Page 223, altered the schedule for regimental musters in the 22nd Brigade so that Hardeman County's two regiments would hold muster on the second Thursday and Friday in October.

### **Sheriff**

The following acts have no current effect but are included here for reference purposes since they once applied to the Hardeman County Sheriff's Office.

1. Private Acts of 1827, Chapter 135, Page 107, Section 3, provided that the Sheriff of Hardeman County would have the further time of six months, from and after January 1, to obtain his receipts and vouchers from the State and County officers, any law to the contrary notwithstanding.
2. Private Acts of 1831, Chapter 49, Page 37, required the Sheriff of Hardeman County to pay over all the money he had collected as taxes for the navigation of the Hatchie River to West Harriss, Edmund D. Tarver, and James Chisom, who were appointed Commissioners by the act to receive the money and to see to the clearing out of the river for navigation. If the Sheriff refused to pay, the Commissioners were authorized to collect the money from him. If he had already paid the funds, the Commissioners would proceed against the former Commissioners of the project. They would be paid \$1 per day for their services.
3. Private Acts of 1927, Chapter 268, Page 783, provided that the Sheriff in Hardeman County, would be paid a salary of \$1,200 a year, payable monthly out of the County Treasury on the warrant of the County Judge. The Sheriff would also keep all the fees of his office.
4. Private Acts of 1949, Chapter 643, Page 1914, amended Private Acts of 1927, Chapter 268, above, by increasing the annual salary of the Sheriff from \$1,200 to \$2,700 payable under the same conditions as stated in that act.

## Chapter XI - Taxation

### Assessor of Property

#### Private Acts of 1949 Chapter 925

**SECTION 1.** That it shall be the duty of the Tax Assessor of Hardeman County to be present in person, or to have a deputy present, at his office in the courthouse during office hours. It shall be the duty of the Tax Assessor to correct his tax rolls so that the tax rolls of Hardeman County will be kept up to date and will show the correct owners of real estate to the end that property may be assessed in the name of the true owners thereof. Failure of the Tax Assessor of Hardeman County to comply with the provisions of this Act shall constitute misconduct in office and subject him to removal from office under Section 1877 et seq. of the Code of Tennessee.

As amended by: Private Acts of 1979, Chapter 119

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

Passed: April 15, 1949.

#### Private Acts of 1959 Chapter 245

**COMPILER'S NOTE:** This act may have been superseded by the provisions of T.C.A. 67-1-506 which concerns deputy assessors and the assessor's secretaries and staff.

**SECTION 1.** That in all counties of this State having a population of not less than 23,305 nor more than 23,315, according to the Federal Census of 1950 or any subsequent Federal Census, the County Tax Assessor is hereby authorized to employ a clerk to assist him in the performance of his duties, and such Clerk shall be paid not less than Two Hundred Dollars (\$200.00) per month, such payment to be provided for by the Quarterly County Court of any County to which this Act shall apply.

**SECTION 2.** That such Clerk as provided for above shall type and otherwise prepare the tax rolls for the County Tax Assessor, and is authorized to stamp, or cause to be stamped, all deeds presented at the office of the said Tax Assessor, showing that the names of the vendor and vendee of the deed have been copied onto the assessment rolls, so that the rolls will accurately reflect the name or names of the persons who own the property conveyed. The Tax Assessor's stamp shall be imprinted upon all deeds before the same are filed for registration in the office of the Register of Deeds. Such Clerk shall perform such other clerical duties as the said Tax Assessor shall assign.

**SECTION 3.** That this Act shall have no effect unless the same shall have been approved by two-thirds vote of the Quarterly County Court of any county to which it may apply on or before the next regular meeting of such Quarterly County Court occurring more than thirty days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse, and shall be certified by him to the Secretary of State.

**SECTION 4.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 13, 1559. (sic)

## Building Permit

### Private Acts of 1988 Chapter 154

**SECTION 1.** No person shall erect or have erected, constructed, or reconstructed, any building or structure in Hardeman County, or no person shall alter or have altered any existing building or structure in Hardeman County, where the value of such alteration will exceed the sum of five thousand dollars (\$5,000) without first applying to the assessor of property of Hardeman County for a building permit for such erection, construction, reconstruction, or alteration. As used in this act, "building or structure" includes any modular structure, or manufactured structure.

No person shall place, locate or cause to be placed or located any mobile home or trailer in Hardeman County regardless of the value of the mobile home or trailer without first applying to the assessor of property of Hardeman County for a building permit for such placement or location.

