



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

March 25, 2025

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# Hardin

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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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# Hardin



Hardin County Courthouse

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

## Budget System

### Accounting and Budget Director

#### Private Acts of 1998 Chapter 166

**SECTION 1.** There is created the position of Accounting and Budget Director for Hardin County.

**SECTION 2.** The finance committee of the Hardin County Commission, subject to the approval of the full commission, shall appoint an accounting and budget director. The finance committee of the Hardin County Commission, subject to the approval of the full commission, may dismiss an accounting and budget director. The committee shall give thirty (30) days written notice to the full commission before appointing or dismissing an accounting and budget director.

**SECTION 3.** The accounting and budget director shall be qualified by training and experience in the field of accounting to perform the duties of the position in a proficient manner and in accordance with generally recognized governmental accounting principles.

**SECTION 4.** The finance committee shall establish the compensation of the accounting and budget director. The finance committee shall include such compensation in its annual budget recommendation to the full commission.

**SECTION 5.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Legislative Body of Hardin 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 6.** 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 5.

Passed: April 27, 1998.

## County Register

### Private Acts of 1986 Chapter 143

**SECTION 1.** In Hardin County, no conveyance divesting and vesting title to real estate shall be registered in the office of the County Register until such conveyance shall have been first submitted to the County Tax Assessor for his information as provided in this Act.

To facilitate the maintenance of records at the Office of Assessor of Property of the value of properties in Hardin County, such instruments shall be submitted to the Tax Assessor of Hardin County together with an affidavit of the value of the property or interest conveyed, or the consideration therefor, whichever is greater. Such amount shall then be entered upon the records of the Tax Assessor of Hardin County. Any person swearing falsely as to the consideration for said conveyance shall be guilty of perjury.

Upon the conveyance being submitted to the Tax Assessor, that official shall enter upon the permanent records of his office a description sufficient to enable the land to be identified, the consideration paid therefor, and shall note such change of ownership upon the permanent records of his office. The Tax Assessor shall endorse upon said conveyance that the instrument has been submitted to him.

Nothing herein shall be construed as requiring the submission of mortgages of deeds of trust to the County Tax Assessor.

After such conveyance has been submitted to the County Tax Assessor pursuant to the preceding provisions, it shall then be eligible for registration in the Office of the County Register of Hardin County. The County Register shall not accept the conveyances for registration to which this act applies which fail to bear the notation of the County Tax Assessor showing that the instrument has been submitted to him.

**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 Hardin County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body of Hardin County and certified by him 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: March 31, 1986.

## Port Authority

### Private Acts of 1957 Chapter 4

**SECTION 1.** That in order to facilitate transportation in Hardin County, Tennessee, and to promote the navigation on the Tennessee River, which traverses Hardin County, and to facilitate the movement and transfer of people, goods and merchandise, to, from, at and through the county of Hardin, and to fully utilize the natural resources of said county, so that the same may be shipped and transported, and to provide for internal improvement in the development of the resources in Hardin County and the State of Tennessee, and to promote the happiness and prosperity of the citizens, there is hereby established in Hardin County, Tennessee, a Port Authority, to be known as "The Port Authority of Hardin County, Tennessee," hereinafter designated as "The Port Authority", for the purpose of acquiring, constructing, operating and maintaining port and harbor facilities, ports, docks, wharves, piers, loading and unloading machinery, equipment and facilities, harbor and river front improvement, storage and transfer facilities, elevators, terminal and terminal facilities, navigation facilities, railroads, truck and track scales, switch yards, concentration yards, roads and bridges, trucks and bus lines, airports and aircraft landing facilities, communication facilities related or incidental to such port and other facilities, or one or more or a combination of the same, and to provide that the same shall be under the jurisdiction, control and management of said Port Authority, to be constructed and conducted as hereinafter provided.

**SECTION 2.** That the development, maintenance and operation of such facilities are hereby declared to be essentially public and governmental functions. The powers herein granted, in connection therewith, are declared to be public and corporate purposes and matters of public necessity.

**SECTION 3.** That the Port Authority shall consist of The Port Authority Commissioners, and such subordinate officers and employees as may be selected by said Port Authority Commissioners, as hereinafter provided.

As amended by:

Private Acts of 1999, Chapter 47

**SECTION 4.** That the said Port Authority Commissioners shall have power, and they are hereby authorized:

- (a) To acquire, construct, purchase, operate, maintain, replace, rebuild, extend and improve, within the limits of the County of Hardin and State of Tennessee, or on the Tennessee River in any other state or partly within any other state, the port and other facilities described in Section I hereof and any and all related facilities, equipment and appurtenances, necessary or convenient to the improvement of the access of Hardin County, Tennessee, to all channels of commerce, and to make such facilities available to any person, firm, public or private corporation, to any other shipper, consignee or carrier, and to charge for their use and for any and all services performed by the Authority.
- (b) To accept donations to the Authority of cash, lands, or other property to be used in the furtherance of the purposes of this Act.
- (c) To accept grants, loans or other financial assistance from and federal, state, county or municipal agency, or in aid of the acquisition or improvement of any of the facilities herein provided for.
- (d) To purchase, rent, lease or otherwise acquire any and all kinds of property, real, personal or mixed, tangible or intangible, and whether or nor subject to mortgages, liens, charges or other encumbrances, for the said County of Hardin, which, in the judgment of The Port Authority Commissioners, is necessary or convenient to carry out the powers herein granted.
- (e) To make contracts and execute instruments containing such covenants, terms and conditions, as, in the judgment of said Commissioners, may be necessary, proper and advisable for the purpose of obtaining grants, loans or other financial assistance from any federal or state agency, for or in aid of the acquisition or improvement of the facilities herein provided for; to make all other contracts and execute all other instruments including, without limitations, licenses, long or short term leases, mortgages and deeds of trust, and other agreements relating to property and facilities under its jurisdiction, and the construction, operation, maintenance, repair and improvement thereof, as in the judgment of said Board of Commissioners may be necessary, proper or advisable for the furtherance of the purposes of this Act, and the full exercise of the powers herein granted; and to carry out and perform the covenants, terms and conditions of all such contracts or instruments.
- (f) To establish schedules of tolls, fees, rates, charges and rentals for the use of the facilities under its

jurisdiction, and for services which it may render.

(g) To enter upon any lands, waters and premises for the purpose of making surveys, soundings and examination in connection with the acquisition, improvement, operation or maintenance of any of the facilities herein provided for.

(h) To promulgate and enforce such rules and regulations as the said Board of Commissioners may deem proper, for the orderly administration of The Port Authority, and the efficient operation of its facilities.

(i) To do all acts and things necessary, or deemed necessary or convenient to carry out the powers expressly given in this Act.

**SECTION 5.** That except as otherwise expressly provided in this Act, The Port Authority Commissioners shall have full and exclusive control of and responsibility for the administration of facilities constructed or acquired pursuant to this Act; provided, however, that said Authority may lease or license lands or facilities under its jurisdiction, for operation by private persons or corporations, as provided in Section 4(e) of this Act.

**SECTION 6.** That The Port Authority is hereby authorized and empowered to condemn on behalf of and in the name of Hardin County, Tennessee, any land, easements or rights of way, that, in the opinion of the Board of Commissioners, are necessary or convenient to carry out the purposes of this Act. Title to property so condemned shall be taken in the name of the County of Hardin, and the property shall thereafter be entrusted to said Authority, as the agent of the County of Hardin, to accomplish the purposes of this Act. Such condemnation proceedings shall be pursuant to and in accordance with Sections 23-1401 through 23-1525, inclusive, of Tennessee Code Annotated, or as the same may be hereafter amended, or other eminent domain laws of the State of Tennessee, that may be hereafter enacted; provided, however, that where title to any property sought to be condemned, is defective, it shall be passed by the judgment or decree of the court; provided, further, that where condemnation proceedings become necessary, the court in which any such proceedings are filed, shall, upon application by The Port Authority, and upon posting of a bond with the Clerk of the Court, in such amount as the court may deem commensurate with the value of the property, order that a writ of possession shall issue immediately, or as soon and upon such terms as the court, in its discretion, may deem proper and just.

**SECTION 7.** That bonds issued pursuant to this Act, and income therefrom, shall be exempt from all state, county and municipal taxation, except inheritance, transfer and estate taxes. So long as title to land or rights therein acquired, or facilities constructed or acquired pursuant to this Act, remains in the County of Hardin, such property, and the income therefrom, shall be exempt from all state, county and municipal taxation, provided, however, that such exemption shall not extend to the leasehold or other interest in such property which may be held by any private person.

**SECTION 8.** That neither the County of Hardin, The Port Authority nor the Board of Commissioners, shall be required to obtain any certificate of convenience or necessity, franchise, license, permit or other authorization from any bureau, board, commission or other like political subdivision thereof, in order to acquire, construct, purchase, operate or maintain any of the facilities authorized by this Act.

**SECTION 9.** That neither the Tennessee Public Service Commission, nor any other board or commission of like character, hereafter created, shall have jurisdiction over The Port Authority, with respect to the management and control of the facilities authorized by this Act, including the establishment of rates, fees and charges or otherwise.

**SECTION 10.** Effective July 1, 1999, the members of the Board of Directors of the Savannah Industrial Development Corporation shall also become members of the Board of Commissioners of the Port Authority of Hardin County, Tennessee; provided, however, that incumbent members of the Board of Commissioners of the Port Authority shall remain as additional members of said Board of Commissioners until the expiration of their term of office or until their office is vacated. Upon the expiration of the terms of all members of the Port Authority's Board of Commissioners or the vacation of office of all such members, the members of the Board of Directors of the Savannah Industrial Development Corporation shall henceforth constitute the Board of Commissioners of the Port Authority of Hardin County, Tennessee

As amended by: Private Acts of 1999, Chapter 47

Before entering upon their duties, all Commissioners shall take and subscribe to an oath of office, as provided by the constitution and law for county officers, and the same shall be filed with the County Court Clerk.

A majority of the Commissioners shall constitute a quorum and the Commissioners shall act by vote of a majority present at any meeting attended by a quorum, and vacancies among the Commissioners shall not affect their power and authority, so long as a quorum remains. Within thirty days after this Act becomes effective, the Commissioners shall hold a meeting to elect a Chairman. The Commissioners shall hold regular meetings at least once every ninety days, and at such regular time and place as the

Commissioners may, by resolution, determine, and may hold such additional meetings, either regular or special, as may be determined by the Board of Commissioners.

Special meetings may be called and held upon such notice and in such manner as the Board of Commissioners may, by resolution, determine. Save as otherwise expressly provided, the Board of Commissioners shall establish their own rules of procedure.

The Commissioners shall designate a secretary and a treasurer, or the same individual as secretary and treasurer, and such secretary and/or treasurer, may or may not be a Commissioner or Commissioners. The secretary shall attend all regular and special meetings and keep minutes thereof. The minutes of said meetings shall be available for inspection by the public at the office of the Authority, at all reasonable times.

The Board of Commissioners, by resolution, shall require the Treasurer of Secretary-Treasurer, if he is one and the same person, to execute a bond with approved corporate surety, for the faithful performance of his duties and the accounting of all monies and revenues that may come to his hands, as such, in such penalty as the Board shall specify, by resolution. Said bond shall be filed with the County Court Clerk and registered in the Register's Office, as required of county officers.

The Board of Commissioners, by resolution, may require all other subordinate officers, or employees, to execute such fidelity bond for the faithful performance of their duties and the accounting of funds that may come to their hands, in such an amount, with such conditions and such sureties, as the Board of Commissioners may determine.

All members of the Board of Commissioners shall serve as such without compensation, but they shall be allowed necessary traveling and other expenses while engaged in the business of the Authority, as may be provided and approved by the Board, payable from the funds of the Authority, or such funds as may be appropriated by the Quarterly County Court of Hardin County, Tennessee. The members of the Board shall be paid such amount for attendance at board meetings as may be fixed by resolution of the Quarterly County Court of Hardin County, Tennessee.

**SECTION 11.** That the Port Authority Commissioners shall be removable only for good cause, and after preferment of charges, as provided by law for county officers.

**SECTION 12.** That The Port Authority Commissioners shall be authorized to employ and fix the compensation of such architects, attorneys, engineers, superintendents, consultants, professional advisors and other subordinate officers and employees, as may be necessary for the efficient management and operation of the Port Authority, and the operation of the facilities provided for in this Act, and who shall continue in the employment of the Authority, at the will and pleasure of the Board of Commissioners.

**SECTION 13.** That The County of Hardin shall have power and authority to issue and sell its bonds to finance the acquisition, construction, improvement and/or expansion of the facilities herein authorized, and to refund bonds previously issued, or refinance indebtedness previously incurred for such purposes. The County of Hardin may, in all respects, provide for the rights of the holders of all bonds, including the manner in which future bonds may be issued on a parity with such bonds.

The bonds may be issued in one or more series, may bear such date or dates, may mature at such time or times, not exceeding forty years from their respective dates, may be in such denomination or denominations, may be in such form either coupon or registered, may carry such registration and conversion privileges, may be executed in such manner, may be payable in such medium of payment, at such place or places, may be sold or hypothecated in such blocks, may be subject to such terms of redemption with or without premium, may be declared or become due after the maturity date thereof, and may be in such amount as may be provided by resolution or resolutions of the Quarterly County Court of Hardin County, Tennessee. Such bonds may be issued for money or property, at public or private sale, for such price or prices and at such rate or rates of interest, and may be hypothecated in such manner as said Quarterly County Court may determine, but the interest cost to maturity of the bonds, when issued for property (at the value determined by said Quarterly County Court, which determination shall be conclusive), or the money received for any issue of said bonds, shall not exceed the maximum rate fixed by law, payable semiannually. Such bonds shall have all the qualities and incidents of negotiability.

Pending the preparation of the definitive bonds, interim receipts or certificates in such form, and with such provisions, as the Quarterly County Court may determine, in the resolution authorizing said bonds, may be issued to the purchaser or purchasers of bonds sold pursuant to this Act. Said bonds and interim receipts or certificates, shall be fully negotiable.

In case any of the officers, whose signatures or counter-signatures, appear on such bonds shall cease to be such officers before the delivery of the bonds, such signatures and counter-signatures shall nevertheless be valid and sufficient for all purposes, the same as though such officers had remained in office until the bonds had been delivered. Such bonds may be issued, notwithstanding and without regard



to any limit or restriction on the amount or percentage of indebtedness, or of outstanding obligations of the County of Hardin, contained in any other statute, general or special, and notwithstanding and without regard to the requirements of any other general or special statute, including requirements as to elections for the approval of such bonds.

In the case of bonds payable solely out of the revenues of The Port Authority, it shall be the duty of the Quarterly County Court of Hardin County, Tennessee, to provide, by resolution, for the issuance of such bonds, as requested by The Port Authority Commissioners.

Prior to a vote by the Quarterly County Court of Hardin County, authorizing the issuance of bonds to be financed wholly or in part through tax levies by the Quarterly County Court, The Port Authority Commissioners shall prepare and submit to the Quarterly County Court a recommendation that bonds in a stated amount be issued hereunder, supported by a report on the need for, and projected use of the facilities for the financing of which such bond issue is proposed, including a review of alternate solutions, if any, and a justification of the solution proposed.

Bonds may be issued as direct and general obligations of the County of Hardin, payable out of its general income and revenue, or at the election and subject to the determination of The Port Authority Commissioners, may be made payable only out of the revenues from the facilities of The Port Authority. In case the bonds are issued as general obligations of the County, it shall be the duty of the Quarterly County Court of said County of Hardin to levy a tax each year, over and above the taxes levied for general county purposes, to pay the interest and principal of said bonds, as they mature; provided, however, that in case the revenues derived from the operation of the facilities herein provided for, are sufficient to pay the interest and principal of said bonds, or a part thereof, as they may severally mature, then a special levy for the full payment of said interest and principal shall not be required, but the Quarterly County Court shall each year levy an amount of tax, which, when added to the amount of revenue derived from the operation of said facilities, then on hand and available for that purpose will be sufficient to pay the interest and principal maturing prior to the collection of the next succeeding tax levy. Said bonds shall be sold at public or private sale, and in such manner as may be determined by resolution of the Quarterly County Court, authorizing their issuance. Said bonds shall contain a recital that they are issued pursuant to and in accordance with this Act, and such recital shall be conclusive evidence of their legality.

**SECTION 14.** That in order to secure the payment of any of the bonds issued pursuant to this Act, the interest thereon, or in connection with such bonds, the Quarterly County Court of Hardin County, Tennessee, shall have power, as to such bonds, to the extent not inconsistent with the mandatory provisions of this Act:

- (a) To pledge the full faith and credit and unlimited taxing power of the County of Hardin to the punctual payment of the principal of and interest of such bonds.
- (b) To pledge all or any part of the revenue derived from the operation of the facilities herein authorized.
- (c) To provide for the term, form, registration, exchange, execution and authentication of such bonds.
- (d) To provide for the replacement of lost, destroyed or mutilated bonds.
- (e) To covenant as to the use and disposition of the proceeds from the sale of such bonds.
- (f) To covenant as to the rates and charges for the use of facilities of The Port Authority, and for its services.
- (g) To redeem such bonds, and to covenant for their redemption and to provide the terms and conditions thereof.
- (h) To covenant and prescribe as to what happenings or occurrences shall constitute "events of default," and the terms and conditions upon which any or all of such bonds shall become or may be declared due, before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.
- (i) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation.
- (j) To vest in a Trustee or Trustees, the rights to receive all or any part of the income and revenues pledged and assigned to or for the benefit of the holder or holders of bonds issued hereunder and to hold, apply and dispose of the same, and the right to enforce any covenant made to secure or pay, or in relation to the bonds; to execute and deliver a trust agreement or trust agreements, which may set forth the powers and duties, and the remedies available, to such trustee or trustees, and limiting the liability thereof, and describing what occurrences shall constitute "events of default," and prescribing the terms and conditions upon which such trustee or trustees, or the holder or holders of bonds of any specified amount or percentage of such bonds, may exercise such rights and enforce any and all such covenants

and resort to such remedies as may be appropriate.

(k) To make covenants other than and in addition to the covenants herein authorized, of like or different character, necessary or advisable to effectuate the purpose of this Act.

(l) To execute all instruments necessary or convenient in the exercise of the powers herein granted, or in the performance of its covenants or duties.

**SECTION 15.** That any holder or holders of bonds, including trustee or trustees for holders of such bonds, shall have the right, in addition to all other rights:

(a) By mandamus or other suit, action or proceeding in any court of competent jurisdiction, to enforce his or their rights against the County of Hardin, the Quarterly County Court, The Port Authority, The Port Authority Commissioners, or any other proper officer, agent or employee of any of them, including but without limitation, the right to require the County, the Quarterly County Court, The Port Authority, The Port Authority Commissioners and any proper officer, agent or employee of any of them, to assess, levy and collect taxes, and to fix and collect rates and charges adequate to carry out any agreement as to, or pledge of taxes or Authority revenues, and to require the County of Hardin, the Quarterly County Court, The Port Authority, The Port Authority Commissioners, and any officer, agent or employee of them, to carry out any other covenants and agreements, and to perform its and their duties under this Act.

(b) By action or suit in equity to enjoin any acts or things, which may be unlawful or in violation of the rights of such holders of bonds.

**SECTION 16.** That the Quarterly County Court of Hardin County, Tennessee, shall have power, by resolution, to confer upon any holder or holders of a specified amount or percentage of bonds, including a trustee or trustees for such holders, the rights, in the event of an "event of default", as defined in such resolution or as may be defined in any agreement with the holder or holders of such bonds, or the trustee or trustees thereof:

(a) By suit, action or proceedings in any court of competent jurisdiction, to obtain the appointment of a receiver of the Authority's facilities, or any part or parts thereof. If such receiver be appointed, he may enter and take possession of such facilities or part or parts thereof, and operate and maintain the same, and collect and receive all revenues thereafter arising therefrom, in the same manner as the Authority itself might do, and shall deposit such monies in a separate account or accounts, and apply the same in accordance with the obligations of the County of Hardin, issued under this Act, as the court may direct.

(b) By suit, action or proceedings in any court of competent jurisdiction, to require the Quarterly County Court of Hardin County, Tennessee, or The Port Authority Commissioners, to act as if they were the trustees of an express trust.

Any such resolution shall constitute a contract between the County of Hardin, and the holders of bonds of such issue.

**SECTION 17.** That all expenses actually incurred by The Port Authority Commissioners in the making of surveys, estimates of cost and of revenue, employment of engineers, attorneys or other employees, the giving of notices, taking of options, selling of bonds, and all other preliminary expenses of whatever nature, which said Commissioners deem necessary in connection with or precedent to the acquisition or improvement of any of the facilities herein provided for, and which they deem necessary to be paid prior to the issuance and delivery of the bonds issued pursuant to the provisions of this Act, may be met and paid out of the general funds of the County of Hardin, not otherwise appropriated or from any other fund available, as may be provided by the Quarterly County Court.

All such payments from the general or other funds shall be considered as temporary, non-interest bearing loans, and shall be repaid immediately upon sale and delivery of the bonds, and claim for such repayment shall have priority over all other claims against the proceeds derived from the sale of such bonds.

**SECTION 18.** That the Quarterly County Court of Hardin County, Tennessee, is authorized to appropriate to The Port Authority from the general funds of Hardin County, Tennessee, or such other funds as may be unappropriated, to pay the expenses of The Port Authority Board of Commissioners, or expenses or operation of any of the facilities authority by this Act, and said Quarterly County Court is authorized and empowered to levy a tax, in addition to all other taxes, upon all taxable property within the county, sufficient to pay the appropriation made by it to The Port Authority.

