



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

November 19, 2024

Henderson

Dear Reader:

The following document was created from the CTAS website (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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Henderson	4
Chapter I - Administration	5
Budget System	5
Private Acts of 1975 Chapter 131	5
County Attorney	8
Private Acts of 1970 Chapter 268	8
County Legislative Body	9
Voting Procedure	9
Private Acts of 1931 Chapter 526	9
County Registers	9
Clerical Assistant	9
Private Acts of 1967-68 Chapter 67	9
Purchasing	10
Purchasing Agent	10
Private Acts of 2000 Chapter 86	10
Fiscal Procedure	10
Private Acts of 1983 Chapter 61	10
Repealing Statute	12
Private Acts of 1980 Chapter 194	12
Administration - Historical Notes	12
Chapter II - Animals and Fish	18
Animals and Fish - Historical Notes	18
Chapter III - Bond Issues	19
Bond Issues - Historical Notes	19
Chapter IV - Boundaries	19
Creation of the County	19
Public Acts of 1821 Chapter 32	20
County Seat	20
Private Acts of 1821 Chapter 201	20
Private Acts of 1822 Chapter 210	21
Change County Lines	22
Private Acts of 1823 Chapter 137	22
Acts of 1845-46 Chapter 62	22
Acts of 1847-48 Chapter 15	23
Acts of 1849-50 Chapter 92	23
Public Acts of 1868-69 Chapter 39	24
Public Acts of 1893 Chapter 3	24
Public Acts of 1893 Chapter 81	24
Acts of 1903 Chapter 186	24
Civil Districts	24
Acts of 1903 Chapter 243	24
Acts of 1905 Chapter 399	25
Acts of 1905 Chapter 462	26
Private Acts of 1911 Chapter 568	26
Private Acts of 1925 Chapter 777	26
Private Acts of 1927 Chapter 487	27
Boundaries - Historical Notes	27
Chapter V - Court System	27
General Sessions Court	27
Private Acts of 1941 Chapter 393	27
Clerking Duties When Exercising Juvenile Jurisdiction	30
Private Acts of 2000 Chapter 122	30
Court System - Historical Notes	31

Chapter VI - Education/Schools 38
Board of Education 38
Private Acts of 1992 Chapter 192 38
Superintendent or Director of Schools 39
Private Acts of 1953 Chapter 113 39
Education/Schools - Historical Notes 39
Chapter VII - Elections 43
Elections - Historical Notes 43
Chapter VIII - Health 45
Hospital Road 45
Private Acts of 1959 Chapter 7 45
Chapter IX - Highways and Roads 48
Crushed Rock Sales 48
Private Acts of 1975 Chapter 181 48
Highway Supervisor 49
Private Acts of 1992 Chapter 179 49
Road Law Repealing Statute 49
Private Acts of 1981 Chapter 48 49
Highways and Roads - Historical Notes 50
Chapter X - Law Enforcement 54
Law Enforcement - Historical Notes 54
Chapter XI - Taxation 60
Hotel/Motel Tax 60
Private Acts of 1983 Chapter 98 60
Taxation - Historical Notes 62

Henderson



Henderson County Courthouse

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Chapter I - Administration

Budget System

Private Acts of 1975 Chapter 131

SECTION 1. The Henderson County Board of Highway Commissioners, on or before the first Monday in April of each year, shall prepare and file with the county court clerk in an itemized statement or budget of the funds estimated to be necessary for the construction, maintenance, upkeep and operation of the roads, bridges and county workhouse in Henderson County, and all expenses incident thereto, for the year commencing on the first day of July following the making of said report. The said budget shall show in detail and in separate items the estimated amounts necessary for salaries and office expenses, new equipment, maintenance or repair of old equipment, bridges, lumber, gravel, maintenance of the county workhouse, etc. The budget shall also show in parallel columns the amounts expended the previous year for the respective purposes.