Such application shall be in a form to be prescribed by the assessor of property and shall contain the following information:

- (1) whether the proposed work is to be new construction or the alteration of an existing structure;
- (2) the location or address of the proposed construction or alteration;
- (3) the identity of the owner or owners of the premises;
- (4) the estimated cost of the completed structure in the case of new construction, or in the case of alteration of an existing structure, the estimated value of such structure before and after such alteration; and
- (5) Such other information as the assessor shall prescribe.

Upon proper application, duly filed, the assessor shall then issue a building permit and shall take note of the fact of such erection, construction, reconstruction, or alteration for his tax records.

**SECTION 2.** This act shall not apply to the erection, construction, reconstruction, or alteration of buildings or other structures in cities requiring permits for the same, providing that the copies of such permits are made available to the office of the county assessor of property.

**SECTION 3.** The assessor of property shall collect a fee for the issuance of each building permit. The amount of the fee shall be twenty-five dollars (\$25.00). The assessor shall make the monthly reports and pay over to the county trustee all funds received for such permits. The proceeds of the building permit fee shall be deposited in the general fund of Hardeman County. The expenses incident to this act shall be paid out of the general funds of the county.

**SECTION 4.** No electric, gas, or water service shall be provided for any building or other structure to which this act applies until the building permit as required herein has been obtained, and it shall be

unlawful for any person, corporation, municipality, co-operative or other agency to make assist in making or permit to be made any connection which provides such electric, gas or water service until the required permit has been obtained.

**SECTION 5.** When there is reason to believe that any violation of any of the provisions of this act is about to occur, is occurring or has occurred, the county attorney may institute proceedings in the appropriate court for injunctive relief to prevent continuance of such violation. In the event injunctive relief is granted in favor of the county, the court granting such relief may award the county all of its expenses incurred in enforcing this act including reasonable attorney fees all of which expenses and fees shall be a civil penalty in addition to the injunctive relief granted by the court.

**SECTION 6.** If any person shall erect or have erected, constructed or reconstructed, any building or structure shall alter or have altered any existing building or structure or shall place or locate any mobile home or trailer in Hardeman County without payment of the fee set forth in Section 3 hereof, then the fee shall constitute a lien on the real property and the lien shall be collected on the first assessment role prepared subsequent to such erection, construction, reconstruction of any building, or alteration of any existing building or structure in the same manner and at the same time as other real property taxes of Hardeman County.

**SECTION 7.** If any provisions of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect the other provisions or applications of this act which can be given effect without the invalid provisions or application and to end the provisions of this act are declared to be severable.

**SECTION 8.** This act shall have no effect unless it is approved by a two-thirds vote of the county legislative body of Hardeman County. Its approval or nonapproval shall be proclaimed by the county executive of Hardeman County, and certified by him to the Secretary of State.

**SECTION 9.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming law, the public welfare requiring it. Upon being approved as provided in Section 8, for all other purposes, it shall become effective on July 1, 1988.

Passed: March 14, 1988.

## Hotel/Motel Tax

### Private Acts of 1988 Chapter 206

**SECTION 1.** For the purposes of this Act:

- (a) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.
- (b) "Hotel" means any structure or space, or any portion thereof, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist camp, tourist court, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.
- (c) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.
- (d) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodations in a hotel for a period of less than thirty (30) continuous days.
- (e) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.
- (f) "County" means Hardeman County, Tennessee.
- (g) "Operator" means the person operating the hotel whether as owner, lessee or otherwise.
- (h) "Clerk" means the County Clerk of Hardeman County, Tennessee.

**SECTION 2.** Hardeman County is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient, in the amount of five percent (5%) of the rate charged by the operator.

**SECTION 3.** The proceeds received by the county from the tax shall be designated and used for general fund appropriations.

**SECTION 4.** Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of his or her hotel, and to be given directly or transmitted to the transient and shall be collected by such operator from the transient and remitted to Hardeman County.

When a person has maintained occupancy for thirty (30) continuous days, that person shall receive from the operator a refund or credit for the tax previously collected from or charged to him or her, and the operator shall receive credit for the amount of such tax if previously paid or reported to the county.

**SECTION 5.**

(a) The tax levied shall be remitted by all operators who lease, rent or charge for any rooms or spaces in hotels within the county, to the County Clerk or such other officer as may by resolution be charged with the duty of collection thereof, said tax to be remitted to such officer not later than the twentieth (20th) day of each month for the preceding month. The operator is hereby required to collect the said tax from the transient at the time of the presentation of the invoice for said occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient, then the obligation to the county entitled to such tax shall be that of the operator.