**SECTION 19.** That all monies derived from the issuance of bonds hereunder, together with any federal or other grant or loan made, for the purposes of this Act, shall be paid to the Treasurer of The Port Authority. The Treasurer shall deposit such monies, together with all the receipts from the Authority operations, in a separate bank account or accounts, separate from all other county funds, and shall keep adequate record of all such receipts and their sources. The Treasurer shall pay out such monies only on vouchers signed by such Authority officials as The Port Authority Commissioners shall, by resolution,

designate to sign such vouchers. No such vouchers for the payment of any such monies shall be issued except upon the resolution or order of the said Commissioners, a certified copy of which shall be filed in the office of the Treasurer.

**SECTION 20.** That the revenues derived from the operation of the port, storage and transfer facilities, and any and all other facilities herein authorized, shall be applied and used as follows:

- (1) The payment of all operating expenses of The Port Authority.
- (2) The payment of the interest on bonds issued pursuant to the provisions of this Act, and the principal of said bonds, as they severally mature, and/or payments into the sinking fund reserves for this purpose.
- (3) The establishment of necessary reserves for contingencies, depreciation, maintenance, replacement of said port, storage, transfer facilities and any and all other facilities, or other purposes, as may be required under any bond indenture or as The Port Authority Commissioners may deem necessary or desirable.
- (4) Any revenue remaining after all the above items have been provided for, shall be held and used for the further development of and for additions to the Authority facilities, and for the acquisition or construction of new facilities, which may become necessary or desirable to further the purposes of this Act. None of such revenue shall go to the general funds of the County of Hardin, except as may be directed by The Port Authority Commissioners.

**SECTION 21.** That except as otherwise herein expressly provided, all contracts of The Port Authority shall be entered into and executed in such manner as may be prescribed by the Board of Commissioners, but no contract or acquisition by purchase, of equipment, apparatus, materials or supplies, involving more than \$500.00, or for construction, installation, repair or improvement of the property or facilities, under the jurisdiction of the Board of Commissioners, involving more than \$1,000.00 shall be made except after said contract has been advertised for bids, provided that advertisement shall not be required when:

- (1) An emergency requires immediate deliver of the supplies or performance of the service; or,
- (2) Repair, parts, accessories, supplemental equipment or services are required for supplies, or services previously furnished or contracted for, in which case such purchase of supplies or procurement of services shall be made in the open market in the manner common among business men.

Provided, further, That in comparing bids and in making awards, the Commissioners may consider such features as quality and adaptability of supplies or services, the bidders' financial responsibility, skill, experience, record of integrity in dealing, ability to furnish repairs and maintenance service, the time of delivery, or performance offered, and whether the bidder has complied with specifications.

Provided, further, That in the employment of architects, engineers and attorneys, or other professional advisors for personal service, no advertisement or bids shall be required, but the Board of Commissioners may employ or select such architects, engineers, attorneys or professional consultants and advisors, as in the judgment of the Commissioners best meet the qualifications for rendering such services.

Provided, further, That after advertisement for bids, as provided in this section, if no acceptable bid is received, the Port Authority Commissioners may reject any and all bids, or the Board of Commissioners may negotiate with contractors or suppliers, to secure the construction of facilities, or the purchase of equipment, apparatus, materials or supplies at the best possible price, or the Board of Commissioners may construct such facilities, by "Force Account Construction", that is, the Board of Commissioners may employ the necessary engineers, supervisors and other personnel, purchase necessary materials, equipment and supplies, to construct such facilities authorized by this Act, with its own employees.

**SECTION 22.** That The Port Authority may use any property, right of way, easement or other similar property right necessary or convenient in connection with the acquisition, improvement, operation or maintenance of the facilities herein authorized, held by the State of Tennessee, any county or municipality in the State of Tennessee, provided such municipality shall consent to such use.

**SECTION 23.** That the Quarterly County Court of Hardin County, Tennessee, with the approval of The Port Authority Commissioners, may dispose of all or substantially all of the land and real property acquired under the provisions of this Act, upon a vote for such disposal, of a majority of all the members of the Quarterly County Court. Any such vote shall be taken at a meeting duly and regularly called for the purpose of considering the question of the disposition of such property.

The Port Authority Commissioners may dispose of personal property of said Authority, when, in the judgment of said Board of Commissioners, it is advantageous to or necessary, for the efficient operation of said Authority, to dispose of the same, or when said personal property is being replaced by new or more efficient property of like character, or when said personal property is no longer necessary for the operation of the Authority.

**SECTION 24.** That the powers, authority and rights conferred by this Act shall be in addition and

supplemental to, and the limitations imposed by this Act shall not affect the powers conferred by any other general, special or local law.

**SECTION 25.** That if any clause, sentence, paragraph, section or any part of this Act shall be held or declared to be unconstitutional, and void, it shall not affect the remaining part or parts of this Act, it being hereby declared to be the legislative intent to have passed the remainder of this Act, notwithstanding the part held to be invalid, if any.

**SECTION 26.** That this Act is remedial in nature, and shall be liberally construed, to effect its purpose of facilitating the removal and transfer of people, products and goods, to, from, at and through Hardin County, and to improve the access of Hardin County to all channels of commerce, and to encourage the industrial development and growth of Hardin County, and the use of the natural resources of Hardin County, including the navigation of the Tennessee River.

**SECTION 27.** That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of the Quarterly County Court of Hardin County, Tennessee. Its approval or non-approval shall be proclaimed by the County Judge, countersigned by the County Court Clerk, and shall be certified by them to the Secretary of State.

**SECTION 28.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: January 23, 1957.

## Administration - Historical Notes

### County Attorney

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

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

### County Clerk

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

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

### County Executive

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

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

### County Legislative Body

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

1. Private Acts of 1824, Chapter 102, provided that the County Court of Hardin County would meet on the third Monday of March, June, September, and December.
2. Private Acts of 1826, Chapter 28, ratified the official acts performed by John Hannah, Sr. as a Justice of the Peace of Hardin County.
3. Private Acts of 1826, Chapter 78, was an act regulating the County Courts of several counties, including the Court in Hardin County.
4. Private Acts of 1827, Chapter 81, legalized and validated the acts performed by Anthony Wayne Pope Ussery as a Justice of the Peace in Hardin County. He had been commissioned by the name of Russell rather than his proper name, Ussery.
5. Public Acts of 1883, Chapter 156, authorized the Thirteenth Civil District in Hardin County to elect an additional Justice of the Peace for the town of Saltillo.
6. Private Acts of 1919, Chapter 348, authorized a per diem of \$3.00 for Hardin County Justices of the Peace plus the mileage allowance as then provided by law.
7. Private Acts of 1953, Chapter 182, provided that no conveyance divesting and vesting title to real estate in Hardin County would be registered by the County Register unless the document was first submitted to the County Trustee and then to the Tax Assessor for their information. The Trustee and Assessor would enter the proper changes on the permanent records of their offices. Any Trustee or Tax Assessor failing to observe these requirements were made subject to ouster proceedings.
8. Private Acts of 1961, Chapter 193, provided for the Justices of the Peace of Hardin County to receive a per diem of \$15 and to receive a mileage allowance of eight cents per mile.
9. Private Acts of 1972, Chapter 390, allowed the Justices of the Peace of Hardin County a per diem of \$50 while in attendance at each session of the County Court. The act was not approved locally and did not become effective.
10. Private Acts of 1972, Chapter 422, provided that the Justices of the Peace of Hardin County would receive compensation of \$1,200 per year. The act was not approved locally and did not become effective.
11. Private Acts of 1975, Chapter 9, repealed Private Acts of 1953, Chapter 182, above, in its entirety.

### **County Trustee**

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

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

### **Purchasing**

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

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

## **General Reference**

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

1. Private Acts of 1821, Chapter 84, authorized the laying out of a town on the south bank of the Tennessee River across from the mouth of Swift Creek on the land of Joseph and James F. McMahon. It would consist of one hundred, half-acre lots with lanes, streets and alleys and the town would be called Mount Etna.
2. Public Acts of 1823, Chapter 50, required the President and Directors of the Bank of Tennessee to appoint an agent and establish an agency of the Bank in McMinn, Monroe, Madison, Wayne, Hardin, Henderson, Carroll, and Henry Counties, and to place in the hands of the agents the amounts of money to which the counties would be entitled to receive from state funds, as other counties in the state, to be lent by the agents to the citizens of the counties.
3. Private Acts of 1824, Chapter 94, constituted as a body politic and corporate the resident citizens of the Town of Hardinville under the Mayor-Aldermen form of government. The Sheriff would hold an election for seven Aldermen who would choose the Mayor from among their own number.
4. Private Acts of 1825, Chapter 320, recited in the preamble that it was believed that a large majority of the citizens in Hardin County are dissatisfied with the location of the county seat and would prefer it to be located on the Tennessee River. The act directs the Sheriff of Hardin County to hold an election at the same places where votes were cast for the General Assembly. If the vote were to be favorable, the county seat was to be moved and known by the name of Hardinsville. Three commissioners from other counties were to select the site and lay out the new town, being empowered to pass good title to the land sold in the town.
5. Private Acts of 1826, Chapter 75, appointed Commissioners for Hardin County who would locate the site of the county seat of justice at a place determined by them to be in the best interest of the people. They were required to make a report to the County Court Clerk of their choice which would then be designated as the county seat.
6. Public Acts of 1827, Chapter 12, created a Treasury Department for the Western District of Tennessee composed of the Counties of Shelby, Fayette, Hardeman, McNairy, Hardin, Perry, Henderson, Carroll, Henry, Weakley, Obion, Dyer, Tipton, Haywood, Madison, and Gibson. The Treasurer of the District would be appointed by joint ballot of both houses of the Legislature and would open an office in Jackson, Tennessee. All taxes due the State would be paid in at that office instead of in Nashville.
7. Private Acts of 1827, Chapter 140, changed the name of Hardinsville in Hardin County to Savannah. The Commissioners of Savannah were to sell all that part of the old city relinquished to them and apply the proceeds to the building of a courthouse and jail in Savannah.
8. Public Acts of 1831, Chapter 43, Section 6, required the Cashier of the Bank of the State of Tennessee to pay over to the Trustees of Montgomery, Dickson, Robertson, Sumner, Davidson, Stewart, Humphreys, Perry, Hickman, Williamson, Lawrence, Wayne, Hardin, and Wilson Counties, their proportionate share of the \$60,000 appropriated for the internal improvement of Middle Tennessee. Officers of the Bank could also lend out the funds for the benefit of the County.
9. Public Acts of 1831, Chapter 44, allowed the counties west of Tennessee River, including Humphreys, Hardin and Perry Counties, to select three residents of their respective counties who would become the County Commissioners for Internal Improvement. These Commissioners would manage the share of the Internal Improvement funds allotted to their counties by improving their public works, such as roads, highways, and navigable rivers. Two counties could cooperate in the improvements under a five man Board. The Commissioners would operate under procedural rules which were prescribed in the act and be paid \$1.00 for each day actually spent in the discharge of their duties.
10. Private Acts of 1832, Chapter 73, Sections 4 and 5, provided that the \$30,000, set apart and appropriated for internal improvement west of the Tennessee River, would be equally divided among the counties lying west of the said River regardless of population. Humphreys, Perry, and Hardin Counties would be included but each would receive one-half of the amount received by the other counties.
11. Private Acts of 1832, Chapter 109, Section 5, named Lewis H, Broyles, Robert Watt, David Robertson, John Houston, and James Irwin, as the members of the Board of Internal Improvement for Hardin County, who would receive appropriated funds, invest them, and use the

interest for various county projects.

12. Public Acts of 1833, Chapter 25, provided that any person who might wish to build a mill on the streams in Hickman, Lawrence, Wayne, Hardin, and McNairy Counties, or any other county west of the Tennessee River, could do so, so long as no nuisance was created. The builders would be entitled to have their mill placed on the general plan of the Surveyor's District. The mills could occupy any number of acres less than 25 and must be erected within two years after being marked on the general plan.
13. Private Acts of 1833, Chapter 39, provided that John J. Williams, of Hardin County, would be allowed to hawk and peddle in the Counties of Hickman, Lawrence, Wayne, Hardin, and McNairy without having to obtain a license, and that he could keep a grocery in the town of Savannah only, without a license, provided he took an oath before a Justice of the Peace in Hardin County that the goods sold would be for his own benefit and no others.
14. Private Acts of 1833, Chapter 73, incorporated Savannah under the Mayor-Aldermen form of government with fifty years succession. The Sheriff of Hardin County would hold an election to select seven Aldermen who would choose one of their number as the Mayor. The powers and duties of most of the elective offices were prescribed in the law.
15. Private Acts of 1833, Chapter 77, provided that John T. Burtwell, of McNairy County, would have preference of entry upon a tract of land of not exceeding 2000 acres in Hardin County in order to build a salt works. Burtwell could request the Surveyor of the Ninth District to lay off and mark this land for him.
16. Private Acts of 1833, Chapter 128, appropriated \$1,000 of the Internal Improvement Fund which was set apart for Hardin County to the building of a courthouse in Savannah and the Internal Improvement Board was directed to pay over that amount to the commissioners of Savannah.
17. Acts of 1841-42, Chapter 156, stated that the clerks, collectors, and other officers of Hardin County, who may be required by law to pay money into the State Treasury, would make returns and settlements with the Comptroller at Jackson, in Madison County, at the same time as officers in the several counties in the Western District were required to make settlements.
18. Acts of 1845-46, Chapter 132, appointed John J. Williams, Jesse B. Gantt, Daniel Smith, Bowen Davy, and James W. Cantrell as Commissioners to meet and employ a surveyor or mathematician to meander the Tennessee River, in Hardin County, on both sides by taking the courses and distances by measurement. They were to create a map of the river on canvas, parchment, or paste board. The work would be reviewed by two other surveyors for certification. The cost of the entire project would not exceed \$500.
19. Acts of 1845-46, Chapter 174, gave the County Court of Hardin County permission to elect at the next April or July term of Court, a competent surveyor for that part of the County lying west of the Tennessee River, who would be under the same rules and regulations, and draw the same fees, as other surveyors in the State.
20. Acts of 1851-52, Chapter 147, ratified and made valid all the acts of the surveyor elected by the County Court of Hardin County under the 1846 act as though that act authorized his reelection.
21. Public Acts of 1895, Chapter 77, ceded jurisdiction over a tract of land lying in Hardin and McNairy Counties to the United States for the purpose of establishing the Shiloh National Military Park pursuant to an Act of Congress in 1894. Formal cession would occur upon acquisition of title by the United States from the owners of the land by payment or decree of court. The State of Tennessee would retain concurrent jurisdiction over the land and roads so that all civil and criminal process issued under the authority of the State could be executed there as if the act had not been passed. The Park would serve as a place where the history of all military organizations engaged in the battle that took place there would be impartially preserved by tablets and monuments and where all the states that had troops there would have equal rights and recognition.
22. Private Acts of 1915, Chapter 92, declared that women, twenty-one years of age or older, were declared eligible for the office of Notary Public in Hardin County.
23. Private Acts of 1925, Chapter 784, allowed the County Court of Hardin County to appropriate out of the general fund a sum not to exceed \$2,500 annually to be used in connection with the State Geological Department in making maps and surveys, and in printing and advertising the natural resources of the County. The Governor would appoint a citizen of the County who, with the County Judge and the State Geologist, would constitute a Committee to supervise the expenditure of funds.
24. Private Acts of 1933, Chapter 669, authorized Hardin County to pay six percent interest on any

unpaid, outstanding warrant, of any nature, whether it be designated as school, road, courthouse, or otherwise, provided that the holder of the said warrant agreed to forbear from bringing suit on it for at least one year. The agreement would be stamped on the back of the warrant and the interest to be paid would not begin until the warrant was stamped and signed. The act also validated a resolution of the County Court to the same effect.

25. Private Acts of 1937, Chapter 330, removed all the disabilities of minority from John Leon Freeman of Savannah, and enabled him to conduct all business in the manner of and with the capacity of an adult.

## 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 Hardin County. They are included herein for reference purposes.

1. Public Acts of 1889, Chapter 95, made it unlawful for any person to take, catch, or destroy fish in Horse Creek in Hardin County by the use of gigs, spike, trap, net, seine, or any other means, except with bait and hook angling, for a period of four years from the passage of the act. It was declared unlawful to hunt, kill, capture, take, or chase, any deer, wild turkey, partridge, quail, grouse, pheasant, woodcock, or snipe, or any songbird, or birds, which feed on insects, between March 15 and September 15 of each year, or to destroy their nests or young. The act fixed the punishment for violations of the act by using dynamite, explosives, or poisons as a maximum of thirty days in the workhouse and set a fine for other violations.
2. Public Acts of 1889, Chapter 171, declared it a misdemeanor for any person to hunt, trap or kill deer for profit, but any person could kill for their own use lawfully from August 1 to January 1 of each year. Quail and partridges were similarly protected. The schedule of fines for violations ranged from \$5.00 to \$25. Constables and Justices of the Peace would enforce the Act. Hardin County was one of sixty-five counties exempted from the provisions of this act.
3. Public Acts of 1891, Chapter 76, repealed Public Acts of 1887, Chapter 143, insofar as it applied to the Thirteenth Civil District of Hardin County. The act was designed to protect fish during the spawning seasons and it applied statewide.
4. Private Acts of 1897, Chapter 240, allowed the residents of the Counties of Hardin, Gibson, Crockett, Tipton, Fayette, Franklin, Grundy, and Marion, to catch fish, except from April 1 to June 1 of each year, in any of the waters of the named Counties and by any means except by poison, dynamite, explosives, and wing net.
5. Public Acts of 1899, Chapter 56, declared it unlawful for any person to take, catch, destroy, or wound fish in any of the waters of Hardin County except by angling with bait, hook and line, or trot line. (The act did not apply to the Tennessee River.) It was declared unlawful to block or obstruct any stream flowing into the Tennessee River by any net, dam, rack or otherwise, within one-half mile of the mouth. Catching minnows for bait was not prohibited.
6. Acts of 1903, Chapter 526, described a lawful fence in Hardin County. If used around any enclosure and made of wire, the act required three strands of wire, nailed to posts not more than sixteen feet apart and set firmly in the ground. The first wire would be 18" from the ground, the second 15" from the first, and the other a like distance, making a four foot fence. If planks were used the posts must be only eight feet apart. The wires or planks could be fastened to growing timbers if the proper distances were maintained.
7. Acts of 1907, Chapter 97, stated that in Hardin County where the lands of two or more persons were in a common enclosure, any person who turned his stock into the enclosure or permitted his stock to trespass upon the enclosed land would be liable in damages. The act further stated that the person damaged must notify the owner of the stock within five days and within three days after notice the owner must redeem the stock by paying all the damages and 25 cents per day per head for their care and keeping. If damages could not then be agreed upon, the Justice of the Peace would appoint three freeholders to assess the damages and would render judgment based on the freeholders' report. The stock could be publicly sold under the rules established in the act and the proceeds distributed as specified. Violators were deemed guilty of a misdemeanor and were subject to a fine of from \$25 to \$100, or they could be sentenced to thirty days in jail, within the discretion of the judge.



8. Private Acts of 1915, Chapter 191, made it unlawful to take, or catch fish in any of the running streams of Hardin County by any means, or device, whatsoever, except baited hook and line and trot line. Those devices were not to be used from March 1 to June 15th of each year. Fish could be taken, however, from the Tennessee River by County residents by any means or device, except by dynamite or poison. Hog and white suckers could be caught by grab hook between June 15 and March 1. Fines for violations ranged from \$25 to \$50 and jail sentences up to 30 days could be imposed.
9. Private Acts of 1915, Chapter 409, amended Private Acts of 1915, Chapter 191, above, by making it unlawful in Hardin County to take or catch fish in the running streams of the County from May 1st to June 15th of each year by any means or device except by baited hook and line or trot line provided that fish could be taken from the Tennessee River by County residents except by the use of poison or dynamite.
10. Private Acts of 1915, Chapter 545, authorized an election to be held in Hardin County upon receipt of a petition signed by 50 citizens from each Civil District in order to ascertain the will of the qualified voters on the question of a permanent fence law for the County. The ballots were to have printed on them "Three-wire fence" or "Stock law". If the majority of the votes were in favor of the "fence", the then current fence law would remain in effect. If the vote was in favor of the "Stock law", the current fence law would be null and void.
11. Private Acts of 1917, Chapter 109, amended Private Acts of 1915, Chapter 409, above, by changing the figures "1913" to "1915" in the caption.
12. Private Acts of 1917, Chapter 353, amended Public Acts of 1915, Chapter 152, by exempting Hardin County from several of its provisions.
13. Private Acts of 1919, Chapter 202, required the Election Commission of Hardin County to open and hold an election within twenty days from the passage of the act to ascertain the will of the people on whether a stock law should be passed by the General Assembly or not. The Commissioners were directed to advise the delegates representing Hardin County in the General Assembly of the results of the election within five days following the election.
14. Private Acts of 1921, Chapter 405, was an act in which several counties, including Hardin County, were exempted from the provisions of Public Acts of 1919, Chapter 61, which was a rather harsh act concerning the keeping of dogs.
15. Private Acts of 1923, Chapter 173, declared it to be unlawful in Hardin County for anyone having the ownership, control or management of horses, mules, donkeys, cattle, sheep, goats, or swine, to allow the them to run at large. Violators were subject to fines of from \$5 to \$50. The act granted a lien for damages caused by the animals and for the taking up and feeding of the stock, which lien could be enforced as other lawful liens.
16. Private Acts of 1923, Chapter 656, postponed the effective date until January 1, 1924, in Civil Districts 1, 2, 3, 4, 5, and 9, of Hardin County of the recently passed Stock law for Hardin County.
17. Private Acts of 1927, Chapter 191, set the open season on the shooting of quail in Hardin County from December 10 to the first day of March following. Fines were from \$10 to \$25 for violations and inquisitorial powers were granted to the Grand Jury.
18. Private Acts of 1927, Chapter 257, declared it lawful for any person to hunt, take, trap, snare, shoot, or kill by any other means, rabbits, or hares, at any and all seasons of the year, but stated it was not intended to authorize one to hunt upon the lands of another without permission. This provision did not apply to Hardin and several other listed counties. A further provision that authorized the transport of rabbits by business or individuals both within and without Tennessee did apply to Hardin County.
19. Private Acts of 1929, Chapter 577, amended Private Acts of 1927, Chapter 191, which regulated the open season on quail in Hardin County, so that the season would end on February 1 instead of March 1.
20. Private Acts of 1929, Chapter 579, declared it to be unlawful in Hardin County for any person, firm, or corporation, to trap, shoot, hunt, or in any way harm raccoons for a period of four years after the passage of the act. Fines for violators were set at an amount from \$5.00 to \$25.
21. Private Acts of 1963, Chapter 136, declared it unlawful for any person or firm to train coon dogs in a certain area of Hardin County except during the 30 days preceding the opening of coon hunting season. This act was repealed by Private Acts of 1993, Chapter 46.