The Henderson County Board of Education, on or before the first Monday in April of each year, shall prepare and file with the County Court Clerk of Henderson County an itemized statement or budget of the funds estimated to be necessary for the maintenance and operation of the schools in Henderson County, and expenses incident thereto, for the year commencing on the first day of July following the making of the report. The budget shall show in detail and in separate items the estimated amounts necessary for (1) the office expenses and salary of the county superintendent; (2) the aggregate of the salaries for each individual school being shown; (3) wood, coal or other fuel; (4) floor oils and other supplies; (5) gasoline and motor fuels; (6) the purchase of new equipment; (7) for the maintenance and repair of old equipment and school buildings; (8) janitor service; (9) bus service; (10) insurance; and (11) all other expenses of said department. The said budget shall likewise show in parallel columns the amounts expended the previous year for the respective purposes and items. The budget request for said department shall be accompanied by a financial report showing the amount expended the previous year for fuel, gasoline, and supplies indicating unit price and from whom such items were purchased.

The County Judge or Chairman of the Quarterly County Court of Henderson County, on or before the first Monday in April of each year shall prepare and file with the county court clerk an itemized statement or budget of the funds which he estimates necessary to be expended from the general county fund during the year commencing on the first day of July following the making of his said report, for payment of salaries, mother's pensions, maintenance of insane patients, outstanding paupers, jail bills, improvements and repairs of the courthouse and jail, court costs, jail buildings, and all other expenses which are properly paid out of the general county fund. The proposed budgets will likewise show in parallel columns the amounts expended the previous year for the respective purposes.

The County Judge or the Chairman of the Quarterly Court shall also prepare and file with the County Court Clerk a statement or budget showing the amounts that will be necessary to pay the various county bonds, together with interest thereon, which have been issued by the County, which will mature or become due during the ensuing year.

All other county agencies and parties not hereinabove specifically mentioned, having authority to expend or expending county funds shall file with the said county court clerk each year on or before the first Monday in April an itemized statement or budget of the funds estimated to be necessary to be expended by said agencies or departments for the year commencing on the first day of July following.

The county court clerk shall record the budgets herein referred to in a manner that shall make a permanent record of same. It shall be the further duty of the county court clerk to make sufficient copies of the said budgets and to distribute same to the county judge or chairman of the quarterly court, each magistrate or justice of the peace and each member of the budget commission no later than the regular April term of the Quarterly Court.

SECTION 2. The budget committee shall consist of seven (7) members with the county executive serving as an ex officio member with no voting power. The county executive shall nominate three (3) members of the county commission to serve with the four (4) private citizens who are currently on the budget committee, and the county commission shall confirm the county executive's appointments to the budget committee. As the four (4) private citizens retire from the budget committee, the county executive shall nominate and the Henderson County Commission shall confirm a member of the county commission to fill the private citizen's position until the budget committee is ultimately composed of seven (7) members from the county commission. No more than one (1) member from any district within the county shall be appointed to serve on the budget committee.

The members of the budget committee shall select a chairman who shall be known as the chairman of the Henderson County budget committee and the chairman shall be a member of the county commission.

Four (4) members of the committee shall constitute a quorum for the transaction of the business. The budget committee shall be authorized to employ a secretary whose duties shall be to keep all records of the committee, including a complete report of the proceedings thereof, assist in the compilation of the data necessary for the committee to prepare the budget herein provided for and to assist in the preparation of the budget and shall perform such other duties as shall be prescribed by the committee. The secretary shall be compensated for services rendered in said capacity on a per diem basis as determined by the Henderson County Commission. The committee shall certify to the Henderson County Commission at the time it submits its budget as hereinafter provided, the number of days the secretary has been actually engaged in the performance of his or her duties.

As amended by: Private Acts of 1983, Chapter 60

SECTION 3. Each year prior to the meeting of the July term of the quarterly court, it shall be the duty of the said budget commission to consider and examine the budget proposals set forth in Section 1, and such other records and data as may be necessary, and to prepare on appropriate forms a complete itemized budget covering all of the proposed expenditures of every kind and description to be made by or on behalf of the county for the next fiscal year commencing July 1. The commission is not be bound by the various departments of the county referred to in Section 1, and may make such changes therein as in the opinion of the commission are in the best interests of the county.

