



March 15, 2025

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# Administration - Historical Notes

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Sincerely,

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# Administration - Historical Notes

## **County Attorney**

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 These acts are included for historical reference only.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

1. Private Acts of 1923, Chapter 20, created the office of county attorney in Hawkins County and validated the action of the county court in said county. This act was repealed by Private Acts of 1983, Chapter 123.
2. Private Acts of 1937, Chapter 181, created the office of county attorney in Hawkins County, validated the action of the county court in said county in electing county attorneys and made appropriations therefor. This act was amended by Private Acts of 1951, Chapter 671, which fixed the salary of the Hawkins County Attorney to \$600 per annum. Private Acts of 1957, Chapter 62, amended Private Acts of 1937, Chapter 181, further, by setting the salary of the county attorney at \$1,200 per annum. Private Acts of 1967-68, Chapter 370, provided that the county attorney receive \$200 per month. Chapter 181 was further amended by Private Acts of 1974, Chapter 207, which provided that the county attorney receive \$400 per month. Private Acts of 1978, Chapter 266, approved by the Hawkins County Quarterly Court on July 17, 1978, increased the salary of the county attorney from \$400 per month to \$6,000 per year. This act was repealed by Private Acts of 1983, Chapter 123. Private Acts of 1982, Chapter 357, was an amendment to Private Acts of 1937, Chapter 181, which would have increased the annual salary of the county attorney from \$6,000 to \$8,400 but this act was rejected by the Hawkins County Legislative Body on June 28, 1982, and therefore never became an effective law.

## **County Clerk**

The following acts once affected the office of county clerk in Hawkins County. They are included herein for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1897, Chapter 124, fixed the annual salary of the Hawkins County Clerk at \$1,800.
2. Private Acts of 1933, Chapter 851, fixed the annual salary of the Hawkins County Court Clerk at \$2,500. Private Acts of 1935, Chapter 720, expressly and entirely repealed Private Acts of 1933, Chapter 851, which concerned the annual salaries of several Hawkins County officials.
3. Private Acts of 1967-68, Chapter 186, was the authority for the quarterly court of Hawkins County to secure and provide suitable office space for a permanent branch office of the county court clerk which would be situated in the city of Mount Carmel. This act was rejected by the quarterly court of the county and never became an effective law. Private Acts of 1967-68, Chapter 369, was an exact duplicate of Chapter 186, and was also rejected by the Hawkins County Quarterly Court.

## **County Legislative Body**

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

1. Acts of 1794, Chapter 8, set the dates for holding the court of pleas and quarter sessions for each of the counties in the Washington District. Hawkins County's Court met on the first Mondays in March, June, September and December.
2. Acts of 1797, Chapter 6, scheduled the meeting dates for the courts of pleas and quarter sessions in several of the Tennessee counties. For Hawkins and Blount counties, the courts met on the fourth Mondays in February, May, August and November.
3. Acts of 1809, First Session, Chapter 93, regulated the times for holding the courts of pleas and quarter sessions throughout the state. Hawkins County held said court on the fourth Mondays in February, May, August and November.
4. Private Acts of 1827, Chapter 65, stated that courts of pleas and quarter sessions of Dickson, Sullivan, Weakley, Hawkins, Hamilton, Smith, Henry and Rhea counties, a majority of the justices being present at their first meeting of the year, and on the first day, may select three of their own number by ballot to hold the court for the remainder of that year and the clerk shall enter the names of those chosen in the minute book. This quorum court, once established, would operate under the same laws and regulations as the other courts.
5. Public Acts of 1866-67, Chapter 41, allowed the quarterly court of Hawkins County by a two-thirds

vote of its members, to issue coupon bonds to produce the funds with which county debts would be paid, but no debt would be included to be paid which was incurred in aiding and abetting in the Civil War.

6. Private Acts of 1913, Chapter 212, stated that all justices of the peace in Hawkins County, and in three other counties, shall be entitled to receive the sum of \$2.50 per day for each day of attendance at any regular or special session of the quarterly county court. The justices would also be paid five cents per mile for each mile traveled in going to and from their residences and the courthouse. This act was amended by Private Acts of 1967-68, Chapter 384, amended Private Acts of 1913, Chapter 212, as amended by Private Acts of 1951, Chapter 278, by increasing the per diem allowance for the justices of the peace to \$25 per day. It must be noted, however, that Private Acts of 1951, Chapter 278, did not specifically amend Private Acts of 1913, Chapter 212, as implied by Private Acts of 1967-68, Chapter 384.
7. Private Acts of 1951, Chapter 278, provided that the justices of the peace in Hawkins County would be paid \$5.00 per day for each day spent in attendance at the quarterly county court for each and every session.
8. Private Acts of 1961, Chapter 163, would have amended Chapter 278, by increasing the per diem payments for the justices of the peace in Hawkins County from \$5.00 to \$10.00 per day for each day's attendance at the quarterly court; however, this act was rejected or disapproved by Hawkins County and therefore never became law.