## Chapter III - Bond Issues

### Bond Issues - Historical Notes

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

#### **Courthouse**

1. Acts of 1905, Chapter 312, allowed the Quarterly County Court of Hardin County to issue bonds in an amount up to \$25,000, at an interest rate not to exceed six percent and on a maturity schedule no longer than twenty-five years for the purpose of building a court house in Savannah. A committee of five would be appointed to sell the bonds and to supervise the expenditures. Records were required to be kept and a special tax to be levied to pay for the bonds. The tax would not exceed fifteen cents per \$100 property valuation, and ten cents on each poll.

#### **County Buildings**

1. Private Acts of 1945, Chapter 19, ratified and validated all the proceedings of the Quarterly County Court of Hardin County in connection with the issuance of bonds in the aggregate amount of \$70,000. The County Building Bonds, dated December 1, 1944, carried a two and one-half per cent interest rate. The Quarterly County Court was required to levy a tax sufficient for payment of the bonds.
2. Private Acts of 1957, Chapter 10, allowed the Quarterly County Court of Hardin County to borrow up to \$12,000, and to execute a note or notes to the lender, for the purpose of paying, settling, or compromising claims and debts arising from the construction of a county building at Saltillo. Maturity dates would not go beyond 12 years, nor the interest rate exceed six per cent. The Trustee was required to collect the proceeds and pay them out upon warrant of the County Judge. The act was not presented to the Hardin County Court for ratification and did not become effective.

#### **Debts**

1. Public Acts of 1866-67, Chapter 41, Section 5, authorized the County Court of Hawkins County to issue coupon bonds upon approval by a two-thirds vote of the Court in the amount of the indebtedness of the County. No part of the proceeds of sale could be used to pay a debt which was incurred in aid of the recent rebellion. Section 5 of the act extended the same privileges to Wayne County and Hardin County.
2. Private Acts of 1931, Chapter 248, authorized Hardin County to execute short-term notes in an amount not to exceed \$40,000 and secure the pay back of such notes by assigning to the holder of the notes the obligation owing Hardin County by Caldwell and Company of Nashville. Hardin County had previously deposited funds with that company.
3. Private Acts of 1937, Chapter 132, validated all prior actions had by the Quarterly County Court of Hardin County in connection with the issuance of \$45,000 worth of Funding Bonds, dated January 1, 1937. \$5,000 in bonds would mature in 1938, and \$4,000 worth of bonds would mature annually for the next ten years, all bearing four and one-half percent interest. They were declared to be the incontestable obligations of the County and the Quarterly County Court was required to levy an annual tax for the purpose of creating a sinking fund to pay the principal and interest when due.
4. Private Acts of 1939, Chapter 584, validated and ratified the proceedings of the Hardin County Quarterly County Court with reference to the issuance by the Court of bonds in the amount of \$60,000. The bonds were dated May 1, 1938 and were called Funding Bonds of Hardin County, Tennessee. They carried an interest rate of four and one-half percent per year and the last series matured in 1964. The act required that a tax be levied sufficient to pay for the bonds.

#### **Railroad**

1. Private Acts of 1917, Chapter 84, authorized Hardin County to issue bonds in the sum of \$150,000 so that the County could subscribe to and purchase \$150,000 worth of stock in the Wayne-Hardin Railroad Company. The County could issue the bonds at five percent interest to the Railroad Company directly or, alternatively, the County could issue the bonds at interest not exceeding six percent per year and apply the cash proceeds of sale to the purchase of the stock. The authority was granted the County following a referendum in which the stock purchase was approved by County voters.

#### **Roads**

1. Private Acts of 1917, Chapter 10, validated and confirmed the proceedings of the Hardin County Quarterly Court in connection with the issuance of \$100,000 in road improvement bonds, which were authorized by resolution dated April 13, 1916, and approved by a majority of the voters in an election held for that purpose. The act declared the bonds legal despite the failure of the court to publish a list of roads to be improved, as required by law at that time, and despite any other irregularity which may have occurred in the proceedings.
2. Private Acts of 1925, Chapter 657, validated and approved the issuance of bonds in the amount of \$155,000 bearing interest at five percent per year for the purpose of constructing certain roads in Hardin County in cooperation with the Department of Highways and Public Works.
3. Private Acts of 1929, Chapter 105, ratified and confirmed the proceedings of the Quarterly County Court of Hardin County with respect to the issuance of \$120,000 of Highway Bonds bearing a five per cent interest rate and payable at \$6,000 per year through 1946 despite any non-compliance with statutory provisions. The act required a tax levy to pay principal and interest when due.
4. Private Acts of 1929, Chapter 861, validated the actions of the Quarterly Court in issuing bonds in the amount of \$300,000 for road purposes bearing five per cent interest and maturing in 20 years. These bonds had been previously approved in a referendum by a two-thirds majority vote.
5. Private Acts of 1931, Chapter 247, authorized Hardin County, to issue interest bearing warrants in an amount not in excess of \$24,000. The proceeds from the sale of the warrants were to be used to pay off debts incurred in the construction of roads during the year 1930. The funds from a prior bond issue had been deposited in the Bank of Tennessee, as trustee, and the bank had failed. The warrants were to replace the funds.

### **Schools**

1. Public Acts of 1911, Chapter 60, authorized Tennessee Counties of 190,000 population and under, including Hardin County, to issue school bonds in denominations as high as \$100,000, bearing interest at five percent and maturing no later than twenty-five years after issue date.
2. Private Acts of 1923, Chapter 445, validated and confirmed the action of the Quarterly County Court of Hardin County in passing a resolution ordering the issuance of bonds in the amount of \$35,000 for the purpose of funding the Central High School building. The bonds carried an interest rate of five percent per year and matured within twenty-five years of issue date.
3. Private Acts of 1925, Chapter 59, validated the issuance of Hardin County warrants in the total amount of \$16,000 for the purpose of completing the Central High School Building and equipping and furnishing the building.
4. Private Acts of 1925, Chapter 609, ratified the issuance of bonds by the Quarterly Court of Hardin County for the purpose of funding the construction of the building for Central High School. The voters of the County had approved the bonds in a special election. The issue was in the total amount of \$25,000.
5. Private Acts of 1935, Chapter 718, allowed the County Board of Education in Hardin County to borrow up to \$45,000 at interest of six per cent, or less, to pay off and discharge outstanding school debts. The Board was permitted to pledge as security for repayment of the debt the taxes which were then delinquent. The term of the loan would not exceed nine months.
6. Private Acts of 1939, Chapter 25, validated the issuance of bonds in the amount of \$36,000 and called the Elementary School Building Bonds, which was part of the Public Works program of the U. S. Government. The bonds were dated January 15, 1939, and carried an interest rate of four and one-half per cent or less.
7. Private Acts of 1939, Chapter 40, validated all prior proceedings of the Hardin County Quarterly County Court in relation to the issuance of interest-bearing, general County Warrants in the amount of \$12,000 to build a gymnasium at Savannah's Central High School, and \$4,000 for a gymnasium at Saltillo High School.
8. Private Acts of 1939, Chapter 172, validated the proceedings of the Quarterly County Court in issuing \$36,000 worth of Elementary School Bonds, dated January 15, 1939, and maturing in specified amounts through January 15, 1953, at four and one-half per cent interest. A tax levy was authorized to support the bond issuance.
9. Private Acts of 1939, Chapter 585, directed the County Judge and the County Court Clerk of Hardin County to issue bonds in the amount of \$16,000 at four and three-fourths per cent interest or less, of which \$12,000 would be used for a gymnasium at Savannah and \$4,000 for a gymnasium at Saltillo. The actual form of the bonds and all the essential details were prescribed in the act, and a tax levy was required to pay for the bonds.

10. Private Acts of 1941, Chapter 89, validated and ratified the issuance by Hardin County of \$30,000 worth of school bonds dated October 1, 1940 and bearing interest at the rate of six per cent per year.
11. Private Acts of 1945, Chapter 431, validated and ratified the issuance by the County Court of \$10,000 in school warrants, with interest payable at three per cent per year and with a maturity schedule ending in 1948.

## Chapter IV - Boundaries

### Creation of the County

#### Public Acts of 1819 Chapter 6

**SECTION 1.** That the following described bounds shall be and is hereby made and constituted a new and distinct county by the name of Hardin county, in honor, and to perpetuate the memory of Col. Joseph Hardin deceased; beginning at the south west corner of Wayne county, and running thence north with the west boundary line of said county to the north west corner thereof; then due west to the Mississippi; thence down said river to the southern boundary line of the state; thence east with the south boundary line aforesaid to the beginning.

**SECTION 2.** That for the due administration of Justice, the first court of Pleas and Quarter Sessions, and the Circuit Court, and all subsequent Courts, until otherwise provided for by law, shall be holden at the house of Col. James Hardin, under the same regulations and restrictions, and shall have and exercise the same powers and jurisdictions as are or shall be prescribed for the several counties in this state.

**SECTION 3.** That it shall be the duty of the sheriff of said county of Hardin, to hold an election at the place of holding courts in said county on the first Thursday and Friday in March next; for the purpose of electing a Colonel and two Majors for said county of Hardin, which shall be conducted under the same rules and regulations as are prescribed by law in similar cases; and the militia of said county shall compose the sixty fifth regiment and be attached to the fifth Brigade.

**SECTION 4.** That the election for company officers for the county of Hardin shall be held at such places as the commandant of the militia of said county may think proper to appoint, which said election shall be held on the first Monday in April next, under the same rules, regulations and restrictions as are prescribed in like cases.

**SECTION 5.** That the sheriff of said county of Hardin on the days prescribed by law shall hold an election at the place of holding courts for the purpose of electing a Governor, Members of the state Legislature, members of Congress, and Electors to elect a President and Vice-President of the United States, under the same rules and regulations as prescribed by law.

**SECTION 6.** That it shall and may be lawful for any Justice of the Peace for Hickman or Wayne counties, to attend at the place prescribed by law for holding court in Hardin County at the first court of Pleas and Quarter sessions appointed to be holden for said county for the purpose of administering to the justices of said county the necessary oaths.

**SECTION 7.** That this act shall be in force from and after the passage thereof.

Passed: November 13, 1819.

### Change of Boundary Lines

#### Public Acts of 1821 Chapter 32

**SECTION 8.** That the following described lines shall be the bounds of one other county which may hereafter be established west of Hardin county; beginning at the south west corner of Hardin county; running thence north with the west boundary of the same, twenty seven and a half miles; thence west passing the south east corner of Madison county, to a point three miles west of the first range line in the 9th district; thence south parallel with said range line to the south boundary of the state; thence east on said boundary to the beginning. Which last described bounds shall be attached to, and be a part of, Hardin County, until otherwise provided for by law, and shall enjoy all the privileges, and be subject to all the duties as citizens of Hardin county, with this exception, that no tax shall be laid or collected in said

bounds for the purpose of erecting public buildings for Hardin county.

**COMPILER'S NOTE:** The sections of the act precedent to and subsequent to Section 8 applied to other counties and are not reprinted here.

## Private Acts of 1821 Chapter 135

**SECTION 1.** That the lines of Hardin County shall be as follows, (to wit:) Beginning at the south west corner of Wayne County, thence west with the southern boundary line of this state, to the south west corner of section one in range six in the 9th surveyors district, thence north thirty miles to the north west corner of section 6, in range 6, thence east to the east bank of Tennessee river, thence up with the meanders of said river, to the point where Wayne county leaves said river, thence with Wayne county line to the beginning.

**SECTION 2.** That James Barnes, Robert Shannon, Hiram Boon, John Williams, Alexander Swaney, Tilman Patton and John Kendle, be and they are hereby appointed commissioners to fix on a place within three miles of the center of said county, and as such nearer the center as a suitable situation can be procured, and the said commissioners shall purchase fifty acres of land at the place which they may fix upon as aforesaid, and shall receive a title to the same in fee simple to themselves, and their successors in office and shall lay off the said fifty acres of land into a town to be known by the name of Hardinsville, reserving near the center thereof a public square of two acres, on which the court-house and stocks shall be built, likewise reserving any other lot they may think proper for the purpose of having a jail built thereon for the use of the said county of Hardin.

**SECTION 3.** That the said commissioners shall sell the lots of said town at public sale on a credit of twelve months, giving due notice thereof in one or more of the public newspapers, printed in Columbia or Nashville, and shall take bond with sufficient security from the purchasers of said lots payable to themselves and successors in office for the use of said county, and shall make titles in fee simple to the respective purchasers of said lots.

**SECTION 4.** That the proceeds of the sales of the lots aforesaid, shall be a fund in the hands of the said commissioners for defraying the expenses incurred in the purchase of the tract of land on which the town above mentioned is directed to be laid off, and also for the defraying the expense (sic) of building a court-house, prison and stocks.

**SECTION 5.** That the said commissioners shall superintend the building of said court-house, prison and stocks, and shall let the court-house to the lowest bidder, advertising the same sixty days, in one of the newspapers printed in Columbia, setting forth the dimensions of which it is to consist, and the materials of which it is to be built, and shall take a bond with sufficient securities from the person to whom the said courthouse is let, payable to themselves and successors in office, in the sum of ten thousand dollars, conditioned for the faithful performance of his contract; and if the proceeds of the sales of said lots is not sufficient for the purposes above mentioned, it shall be the duty of the county court of Hardin, to lay a tax not exceeding the amount of the state tax levied in said county to be applied to the objects aforesaid, and to be continued until all arrearages are paid off.

**SECTION 6.** That the said commissioners before they enter upon the duties to their appointment shall give a bond in the sum of five thousand dollars each, payable to the chairman of the county court of Hardin, and his successors in office for the use of said county, conditioned for the faithful performance of the trust reposed in them, and shall likewise take the following oath:

I, A.B. Do solemnly swear (or affirm) that as a commissioner to act for the county of Hardin, I will do equal and impartial justice to the citizens of said county to the best of my skill and ability, SO HELP ME GOD.

And the bond shall be filed in the clerk's office for the county of Hardin, and shall not be so construed as to make any one of said commissioners security for another.

**SECTION 7.** That so soon as said scite (sic) shall have been fixed upon, and purchased by said commissioners, the county court of Hardin county, shall at their discretion adjourn said court and all proceedings therein to said place, and from thence forth the same shall be the seat of justice for said county, and all matter, causes and things then depending in the county and circuit courts of Hardin county, shall be tried and determined in the same manner as if they had **been originally made returnable to that place.**

**SECTION 8.** That a majority of the commissioners by this act appointed shall in all cases be competent to perform the duties by this act assigned them, and if any one neglects or refuses to act, a majority of the justices of said county of Hardin may appoint another in his place, and when the said commissioners shall have performed the duties above enjoined upon them, they shall lay before the county court of

Hardin a full statement of all their proceedings, and the said county court shall make them a reasonable compensation for their services.

**SECTION 9.** That all laws and parts of laws, coming within the purview and meaning of this act, be and the same are hereby repealed, and this act shall take effect and be in force from and after the first day of January next.

Passed: November 1, 1821.

## 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 hereafter 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 State of Tennessee and Mississippi.

Passed: November 9th, 1837.

## Acts of 1849 - 50 Chapter 197

That portion of Hardin County, embraced within the following limits be annexed and attached to Wayne County, (viz:) beginning on the Tennessee River where the lines of Wayne and Hardin county strike said river, running from thence up said Tennessee River with its meanders to the mouth of Masses Creek, thence South to the dividing ridge between said creek and Short creek, thence with said ridge until it strikes the road leading from the old Marion Furnace to the Indian Creek road, thence with said road to the dividing ridge between Hardin's creek and Indian creek, thence east with said ridge to where it strikes the Wayne county line, thence North with said line to the beginning: Provided, however, this transfer of territory does not reduce Hardin county below her constitutional area.

Passed: February 1, 1850.

## Acts of 1855 - 56 Chapter 173

**SECTION 4.** That the lines between the Counties of Hardin and Decatur be changed as follows, to wit:--Beginning at a point where the Counties of Henderson, Hardin, and Decatur join; running from thence with the Hardin County line to Doe Creek; thence, down said creek to the Tennessee River; thence, down said river to the south boundary line of Decatur County;--and all that part of Hardin County, contained within the lines as herein designated, and situated north and west of the Tennessee River, and below Doe Creek, be attached to the County of Decatur; and that all persons living within said bounds, shall be entitled to all the rights and privileges, and subject to all the liabilities, of other citizens of the County of Decatur.

**SECTION 5.** That so much of an act passed February 4, 1852, entitled "An act to change the line between the Counties of Hardin and Decatur," so far as it refers to the Counties of Hardin and Decatur, be, and the same is hereby, repealed.

**COMPILER'S NOTE:** Other sections contained in the act do not apply to Hardin County and are not reprinted here.

## Private Acts of 1911 Chapter 246

**SECTION 1.** That the Judges of Hardin and McNairy Counties shall procure a copy of the original Act establishing the line between said Hardin and McNairy Counties, and shall set a date and designate a point of beginning, and the county surveyors of said Hardin and McNairy Counties shall meet on the dates so fixed by the County Judges aforesaid and at the place designated by them, and to proceed to survey said line according to the bounds given in said original Act, and continue surveying from day to day until they establish said line, and shall make two plats of said line, and cause the same to be recorded in the Registers' office of said Hardin and McNairy Counties, and when so established and recorded shall be and remain the legal line between said counties.

**SECTION 2.** That said Hardin and McNairy Counties shall pay the expenses of said survey, making and recording said plats, each county paying one-half of the expenses out of the county funds of said counties.

**SECTION 3.** That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

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

Passed: March 31, 1911.

## Boundaries - Historical Notes

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

1. Private Acts of 1823, Chapter 137, Page 137, Section 3, provided that the south boundary line between Henderson and Hardin Counties would run as follows: beginning at the southwest corner of Perry County and running thence west to a point due north of the northeast corner of McNairy County; thence south to the south line of Henderson County. The surveyor appointed to run the line between Henderson and Hardin Counties would also run the line between Henderson and McNairy Counties and the respective counties would pay the surveyor a reasonable compensation.
2. Acts of 1851-52, Chapter 367, Page 680, changed the line between Hardin County and Decatur County so that a parcel of land near the Tennessee River was annexed to Decatur County, provided the County Court of Decatur County or the persons living within the parcel of land furnished sufficient funds to the Hardin County Court to hire a surveyor and plot done of Hardin County. The act was later repealed.
3. Private Acts of 1857-58, Chapter 129, Page 324, changed the line between Hardin and Wayne Counties to include in Wayne County the lands of Soloman H. Baker.

4. Public Acts of 1866-67, Chapter 28, Page 49, changed the line between Wayne and Hardin Counties so as to include in Wayne County the house and lands of William H. Brown.
5. Public Acts of 1867-68, Chapter 13, Page 10, changed the line between Wayne and Hardin Counties to include in Hardin County the land of W. H. Brown.
6. Public Acts of 1871, Chapter 33, Page 31, changed the county line between Hardin and Decatur Counties to the extent that all the territory known as "Eagle Nest Island" in the Tennessee River was detached from Hardin County and attached to Decatur County, and the low water mark on the east side of Eagle Nest Island was declared to be the boundary between the two Counties. So much of the land in Decatur County adjoining Hardin County that belonged to William White was detached from Decatur County and attached to Hardin County.
7. Public Acts of 1889, Chapter 61, Page 91, transferred the lands of J. H. Mitchell from McNairy County into Hardin County.
8. Public Acts of 1889, Chapter 143, Page 280, changed the boundary between Hardin and Chester Counties to include within Chester County all the lands of Neil Shelton.
9. Public Acts of 1889, Chapter 253, Page 478, transferred all the lands belonging to W. S. White from McNairy County into Hardin County.
10. Public Acts of 1889, Chapter 255, Page 481, was a House bill identical to Public Acts of 1889, Chapter 143, above, which involved the property of Neil Shelton.
11. Public Acts of 1891, Chapter 151, Page 325, changed the County line between Hardin County and Chester County to include in Chester County all the lands of J. P. Bradley.
12. Public Acts of 1893, Chapter 19, Page 29, repealed Public Acts of 1889, Chapter 61, above.
13. Public Acts of 1893, Chapter 53, Page 71, changed the line between the Counties of Hardin and McNairy to include the residence and premises of W. W. Scott in McNairy County.
14. Public Acts of 1899, Chapter 112, Page 190, repealed Public Acts of 1893, Chapter 53, above.
15. Acts of 1903, Chapter 528, Page 1405, detached all the lands and premises belonging to J. L. McBride from Hardin County and placed them in Henderson County.
16. Private Acts of 1917, Chapter 311, Page 958, changed the line between the Counties of Hardin and Chester to include in Chester County all the farm and lands belonging to Mrs. Pearl Anderson.

