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# Administration - Historical Notes

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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# Administration - Historical Notes

## **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The following act once created a budgeting system for Hardeman County, but it has been specifically repealed or superseded by current law.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 Public Acts of 1857-58, Chapter 5, repealed Private Acts of 1855-56, Chapter 253, above, in its entirety, and restored the Quorum Courts to their former status.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 Tusculumbia 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.

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