### **County Mayor**

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

1. Private Acts of 1951, Chapter 329, stated that in Hawkins County the chairman of the county court shall be paid the sum of \$1,800 per year in equal monthly installments out of the county treasury.
2. Private Acts of 1957, Chapter 256, as amended by Private Acts of 1967-68, Chapter 223, Private Acts of 1977, Chapter 74, and Private Acts of 1991, Chapter 36 created the office of county judge in Hawkins County elected to serve an eight (8) year term. This act also abolished the office of chairman of the county court.
3. Private Acts of 1980, Chapter 217, would have amended Private Acts of 1957, Chapter 256, relative to the purchases or contracts for purchases of materials, supplies or equipment by the financial agent or purchasing agent of Hawkins County; however, this act was rejected or disapproved by the proper authorities and never became law.

### **County Register**

The following acts once affected the office of county register in Hawkins County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1831, Chapter 162, stated that all deeds and other instruments of conveyance heretofore registered in Greene, Sevier, Cocke, Washington, Hawkins, Grainger, Claiborne, Campbell, Jefferson, Blount, Monroe, McMinn, Morgan, Roane and Sullivan counties, although the certificates might not specify that the same were acknowledged by the grantor, or proved by the attestation of two witnesses, yet the same shall be as good and valid in both law and equity as if they had been certified and endorsed in the most formal and legal manner.
2. Private Acts of 1835-36, Chapter 61, declared that all grants of land issued by the state of Virginia for lands in that tract of country situated between what is commonly called Henderson and Walker's lines in Hawkins, Claiborne and Sullivan counties, and which have heretofore been registered in said counties, shall be received as evidence in the state of Tennessee. Certified copies of the same shall likewise be accepted and so treated.
3. Public Acts of 1897, Chapter 124, fixed the annual salary of the Hawkins County Register at \$1,000.
4. Private Acts of 1933, Chapter 851, fixed the annual salary of the Hawkins County Register at \$1,500 Private Acts of 1935, Chapter 720, repealed Private Acts of 1933, Chapter 851.

### **County Trustee**

The following acts once affected the office of county trustee in Hawkins County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1897, Chapter 124, fixed the salary of the county trustee of Hawkins County at

- \$1,800 per annum.
2. Private Acts of 1917, Chapter 697, established the salary of the county trustee of Hawkins County at \$1,800 a year, payable monthly on the warrant of the county judge, or chairman. The trustee must file an accurate record of all the fees, commissions, and emoluments of the office with the county judge, or chairman, and pay the same over to the county. If the fees do not equal the salary above, the trustee will get the fees only. This act was repealed by Private Acts of 1919, Chapter 534.
  3. Private Acts of 1921, Chapter 320, fixed the compensation of the trustee of Hawkins County at 5% on the first \$10,000; 3% on the next \$10,000; 2% on the next \$10,000; and 1% on all sums in excess of \$30,000. All funds were considered as one in computing the compensation but no funds left by a predecessor were included. The fee on all monies collected by the other county officers were 1%. Private Acts of 1929, Chapter 457, amended Section 1, Chapter 320, by setting up a new schedule of payments for the trustee of Hawkins County, which provided for 5% on the first \$10,000; 3% on the next \$10,000; 2% on the next \$10,000; and 1½% on all sums over \$30,000. All funds were taken and considered as one for the purpose of computing the compensation hereunder, and each fund paid its pro-rata share. All moneys collected by county officers were subject to a 1% fee, but no accounts left by a predecessor would be included at all. All of the above was not allowed to exceed \$4,500 per year. Private Acts of 1931, Chapter 35, repealed Private Acts of 1929, Chapter 457. Private Acts of 1921, Chapter 320, was found unconstitutional by State v. Miner, 176 Tenn. 158, 138 S.W. 2d 766 (1938).
  4. Private Acts of 1933, Chapter 851, fixed the annual salary of the Hawkins County Trustee at \$2,500. Private Acts of 1935, Chapter 720, repealed Private Acts of 1933, Chapter 851.

### **General Reference**

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

1. Acts of 1801, Chapter 5, established the procedures for the storing and the methods for inspecting various commodities for sale or shipment. Warehouses were selected in each county where goods could be officially examined. In Hawkins County the warehouses selected were those belonging to Daniel Rice, Rhodham Kenner, and Lacky Stubblefield.
2. Acts of 1806, Chapter 28, provided that five commissioners would be selected by election for Dandridge, Gallatin and Rogersville who would in turn choose a clerk and treasurer and perform such other administrative duties as were specified in the act.
3. Acts of 1815, Chapter 52, was the legislative authority given to John Miller, of Hawkins County, to build a grist mill on Beech Creek which was located on his own land and built to meet all the demands of the law. This act must not be construed as preventing Miller from paying damages to anyone who might suffer some injury from the construction of the mill.
4. Acts of 1815, Chapter 105, allowed Stokely D. Mitchell the privilege of building an office on the public square in Rogersville in Hawkins County in his capacity as the clerk of the court of pleas and quarter sessions. Upon an application to the court by Mr. Mitchell, and, at least nine of the justices being present, they proceeded to designate the spot where the office shall be built.
5. Private Acts of 1820, Chapter 17, allowed the quarterly court of Hawkins County, a majority of the justices being present, to designate a part of the public square in Rogersville through a committee of their own members as a site on which offices of county officials might be constructed. When the area was selected, any of the clerks of the different offices were permitted to build an office thereon for the safe keeping and preservation of their records. If the clerk should die, his representative may collect the value of that clerk's share. The county was given leave to buy the properties at any time as the property of the county. The clerks were not allowed to convey the property to third parties.
6. Private Acts of 1826, Chapter 5, provided for the relief of the citizens of Hawkins County who had purchased land from Thomas Johnston.
7. Private Acts of 1826, Chapter 84, authorized the citizens of Hawkins County to have persons summoned to examine whether their fish traps, dams and mill dams on Holston River were obstructing the navigation of said river.
8. Private Acts of 1827, Chapter 111, directed the entry taker of Hawkins County to accept the sum of 12½ cents per acre for twenty-five acres of land from one David Clark, and to issue him a certificate for that amount of land stating its precise location in Hawkins County.