The budget commission shall cause to be prepared appropriate forms on which the budgets of the various departments of the county referred to in Section 1 hereof shall be submitted and appropriate forms on which the county budget shall be prepared and submitted. The form shall be of such nature as to enable the commission to submit to the quarterly court as hereinafter provided a complete itemized budget and financial statement of the county in a simple, intelligible form, to the end that the quarterly court shall have before it all of the data necessary to enable it to intelligently determine the proper amount to be allowed the various departments of the county during the year for which the budget is proposed and the amount of revenue that will be available to pay such amounts. In determining the nature and kind of said forms, the budget commission shall seek such expert advice in respect to this matter as will enable it to accomplish the desired ends.

The budget prepared by the commission, shall be filed with the county court clerk no later than June 15th of each year and it shall be recorded with the budgets prepared by the several departments of the county as hereinabove provided and kept as a permanent record in the office of the County Court Clerk. The County Court Clerk shall make sufficient copies of said budget and distribute same to the county judge of chairman of the quarterly court, the county attorney, and each magistrate or justice of the peace at least 10 days prior to the meeting wherein said budget is to be approved and adopted. The budget submitted by the budget commission shall be published by the county court clerk in a newspaper of general circulation in Henderson County at least seven (7) but no more than twenty-one (21) days prior to the date it will be considered by the Henderson County Quarterly Court. The budget shall be submitted by the chairman of the budget commission each year to a duly constituted regular or called meeting of the quarterly court prior to July 1. The budget shall be presented in open court and it shall be the duty of said court before fixing the tax rate for the current year to fully consider in open court said budget prepared by said budget commission. The court shall have the right and power to alter, vary or change in any way it deems right and proper the budget so submitted by the budget commission, however the court shall, prior to July 1 of each year, fix, establish and adopt a complete, itemized budget of the amounts to be expended by each department of the county government during the year beginning on the first day of July following, and no warrant drawn against county funds after July 1, 1975 shall be binding on the county unless the items or expense for which said warrant is issued shall have been included in a budget adopted by said court as herein provided and no warrant shall be valid or binding on the county after the aggregate amount of warrants theretofore drawn during the fiscal year by and on behalf of any department of the county government, shall equal the amount allowed said department in the budget adopted for that year.

In preparing the proposed budget, it shall be the duty of the budget commission to take into consideration any unexpended balances that may remain at the end of the year to the credit of any department from the amount allowed such department for the previous year.

As nearly as may be practicable, the commission shall show in its budget the amount of actual expenditures of each department of the county government during the preceding year covering each item or head in the budget, said amounts of such previous year to be shown in a column parallel to that containing the amounts proposed for the ensuing year, so that when completed said budget will show not only the proposed expenditures for the ensuing year, but the actual expenditures under each head for the preceding year.

The county trustee shall furnish such data and information to the budget commission and any other county agency as it may be necessary to examine, the budget commission shall likewise show in its budget an itemized statement or estimate of all funds, exclusive of the funds derived from the county tax on property, which said commission has reasonable grounds to believe will be available during the year for payment of the amount allowed in its budget for said year, and it shall also show as nearly as may be practicable the amounts of revenue derived from the same sources during the preceding year, together with the amount actually collected from the county tax on property during the such preceding year.

The budget commission shall, along with its budget, submit its recommendation to the court with respect to the tax rate on property for the current year together with its estimate of the amount that will actually collected during the year beginning on the first day of the following July from the tax so recommended. At the same time and in the same report, the budget commission shall submit to the quarterly court a full and complete statement of all outstanding and unpaid warrants and the outstanding bonded indebtedness of the county, showing the amounts and maturities of all outstanding bonds, the purpose for which issued and any other information relative thereto which said commission shall deem pertinent.