(b) For the purpose of compensating the operator in accounting for remitting the tax levied by these sections the operator shall be allowed two percent (2%) of the amount of tax due and accounted for and remitted to the clerk in the form of a deduction in submitting his or her report and paying the amount due by such operator, provided the amount due was not delinquent at the time of payment.

**SECTION 6.** The clerk, or other authorized collector of the tax, shall be responsible for the collection of said tax and shall place the proceeds of such tax in accounts for the purposes stated herein. A monthly tax return shall be filed under oath with the clerk by the operator with such number of copies thereof as the clerk may reasonably require for the collection of such tax. The report of the operator shall include such facts and information as may be deemed reasonable for the verification of tax due. The form of such report shall be developed by the clerk and approved by the county legislative body prior to use. The clerk shall audit each operator in the county at least once per year and shall report on the audits made on a quarterly basis to the county legislative body.

The county legislative body is hereby authorized to adopt resolutions to provide reasonable rules and regulations for the implementation of the provisions of this act, including the form for such reports.

**SECTION 7.** No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator or that it will not be added to the rent, or that if added, any part will be refunded.

**SECTION 8.** Taxes collected by an operator which are not remitted to the County Clerk on or before the due dates shall be delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and in addition for penalty of one percent (1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Each occurrence of willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is hereby declared to be unlawful and shall constitute a misdemeanor punishable upon conviction of a fine not in excess of fifty dollars (\$50.00).

**SECTION 9.** It shall be the duty of every operator liable for the collection and payment to the county of any tax imposed by this act to keep and preserve for a period of three (3) years all records as may be necessary to determine the amount of such tax as he or she may have been liable for the collection of and payment to the county, which records the County Clerk shall have the right to inspect at all reasonable times.

**SECTION 10.** The County Clerk in administering and enforcing the provisions of this act shall have as additional powers, those powers and duties with respect to collecting taxes as provided in Title 67 of Tennessee Code Annotated, or otherwise provided by law for the County Clerks.

For his or her services in administering and enforcing the provisions of this Act, the County Clerk shall be entitled to retain as a commission five percent (5%) of the taxes so collected.

Upon any claim of illegal assessment and collection, the taxpayer shall have the remedies provided in Title 67, Tennessee Code Annotated, it being the intent of this act that the provisions of law which apply to the recovery of state taxes illegally assessed and collected under the authority of this Act; provided further, the County Clerk shall possess those powers and duties as provided in Tennessee Code Annotated, Section 67-1-707 for the County Clerks.

With respect to the adjustment and settlement with taxpayers, all errors of county taxes collected by the County Clerk under the authority of this act shall be refunded by the County Clerk.

Notice of any tax paid under protest shall be given to the County Clerk and the resolution authorizing levy of the tax shall designate a county officer against whom suit may be brought for recovery.

**SECTION 11.** The proceeds of the tax authorized by this act shall be allocated to and placed in the general fund of Hardeman County to be used for the purposes stated in Section 3 of this act.

**SECTION 12.** If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

**SECTION 13.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Hardeman County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by the presiding officer of the county legislative body to the Secretary of State.

**SECTION 14.** For the purpose of approving or rejecting the provisions of this act, it shall become effective upon becoming a law. For all other purposes, it shall become effective upon being approved as provided by Section 13, the public welfare requiring it.

Passed: April 27, 1988.

## Wheel Tax

### Private Acts of 1972 Chapter 228

**SECTION 1.** For the privilege of operating upon and using the public streets, roads, and highways in Hardeman County, except state-maintained roads and highways, there is hereby levied upon each motor driven vehicle a special wheel or privilege tax in the amount of ten dollars (\$10.00) on each such motor driven vehicle, such tax shall be paid in addition to all other taxes, provided however that this tax shall not apply nor the same shall, be required to be paid on farm tractors, motor driven vehicles for hire operated commercially as part of a business venture and having a load weight rating of more than two thousand (2000) pounds, or motor driven vehicles owned by any governmental agency.

**SECTION 2.** This wheel or privilege tax shall apply and be paid on each motor driven vehicle whose owner resides in Hardeman County. The said tax shall likewise apply and be paid on all motor driven vehicles by any person, firm or corporation which owns, drives or operates a motor driven vehicle on or over the streets, roads or highways in Hardeman County, for at least forty-five (45) days during any calendar year, such person, firm or corporation shall be liable for the payment of the privilege tax on said motor vehicle levied hereunder.