## Chapter V - Court System

### Board of Jury Commissioners - Jurors

#### Private Acts of 1953 Chapter 93

**COMPILER'S NOTE:** This Act may be superseded by T.C.A. Section 22-1-102.

**SECTION 1.** That in counties of this State having a population of not less than 15,850, nor more than 16,950, by the Federal Census of 1950, or any subsequent Federal Census, no person shall be required to serve as a regular juror more frequently than once in each two-year period. Any person summoned for jury duty upon the regular duty who has served as a member of such regular duty in said County within two years next preceding his call for service may claim his exemption from such jury service and the same shall be allowed him by the Court to which he is summoned, provided, however, that this shall be a personal privilege of the juror and not challenged for cause unless so made by other statutes.

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

Passed: March 4, 1953.

### General Sessions Court

#### Private Acts of 1955 Chapter 231

**SECTION 1.** That there is hereby created and established a Court in and for Hardin County, Tennessee, which shall be designated "Court of General Sessions for Hardin County, Tennessee."

Court rooms and adequate facilities for said Court shall be provided in the Court House at Savannah; and it shall be the duty of the County Judge of Hardin County to make provisions therefor, and to provide



necessary equipment for the proper maintenance of said Court; and the expenses of same shall be paid out of the General Fund of the County.

**SECTION 2.** That the Court of General Sessions of Hardin County, Tennessee, is hereby vested with all the jurisdiction and shall exercise the authority conferred by the Legislature upon Justices of the Peace in civil and criminal cases, suits and actions, which jurisdiction and authority shall be coextensive with Hardin County, Tennessee; provided, however, nothing in this Act shall be construed to divest the Justices of the Peace of their jurisdiction until this Act becomes effective as hereinafter provided. The authority of said Justices of the Peace in their capacity as members of the Quarterly Court in the performance of the rites of matrimony or in the issuance of criminal and search warrants is in nowise affected by this Act.

**SECTION 3.** That before the commencement of any civil action, the plaintiff shall pay into the hands of the Clerk an amount sufficient to cover the fees for the issuance of the warrant or writ, rendition of the judgement, docketing, and the fees of the officers for serving process. Before the issuance of an execution, or other process, or the performance of any additional service in the case, the plaintiff, or the party seeking the same, shall pay to the Clerk the fees for the issuance and service thereof. Such payment made for Court costs shall be credited at once to the party paying the same; and such costs paid as compensation for the services of the officers shall become payable to them only after the return of the process has been made. When and in the event such costs are collected from the defendant, the plaintiff or the party whom entitled, shall thereupon be refunded the same; provided, however, that any resident of the State may commence an action, who shall take and subscribe to the oath provided for poor persons, under Section 9080 of Williams Tennessee Code.

**SECTION 4.** That said Court be in session daily, except legal holidays, from 8:00 o'clock A.M. until the day's business is transacted and each Saturday from 7 o'clock P.M., until 10 o'clock P.M., for the examination and hearing of persons charged with any criminal offense, the taking and fixing of bail for the appearance of the accused, or ordering their discharge or commitment to jail, as required by law.

**SECTION 5.** That the rules of pleadings and practice, forms of writs and process, stay of and appeals from judgments in civil cases of said Court shall be the same as of Justices of the Peace.

**SECTION 6.** That the Court of General Sessions of Hardin County, Tennessee, is hereby vested with jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before said Court by warrant or information wherein the person charged with such misdemeanor offenses enters a plea of guilty or requests a trial upon the merits, and expressly waives an indictment, presentment and Grand Jury investigation, and a jury trial. In such cases the trial shall proceed before the Judge and without a jury. The final judgment of such Court may be appealed to the Circuit Court of Hardin County, where such appeal shall be tried by a Judge of such Court without a jury, and without indictment or presentment.

**SECTION 7.** That it shall be the mandatory duty of the Judge of the Court of General Sessions when a defendant is brought before such Court upon arraignment or trial, to advise such defendant of his constitutional right to the aid of counsel, the right to be tried only upon presentment or indictment by a Grand Jury, the right to make a statement in reference to the accusation or the right to waive such statement, and the right to a trial by jury. Upon the defendant agreeing in writing to waive the right to be put to trial only by presentment or indictment by a Grand Jury and the right to be tried by a jury of his peers, such Court may proceed to hear and determine said case as is provided in Section 6 hereof.

Said waiver shall be written or attached to the warrant substantially in words and figures as follows:

The defendant \_\_\_\_\_ pleads \_\_\_\_\_ guilty to the offense of \_\_\_\_\_ and waives his right to be tried only by indictment or presentment preferred by a Grand Jury, and likewise waives trial by a jury of his peers.

**SECTION 8.** That the Court of General Sessions of Hardin County, Tennessee, and the Judge thereof is hereby vested with jurisdiction concurrent with the County Judge of Hardin County, Tennessee, to try and determine, and render final judgment in all cases and actions involving juvenile matters and all suits and proceedings involving nonsupport and the desertion of abandonment of wives and minors which may be brought before said Court or which may be transferred thereto by the County Judge of Hardin County and which jurisdiction and procedure therein shall be as now provided by the general laws for the Juvenile Court and County Judge of said County relative to such matters.

The Judge of said County shall have concurrent jurisdiction with the Circuit Judges and Chancellors of the State to grant fiats for the issuance of injunctions, attachments, replevins and other extraordinary process in the same manner as provided by the general law for said Judges and Chancellors.

The Judge of said Court shall have jurisdiction, power and authority to issue and hear writs of habeas corpus in the same manner as provided for Circuit Judges and Chancellors by the general law.

**SECTION 9.** That all appeal bonds in civil cases, all bail bonds, recognizance bonds and appearance bonds of persons charged with criminal offenses for their appearance for arraignment or trial in said Court of General Sessions shall be taken by the Clerk of said Court. This provision shall in nowise abridge the authority of the Sheriff to take bonds as now provided by law.

**SECTION 10.** That in all matters the costs and fees of said Court of General Sessions shall be the same as those provided by law for Justices of the Peace.

The fees and other compensation of the Sheriff, his deputies, constables, Game Wardens and State Highway Patrolmen for the execution of writs and process of said Court and for attendance and mileage of witnesses shall be the same in said Court as those provided by law for the Court of Justices of the Peace.

All costs, fees, and mileage of witnesses, the fees, commissions and emoluments of the Sheriff, his deputies, constables, State Highway Patrolmen, Game Wardens and other officers, for services to said Court, and the fines and forfeitures adjudged by it shall be handled, accounted for and disbursed as required by law.

**SECTION 11.** That separate dockets shall be kept by the Clerk, under the direction of the Court for civil and criminal cases.

Upon the civil docket shall be entered the style of each case, the date of issuance of the warrant or process, and the return of the process, in brief form, action of the Court on the case, both interlocutory and final orders, judgments, executions, garnishments, lists of the fees of the Court, the Sheriff, his deputies, constables, Game Wardens, and State Highway Patrolmen for their services, fees of witnesses for attendance, et cetera, and credits for payments upon the judgment and upon the costs. All cases shall be indexed and the dockets shall be substantially in the form of those of Justices of the Peace.

The criminal docket shall be kept in like manner.

The Judge of the Court of General Session shall have the power to an may adopt such rules as may be necessary to expedite the trial and disposal of cases.

**SECTION 12.** That there shall be a Judge for said Court, with all qualifications and the same term of office as provided by the Constitution of the State of Tennessee for inferior courts and the oath shall be the same as that prescribed for Circuit Judges and Chancellors.

**SECTION 13.** That the compensation of said Judge shall be (\$2,400.00) Twenty-four Hundred Dollars per annum, payable in equal monthly installments. It shall be paid out of the general fund of the County, and said salary shall not be diminished during the time for which said Judge is elected. Said Judge shall be permitted to practice law in all courts of the State except as to matters originating in the Court of General Sessions created by this Act.

**SECTION 14.** That the first Judge of said Court shall be John Caldwell, said Judge to hold office until the first day of September, 1956, or until his successor in office is elected and qualified. There shall be elected by the qualified voters of Hardin County, Tennessee, at the general election of County officers to be held on the first Thursday of August, 1956, a Judge for said Court and the person elected as Judge of said Court at said election to hold until the first day of September, 1958, or until his successor is elected and qualified. His successor shall be elected by the qualified voters of Hardin County, Tennessee, at the election of County officers of the first Thursday of August, 1958, and hold for a period of eight (8) years as provided by the Constitution of the State of Tennessee and his successor shall be elected every eight (8) years thereafter by the qualified voters of said County.

**SECTION 15.** That if the Judge of said Court fails to attend, cannot preside in a pending cause, or for any reason fails to hold court, a majority of the attorneys present in such Court may elect one of their number, who has the qualifications of such a Judge, and when elected shall have the same authority as a regular Judge to hold the Court for the occasion, and the County Judge or Circuit Judge or Chancellor shall preside by interchange.

**SECTION 16.** That for the more efficient conduct of said Court there is hereby created the office of the Clerk of the General Sessions Court and Ralph Covey shall serve as Clerk of said Court until September 1, 1956, or until his successor is elected and qualified. At the regular election of County officers on the first Thursday of August, 1956, his successor shall be elected by the qualified voters of Hardin County, Tennessee, to serve until the first day of September 1958, at which time the duties of the Clerk of the Court of General Sessions shall be performed by the Circuit Court Clerk of Hardin County, Tennessee, and said Circuit Court Clerk after September 1, 1958, shall act as Clerk of said Court of General Sessions, and when acting as Clerk of said Court of General Sessions he shall be designated as "Clerk of Court of General Sessions of Hardin County, Tennessee". Said Circuit Court Clerk is hereby authorized and directed to perform the duties of Clerk of said Court of General Sessions and shall receive compensation therefor as provided by general law. The compensation of the Clerk of said Court of General Sessions

until September 1, 1958, shall be the sum of (\$2,400.00) Twenty-four Hundred Dollars per annum payable in equal monthly installments out of the general fund of said County and the County Judge of Hardin County, Tennessee, shall issue warrants drawn upon the trustee for the payment of said salary as provided herein.

In the case of a vacancy in the office of said Clerk before September, 1958, said vacancy shall be filled by appointment by the Judge of the Court of General Sessions of Hardin County, Tennessee, and his appointee shall hold until the next regular election of County officers at which time the qualified voters of said County shall elect some person qualified as provided by law to fill the remainder of the unexpired term.

All fees, commissions and emoluments accruing under the provisions of this Act to the Judge and Clerk respectively of said Court of General Sessions in the nature of Court costs shall be paid monthly to the County Trustee of Hardin County, Tennessee, and shall be deposited by said trustee in the general funds of said County. The Clerk shall make out and file with the County trustee and the County Judge a report of all fees, commissions, emoluments, fines, and forfeitures accruing and collected in said Court, and retain a copy thereof as a permanent record of his office.

The Clerk of said Court shall have concurrent authority with the Judge to issue warrants and other process and writs other than those required by law to be issued only by a judicial officer.

It shall be the express duty of the Clerk of said Court to keep and write all dockets and docket entries and minutes required by this Act and promptly make any and all entries necessitated by this Statute. In case of the failure or dereliction of the Clerk to do so he shall be subject to ouster in the manner provided by law. It shall likewise be the duty of said Clerk to make and file with the County Court Clerk for transmittal to each quarterly term of the County Court a complete detailed financial report of all receipts and disbursements of said fees of said Court of General Sessions for the previous quarter.

The Clerk of the Court of General Sessions of Hardin County, Tennessee, shall make a good and solvent bond in the penal sum of (\$5,000.00) Five Thousand Dollars for the faithful performance of his duties as such Clerk and for the payment as provided by law of all funds coming in his hands as such Clerk. Said bond shall be conditioned as all other official bonds of Clerks of Courts of Record as provided by general law. No person shall enter upon the duties of office as such Clerk until he has qualified by taking an oath in the manner as required of Clerks of Courts of Record and by executing the bond as herein required and recording and filing the same as provided by the general law. In the event the bond is executed by corporate surety the premiums thereof shall be paid in the manner as provided by general law and said bond shall be approved by the County Judge of Hardin County, Tennessee.

**SECTION 17.** That the Sheriff of said County or any Deputy Sheriff or Constable thereof, shall serve legal processes, writs and papers issued by said Court with the same authority as provided by law.

**SECTION 18.** That this Act shall in nowise impair the right, title or interest of any Justices of the Peace of Hardin County to any unpaid fees, or funds in which he has a right or interest in any proceedings, judgment or suit, whether said cause is disposed of or pending when this Act becomes effective.

**SECTION 19.** That all the official dockets, records, and papers in cases that are undisposed of or pending in the offices of Justices of the Peace of said County at the time of the qualification and induction into office of the first Judge of the Court of General Sessions shall be delivered to the Court of General Sessions. The official dockets, records and papers in possession of Justices of the Peace of said County in cases which have been completed shall be turned over to Hardin County, as provided by law.

**SECTION 20.** That said Court shall have authority to hear and determine all undisposed cases arising in the Court of Justice of the Peace of Hardin County as if such cases had originated in said Court of General Sessions.

**SECTION 21.** That in the event a permanent vacancy in the office of Judge occurs, that vacancy shall be filled by appointment by the Governor of Tennessee and the person so appointed and qualified shall serve until the next general election and until the successor of such Judge is elected and qualified.

**SECTION 22.** That the Legislature expressly declares that each section, subsection, paragraph and provision of this Act is severable, and that should any portion of this Act be held unconstitutional or invalid, the same shall not affect the remainder of this Act, but such unconstitutional or invalid portion shall be elided, and the Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

**SECTION 23.** That all laws and parts of laws in conflict with this Act which apply to Hardin County, Tennessee, be and the same are hereby repealed.

**SECTION 24.** That this Act shall have no effect unless the same shall have been approved by a two-thirds (2/3) vote of the Quarterly County Court of Hardin County on or before the next regular

meeting of such Quarterly County Court occurring more than thirty (30) days after its approval by the Chief Executive of this State. Its approval or nonapproval 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 25.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 10, 1955.

## Private Acts of 1967 - 68 Chapter 410

**SECTION 1.** The Judge of the Court of General Sessions of Hardin County, Tennessee, shall have concurrent jurisdiction with Circuit and Chancery Courts of this State in the trial and determination of suits for divorce, and for this purpose is vested with all jurisdiction and powers possessed by the Courts.

**SECTION 2.** The Court of General Sessions shall keep a special docket and complete record and shall be a Court of record with respect to all proceedings held under the authority herein conferred.

**SECTION 3.** All process issued under the jurisdiction conferred by this Act shall be returnable to the first Monday coming five (5) days after the service of such process, unless otherwise ordered by the Court.

**SECTION 4.** The Judge of the Court of General Sessions for the performance of these extra duties shall receive the additional sum of four thousand eight hundred dollars (\$4,800.00) per annum, payable in equal monthly installments out of the general fund of the County.

The compensation set out herein shall be the base salary and shall be adjusted September 1, 1977 to reflect the percentage change in the average consumer price index between that figure for the calendar year 1976 and calendar year 1975. Each succeeding September 1 a similar adjustment shall be made based on the percentage of change in the average consumer price index between the two calendar years preceding September 1 of the year in which the adjustment is made. The consumer price index referred to in this section shall mean the consumer price index (all items - United States city average) as published by the United States Department of Labor, Bureau of Labor Statistics.

As amended by:

Private Acts of 1973, Chapter 108

Private Acts of 1977, Chapter 73,

**SECTION 5.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Hardin County at or before the next regular meeting of the Court occurring more than thirty (30) days after its approval by the Governor. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

**SECTION 6.** For the purpose of approving or rejecting the provisions of this Act, as provided in Section 5, it shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 5.

Passed: March 18, 1968.

## Court System - Historical Notes

### **Board of Jury Commissioners - Jurors**

The following acts once affected jurors or boards of jury commissioners in Hardin County, but are no longer operative.

1. Acts of 1907, Chapter 365, created a three-member Board of Jury Commissioners for Hardin County to be appointed by the Judges of the Circuit Court. The members would be of good moral character and would have no suit or interest in a suit pending in the courts. The Board would then compile a list of thirty-seven jurors, or more if the order specified it. The jurors' names would be entered in a proper book, a list made up, certified by the Board, and presented to the Judge. This list would be kept secret. All who refused to serve as jurors were subject to a fine. Board members would be paid \$2.00 per day. Provisions were made for extra or special panels to be summoned and the Judge could at any time order additional names to be put on the list. The jurors would compose the grand and petit juries of the County during the term of Court during which they were named.
2. Private Acts of 1911, Chapter 115, required the Circuit Court Judge to appoint a three-member Board of Jury Commissioners to select thirty-seven or more jurors for each term of Court. The act provided for the keeping of a jury list to be held in secret except for the judges and commissioners. Penalties were set for violation of the act. Qualifications of the jurors were prescribed.
3. Private Acts of 1913 (1st Ex. Sess.), Chapter 38, provided that in Hardin County any person in

attendance in the Courts as a regularly summoned juror, who was excused or did not actually serve as such juror, would be entitled to receive compensation for one day as provided by law for the payment of jurors.

4. Private Acts of 1923, Chapter 343, amended Public Acts of 1919, Chapter 37, by exempting Hardin County from the provisions of the public law which authorized the Criminal Court Judge, or the Judge of the Circuit Court having criminal jurisdiction, to appoint foremen of the grand juries of the counties and which also established the per diem rate of compensation for the appointed foremen.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Hardin 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 1822, Chapter 13, stated that the Chancery Courts of Tennessee would be held at least once each year by one of the Judges of the Supreme Court of Errors and Appeals at the then present places of holding the Supreme Court. The Equity Courts would be held at Rogersville on the first Monday in November; at Knoxville on the third Monday of November; at Charlotte on the fourth Monday in December; at Sparta on the second Monday in December; at Nashville on the fourth Monday in January; and at Columbia on the second Monday in January. Each term would continue for two weeks unless the docket was completed sooner.
2. 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 Carthage. The Court would be held for the Counties of Maury, Bedford, Lincoln, Giles, Wayne, Lawrence, and Hardin on the first Monday in March and September in Columbia.
3. Public Acts of 1827, Chapter 79, divided Tennessee into two Chancery Divisions, the Eastern and Western. The Western Division was composed of the courts which met at Franklin, Columbia, Charlotte, Jackson, and Paris.
4. 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 same Counties would constitute a Chancery Division, the Court for which would meet at Bolivar in Hardeman County on the first Monday in May and November. A Clerk and Master would be appointed and would be paid as other Clerks and Masters in the State.
5. Public Acts of 1831, Chapter 57, provided that a Chancery Court would be organized in the Western Division and would meet in the town of Pulaski for the Counties of Giles, Lincoln, Lawrence, Wayne, and Hardin. Court terms would begin on the second Monday in April and October and continue until the docket was completed.
6. 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. Wayne and Hardin Counties were placed in the Tenth District of the Division, the Court for which would be held on the second Monday in March and September in Savannah.
7. Public Acts of 1835-36, Chapter 20, Section 8, stated that the Chancellor of the Western Division would hold the Chancery Courts at Savannah, Charlotte, and Clarksville unless a different arrangement was made and that he would also appoint the Clerk and Master for each of these.
8. Acts of 1841-42, Chapter 83, changed the starting dates for the terms of the Chancery Court at Savannah to the first Monday in March and September and directed that all reports, process, and proceedings would be returnable on the new dates.
9. Acts of 1845-46, Chapter 124, changed the schedule for opening the Chancery Courts in several of the counties. The act provided that the Chancery Court at Savannah would be held on the fourth Monday in February and the first Monday in September, except that the next term would be on March 1.
10. Acts of 1847-48, Chapter 181, established a Chancery Court at Waynesborough in Wayne County for Lawrence, Hardin, and Lewis Counties. The citizens of those Counties could file their Bills in Equity in the said Court, or at Lawrenceburg or Savannah. The Waynesborough Court was assigned to the State's Middle Division and would meet on the third Monday in June and December.