9. Private Acts of 1832, Chapter 72, provided that Benjamin James be entitled to all the privileges of citizenship that other free persons of color were entitled to in Hawkins County.
10. Private Acts of 1832, Chapter 91, provided that James Nugent and Samuel D. Powell of Hawkins County be released from the payment of a forfeiture of \$100.00 each, entered against them by the Gibson County Court, for the personal appearance of William Nall, provided they paid all costs that had accrued upon said prosecution.
11. Private Acts of 1833, Chapter 66, provided for the divorce of Daniel Green and his wife Mary Green of Hawkins County.
12. Public Acts of 1833, Chapter 93, appointed Stokely D. Mitchell, Orville Rice, and Jacob Miller as commissioners in the room and stead of William Simpson, James Sanders, and James Young. The new commissioners joined the others to purchase a sufficient quantity of land on the public square in Rogersville on which to build a courthouse, provided the agreement of a majority of the quarterly court was first obtained.
13. Private Acts of 1835-36, Chapter 59, appointed Clinton Armstrong, Joseph Huffmaster, and William A. Walker as additional commissioners for the building of the aforementioned courthouse in Rogersville and the new commissioners were vested with the same power and authority as were the former ones.
14. Acts of 1841-42, Chapter 61, authorized the treasurer of the state to pay to George C. Bradley, former jailor of Hawkins County, the sum of \$79, that being the amount of legal fees for keeping in prison two prisoners, one charged with murder, and the other with horse stealing, who had made their escape without the negligence, default, or connivance of Bradley, but because of the insufficiency of the jail.
15. Acts of 1845-46, Chapter 191, recited that an act passed in January, 1830, provided for a special entry taker's office to be opened in Hawkins County for the entry of land designated by Sim's big survey, and John Mitchell was appointed special entry taker. The special office was closed July 1, 1832 and the remaining lands to be entered were treated under the general laws by the regular entry taker of Hawkins County. The general assembly was advised that several entries were made at the special office after July 1, 1832 and this act made all such entries legal, valid, and binding for all purposes, which occurred after July 1, 1832, in the special office.
16. Private Acts of 1869-70, Chapter 28, allowed Carter M. Bales, the revenue collector of Hawkins County until August 1, 1870, to collect and pay over the state revenue that was charged to him as the said collecting officer. The attorney-general of the first judicial circuit suspended prosecution on Bale's official bond until the expiration of the time given to Bales under this act.
17. Public Acts of 1869-70, Chapter 93, permitted Carter M. Bales of Hawkins County, and all other revenue collectors in the state who did not complete their collections for the years 1865, 1866 and 1867 to take the further time of one year in which to do so.
18. Public Acts of 1893, Chapter 82, declared that Poor Valley Creek in Hawkins County was a navigable stream for the floating of logs thereon from its mouth to the forks of the said creek, at or near the residence of Washington Hunzman, in the said county.
19. Public Acts of 1929, Chapter 138, appropriated out of the state treasury the sum of \$10,000 for the purpose of constructing driveways, walkways and beautifying the grounds and building known as the "American Legion Hut" in Hawkins County, and for appropriating a commission to supervise the expenditure of said funds for said purpose.
20. Private Acts of 1937, Chapter 647, removed all the disabilities of infancy from Cornelius DeWolfe Miller of Hawkins County, granting him all the rights and privileges of adulthood.
21. Private Acts of 1937, Chapter 648, removed all the disabilities of infancy from Miss Graham K. Rogan, Jr. [sic] upon whom was also bestowed all the privileges and obligations of a majority.
22. Private Acts of 1953, Chapter 437, authorized Hawkins County to sell and dispose of property known as the Old County Poor Farm in the fifth civil district. The act also provided for the disposition of the proceeds of said sale.
23. Private Acts of 1975, Chapter 150, established the Hawkins County Planning Commission for county planning purposes, provided for the selection of members, provided for duties and responsibilities. This act was repealed by Private Acts of 1978, Chapter 261.
24. Private Acts of 1977, Chapter 154, would have amended Private Acts of 1975, Chapter 150, with respect to the initial members of the commission and the territorial jurisdiction of the same, however, this act was not approved by Hawkins County and therefore never became law.

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