**SECTION 3.** The tax levied herein shall be collected by the County Court Clerk of Hardeman County at the same time he collects the state privilege license tax upon the operation of motor driven vehicles. The County Court Clerk of Hardeman County shall not issue to any resident of said County a state license for the operation of a motor driven vehicle unless at the same time such resident shall purchase the appropriate license for the operation of his motor driven vehicle under this Act. The payment of such license fee shall be evidenced by an emblem, sticker or receipts in the form of a decal to be appropriately displayed by affixing the same on the windshield of said motor driven vehicle. The design of the emblem, sticker or decal shall be determined by the County Court Clerk and the expense incident thereto shall be paid from the County general funds.

Any person who purchases from the clerk a state license but does not pay the tax levied herein shall sign and file with the clerk an affidavit stating that he is not a resident of Hardeman County and does not presently intend to operate a motor vehicle on the streets, roads or highway in Hardeman County for forty-five (45) days or more during the period for which the privilege or wheel tax is levied.

The tax shall entitle the owner of a motor driven vehicle to operate the same from the first day of April each year to the thirty-first day of March of the next succeeding year, and the same proportionate reduction shall be made as is now made in the case of the state registration of motor driven vehicles where such motor driven vehicles are registered after April 1, for any reason. The County Court Clerk for his services in issuing such licenses, shall be entitled to a fee of fifty cents (50¢) for each license so issued, to be collected from the person purchasing the same, and the Clerk's fee shall be in addition to the tax hereinabove provided for. If any motor driven vehicle upon which a current license fee has been paid, would be sold, traded, demolished, destroyed or otherwise change ownership, the current license holder may obtain from the County Court Clerk a current replacement emblem, sticker or decal, upon the

payment of a fee of fifty cents (50¢) for the issuance of the replacement license.

The County Court Clerk shall report all funds collected by him monthly and pay the same over to the Trustee of Hardeman County and said funds shall be applied as hereinafter provided.

**SECTION 4.** The proceeds of the tax herein imposed, when collected in the hands of the County Trustee, shall be applied exclusively to the financing of the construction and operation of a general hospital in Hardeman County.

**SECTION 5.** Any person violating the provisions of this Act by operating a motor driven vehicle on or over the streets, roads, or highways in Hardeman County, being liable and without the payment of the tax herein levied, such person upon conviction thereof shall be fined not less than twenty-five dollars (\$25.00), nor more than fifty dollars (\$50.00).

Any person who knowingly files with the clerk a false affidavit shall be guilty of perjury and upon conviction thereof shall be fined not less than twenty-five dollars (\$25.00), nor more than fifty dollars (\$50.00) or imprisoned for not more than six (6) months, in the discretion of the court.

**SECTION 6.** This Act shall have no effect unless it is approved by a majority of the number of qualified voters of the county voting in an election on the question of whether or not the Act should be approved. The election shall be held prior to December 1, 1972. The ballots used in the election shall have printed on them the substance of this Act and voters shall vote for or against its approval. The votes cast in the election shall be canvassed and the results proclaimed by the county election commission of Hardeman County and certified by them to the secretary of state as provided by law in the cases of general elections. The qualification of voters voting on the question shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of the approval or rejection of this Act. The cost of the election shall be paid by the county to which this Act applies.

**SECTION 7.** For the purpose of approving or rejecting the provisions of this Act, as provided in Section 6, it shall be effective on becoming a law, the public welfare requiring it. For all other purposes it shall become effective upon being approved as provided in Section 6.

Passed: February 17, 1972.

## Taxation - Historical Notes

### **Assessor of Property**

The following act was superseded, repealed or failed to win local ratification, but it is listed here as a reference to laws which once affected the Hardeman County Assessor.

1. Private Acts of 1949, Chapter 924, declared the compensation of the Hardeman County Tax Assessor to be \$2,500 per year.

### **Taxation**

The following is a listing of acts pertaining to taxation in Hardeman County which are no longer effective. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1824, Chapter 128, stated that in order to raise a permanent fund to improve navigation in the waterways of the western part of the State, the County Courts of Henry, Weakley, Obion, Dyer, Gibson, Carroll, Madison, Haywood, Tipton, and Hardeman Counties could levy an annual tax on all taxable property, not to exceed twelve and one-half cents per \$100 property valuation, for the next five years. A Board of Trustees was appointed consisting of nine members, three each from the Obion River Region, the Forked Deer River Region, and from the Hatchie River Region. The Board would supervise the projects and the expenditure of the funds.
2. Private Acts of 1826, Chapter 13, authorized the County Court of Hardeman County at its January meeting or at the first Court in every year to levy a tax, not to exceed the State and County tax, for as long as it was essential to raise a fund to pay for the completion of the courthouse in the town of Bolivar. The Sheriff would collect the tax proceeds and pay the funds over to a set of commissioners who would be allowed to expend them only for the purpose of completing the courthouse.
3. Private Acts of 1831, Chapter 49, required the Sheriff of Hardeman County to pay over to a Board of Commissioners the tax funds collected for the improved navigation of the Hatchie River.
4. Public Acts of 1870-71, Chapter 50, authorized the counties and the cities of this State to levy taxes for County and municipal purposes under the following conditions: (1) that all taxable property would be taxed according to its value upon the principles established in regard to state