11. Acts of 1851-52, Chapter 105, changed the starting dates for the Chancery Court terms in Wayne and Hardin Counties. In Hardin County the Court would open on the fourth Monday in March and September of each year.
12. Acts of 1853-54, Chapter 54, created the Sixth Chancery Division containing the Counties of Carroll, Benton, Humphreys, Dickson, Hickman, Perry, Decatur, Henderson, McNairy, Hardin, Wayne, and Lawrence.
13. Acts of 1855-56, Chapter 112, changed the schedule for holding the Chancery Courts of the Sixth Chancery Division which still contained the same counties. The Courts in Hardin County would begin on the Thursday after the third Monday in February and August.
14. Public Acts of 1857-58, Chapter 88, divided the State into the Eastern, Middle, Western, Fourth, Fifth, and Sixth Chancery Divisions. Hardin County was in the Sixth Division with Carroll, Henderson, McNairy, Wayne, Lawrence, Hickman, Dickson, Humphreys, Benton, Decatur, and Perry Counties. Chancery Court terms at Savannah would begin on Thursday after the third Monday in February and August.
15. Public Acts of 1866-67, Chapter 4, changed the court schedule in the Fifth Chancery Division which was composed of the Counties of Hardin, Hickman, Dickson, Humphreys, Henderson, McNairy, Wayne, Lawrence, Decatur, and Perry. The terms of Court in Hardin County would begin at Savannah on the third Monday in April and October.
16. Public Acts of 1869-70 (2nd Sess.), Chapter 32, divided Tennessee into twelve Chancery Districts. The Ninth District was composed of the Counties of Benton, Hickman, Henderson, McNairy, Lawrence, Dickson, Humphreys, Decatur, Lewis, Perry, Wayne, and Hardin.
17. Public Acts of 1869-70 (2nd Sess.), Chapter 47, scheduled the starting dates for the Chancery Courts for every county in the State. Hardin County would begin Chancery Court terms on the third Monday in March and September.
18. Public Acts of 1870-71, Chapter 10, rescheduled all the Chancery Court terms in the Ninth Chancery Division. Hardin County would begin Court on the second Monday in March and September at Savannah.
19. Public Acts of 1873, Chapter 5, changed the schedule for the opening of Chancery Court terms in the counties of the Ninth Chancery Division. Hardin County's Chancery Court would begin its terms on the second Monday in April and October.
20. Public Acts of 1879, Chapter 88, set forth the times for beginning terms for the Chancery Courts of several counties in the Ninth Chancery Division. Hardin County's terms of Court were fixed as the second Monday in April and October.
21. Public Acts of 1881, Chapter 162, fixed the schedule for the terms of the Chancery Courts in the Ninth Chancery Division, changing Hardin County Court terms to the third Monday in April and October.
22. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the entire lower judicial structure of the State into eleven Chancery Divisions. The Seventh Chancery Division consisted of the Counties of Maury, Giles, Lawrence, Lewis, Wayne, Hickman, Hardin, Perry, Decatur, Dickson, and Benton. Chancery Court would start in Hardin County on the third Monday in April and October. This act was the basis of litigation in the case of Flynn v. State, 203 Tenn. 337, 313 S.W.2d 248 (1958).
23. Public Acts of 1887, Chapter 5, set terms for the Chancery Courts of the counties in the Seventh Chancery Division, scheduling the fourth Monday in May and November as the days for beginning the Chancery Court terms in Savannah.
24. Public Acts of 1899, Chapter 427, created ten Chancery Divisions for the State of Tennessee, allocating Decatur, Hardin, Chester, Benton, McNairy, Crockett, Henderson, Carroll, Henry, Madison, and Perry Counties to the Eighth Chancery Division. The Chancery Court would begin at the Savannah on the second Monday in January and July.
25. Acts of 1903, Chapter 36, rescheduled the Chancery Court terms in the Eighth Chancery Division. Hardin County would begin Chancery Court on the fourth Monday in April and October.
26. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, reorganized the entire lower judicial system of the State. The act created fourteen Chancery Divisions. The Eighth Division was made up of the Counties of Carroll, Henry, McNairy, Crockett, Hardeman, Henderson, Decatur, Benton, Chester, and Hardin County. Hardin County would begin Chancery Court on the fourth Monday in April and October.
27. Public Acts of 1939, Chapter 71, created the office of Stenographer in the Eighth Chancery Division. The salary was fixed at \$720 per year, payable from the treasury of the State. The

stenographer was to be appointed by the Chancellor.

28. Public Acts of 1973, Chapter 356, transferred Hardin County from the Eighth Chancery Division to the Ninth Chancery Division.
29. 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.
30. 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. Hardin County was in Part I and the Court term would begin on the fourth Monday in April and October.

### **Chancery Court Clerk and Master**

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

1. Private Acts of 1917, Chapter 313, stated that women over the age of twenty-one years who resided in Hardin County were eligible to serve as deputies in the office of the Clerk and Master of Hardin County, with all the privileges, powers, duties, and obligations of other deputy Clerks and Masters.
2. Private Acts of 1919, Chapter 349, fixed the salary of the Clerk and Master in Counties with a population of not less than 17,530 persons and not more than 17,530 persons in the census of 1910 or any subsequent census. The act was intended to apply to Hardin County, however, the County's population in 1910 was 17,521.
3. Private Acts of 1929, Chapter 588, stated that the Clerk and Master of Hardin County would receive a salary of \$1,200 a year, payable quarterly on the first day of January, April, July, and October. The salary would be in addition to all the fees collected in his office in the exercise of his duties.
4. Private Acts of 1939, Chapter 329, authorized the Clerk and Master in Hardin County to employ clerical assistance by and with the approval of the County Court at a salary not to exceed \$900 per year, which would be payable out of the regular funds of the County.

### **Circuit Court**

The following acts were once applicable to the circuit court of 24th County but now have no effect, having been repealed, superseded, or having failed to win local approval.

1. Private Acts of 1819, Chapter 134, placed newly created Hardin County in the Fifth Judicial Circuit with the Counties of Montgomery, Dickson, Hickman, Humphreys, Robertson, Wayne, and Perry, and scheduled the terms of Circuit Court to begin on the second Monday in May and November in Hardin County.
2. Public Acts of 1821, Chapter 42, created the Eighth Judicial Circuit and assigned to it the Counties of Henry, Carroll, Henderson, Madison, Shelby, Wayne, Hardin, and Perry. The General Assembly would elect a qualified person to be the Judge and the Court would possess the same powers and jurisdiction as other circuit courts.
3. Public Acts of 1821, Chapter 52, ratified all the acts and decisions made by the Hon. Perry W. Humphreys, Judge, while holding the Circuit Court in Hardin County giving such decisions the same validity they had before the Eighth Judicial Circuit was created.
4. Public Acts of 1821, Chapter 65, directed that all appeals from the Courts of the newly created Eighth Judicial Circuit were to be made to the Supreme Court of Errors and Appeals for the Sixth Circuit at Columbia.
5. Public Acts of 1823, Chapter 41, fixed the schedule of Circuit Court terms in the Eighth Judicial Circuit, changing Hardin County to begin Court on the second Monday in May and November.
6. Private Acts of 1824, Chapter 102, changed court terms for some of the counties in the Eighth and Ninth Judicial Circuits, but Hardin County's schedule remained on the second Monday in May and November.
7. Public Acts of 1829, Chapter 52, created the Tenth Judicial Circuit composed of the Counties of Wayne, Hardin, McNairy, Hardeman, Fayette, and Shelby. The Judge for the Circuit would be selected by a joint ballot of both Houses of the General Assembly.
8. Public Acts of 1829, Chapter 104, Section 8, declared it lawful for the appellant or appellants from any of the Courts of Wayne, Hardin, and Perry Counties to take an appeal to the Supreme Court at Huntingdon, Reynoldsburgh, or Nashville, as they might elect.

9. Public Acts of 1835-36, Chapter 5, organized the system of lower courts in Tennessee into eleven Judicial Circuits. The Eleventh Circuit was made up of the Counties of Shelby, Fayette, Hardeman, McNairy, Hardin, and Wayne. The act was enacted immediately after the adoption of the new Constitution and provided for three terms of the Circuit Court in each year in each county. In Hardin County the term of court would begin on the fourth Monday of February, June, and October.
10. Acts of 1837-38, Chapter 3, Section 5, divided Tennessee into fourteen Judicial Circuits. The Fourteenth Circuit contained the Counties of Lawrence, Wayne, Hardin, Perry, Carroll, and Benton. The Circuit Court terms in Hardin County would begin on the fourth Monday in March, July, and November.
11. Acts of 1837-38, Chapter 116, fixed the dates for Circuit Court terms for several counties in the Fourteenth Judicial Circuit but did not change the Court terms in Hardin County.
12. Acts of 1839-40, Chapter 140, changed the opening dates of the terms of the Circuit Court in Carroll, Benton, Wayne, Perry, Lawrence, and Hardin Counties. Hardin would open its Circuit Courts on the fourth Monday of January, May, and September.
13. Acts of 1849-50, Chapter 70, scheduled the terms for the Circuit Courts in the Fourteenth Judicial Circuit which contained the Counties of Perry, Wayne, Lawrence, Decatur, McNairy, and Hardin. The third Monday in March, July, and November was set as the date for beginning Court in Hardin County.
14. Public Acts of 1857-58, Chapter 31, rescheduled the opening dates for the Circuit Courts of Hardin County to the fourth, instead of the third, Monday in March, July, and November.
15. Public Acts of 1857-58, Chapter 98, reorganized the system of lower courts in the State into sixteen Judicial Circuits. The twelfth Circuit contained the Counties of Wayne, Lawrence, Hickman, Perry, Decatur, McNairy, and Hardin. Court terms in Hardin County would start on the fourth Monday in March, July, and November.
16. Public Acts of 1865, Chapter 37, reorganized the Twelfth Judicial Circuit composed of Wayne, Hickman, Perry, Decatur, Henderson, McNairy, and Hardin Counties. Terms of court would begin in Hardin County on the third Monday in March, June, and September at Savannah.
17. Public Acts of 1865-66, Chapter 14, changed the schedule of the Circuit Court terms in the Twelfth Judicial Circuit. Courts would commence in Savannah in Hardin County on the second Monday in March, July, and November.
18. Public Acts of 1866-67, Chapter 40, rescheduled the opening of the terms of the Circuit Courts in the Twelfth Judicial Circuit. In Hardin County the Court would open on the first Monday in March, July, and November.
19. Public Acts of 1867-68, Chapter 8, assigned dates for opening the terms of the Circuit Court in the Twelfth Judicial Circuit but did not change the dates for Hardin County.
20. Public Acts of 1869-70 (2nd Sess.), Chapter 31, reorganized the lower courts in Tennessee into fifteen regular and one special judicial circuits. The Eleventh Judicial Circuit contained the Counties of Hardin, Wayne, Lewis, Hickman, Perry, Decatur, Henderson, and McNairy.
21. Public Acts of 1869-70 (2nd Sess.), Chapter 46, set the opening dates for the terms of the Circuit Courts of every county in the State. The Hardin County Circuit Court would begin its terms on the first Monday in January, May and September.
22. Public Acts of 1871, Chapter 17, rescheduled the opening dates of the Circuit Courts in the Eleventh Judicial Circuit. Hardin County would begin the terms of its Circuit Court on the first Monday in March, July, and November.
23. Public Acts of 1871, Chapter 70, rearranged the starting dates for the terms of the Circuit Court in the Eleventh Judicial Circuit. In Savannah, Hardin County, the Court would begin on the second Monday in January, May, and September.
24. Public Acts of 1875, Chapter 18, changed the dates of the Circuit Court terms in all the counties of the 11th Judicial Circuit. Hardin County would start on the first Monday in January, May, and September.
25. Public Acts of 1881, Chapter 83, set court dates for the Circuit Courts in the Eleventh Judicial Circuit. Hardin County Circuit Court was scheduled to open its terms on the third Monday in January, May, and September.
26. Public Acts of 1881 (Ex. Sess.), Chapter 2, changed the opening dates of the terms of the Courts in the Eleventh Judicial Circuit. Hardin County's scheduled remained on the third Monday in



January, May, and September.

27. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the entire lower court system in Tennessee. Fourteen regular and one special judicial circuits were created. Maury, Giles, Lawrence, Wayne, Hardin, Lewis, and Hickman Counties were assigned to the Ninth Circuit. Court terms would begin in Hardin County on the second Monday in February, June, and October.
28. Public Acts of 1887, Chapter 54, fixed the dates for the Circuit Court terms in the Ninth Judicial Circuit. Courts would commence at Savannah in Hardin County on the first Monday in March, July, and November.
29. Private Acts of 1897, Chapter 322, rescheduled the Circuit Court terms in the Ninth Judicial Circuit, containing the Counties of Wayne, Lawrence, Giles, Lewis, Maury, and Hardin. The court terms in Hardin County would begin on the second Monday in March and December and the first Monday in September.
30. Public Acts of 1899, Chapter 409, Section 12, set forth the dates for the Circuit Court terms in the Ninth Circuit to which Williamson County had been added. The terms in Hardin County started on the second Monday in February, June, and October.
31. Public Acts of 1899, Chapter 427, reorganized all of the lower courts in Tennessee into fourteen judicial circuits, and established Court terms for each county. The Twelfth Judicial Circuit consisted of the Counties of Hardeman, McNairy, Chester, Henderson, Decatur, Madison, and Hardin. The Court would open on the fourth Monday in January, May, and September in Hardin County.
32. Acts of 1901, Chapter 382, declared that the Ninth Judicial Circuit would contain the Counties of Lawrence, Giles, Lewis, Maury, Wayne, and Hardin Counties. Terms of court in Hardin County would begin on the third Monday in March, the first Monday in September, and the second Monday in December.
33. Acts of 1905, Chapter 192, scheduled the dates for terms of court in the counties in the Twelfth Judicial Circuit. Court in Hardin County would begin on the first Tuesday after the third Monday in March, July, and November.
34. Acts of 1907, Chapter 338, rescheduled the court terms for the Twelfth Judicial Circuit. Court would begin in Hardin County on the first Tuesday after the second Monday in April, the first Tuesday after the second Monday in July, and the first Tuesday after the third Monday in November.
35. Public Acts of 1915, Chapter 168, changed the time for holding the terms of the Circuit Court in Hardin County to the second Monday in April and July and the third Monday in November.
36. Private Acts of 1931, Chapter 388, changed the times for beginning terms of the Circuit Court in Hardin County to the second Monday in March and the third Monday in July and November. All process would be made to conform to those changes in dates, and no civil or criminal suit would be abated, discontinued, released, or discharged because of the change in court terms.
37. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, formed twenty judicial circuits for the State of Tennessee, establishing court terms for every county in the State. The Twelfth Judicial Circuit was composed of the Counties of Madison (for criminal jurisdiction only), Chester, Henderson, Decatur, and Hardin. The Circuit Court term in Hardin County would begin on the second Monday in March, and the third Monday in July and November.
38. Private Acts of 1939, Chapter 326, amended Private Acts of 1931, Chapter 388, above, so that the March term of the Hardin County Circuit Court would begin on the third Monday instead of the second Monday.

### **Circuit Court Clerk**

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

1. Acts of 1903, Chapter 255, set the Hardin County Circuit Court Clerk's salary at \$750 a year. The Clerk was required to file a sworn, itemized statement in January of each year with the County Judge or Chairman, showing all the fees collected by his office. If the fees failed to equal the salary, the County would pay the difference, but if they exceeded the salary, the Clerk could retain the excess as his own.
2. Acts of 1907, Chapter 475, set the salary of the Circuit Court Clerk of Hardin County at \$1,000 per year. An itemized, sworn statement was to be filed in January of each year with the County Judge or Chairman, showing the total amount of fees collected by the office. If the fees were less

than the salary, the County would make up the difference, but if they exceeded the salary, the Clerk could retain the excess.

3. Private Acts of 1919, Chapter 149, amended Private Acts of 1907, Chapter 475, above, by requiring that the sworn, itemized statement of the fees collected by the Clerk would be filed in January, April, July and October, instead of annually.
4. Private Acts of 1923, Chapter 258, amended Acts of 1907, Chapter 475, above, by increasing the salary of the Circuit Court Clerk from \$1,000 to \$1,200 annually. Acts of 1907, Chapter 475, and Private Acts of 1923, Chapter 258, were declared unconstitutional in Harbert v. Mabry, 166 Tenn. 290, 61 S.W.2d 652 (1933).
5. Private Acts of 1939, Chapter 308, set the salary of the Circuit Court Clerk of Hardin County at \$900 per year and payable at \$75 per month, provided the Clerk would first receive the fees of his office, and should they not equal the salary, the County will supply the difference.

#### **District Attorney General Assistants and Criminal Investigators**

The following acts once affecting Hardin County are no longer in effect but are listed here for historical purposes.

1. Private Acts of 1819, Chapter 154, Section 4, created the Twelfth Solicitorial District of the State composed of the Counties of Hardin, Wayne, Hickman, and Perry. The Solicitor General for the new District would be selected by a joint ballot of both houses of the General Assembly.
2. Public Acts of 1967, Chapter 65, created the office of Assistant District Attorney General for the Twenty-second Judicial District. The District Attorney General would appoint the official who would be of the age of twenty-one years and admitted to practice in Tennessee. The duties of the office were to be determined by the District Attorney General.
3. Public Acts of 1976, Chapter 560, created an additional office of Assistant District Attorney General for the Twenty-second Judicial Circuit. The District Attorney General would appoint the official and determine the duties of the office.

#### **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 to the Chancellor of 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 Chancellor.

## Chapter VI - Education/Schools

### Board of Education

#### Private Acts of 1939 Chapter 137

**SECTION 1.** That in all counties in Tennessee having a population of not less than 16,200 nor more than 16,230, according to the Federal Census of 1930, or any subsequent Federal Census, the administration, management, government, supervision, control and conduct of the public school affairs, and all powers and duties pertaining to, connected with, or in any manner necessary and/or incident to the proper conduct and control of the public school affairs, both elementary and high school, in such counties, the employment of teachers and labor, the erection, repairing and/or maintenance of buildings, the furnishing of materials, labor, supplies and equipment, shall be vested in a Board of School Commissioners to be elected by popular vote by the qualified voters of counties of this State to which this Act shall apply, in the manner, form, and for the terms hereinafter provided, and with the powers, duties and privileges herein conferred and granted, and for the compensation stated.

**SECTION 2.** BE IT FURTHER ENACTED, That the Board of School Commissioners of Hardin County shall consist of ten (10) members, with one to be elected from each of ten (10) school districts. The school districts shall be coextensive with the ten (10) magisterial districts of the county respectively. The current members of the Board of School Commissioners shall serve their respective districts for the terms indicated as follows:

1. School district 1 - one (1) member shall serve until August 31, 1986.
2. School district 2 - one (1) member shall serve until August 31, 1982.

3. School district 3 - one (1) member shall serve until August 31, 1984.
4. School district 4 - one (1) member shall serve until August 31, 1986.
5. School district 5 - one (1) member shall serve until August 31, 1982.
6. School district 6 - one (1) member shall serve until August 31, 1984.
7. School district 7 - one (1) member shall serve until August 31, 1986.
8. School district 8 - one (1) member shall serve until August 31, 1982.
9. School district 9 - one (1) member shall serve until August 31, 1984.
10. School district 10 - one (1) member shall serve until August 31, 1982. His successor shall serve until August 31, 1984.

As terms expire, successors shall be elected at the preceding August General Election to take office on September 1st for terms of six (6) years.

As amended by: Private Acts of 1939, Chapter 324  
Private Acts of 1972, Chapter 382  
Private Acts of 1982, Chapter 262

**SECTION 3.** BE IT FURTHER ENACTED, That each District School Commissioner shall be at least twenty-one (21) years of age, a resident of the School District from which he is elected, and have no less than a high school diploma or a General Equivalency Diploma (GED), and that the several District School Commissioners in such counties shall constitute a County Board of School Commissioners and have all the powers, duties and privileges, and shall be subject to the same penalties that are now provided by law governing County Boards of Education in Tennessee, together with the additional powers and duties, privileges and restrictions hereinafter stated. Any incumbent District School Commissioner on the effective date of this Act shall be able to succeed himself in office without limitation as to the number of terms.

As amended by: Private Acts of 1972, Chapter 382  
Private Acts of 1975, Chapter 8

**SECTION 4.** That the first County Board of School Commissioners created under this Act shall be as follows: For District No. 1, E. A. Woody; District No. 2, Hardin Garrett; District No. 3, Lee Hardin; District No. 4, W. O. Mangum, Mrs. A. R. Williams; District No. 5, Newt Phillips; District No. 6, Grady Counce; District No. 7, R. E. Harlow; District No. 8, Dr. J. H. Taylor; District No. 9, L. E. Weatherford; District No. 10, Willie P. Smith; District No. 11, Earl Bingham, and the members of the Board herein named shall hold office until September 1, 1940, and until their respective successors shall be elected and qualified as prescribed by law. The several District School Commissioners herein named shall immediately upon the passage of this Act, upon call by the Chairman or Secretary, meet at the courthouse of such county and qualify and organize by the election of one of their number as Chairman as provided for in Section 7 hereof. The Chairman shall preside over all meetings of said Board and in his absence or at his request the member constituting a quorum may elect one of their body as a Chairman pro-tem. A majority of the members of said Board shall constitute a quorum for the transaction of all business. The County Superintendent shall be ex-officio Secretary of the Board.

**SECTION 5.** That at the regular August Election, 1940, and at each regular August election thereafter, there shall be elected by the qualified voters of each county to which this Act shall apply, one District School Commissioner in each magisterial district in such county to be voted for by the qualified voters of such magisterial district, the terms of office of such officers to begin on September 1, following their election, and to continue for two years or until their respective successors are elected and qualified. The Election Commissioners shall issue to all persons so elected a certificate of election in the same manner as the election of other county officers are now certified.

As amended by: Private Acts of 1939, Chapter 324  
Private Acts of 1972, Chapter 382

**SECTION 6.** That when a vacancy occurs in said Board of School Commissioners by the death, resignation or the removal from the district from which such member was elected, or the failure of one or more of the District School Commissioners to qualify as provided in this Act, the Election Commissioners of the County shall immediately call and hold an election at the several precincts in the magisterial district in which such vacancy occurs to fill such vacancy, or the vacancy may be filled at the next regular August election.

As amended by: Private Acts of 1972, Chapter 382

**SECTION 7.** That on the fourth Monday in September following each regular August election the District School Commissioners shall meet at the Courthouse in their respective counties and take and subscribe to the oath required of all county officials before some officer authorized to administer such oath and shall organize said County Board of School Commissioners by the election of one of their body by a majority of

those present as the Chairman. The said County Board of School Commissioners shall meet and hold a session on the fourth Mondays in June, September, December, March, and second Monday in April of each year, and at such other times as may be deemed necessary to hold any adjourned meeting, or upon call by the Chairman of the Board upon three days written notice when in his opinion it is deemed necessary or proper to the conduct of the school affairs. The County Superintendent shall have power to call the Board in special session at any time he deems necessary for any purpose upon five days' written notice and on petition of four of the members of the Board the County Superintendent shall be required to call a meeting on three days' written notice, but no member of the Board of School Commissioners shall receive compensation for more than fifteen days in any one calendar year.

As amended by: Private Acts of 1939, Chapter 324

**SECTION 8.** That the County Superintendent of Public Instruction shall be ex-officio Secretary of the County Board of School Commissioners but he shall have no vote on any question of any matter of such School Commissioners. He shall attend all meetings of such Board and keep a true, accurate and complete record of all the acts of such Boards, the names of teachers, and the amounts paid to each, the names of laborers, material men and contractors, the amount of labor, materials, supplies furnished by each prices paid for same, whether upon competitive bids or not, and all such other records shall be kept by him as is now or that may hereafter be required by law to be kept, and such record shall at all times be open for inspection by any person or persons who may request to examine or copy same, and said Secretary shall also meet with the Chairman of the County Board of School Commissioner at such other times as may be deemed necessary or proper to the proper performance of their duties, and to carry out the provisions of this Act, all such services to be performed by the Superintendent as Secretary of such Board without additional compensation other than his annual salary. And he will collect data as to the needs of the several schools, new buildings, equipment, labor, supplies, repairs and fuel, and submit same to the meeting of the Board of School Commissioners; and prepare necessary information for bidders, advertisements for bids, as hereinafter provided, and neither he nor the Chairman of the Board shall have the right or authority to let such contracts for labor, material, equipment, buildings, fuel or supplies without the express direction and authority of the Board in regular session, and not then unless the gross amount to be expended shall be less than One Hundred (\$100.00) Dollars.

**SECTION 9.** That the Board of School Commissioners in the Counties to which this Act shall apply shall have exclusive supervision and control of all public schools, both elementary and high schools, and all other maintained in whole, or in part, by public school funds and they shall elect all teachers in such schools and fix their salaries and make all contracts for such services; provided, however, that the County Superintendent of Schools shall pass upon the fitness and qualifications of all teachers in either the elementary or high schools of the Counties to which this Act applies and it shall be the duty of the County Superintendent of Schools to recommend to the County Board of School Commissioners at the regular meeting of the County Board of School Commissioners on the 4th Monday in April of each year, or at any adjourned meeting thereof, or any subsequent meeting of said Board, the teachers for the schools of the County for the following year and all applications for positions of teaching in the schools of the Counties to which this Act shall apply shall file such application in writing, with the Superintendent prior to the 4th Monday in April where a position is sought for the following school year. It shall also be the duty of the Superintendent to advise the Board as to the total number of teachers in the elementary and high schools of the Counties to which this Act shall apply allotted by the State Department of Education prior to the selection of teachers for the following year.

The Board of School Commissioners shall select and elect, upon recommendation of the County Superintendent as aforesaid, all the teachers for the elementary and high schools of the Counties to which this Act shall apply at the regular meeting of the Board on the 4th Monday in April of each year, the teachers so elected to serve the next succeeding scholastic year at the places designated by the Board, however the Board shall have the right to adjourn such meeting from time to time until all of the teaching positions in the Counties to which this Act shall apply are filled.

The Board of School Commissioners in all Counties to which this Act shall apply shall have the power and authority to employ janitors and truant officers, bus drivers and other laborers and employees necessary to erect, repair, furnish, improve and maintain suitable school buildings, grounds, fixtures, equipment, supplies and to acquire by gift or purchase and to hold real estate for school purposes. An said Board shall in all things have the power and perform all the duties now imposed by law on County Boards of Education, or by the Commissioner of Education, as is now provided by the general laws of the State of Tennessee, or that may hereafter be enacted effecting the administration of the school affairs of the State. And such Boards shall have the exclusive possession and control of all public school property, both real and personal, now belonging to, in the custody of, or within the control of the school authorities of such Counties, or any Board of Education thereof, or that may hereafter be acquired.

As amended by: Private Acts of 1939, Chapter 324

Private Acts of 1939, Chapter 382

## Private Acts of 1941, Chapter 287

**SECTION 10.** That the County Board of School Commissioners herein created shall have the power and authority to enter into contracts and agreements with persons, firms, or corporations for the erection, purchase, repair or maintenance of its buildings and property, equipment and supplies, and for any other purpose deemed necessary by the Board of School Commissioners to carry out the provisions of this Act or the general law applicable to public school affairs, or in the proper discharge of the duties imposed by this Act. Provided, that in all cases for the employment of janitors, bus drivers, or for transporting pupils to school and in other cases for labor, materials, fuel, equipment or supplies, or the erection, repair or maintenance of any building, part of building, or grounds where the cost shall exceed the sum of One Hundred (\$100.00) Dollars, no contract shall be entered into or made until after due advertisement of said shall have been made in some newspaper published in such county for three consecutive weeks, setting forth the amount, quality and description of such services, labor, materials, supplies or equipment desired, and the time within which written and sealed bids for same shall be received, and in all cases a cash deposit shall be made with such bids equal to fifteen per centum of the amount bid to guarantee the performance of such contract if awarded, such deposits to be returned immediately to unsuccessful bidders, and the successful bidder when the contract shall have been fully completed; and when such deposit is made with such written and sealed bids, and the Board of School Commissioners at some session shall open same, a quorum being present, such contracts shall in all cases be awarded to the lowest bidder.

**SECTION 11.** That no member of the County Board of School Commissioners, nor the County Superintendent of Public Instruction, nor any member of his or her immediate family, nor any teacher in any of the public schools of the State, or any firm or corporation, in which either of the persons above named are directly interested shall be a bidder upon any of the contracts to be awarded, or furnish any equipment, labor, fuel, materials, lands or supplies, or directly or indirectly receive any of the profits from same or the sale thereof, or hold any interest in any check, warrant, voucher or moneys expended for such.

**SECTION 12.** That the violation of any of the provisions of Section 9, 10, and 11 of this Act is declared to be a misdemeanor and all persons convicted of same shall be adjudged to pay a fine of not less than \$5.00 nor more than \$250.00 for each offense, and upon conviction shall forfeit any office, position or contract, respect the administration and management of the public school affairs in such county, or held under the terms and provisions of this Act, and shall be ineligible to hold any office under the terms of this Act for a period of five years from and after the date of such conviction, such provisions and penalties to be made a part of the judgment of the court upon such conviction.

**SECTION 13.** That each member of the County Board of School Commissioners, other than the Chairman, shall receive the sum of Seven (\$7.00) Dollars per day, and the Chairman of such Board shall receive Seven (\$7.00) Dollars per day for each day in actual attendance upon the sessions of such Board, but no member shall draw compensation for more than fifteen days in any one calendar year, such sums to be paid out of the school funds of the County by the Trustee of such county upon the warrant of the County Judge or Chairman after a certificate has been filed by the County Superintendent of Public Instruction with such County Judge or Chairman, showing the names of such members in attendance at the end of any one session and number of days attended by each. Provided, however, that the Chairman of such Board shall receive One Hundred (\$100.00) Dollars per annum in addition to his per diem compensation, said addition compensation to be paid quarterly out of the general funds of the County by the Trustee of such County upon the warrant of the County Judge or Chairman after a certificate has been filed by the County Superintendent of Public Instruction with such County Judge or Chairman, showing that the said Chairman has been duly qualified as Chairman and has performed the regular duties of that office for the preceding quarter.

As amended by:

Private Acts of 1939, Chapter 483

Private Acts of 1949, Chapter 885

**SECTION 14.** That it is the intention and purpose of this Act to provide for the full and complete administration of the public school affairs of the counties of the State of Tennessee to which this Act shall apply, and the complete conduct and control of the public school affairs in such county, and that if any section or part thereof shall be declared unconstitutional, such sections shall be considered severable, and such shall not affect the validity of the numerous other and different provisions of this Act, but the same shall remain in full force and effect.

**SECTION 15.** That all laws and parts of laws in conflict with 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: February 2, 1939.

**COMPILER'S NOTE:** For additional provisions relative to the compensation of the chairperson and

members of the board, see Private Acts of 1961, Chapter 186, and Private Acts of 1998, Chapter 165, reproduced following this act.

## Private Acts of 1998 Chapter 165

**SECTION 1.** Chapter 709 of the Private Acts of 1923, as amended by Chapter 137 of the Private Acts of 1939, and Chapter 186 of the Private Acts of 1967, is amended by deleting Sections 1 and 2 added by Chapter 186 of the Private Acts of 1967 and any other text relative to compensation of board members and substituting instead the following:

Beginning September 1, 1998, the compensation of each member of the Hardin County Board of School Commissioners is seventy-five dollars (\$75) a month for attendance at a regularly scheduled monthly meeting. Each member shall also receive as compensation thirty-seven dollars and fifty cents (\$37.50) for attendance at any additional meeting of the board.

**SECTION 2.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Legislative Body of Hardin 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 as provided in Section 2.

Passed: April 27, 1998.

## Private Acts of 1961 Chapter 186

**SECTION 1.** That at the expiration of the term of the incumbent Chairman of the Board of Education in Hardin County, his successor in office shall be paid a salary and compensation of \$500.00 per annum and at the expiration of the term of office of each incumbent member of the Board of Education of Hardin County, their successors shall be paid a salary and compensation of \$300.00 per annum for their services as such member.

**SECTION 2.** That the compensation provided herein shall be payable quarterly to the said members by warrants drawn against the school fund.

**SECTION 3.** That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

**SECTION 4.** That this Act shall have no effect unless the same shall be approved by a two-thirds vote of the Quarterly County Court within one year after the approval of this Act by the Governor of Tennessee. The action of the Quarterly County Court hereon shall be proclaimed by the presiding officer of said county and certified by said officer to the Secretary of State.

**SECTION 5.** That this Act shall become effective from and after its passage, the public welfare requiring it.

Passed: March 3, 1961.

## Superintendent

### Private Acts of 1911 Chapter 635

**SECTION 1.** That in all counties of this State having a population of not less than 17,515 nor more than 17,525, according to the Federal Census of 1910 or any subsequent Federal Census, the County Superintendent of Public Instruction shall be elected by the qualified voters of said counties for a term of four years; said Superintendents of Public Instruction shall be elected at the regular August election, and their terms of office shall begin the first day of September following; provided, that the first election held under this Act shall be held in August, 1912, and the Superintendents then elected shall not be qualified nor enter upon the duties of said office until the expiration of the incumbent in said office under the election of the County Court, to wit: until January, 1913, and shall serve only until the qualification of his successor to be elected under the next regular election herein provided for, to wit: in the year 1916.

**SECTION 2.** That this Act shall in no way affect the duties, qualification, or compensation of the County Superintendent, but the same shall remain as now fixed by law, except that certificate of qualification to be furnished and filed with the County Judge or Chairman of the County Court shall be filed not later than the first Monday in April preceding any regular election.

**SECTION 3.** 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: July 4, 1911.

## Education/Schools - Historical Notes

### **Board of Education**

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

1. Acts of 1907, Chapter 236, created a Board of Education and an Advisory Board for every county in the State, abolishing all District Directors of Education. Each county court would divide the county into a minimum of five school districts, to be composed of whole civil districts. One member of the Board of Education would be elected, from each district. The duties of the Chairman of the Board, the Secretary, and the members of the Board are defined. The compensation of the members of the Board would be set by the county court between \$1.50 and \$3.00 per day, not to exceed thirty days per year. An Advisory Board of three members would be elected from each school district every two years. Its duties were to assist the Board as set forth in the act. This act did not apply to city schools and several counties other than Hardin County were exempted from its application.
2. Acts of 1909, Chapter 302, was an amendment to the general school law concerning Boards of Education and applied to Giles, DeKalb, Rutherford, Hickman, Benton, Decatur, Coffee, Hardin, McNairy, and Bedford Counties. The duties of the Chairman of the Board, the Secretary, and the members of the Board were set forth in the act. For example, each member of the board was required to make an accurate report of the status of the schools in his district to the County Superintendent of Public Instruction before August 1st of each year to be written on the forms furnished by the school system. The members were responsible for determining the scholastic population in July of each year.
3. Private Acts of 1915, Chapter 430, required each member of the Board of Education in Hardin County to appoint in their respective districts a special Advisory whose term of office would be concurrent with that of the Board member. The Advisory would devote special attention to the school building in the district and attend to needed repairs and ascertain the feelings of the people concerning the teachers and other personnel. The Advisory would receive no compensation. A vacancy in the office would be filled by an appointment. Women with five years teaching experience were eligible to serve as Advisors. Nothing in the act was to be construed as diminishing the powers of the Board of Education.
4. Private Acts of 1921, Chapter 738, amended Acts of 1909, Chapter 302, above, by providing that each member of the Board of Education shall take the scholastic population of his respective District on the blank forms furnished by the State Superintendent of Public Instruction. Board members would be paid \$2.50 per day for their attendance at Board meetings and \$1.50 per day while visiting schools.
5. Private Acts of 1923, Chapter 709, created a Board of Education with ten members, one from each of the ten civil districts, and one from any civil district created in the future, who would be elected at the general election on the first Thursday in August, 1924. A Referendum to be held on September 8, 1923, was to determine whether the act would become effective.
6. Private Acts of 1925, Chapter 785, abolished the County Board of Education of Hardin County and created a seven member Board of School Commissioners to be elected from the county at large for four-year terms. The Commissioners were required to be over twenty-one years old, of good moral character, residents and qualified voters of the county, able to read and write, and no more than four Commissioners could belong to the same political party. The Board would have supervision and control of all the schools, both elementary and secondary, and all others which were supported by public taxation. They would perform all the duties of the old Board of Education. The members would elect a chairman from their own number and the Superintendent of Public Instruction would act as ex officio Secretary, keeping all Board records. The Board members would be paid \$3.00 per day for each day in attendance, payable out of the County general funds. The act named A. L. Hughes, A. M. Patterson, W. W. Roberts, Bernice Nance, J. B. Franks, H. C. Smith, and J. E. Oldham as members of the first Board.

### **General Reference**

The following acts constitute part of the administrative and political heritage of the educational structure of Hardin County but are no longer operative since they have either been superseded, repealed, or failed to receive local approval.

1. Public Acts of 1833, Chapter 42, provided that the chairman of any free school trustees, or the clerk of any church in the Counties of Lawrence, Wayne, Hardin, and McNairy, would be entitled to

have surveyed and laid down on the general plan of the particular district any quantity of vacant land, not exceeding four acres, for the erection of a school house, or a meeting house, and the said property so entered would be construed as belonging to the Trustees or to the church with all the privileges of ownership.

2. Private Acts of 1833, Chapter 249, created and incorporated the Savannah Academy in Hardin County. The act named as Trustees for the Academy, Orville Harrison, James Levive, John Houston, Richard Stephens, Arthur B. Campbell, Joseph N. Baker, and Robert Watt, each of whom would be sworn and bonded. They would select a Secretary and Treasurer from their own number and were entitled to receive the money for the Hardin County Academy from the Bank of the State of Tennessee.
3. Acts of 1837-38, Chapter 161, named James Irwin, David Robinson, Reuben Day, John J. Williams, Christopher H. McGinnis, Michael L. Woods, and Samuel Davis to the Board of Trustees for the Savannah Academy in Hardin County, constituting it as a body corporate.
4. Acts of 1847-48, Chapter 63, required the Trustee of Hardin County to distribute, pro rata, the school monies in his possession to the school districts of the County.
5. Acts of 1847-48, Chapter 154, Section 6, appointed James Scott, W. H. Cherry, James Irwin, and A. M. Hardin as the Trustees for a female branch of the County Academy of Hardin County to be established in or near the town of Savannah as the Trustees were to consider proper. The Trustees would receive one-half of the State funds paid to the County Academy for its support. This academy would be governed by the rules and regulations established by the Board.
6. Acts of 1851-52, Chapter 140, amended Acts of 1847-48, Chapter 154, above, so that there would be five Trustees elected to manage the affairs of the female branch of Savannah Academy, all of whom would be elected in the same manner, for the same length of time, and who would have the right to exercise the same rights and privileges, as all other duly constituted Trustees.
7. Private Acts of 1865-66, Chapter 93, recited that Savannah Female College was located in Savannah in 1861 under the sponsorship of the Methodist Episcopal Church, and a spacious and commodious brick building was started but never completed. The act incorporated the school as the "Savannah Female College" under the patronage of the church and with all incidental corporate powers. The incorporators were A. G. McDougal, G. M. Hamilton, Thomas Maxwell, W. H. Cherry, John S. Irwin, Thomas Davy, L. H. Broyles, Jr., Robert J. Williams, William Russell, A. H. Kendel, Elijah Harbour, John McDougal, D. F. Street, James Williams, N. M. D. Kemp, J. C. Walker, John A. Smith, W. K. Hardin, and Thomas H. Mabry. The institution would be exempt from taxation so long as it was being used for educational purposes.
8. Public Acts of 1875, Chapter 131, allowed the land which had been held for the common schools in Hardin County to be sold with the consent of the County Court. The County Court would authorize a person to survey the land, divide it into the most attractive lots possible, and return a plat to County Court. The Chairman of the Court would cause publication of notice of the sale. The County Court was empowered to convey title, collect the sale proceeds, and adjudicate all the claims and disputes. The net proceeds would be divided among the school districts according to the scholastic population.
9. Acts of 1903, Chapter 483, abolished the sixty-eight and sixty-ninth School Districts of Hardin County and the land formerly belonging to those Districts was attached to the fifteenth School District of the County.
10. Acts of 1905, Chapter 209, created a special school district in the Fourth Civil District of Hardin County which would be known as School District No. 9. The act described the land contained in the new district. The directors of the Fourth Civil District were directed to pay over to the Trustees of the new District its pro-rated share of all school funds. The County Superintendent of Public Instruction was required to appoint three directors for the District who would serve until the next regular election when their successors would be elected by the people. The Directors were to possess the same rights and powers enjoyed by other District Directors of the schools.
11. Acts of 1907, Chapter 363, created an independent school district in the First Civil District of Hardin County. The act described the area included in the district but also stated that the district included the following inhabitants: Jim Coffman, Watt Hardin, Will Symms, Arthur Porter, Ben Beckham, Jeff Walker, Dock King, the Mitchells, Wash Hamilton, Riley Hamilton, Matt Davis, Jim Davis, Lee Hardin, Bill Brasier, Lige Brasier, Elisha Brasier, Lum Clifton, John Simpson, Lum Robertson, Arthur Porter, Lum Bell, Leonard Bell, and Henry Bell.
12. Acts of 1909, Chapter 236, was a compulsory school attendance law for Blount and Hardin Counties. All children between eight and sixteen years of age were required to attend the public



schools for 80 days, or 16 weeks, or as long as the school term lasted. Days would be four hours or longer, and no child could be excused except by the Superintendent. One could attend a private, or parochial school, or be taught by a competent person at home and meet the requirements of the act. Arrangements were included for a child to obtain working papers if he helped support his family. Those who were poverty stricken could obtain aid from the Commissioners of the Poor who could arrange support for the family or the child in school. The Board of Education could furnish free text books. Temporary absences could be excused by a teacher or principal, who were required to keep sufficient records of attendance. Any person or business hiring a child not excused from school could be prosecuted and fined. The Sheriff, the Deputies, and the Constables of the County were charged with the enforcement of the act.

13. Private Acts of 1911, Chapter 671, was a school attendance law for Hardin County, which directed that each child in the County between the ages of 8 and 16 years be sent to school at least 75 days, or for as long as school was in session unless they were excused by the Board of Education. Children legally could be sent to private, parochial, or to other schools having the educational qualifications. Illness of the child or hardship was acceptable as an excuse for failure to attend. The Commissioners of the Poor could provide for a child of extreme poverty to attend school, pay his family, and buy his clothes and books. Teachers or the principal could excuse temporary absences.
14. Public Acts of 1925, Chapter 115, Section 33, was part of the act which is codified as Title 49 of the Tennessee Code Annotated. This section abolished all special school districts which were not taxing districts, and those which were taxing districts were allowed to hold referenda on the question of their abolition. When all the debts of the school district were paid, the district would join the county system, if desired.
15. Private Acts of 1925, Chapter 783, created a special school district in the area of the northeast corner of McNairy County, and the southeast corner of Chester County along the western border of Hardin County because it was not possible for the three counties to maintain separate school districts there. Some 150 children of school age resided in the area. Each county would contribute \$900 toward the cost of erecting a school building to be located as near to the center of the area as possible, and would contribute to the continuing expenses of the school in proportion to the average daily attendance of pupils from each county. The operation and maintenance of the district would be the responsibility of the Boards of Education of each County acting jointly.
16. Private Acts of 1929, Chapter 862, authorized the Commissioners of the Town of Savannah to transfer to Hardin County the building located in Savannah and known as the City Elementary School Building. The transfer would be first submitted to the voters for approval. The building would be used by the County for school purposes.
17. Private Acts of 1933, Chapter 131, amended Public Acts of 1925, Chapter 115, above, by exempting Hardin County from the application of the general act, which required the establishment and maintenance of at least one county high school in every county of the state offering at least one full four year course of study approved by the State Board of Education.

## Chapter VII - Elections

### Elections - Historical Notes

#### **Districts - Reapportionment**

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

1. Public Acts of 1899, Chapter 252, combined several of the existing seventeen Civil Districts in Hardin County and created eight Civil Districts.
2. Acts of 1909, Chapter 223, amended Public Acts of 1899, Chapter 252, above, by redefining the boundaries of the Civil Districts in Hardin County and creating the Ninth and the Tenth Civil Districts.
3. Private Acts of 1915, Chapter 431, changed the lines between the First, Second, and Third Civil Districts of Hardin County so that territory was transferred from the First and Second Districts to the Third District.
4. Private Acts of 1915, Chapter 644, changed the line between the Eighth and Ninth Civil District.
5. Private Acts of 1923, Chapter 696, created the Eleventh Civil District in Hardin County from parts

of the Tenth Civil District.