taxation, and (2) that the credit of a county or city not be loaned to any person, firm, or corporation, unless the action was first approved by a majority of the County Court and the issue submitted for approval to the voters. A three-fourths vote was required for approval. Several counties were exempted for ten years from the three-fourths majority vote requirement, so that a simple majority vote would be sufficient.

5. Private Acts of 1927, Chapter 227, amended Public Acts of 1907, Chapter 602, Section 48, by extending the due and delinquent date for tax payments from March to May, but Hardeman County and several other counties were exempted from the extension.
6. Private Acts of 1931, Chapter 223, created the position of Delinquent Poll Tax Collector for Hardeman County. The Collector would be appointed by the County Judge for two-year terms beginning in April of 1933. Poll taxes not paid on May 1, 1931, and by March 1, in the years thereafter would be delinquent. The Collector would be paid seventy cents for each sum collected plus the fees normally paid for the collection of delinquent taxes. The Collector could not use any receipts other than the ones furnished by the Trustee. The collector was granted the right to demand access to any employment records, to issue summonses, and to conduct hearings.
7. Private Acts of 1931, Chapter 518, amended Private Acts of 1931, Chapter 223, above, by setting the delinquent date for poll taxes on March 1 of the year after the due date and by requiring the Delinquent Poll Tax Collector to prosecute persons for delinquency whom he knew to be delinquent whether on the delinquent list or not.
8. Private Acts of 1931, Chapter 756, created the office of Delinquent Poll Tax Collector for Hardeman County. He would be appointed for two-year terms by the County Court. J. R. Reaves was named to serve until the April term of 1932. Delinquent male taxpayers were subject to the Collector's authority which included the right to summon witnesses and levy on the delinquent's property.
9. Private Acts of 1931, Chapter 757, repealed Private Acts of 1931, Chapter 223, above.
10. Private Acts of 1931 (2nd Ex. Sess.), Chapter 15, specifically repealed Private Acts of 1931, Chapter 756, above, which created the position of Delinquent Poll Tax Collector for Hardeman County.
11. Private Acts of 1935, Chapter 767, created the office of Delinquent Poll Tax Collector for Hardeman County, naming C. C. Hillman to serve as such until August, 1936, when an election would be held. Poll taxes not a year after being levied were declared delinquent. The Collector would receive fifty cents for each poll tax collected plus the normal fees paid for the collecting delinquent taxes.
12. Private Acts of 1937, Chapter 815, amended Private Acts of 1935, Chapter 767, above, by authorizing the Delinquent Poll Tax Collector to appoint such deputies as necessary, not to exceed one deputy for each Civil District in the County.
13. Private Acts of 1939, Chapter 542, expressly repealed Private Acts of 1935, Chapter 767, above, as amended, effective September 1, 1940.
14. Private Acts of 1939, Chapter 543, specifically repealed Private Acts of 1931, Chapter 756, above.
15. Private Acts of 1967-68, Chapter 309, levied a wheel tax of \$10 per year on all vehicles for the privilege of using County roads in Hardeman County. Motorcycles, motor bicycles and scooters would be taxed at the rate of \$5 per year and all residents of the county were subject to the tax. Other persons and businesses who used the streets and roads for at least 45 days during the year were also subject to the tax. The County Court Clerk would collect the tax and issue a decal denoting payment and pay over the funds to the Trustee. The money would be used for capital outlay purposes in the school system of the County. The act was not approved by the Quarterly County Court and did not become effective.

## Chapter XII - Solid Waste

### Solid Waste Disposal Fee

#### Private Acts of 2016 Chapter 38

**SECTION 1.** Pursuant to the authority of counties to impose and collect a solid waste disposal fee in accordance with Tennessee Code Annotated, Title 68, Chapter 211, Part 8, the solid waste disposal fee



assessed for the receipt of solid waste disposal services in Hardeman County may be collected annually with the county property tax. Any solid waste disposal fee collected in accordance with this act shall be described and appear separately from the county property tax on the tax notice.

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

**SECTION 3.** For the purpose 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 as provided in Section 2.

Passed: March 21, 2016

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