### **Elections**

The following is a listing of acts for Hardin 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 1819, Chapter 69, apportioned Tennessee for representation in the General Assembly. Twenty Senatorial Districts were established. The Nineteenth Senatorial District contained the Counties of Hickman, Lawrence, Wayne, and Hardin. Of the forty Representatives, Wayne and Hardin Counties would elect one jointly and polls would be counted at the Wayne County courthouse.
2. Private Acts of 1820, Chapter 123, established two election precincts in Hardin County, one at Jesse Tanner's house on the Reynoldsburgh Road, and the other at the house of Robert Shannon on Turnbow's Creek. The Sheriff would open and hold elections under the same rules and regulations prevailing as in other general elections. All polls would be counted on the Saturday after the election.
3. Public Acts of 1821, Chapter 46, stated that Wayne, Hardin, and Shelby counties would elect one Representative jointly, and Hickman, Lawrence, Wayne, Hardin, Shelby, and Madison Counties composed a Senatorial District. Polls would be confirmed on the second Monday after the election at the courthouse in Hardin County.
4. Public Acts of 1822, Chapter 1, divided Tennessee into eight U. S. Congressional Districts. The Eighth District consisted of the Counties of Wayne, Perry, Hardin, Lawrence, Henry, Carroll, Henderson, Madison, Shelby, and such other counties as might be established in the western portion of the State.
5. Public Acts of 1823, Chapter 47, established eleven Electoral Districts for the election of the President and Vice President of the United States. The Eleventh Electoral District was composed of the Counties of Wayne, Hardin, and Perry, and all the counties west of the Tennessee River.
6. Public Acts of 1824, Chapter 1, also divided the State into eleven Electoral Districts. Hardin County remained in the Eleventh District.
7. Public Acts of 1826, Chapter 3, reapportioned the State for the General Assembly which still had twenty Senators and forty Representatives. Hickman, Lawrence, Wayne, Hardin, and McNairy Counties would elect one Senator, and Lawrence, Wayne, and Hardin Counties would elect jointly one Representative.
8. Private Acts of 1826, Chapter 36, declared it lawful for all the elections for field officers in Dickson, Jackson, Campbell, Claiborne, Stewart, Marion, Humphreys, and Hardin Counties to be held at the different places designated by the county courts of the respective counties, for the election of Governor, members of Congress, and members of the General Assembly.
9. Public Acts of 1827, Chapter 17, divided Tennessee into eleven Electoral Districts for the Presidential elections. The Eighth District was made up of the Counties of Lincoln, Giles, Lawrence, Hardin, and Wayne.
10. Public Acts of 1832, Chapter 4, established thirteen U. S. Congressional Districts. Lincoln, Giles, Lawrence, Wayne, and Hardin Counties composed the Tenth District. The Sheriffs of the respective counties would hold the election at the regular precincts.
11. Public Acts of 1832, Chapter 9, provided for the election of fifteen Presidential Electors, one from each of fifteen Districts. The fourteenth District contained the Counties of Hardeman, Hardin, Henderson, McNairy, Madison, Fayette, and Shelby.
12. Public Acts of 1833, Chapter 71, reapportioned the State for Representation in the General Assembly. The number of Senators would be twenty and the number of Representatives would be fourteen. Hickman, Lawrence, Wayne, Hardin, and McNairy Counties would elect one Senator with the polls being compared at Waynesboro, and Hardin and Henderson Counties would share one Representative with the polls being counted at Kendall's store in Hardin County.
13. Public Acts of 1833, Chapter 76, provided for the election of delegates to a Constitutional Convention to revise, amend, or alter the Constitution, or form a new one. The sixty elected delegates would meet in Nashville on the third Monday in May, 1834. Perry, Hardin, and McNairy Counties would elect jointly two delegates.
14. Public Acts of 1835-36, Chapter 39, divided Tennessee into fifteen Presidential Elector Districts. The fourteenth District consisted of the Counties of Hardeman, Hardin, Henderson, McNairy, Madison, Fayette, and Shelby.

15. Acts of 1837-38, Chapter 64, Section 1, made it the duty of the Sheriff to open and hold an election in Savannah on the first Thursday in January of each year, or within 20 days thereafter, to elect seven qualified Aldermen for that city who would then select one of their number as the Mayor. The County Court was authorized to lay off the bounds of the Town of Savannah as they might consider most expedient at the first Court in January each year.
16. Acts of 1839-40, Chapter 79, declared that fifteen Electors for the election of the President and Vice President would be chosen. Each Congressional District would elect one Elector and two Electors would be selected at-large.
17. Acts of 1842 (Ex. Sess.), Chapter 1, apportioned Tennessee for representation in the General Assembly and created twenty-five Senatorial Districts and fifty Representative Districts. Hickman, Lawrence, Wayne, and Hardin Counties were in the 20th Senatorial District, and would elect one Senator. Hardin County would elect one Representative alone.
18. Acts of 1842 (Ex. Sess.), Chapter 7, created eleven U.S. Congressional Districts in Tennessee. The Sixth District consisted of the Counties of Hickman, Maury, Giles, Lawrence, Wayne, and Hardin.
19. Acts of 1851-52, Chapter 196, formed ten U.S. Congressional Districts in the State. The Seventh District was composed of the Counties of Hardin, Giles, Lawrence, Wayne, McNairy, Perry, Decatur, Benton, Humphreys, Hickman, and Lewis.
20. Acts of 1851-52, Chapter 197, apportioned the State for representation in the General Assembly. Hardin, Hardeman, and McNairy Counties would compose a Senatorial District and elect one Senator. Hardin County alone would elect one Representative.
21. Public Acts of 1865, Chapter 34, was the first post Civil War Act apportioning Tennessee. Eight U.S. Congressional Districts were formed. The Sixth District contained the Counties of Lawrence, Wayne, Hardin, Decatur, Perry, Lewis, Maury, Hickman, Humphreys, Dickson, Montgomery, and Stewart.
22. Public Acts 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.
23. Public Acts of 1871, Chapter 146, divided Tennessee for representation in the General Assembly. Hardin and Decatur Counties would elect one of the fifty Representatives jointly. The Eighteenth Senatorial District contained Hardin, Decatur, Benton, McNairy, and Henderson Counties.
24. Acts of 1872 (Ex. Sess.), Chapter 7, formed nine U.S. Congressional Districts in Tennessee. The Seventh District was composed of the Counties of Montgomery, Houston, Stewart, Humphreys, Benton, Henry, Carroll, Henderson, Decatur, Perry, Hardin, and McNairy.
25. Public Acts of 1873, Chapter 27, reorganized the U.S. Congressional Districts in the State. Ten Districts were formed and the Eighth District contained the Counties of Henry, Benton, Carroll, Perry, Decatur, Hardin, McNairy, Henderson, and Madison.
26. Public Acts of 1881 (Ex. Sess.), Chapter 5, fixed the number of Senators in the General Assembly at thirty-three, and the number of Representatives at ninety-nine.
27. Public Acts of 1881 (Ex. Sess.), Chapter 6, apportioned the State into districts. The twenty-third Senatorial District in the State was made up of the Counties of Lawrence, Wayne, Hardin, and Perry. Hardin County alone would elect one Representative.
28. Public Acts of 1882 (Ex. Sess.), Chapter 27, separated the State into ten U.S. Congressional Districts. The Eighth District contained Henry, Benton, Hardin, Perry, Decatur, McNairy, Henderson, Madison, and Carroll Counties.
29. Acts of 1891 (Ex. Sess.), Chapter 10, reapportioned the State for the General Assembly. The twenty-fourth State Senatorial District contained the Counties of Benton, Humphreys, Decatur, and Hardin. Hardin County alone would elect one Representative.
30. Acts of 1901, Chapter 109, formed ten U.S. Congressional Districts, allocating Henry, Benton, Perry, Carroll, Decatur, Henderson, Chester, Madison, McNairy, and Hardin Counties to the Eighth District.
31. Acts of 1901, Chapter 122, divided the State for representation in the General Assembly and was the last reapportionment for more than sixty years. Hardin County would elect one Representative and was assigned to the twenty-sixth Senatorial District with Hardeman, McNairy,

Decatur, and Benton Counties.

32. Private Acts of 1913, Chapter 284, stated that registration of a voter would not be required in Hardin County as a prerequisite to voting in any federal, state, county, municipal, or district election.
33. Private Acts of 1975, Chapter 149, amended T.C.A. Section 2-1219, now Section 2-12-109, by providing that the Election Commission of Hardin County shall not make any expenditure in excess of the budget approved by the County Court. The County Court was authorized to amend the budget to provide additional expenditures by the Election Commission when the need for such expenditures were reasonably unforeseen.

## Chapter VIII - Health

### Board of Hospital Commissioners

### Private Acts of 1957 Chapter 409

**COMPILER'S NOTE:** This Act may be superseded by Tennessee Code Annotated Section 22-2-101.

**SECTION 1.** That there is hereby created and established in Hardin County, Tennessee, a Board of Commissioners to be known and designated as the "Hardin County General Hospital Board of Commissioners", to have full charge of the operation and maintenance of the Hardin County General Hospital in Hardin County, Tennessee.

**SECTION 2.** That the Board of Commissioners shall have and be vested with full, absolute and complete authority and responsibility for the operation, management, conduct and control of the business and affairs of the Hardin County General Hospital, including the selection and approval of a competent medical staff, and shall:

1. Determine the policies of the hospital, with relation to the patients therein and to community needs.
2. Provide equipment and facilities consistent with the needs of the patients of said hospital.
3. See that professional standards are maintained in the care of the sick.
4. Coordinate professional interest with administrative, financial and community needs.
5. Provide adequate finances, by securing sufficient income and by enforcing business like control of expenditures.
6. Provide for the safe administration of funds entrusted to said hospital.
7. Keep adequate records of the hospital finances and activities.
8. Surround the patients, within said hospital, with every reasonable protection, thereby fulfilling the moral and legal responsibility of the hospital, by exercising proper care and judgment in the selection of a qualified administrator, and of the medical, nursing, technical and other personnel of said hospital.

The authority and responsibility of the Board of Commissioners shall include, but shall not be limited to the establishment, promulgation and enforcement of rules, regulations and policies of the hospital, the upkeep and maintenance of all property belonging to the hospital, and administration of all fiscal affairs of the hospital, and execution of all contracts, agreements and other instruments and the employment, compensation, discharge and supervision of all personnel.

**SECTION 3.** That said Board of Commissioners shall be composed of six (6) in number, one of which must be a member of the medical staff of the Hardin County General Hospital, who shall serve without compensation and who shall be elected in the manner and for the term hereinafter provided, but the members of said Board may be paid their necessary expenses incurred in the proper discharge of their duties, as members of the Board.

Beginning 2021, the membership of the Board of Commissioners shall be increased by two (2) members for a total membership of eight (8) members. The additional two (2) members shall be elected by the County Commission of Hardin County in the same manner as the other non-medical staff members. The additional two (2) members shall be elected in April of 2021. The initial two (2) members and their successors shall serve for a term of three (3) years as other members.

As amended by: Private Acts of 1979, Chapter 23

## Private Acts of 2020, Chapter 58

**SECTION 4.** That the initial members of the Board of Commissioners shall be elected by the Quarterly County Court of Hardin County, Tennessee, at the meeting of said court called for the purpose of approving this Act, as required in Section 15, at which time said court shall elect two members of said board to serve for a period of two years, whose term shall expire on the second Monday of April, 1959, and three members of said board to serve for a period of three years, whose term shall expire on the second Monday of April, 1960. As the respective terms of said members shall expire the Quarterly County Court, at the April Term of said Court, shall elect successors to serve upon said board for the members whose term expires as above stated, and who shall be elected for a period of three years, and all members of said board at the expiration of the term of the initial members shall serve for a period of three years, and successors shall be elected every three years thereafter at the April Term of said Quarterly County Court in the manner hereinafter provided.

**SECTION 5.** That as the respective terms of the Commissioners expire their successors shall be elected by the County Commission of Hardin County, Tennessee, from a list of nominees for the office, whose names shall be submitted to or by the County Commissioners. Said nominees will be elected by the rules set forth in Section 4 with exception of the member of the medical staff. The medical staff member shall be selected to serve on the Hardin County General Board of Commissioners for a term of three (3) years by the members of the Hardin County General Hospital medical staff. All other nominees upon receiving a majority vote from the County Commissioners shall be considered duly elected members of the Hardin County General Board of Commissioners.

Members of the Board of Commissioners shall be citizens of Hardin County, Tennessee. No person shall be a member of the board if he or she:

1. Is an employee of the Board.
2. Is the holder of a full time renumerative position in the County Government or physician with the Tennessee Department of Public Health or the Department of Human Services or the United States Public Health Service.
3. Is without a high school education or its equivalent, (G.E.D.).

As amended by: Private Acts of 1977, Chapter 82  
Private Acts of 1979, Chapter 23

**SECTION 6.** That a Commissioner, whose term has expired, shall continue to serve until his successor shall have been elected in the manner hereinabove provided. In the event of the death or resignation of a Commissioner, prior to the expiration of his term, his successor shall be elected by the Quarterly County Court, for the unexpired term, from a list of names submitted by the remaining members of the Board of Commissioners in the same manner as the deceased or retiring Commissioner was elected. Any Commissioner shall be eligible for re-election.

**SECTION 7.** That at the first meeting of the Board of Commissioner, the Board shall elect one of its members as Chairman, who shall serve for a period of two years, and the term of office of the Chairman of the Board shall be for a period of two years. The Board shall also elect a secretary from among its members, who shall keep minutes and records of the proceedings of the Board, reflecting all business transacted by the Board. The Board of Commissioners shall hold a regular meeting on the fourth Thursday of each month, and such other meetings as the Board may decide, and the Board is empowered and authorized to change the date of the regular meeting of the Board, by resolution entered upon the minutes of the Board.

**SECTION 8.** That the Board of Commissioners shall have authority to employ and appoint a Hospital Administrator for said hospital who shall hold office at the pleasure of the Board. The Administrator shall not be a member of the Board of Commissioners, but shall be a qualified person, experienced in hospital administration, whose duties and responsibilities shall be as herein designated, and as shall be determined and prescribed by the Board of Commissioners.

The Board of Commissioners shall select and approve the medical staff of the hospital, and all doctors, physicians and surgeons composing the medical staff of said hospital.

**SECTION 9.** That the Administrator employed by the Board:

1. Shall be the chief executive officer of the hospital, subject to the by-laws, rules and regulations adopted by the Board, and shall be under the control and direction of the Board of Commissioners.
2. Shall, with the consent of the Board of Commissioner, equip the hospital with all necessary furniture, appliances, fixtures, equipment and needed facilities for the care and treatment of

patients and for the use of the officers and employees thereof.

3. Shall be the purchasing agent for the hospital, and purchase all necessary supplies in such manner as shall be determined by the Board of Commissioners.

4. Shall have general supervision and control of the records, accounts and bills of the hospital, and all internal affairs, and shall maintain discipline therein, and shall enforce compliance with the obedience to all rules, by-laws and regulations adopted by the Board of Commissioners for the government, discipline and management of said hospital, and the employees and patients thereof.

5. Shall make such further rules, regulations and orders as he may deem necessary, not inconsistent with law or the rules and regulations of the Board of Commissioners.

6. Shall, under such rules and regulations, and within the limits and in the manner prescribed by the Board of Commissioners employ such necessary personnel, including nurses' aids, supervisors, technicians and such other technical and general employees as shall be necessary or proper, for the efficient performance of the business of the hospital, prescribe their duties and discharge such employees at his discretion.

7. Shall keep or cause to be kept proper records and accounts of the business and operations of the hospital regularly, from day to day, in the books and records provided for that purpose and prescribed by the Board of Commissioners and see that such records and accounts are correctly made up for the report of the Board of Commissioners to the Quarterly County Court of Hardin County, Tennessee, as hereinafter required.

8. Shall collect, or cause to be collected, and receive all monies due the hospital and such monies, when collected, shall be deposited in the bank or banks as designated by the Board of Commissioners, in the same form as received, shall keep an accurate account of the same, shall pay the expenses of the operation of the hospital from funds available only by check drawn on the bank or banks designated by the Board of Commissioners, in such manner as the Board of Commissioners may direct. A complete report of the operations of the hospital shall be presented by the Administrator to the monthly meetings of the Board of Commissioners.

9. Before entering upon the discharge of his duties, the Administrator shall give a bond in such sum as the Board of Commissioners may determine, to secure the faithful performance of his duties, the cost of the same to be included in the expense of the operation of the hospital.

10. Shall perform such other duties as the Board of Commissioners may prescribe.

**SECTION 10.** That the Board of Commissioners shall fix the salary of the Administrator and other employees of the hospital within the limits of funds available for the maintenance and operation of said hospital.

**SECTION 11.** That the Board of Commissioners shall have the general superintendence, management, and control of said hospital, the hospital grounds, buildings, officers and employees hereof, of the patients therein and all matters relating to the government, discipline, contracts and fiscal concerns thereof, and make such other by-laws, rules and regulations as may be deemed by said Board necessary for the efficient and proper management and operation of said hospital, and for the carrying out of the purposes for which said hospital was established.

**SECTION 12.** That the Board of Commissioners shall have the books, records and accounts of the hospital audited by a reputable firm of independent Certified Public Accountants, for each fiscal year of the operation of the hospital, and audit to be completed within a reasonable time after the close of the fiscal year of the hospital. One copy of the audit shall be filed with the County Court Clerk of Hardin County, Tennessee, and one copy furnished the County Judge of Hardin County.

The audit shall correctly set forth the operations of the hospital for the fiscal year.

The Board of Commissioners shall annually present to the Quarterly County Court of Hardin County, Tennessee, at the April term of said Court, a report setting forth the operation of said hospital, both financially and otherwise, with such recommendations as to the financial needs of said hospital, and as to the equipment needed or improvements necessary or desirable to be made to the hospital, as shall appear to the Board to be necessary for the efficient and proper operation of the hospital, in order to furnish the patients in said hospital the proper care and attention.

**SECTION 13.** That the Quarterly County Court of Hardin County, Tennessee, is hereby authorized to appropriate to the Hardin County General Hospital, for the use of the Board of Commissioners from the general funds, or such other funds not appropriated of said county, such sum as may be required to operate said hospital, and said Quarterly County Court is authorized and empowered to levy a tax, in addition to all other taxes upon all taxable property within Hardin County, Tennessee, for the purpose of

supplying funds necessary for the proper and efficient operation of said hospital.

**SECTION 14. QUORUM:** A quorum at any regular or special meeting of the Board shall be a majority of the members of the Board of Commissioners. In order for the Board to take action on any matter presented to it, a quorum must be present and the affirmative vote of at least four (4) members shall be required, and the minutes shall show that at least four (4) members voted affirmatively. All proceedings of the Board shall be governed by the latest edition of Robert's Rules of Order.

As amended by: Private Acts of 2020, Chapter 58.

**SECTION 15.** That if any clause, sentence, paragraph, section or any part of this Act shall be held or declared to be unconstitutional and void, it shall not affect the remaining part or parts of this Act, it being hereby declared to be the legislative intent to have passed the remainder of this Act notwithstanding the part held to be invalid, if any.

**SECTION 16.** That this Act shall have no effect, unless the same shall have been approved by a two-thirds vote of the Quarterly County Court of Hardin County, Tennessee. Its approval or non-approval shall be proclaimed by the County Judge, countersigned by the County Court Clerk, and shall be certified by them to the Secretary of State.

**SECTION 17.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 22, 1957.

**COMPILER'S NOTE:** Private Acts of 1996, Chapter 199, amended Private Acts of 1957, Chapter 409; as amended by Private Acts of 1977, Chapter 82; Private Acts of 1979, Chapter 23 and any other acts amendatory thereto, relative to the board of hospital commissioners changing the number of board members to five (5); two (2) county commissioners, two (2) citizens at-large, and one (1) physician who is a member of the medical staff of Hardin County General Hospital. This act was not adopted by the Hardin County Legislative Body.

## Health - Historical Notes

The following summaries are included herein for reference purposes.

1. Private Acts of 1925, Chapter 324, provided that, in McNairy and Hardin Counties, any person who had two years work in a medical school and eight years experience in actual practice, as much as three years hospital work, and one year in the medical corps, and who was licensed to practice medicine for five years in any other State would be allowed and permitted to practice medicine in such Counties. Upon proper proof being given the Board of compliance with the terms of the act, the State Board of Medical Examiners was required to issue the person a license to practice medicine in the applicable County.
2. Private Acts of 1927, Chapter 339, repealed Private Acts of 1925, Chapter 324, above.
3. Private Acts of 1933, Chapter 631, stated that in Hardin County there were persons over 25 years of age who have attended medical college of a character recognized and approved by the State Board of Medical Examiners for at least one year and one who had practiced in conjunction with other practitioners for two years and who seem to the community to be fully qualified to practice medicine. Upon presentation to the Board of Medical Examiners of proof of the above facts, the Board was required to issue a license to such persons which would be as valid as any other medical license.
4. Private Acts of 1974, Chapter 386, provided that in Hardin County, the County Judge, County Superintendent of Education, the Health Director, a doctor, a veterinarian, and a dentist would constitute the County Board of Health.
5. Private Acts of 1996, Chapter 199, amended Private Acts of 1957, Chapter 409; as amended by Private Acts of 1977, Chapter 82; Private Acts of 1979, Chapter 23 and any other acts amendatory thereto, relative to the board of hospital commissioners changing the number of board members to five (5); two (2) county commissioners, two (2) citizens at-large, and one (1) physician who is a member of the medical staff of Hardin County General Hospital. This act was not adopted by the Hardin County Legislative Body.

## Chapter IX - Highways and Roads

### Road Law

## Private Acts of 1997 Chapter 62

**SECTION 1.** Effective September 1, 1998, Chapter 113 of the Private Acts of 1929, Chapter 512 of the Private Acts of 1931, Chapters 115 and 325 of the Private Acts of 1939, Chapter 114 of the Private Acts of 1953, Chapter 168 (sic) of the Private Acts of 1961, Chapter 346 of the Private Acts of 1972, as amended by Chapter 114 of the Private Acts of 1953 (sic), and any other acts amendatory thereto, are hereby repealed.

**COMPILER'S NOTE:** Private Acts of 1961, Chapter 168, only applies to Roane County.

**SECTION 2.** The highway commissioner for Hardin County shall be elected by popular vote for a term of four (4) years at the 1998 regular August election, with the term of office to commence on September 1, 1998. This act shall not in any way abridge the term of office of the current highway commissioner. The county highway commissioner shall be the chief administrator of the county highway department under the terms of the County Uniform Highway Law.

**SECTION 3.** The county highway commissioner shall be the purchasing agent for the Hardin County Highway Department and as such is responsible for all purchases of the department, for proposing a budget for the department, and for maintaining the inventory of the department. In performing these duties, the highway commissioner shall conform to all appropriate provisions of state law, including the County Uniform Highway Law, and to the appropriate local acts or resolutions.

**SECTION 4.** The county highway commissioner shall have the authority to make expenditures from the highway fund and to issue warrants drawn against the road fund of Hardin County under his or her signature.

### SECTION 5.

(a) There shall be an elected highway board for Hardin County. One (1) member shall be elected from each of the four (4) highway districts in Hardin County with each member residing in the district which he or she represents. Each board member, however, shall be elected by the qualified voters of the entire county. Nothing in this act shall be construed to cut short the terms of office of the existing members of the highway board. As the current terms of office naturally expire, a successor shall be elected in the regular August election immediately prior to the end of the term. Members of the First and Second Districts shall therefore be elected in the regular August election of the year 2000. Members of the Third and Fourth Districts shall be elected in the regular August election of the year 1998. Subsequent terms of office shall be four (4) years in length and shall commence on September 1 immediately after the election.

(b) The districts shall be composed as follows:

- (1) District No. 1: lying east of the Tennessee River and north of U.S. Highway No. 64, formerly known as State Highway No. 15;
- (2) District No. 2: lying east of the Tennessee River and south of U.S. Highway No. 64, formerly known as State Highway No. 15;
- (3) District No. 3: lying west of the Tennessee River and south of U.S. Highway No. 64, formerly known as State Highway No. 15; and
- (4) District No. 4: lying west of the Tennessee River and north of U.S. Highway No. 64, formerly known as State Highway No. 15.

**SECTION 6.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Hardin 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 7.** 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 6.

Passed: May 21, 1997.

## Highways and Roads - Historical Notes

The following is a listing of acts which once had some effect upon the county road system in Hardin County, but which are no longer operative.

1. Acts of 1837-38, Chapter 251, appointed Richmond Baker, Austin Miller, William Ramsey, David Fentress, and R. P. Neely, of Hardeman County; William S. Wisdom, W. B. Terry, Martin Cross, Thomas Bell, and J. P. Young, of McNairy County; Christopher H. McGinnis, James Irwin, David



- Robinson, Richard Davie, and Samuel Perkins, of Hardin County, as Commissioners to open books and subscribe stock in an amount up to \$100,000 to build a turnpike road from the bank of the Tennessee River opposite Savannah to Purdy and onto Bolivar, the road to be constructed under the same rules, restrictions, and standards, as applied to other turnpikes.
2. Acts of 1847-48, Chapter 44, created and incorporated the Indian Creek Turnpike Company naming J. J. Gibson, John Kervin, Martin Cook, A. Montague, George F. Benton, John Hardin, J. L. Smith, John S. Broyles, and Thompson Hurst as Commissioners to take subscriptions on \$75,000 in stock at \$50 a share. The corporation was to build a macadamized turnpike road from Waynesboro to Savannah in the direction of and along the route of the existing main road. The road was required to be built to meet certain specifications set forth in the act, including the specification that it be eighteen feet wide.
  3. 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 from each of the Road Districts in the county. Road Districts were to be coextensive with civil districts in the county. The duties of the Road Commissioners were enumerated in the act. The Commissioners would name the overseers for each road section in their Districts who would be in immediate charge of the matters affecting that road. Male residents of the county between twenty-one and forty-five years of age were required to work on the roads for as many days as was established by the County Court or pay such commutation charge as may be determined by the Court, none to be less than seventy-five cents per day. A special tax of two cents per \$100 worth of taxable property was authorized to be levied in order to carry out the purposes and intentions of the legislation. Some general specifications for roads were established and provisions made for the hearing and disposition of petitions to open, close, or change roads. Road work would be contracted under the supervision of a committee composed of the County Judge and four citizens of the county. Commissioners would be paid at the same rate as Justices of the Peace for each day actually devoted to their duties. The constitutionality of this act was upheld in the courts in the case of Carroll v. Griffith, 117 Tenn. 500, 97 S.W. 66 (1906).
  4. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, above, in several minor details but most importantly in the method of handling the petitions filed with the commission to open, close, or change roads in the county.
  5. Acts of 1909, Chapter 268, was a comprehensive road law for Hardin County. The County Court would elect one Road Commissioner from each road district. The road districts were to be coextensive with the County civil districts. Each Commissioner would have the general supervision over all the roads, bridges, and overseers in his district. He would be sworn, bonded, and would serve a two year term. He could purchase tools and some other supplies and would be paid up to \$50 per year for his services. The County Court would also determine the number of days from five to eight, which the resident male citizens of the County, between twenty-one and forty-five years old in the county would work on the roads. Credit would be given if a team and wagon were furnished. A special road tax ranging from four to ten cents per \$100 of property valuation could be levied by the Court. Commissioners would appoint road overseers in their districts who would be responsible for all the tools in use in their districts. Road specifications were set forth and the roads were to be classified. Provisions were incorporated to open, close, or change a road and for working prisoners on the roads under certain conditions.
  6. Private Acts of 1923, Chapter 465, provided that the Governor would appoint a suitable person to be Highway Commissioner for a term of two years in Hardin County. The Highway Commissioner would have supervision and control of repairing and constructing the roads in the county on which the automobile tax was to be expended. He would sign all checks, drafts, and vouchers expending automobile tax funds and report to the State Highway Commissioner by December 31 of every year on certain details of receiving and disbursing funds. No provision of the act was intended to interfere with the then current operation of the Hardin County Road Department. The Commissioner would receive \$400 per year as salary, payable quarterly.
  7. Private Acts of 1925, Chapter 138, amended Private Acts of 1923, Chapter 465, above, by reciting that the above act created the position of Highway Commissioner in Hardin County at a salary of \$100 quarterly but did not mention the source from which the funds would come to pay the salary, and that the commissioner who had been appointed under the terms of the act had not been paid. The act directed the Comptroller of the State Treasury to pay the Commissioner \$100 per quarter out of that portion of the Automobile Tax Fund belonging to Hardin County and to pay the same retroactively to April, 1923.
  8. Private Acts of 1929, Chapter 113, as amended by Chapter 512 of the Private Acts of 1931, Chapters 115 and 325 of the Private Acts of 1939, Chapter 114 of the Private Acts of 1953,

Chapter 168 (sic) of the Private Acts of 1961, Chapter 346 of the Private Acts of 1972, as amended by Chapter 114 of the Private Acts of 1953 abolished the office of District Road Commissioner and created the office of the Hardin County Highway Commissioner and the Board of Supervisors. The County Highway Commissioner was to be elected every 2 years by popular vote and receive a salary of no less than \$1,800 a year and no more than \$2,400. The Commissioner was designated as the official agent and representative of the County when dealing with the State Highway Department; the Commissioner was given the authority of eminent domain; the Commissioner was given supervision and control over all public roads and bridges that did not belong the State; the commissioner required to report to the Quarterly County Commission; and the Commissioner was authorized to perform road work or contract out the road work . The Act also provided for a Board of Supervisors elected every 2 years and comprised of five (5) members, one (1) elected from each of the 5 districts. Together the Board of Supervisors and Highway Commissioner were responsible for purchasing highway related materials, making payments for contracts, and required to not spend funds that were not available. This Act was repealed by Private Acts of 1997, Chapter 62.

- 9. Private Acts of 1953, Chapter 114, amended Private Acts of 1929, Chapter 113, providing for the Highway Commissioner to receive \$3,600 per year, payable in installments of \$300 per month. It further provided for the Highway Commissioner's secretary to receive \$100.00 per month. All purchased by the Highway Commissioner required the County Judge to draw up a warranty to make payments. The Act stated that if the Highway Commissioner did not make a required detailed report of the quarterly expenditures to the Quarterly County Court, it was grounds for ouster. All purchases over \$500 had to be competitively bid and the Highway Commissioner had to put up a \$25,000 bond. Regarding the Highway Board, the Board was composed of 4 members, one from each district, who would be elected by the entire county, but they were required to reside in the district they represented. The Highway Board members were elected for 4 years, while the Highway Commissioner was only elected for 2 years. The Act was repealed by Private Acts of 1997, Chapter 62.
- 10. Private Acts of 1961, Chapter 138, amended Private Acts of 1929, Chapter 113, providing that the Highway Commissioner shall be elected every 4 years, beginning with the election in August 1962. This Act was repealed by Private Acts of 1997, Chapter 62.

## Chapter X - Law Enforcement

### Constables

#### Private Acts of 1980 Chapter 298

**SECTION 1.** The county legislative body of Hardin County, upon passage of a resolution may direct the County Election Commission to place upon the ballot at the Regular August Election in 1980 a question, advisory in nature, for the purpose of advising the members of the county legislative body of the preference of the voters of Hardin County on the powers of constables. The form of such question shall be as follows:

Shall Hardin County retain the office of constable and restore the powers and duties of such officers?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

The County Election Commission shall prepare the ballots with the advisory question in the manner provided by law for such questions. The ballots shall be counted and returns made and canvassed as provided by law and the results certified to the Secretary of State.

**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 Hardin County before May 31, 1980. 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 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 16, 1980.

# Law Enforcement - Historical Notes

## **Jails and Prisoners**

The following acts once affected jails and prisoners in Hardin County, but are no longer operative.

Acts of 1907, Chapter 497, repealed parts of Public Acts of 1891, Chapter 123, which was the general law in regard to county workhouses, as it applied to Hardin County. The Act provided that the chairman of the County Court, the Clerk of the County Court, and the Clerk of the Circuit Court would constitute a Commission to be called the Board of Workhouse Commissioners.

Acts of 1909, Chapter 501, amended Acts of 1907, Chapter 497, above, by providing for the compensation of the secretary of the Board of Workhouse Commissioners as the County Court would deem proper.

## **Militia**

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

1. Public Acts of 1825, Chapter 69, declared that all free men and indentured servants between the ages of eighteen and forty-five 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 Hardin County's 65th Regiment was on the second Saturday in October of each year. Many changes were made by the act in the military system of a technical or organizational nature.
2. Public Acts of 1835-36, Chapter 21, was a reorganization of the whole state militia law and units. Hardin County's Regiments were numbered as the 105th and 106th. A company would be composed of a Captain, one First Lieutenant, one Second Lieutenant, one Ensign, three Sergeants, three corporals, and no less than forty-five privates. The 105th and 106th Regiments formed part of the 17th Brigade which was in the 3rd Division. The State had four Divisions.
3. Acts of 1837-38, Chapter 157, scheduled county drills and musters for every county militia unit in Tennessee. Hardin County would convene and drill its units on the second Friday and Saturday in September. Hardin, Hickman, Wayne, and Lawrence Counties' units would compose the Seventeenth Brigade.
4. Acts of 1839-40, Chapter 56, limited membership in the militia of the State to white, male, inhabitants between the ages of eighteen and forty-five, with some exceptions specified. The Organizational Table did not make any changes in the regiments of Hardin County and scheduled muster on the third Friday and Saturday in October for the 105th and 106th Regiments.

## **Sheriff**

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

1. Private Acts of 1821, Chapter 101, required the Sheriffs of Wayne and Hardin County to advertise all lands that were required by law to be advertised before being sold in some newspaper in Nashville. Rangers in these counties were directed to advertise, concerning strays they have picked up, in the newspaper then being published in Columbia.
2. Private Acts of 1825, Chapter 136, stated that the Sheriffs of Humphreys, Perry, and Hardin Counties, the Rangers, and other public officials, who have been required to advertise the notice of execution sales on property and estrays in newspapers published elsewhere, were required to publish the notices in the newspaper at Jackson, Tennessee.
3. Private Acts of 1919, Chapter 561, provided that the Sheriff of Hardin County, in addition to all the legal fees of his office, would be paid \$300 for ex officio services rendered. This amount would be paid quarterly out of the regular county funds and would be in the place and stead of all other ex officio payments or special appropriations.
4. Private Acts of 1923, Chapter 429, stated that the Sheriff of Hardin County would receive \$1,500 as an annual salary, payable quarterly, provided he filed a sworn, itemized statement each quarter with the County Judge or Chairman, showing the amount of all the fees collected in his office from all sources. If the fees were less than the salary, the County would pay him the difference. The Sheriff was not required to account for the fees he received for the destruction of illicit distilleries or for any jailor or turnkey fees.
5. Private Acts of 1925, Chapter 546, declared that the Sheriff of Hardin County would receive \$1,200 per year as salary, payable quarterly on the first day of January, April, July, and October, from the county treasury on the warrant of the County Judge. He would receive, in addition, all

the fees which were collected by his office in the exercise of the duties which attached both to the Sheriff and to his deputies.

6. Private Acts of 1929, Chapter 589, amended Private Acts of 1925, Chapter 546, above, by increasing the annual salary of the Sheriff from \$1,200 to \$1,800.
7. Private Acts of 1959, Chapter 123, fixed the salary of the Sheriff of Hardin County at \$4,800 a year, payable out of the county general funds in equal monthly installments.

## Chapter XI - Taxation

### Assessor of Property

#### Private Acts of 1986 Chapter 143

**SECTION 1.** In Hardin County, no conveyance divesting and vesting title to real estate shall be registered in the office of the County Register until such conveyance shall have been first submitted to the County Tax Assessor for his information as provided in this Act.

To facilitate the maintenance of records at the Office of Assessor of Property of the value of properties in Hardin County, such instruments shall be submitted to the Tax Assessor of Hardin County together with an affidavit of the value of the property or interest conveyed, or the consideration therefor, whichever is greater. Such amount shall then be entered upon the records of the Tax Assessor of Hardin County. Any person swearing falsely as to the consideration for said conveyance shall be guilty of perjury.

Upon the conveyance being submitted to the Tax Assessor, that official shall enter upon the permanent records of his office a description sufficient to enable the land to be identified, the consideration paid therefor, and shall note such change of ownership upon the permanent records of his office. The Tax Assessor shall endorse upon said conveyance that the instrument has been submitted to him.

Nothing herein shall be construed as requiring the submission of mortgages or deeds of trust to the County Tax Assessor.

After such conveyance has been submitted to the County Tax Assessor pursuant to the preceding provisions, it shall then be eligible for registration in the Office of the County Register of Hardin County. The County Register shall not accept the conveyances for registration to which this act applies which fail to bear the notation of the County Tax Assessor showing that the instrument has been submitted to him.

**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 Hardin County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body of Hardin County and certified by him 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: March 31, 1986.

### Hotel/Motel Tax

#### Private Acts of 1988 Chapter 201

**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, governmental entity, 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 Hardin County, Tennessee.

(g) "Operator" means the person operating the hotel whether as owned lessee (sic) or otherwise.

(h) "Clerk" means the County Clerk of Hardin County, Tennessee.

**SECTION 2.** Hardin 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.** 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 Hardin 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 4.**

(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 the 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 5.** 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 the 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 of such reports.

**SECTION 6.** 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 7.** 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 8.** 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 9.** 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 10.** The proceeds of the tax authorized by this act shall be allocated to and placed in the general fund of Hardin County.

**SECTION 11.** 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 12.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Hardin 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 13.** 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 12, the public welfare requiring it.

Passed: April 25, 1988.

## Litigation Tax

### Private Acts of 1982 Chapter 201

**SECTION 1.** There is levied a privilege tax on litigation in the amount of five dollars and twenty-five cents (\$5.25) upon all original civil suits and cases filed in Circuit, Chancery and General Sessions Courts in Hardin County.

**SECTION 2.** There is levied a privilege tax on litigation of seven dollars and fifty cents (\$7.50) in all criminal cases instituted in the Circuit Court in Hardin County.

**SECTION 3.** The term "case" shall include ex parte as well as adversary or contested proceedings.

**SECTION 4.** The privilege tax on litigation shall be collected by the clerks of the respective courts and taxed as a part of the costs in each suit or case. Such clerks shall be accountable for and shall pay over the revenue to the county Trustee quarterly, not later than the tenth (10th) of the month immediately following the end of the quarter in which such collections are made.

**SECTION 5.** The county Trustee shall deposit the amounts collected in the Hardin County General Fund.

**SECTION 6.** Chapter 201 of the Private Acts of 1970 is repealed in its entirety.

**SECTION 7.** 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 8.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Hardin County before September 6, 1982. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Hardin 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 a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 8.

Passed: February 18, 1982.

## Taxation - Historical Notes

### **Assessor of Property**

The following acts were superseded, repealed or failed to win local ratification, but they are listed here as a reference to laws which once affected the Hardin County Assessor. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1911, Chapter 411, set the salaries for many county tax assessors across the State. In Hardin County, the salary was set at \$800 a year for the Tax Assessor.
2. Private Acts of 1913, Chapter 179, amended Private Acts of 1911, Chapter 411, above, so that the Tax Assessor of Hardin County would be paid his \$800 yearly salary out of the county treasury, on a quarterly basis.
3. Private Acts of 1921, Chapter 802, authorized the Quarterly County Court of Hardin County to appropriate a sum not to exceed \$250 to pay to J. R. Freeman for extra services performed by him in assessing property in Hardin County during the year 1920.
4. Private Acts of 1953, Chapter 182, provided that no conveyance, vesting or divesting title to real estate, would be registered in the County Register's Office until the County conveyance has been submitted to the County Trustee, and then to the County Tax Assessor for their information. The Tax Assessor would endorse on the conveyance that it had been submitted to him and he would enter upon his records a description sufficient to identify the land, the consideration being paid, and the change in ownership. The Tax Assessor was to require the parties to make an affidavit stating the true consideration for the conveyance if it was set forth in the deed. This act was expressly repealed by Private Acts of 1975, Chapter 9.
5. Private Acts of 1953, Chapter 217, fixed the compensation of the Tax Assessor of Hardin County at \$2,400 per year to be paid out of the county treasury on the warrant of the County Judge, or Chairman, in equal monthly payments.
6. Private Acts of 1961, Chapter 192, amended Private Acts of 1953, Chapter 217, above, by raising the salary of the Tax Assessor to \$4,800 from the \$2,400 fixed in that act, but the raise would not become effective until the expiration of the term of the current Tax Assessor.
7. Private Acts of 1975, Chapter 9, repealed Private Acts of 1953, Chapter 182, above, which had required the Tax Assessor's endorsement on a deed before it could be recorded with the County Register.

### **Taxation**

The following is a listing of acts pertaining to taxation in Hardin County which are no longer effective.

1. Private Acts of 1821, Chapter 101, required the Sheriff of Hardin County to advertise in a newspaper published in Nashville all land being sold for taxes.
2. Private Acts of 1825, Chapter 136, required the Sheriff of Hardin County to advertise tax sales of land in a public newspaper published in the Town of Jackson.
3. Acts of 1841-42, Chapter 156, required tax collectors in Hardin County to make their returns to the comptroller in Jackson.
4. Public Acts of 1857-58, Chapter 41, allowed A. M. Craven, tax collector in Hardin County, until the next October 1 to make a payment of one-half the state tax for 1857, but the provision of the act was not to be construed as relieving the collector's sureties in any way.
5. Public Acts of 1870-71, Chapter 50, authorized the counties and the cities of the State to levy taxes for county and municipal purposes under the following conditions: (1) that all property be taxed according to its value upon the principles established for state taxation, and (2) that the credit of no county or city be loaned to any person, firm, or corporation, unless the issue was first approved by a majority vote of the Quarterly County Court and submitted to the people and approved in a referendum by a three-fourths vote. Several of the counties were exempted from the three-fourths affirmative vote requirement for the ten years following passage of the act. Hardin County was not exempted.
6. Acts of 1905, Chapter 312, authorized the County Court of Hardin County to levy a special

"Courthouse Tax" of up to fifteen cents per \$100 violation on property and up to ten cents per poll in order to fund an issuance of time warrants for the building of a courthouse.

7. Private Acts of 1933, Chapter 669, authorized Hardin County to levy a tax sufficient to fund the payment of interest on outstanding and unpaid warrants in the aggregate amount of \$200,000.
8. Private Acts of 1970, Chapter 201, empowered Hardin County to collect a litigation tax of \$2.00 as a part of the costs of all civil and criminal actions filed in the Court of General Sessions, the Circuit Court, and the Chancery Court. The Clerks of the Court were to pay the tax into a separate fund to be called Hardin County Capital Improvement Fund to be used for the construction and equipping of a new jail.

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