In addition to the proposed budget and report said commission shall submit to said court such other data, information and recommendations as it may deem advisable and necessary to enable the said quarterly court and the public to fully understand the financial condition of the county and the necessity for the amounts fixed in said budget and the tax rate recommended by said commission.

SECTION 4. In the event that said budget commission fails, refuses or neglects to prepare and submit the budget as herein provided at the time herein stated to the said quarterly court, then it shall be the duty of said quarterly court, at a regular or specially constituted meeting for the purpose of adopting and approving a budget, to establish and adopt an itemized statement of the budget covering the amounts to be expended by each department of the county government for the year beginning on the first day of the following July, said budget to be of the same kind and form as that herein required to be prepared by said budget commission, and it shall be a misdemeanor in office for any official of Henderson County to fail in his or her duties as herein set forth or for any official of Henderson County from and after July 1, 1975, to draw, sign or issue the warrant of Henderson County against any fund of Henderson County unless a budget has been adopted by said quarterly court as herein provided; and no warrant shall be valid or binding on the County of Henderson unless the item of expense for which said warrant is drawn shall have been included in a budget adopted according to the provisions hereof.

The budget as finally adopted by the quarterly court each year as hereinabove provided, shall be spread on the minutes of said court, and from and after July 1, 1975, no warrants shall be drawn against any funds of Henderson County by any official of said county unless and until a budget has been adopted by the quarterly court as herein required; provided that warrants may be issued prior to July 1, 1975, covering any obligation or indebtedness of said county incurred prior to said date.

SECTION 5. It shall be the duty of each department of the county government that disburses public funds, including the Henderson County Board of Education, Henderson County Board of Highway Commissioners, and the County Court Clerk and County judge or chairman in regard to the fund designated as the "General County Fund," to keep all such books and records as will enable them to fully and specifically comply with the provisions of this Act. Each of said departments and officials shall close the books kept by him as of the 30th day of June each year, showing the balance to its or his credit, said balance to represent the difference between the amount allowed said department or fund in the budget for the year ending on that date and the aggregate amount of the warrants issued and chargeable against said amount allowed in said budget, regardless of whether said warrants have been paid or not; and it shall likewise be the duty of each of said departments and said officials to open its or his books on the first day of July of each year bringing forward the balance, if any, arrived at in the manner herein provided, remaining to the credit of said department or fund from the previous year, to which shall be added the amount allowed said department or fund in the budget adopted by the quarterly court as hereinabove provided.

Said books shall be kept in such a manner as to at all times show the amount allowed that department or fund in said budget adopted by the quarterly court and the amount of all warrants drawn and chargeable against said fund, regardless of whether said warrants have been paid or not, said warrants to be posted in said books as the same are issued.

On the first day of July each year the amount allowed each department or disbursing agency of the county government or county fund in said budget shall also be placed at an appropriate accounting journal and at the end of each month it shall be the duty of every official drawing warrants against any fund of Henderson County to reconcile the balance to the credit of the fund drawn against as shown on the appropriate records. The fiscal year beginning July 1, the books of each department shall be opened by placing to the credit of each department the amount allowed it in the budget adopted at the regular or

specially constituted meeting of the quarterly court for that purpose.

SECTION 6. It shall be unlawful and a misdemeanor in office for any official or employee of Henderson County to draw, sign, issue, deliver, or to authorize the drawing, signing, issuance or delivery of any warrant against any fund of said county, when the aggregate of the warrants theretofore issued or signed, whether the same shall have been paid by the trustee or not, equals the amount allowed in the budget adopted by the Quarterly Court to that department or fund of the county against which said warrant should otherwise be chargeable, plus the balance, if any, that may have been brought forward to the credit of such department or fund from the previous year, and it shall also be a misdemeanor in office for any official to sign or issue, or authorize the signing or issuance of a warrant or warrants against any county fund, in excess of the amount allowed said fund in the budget adopted by the quarterly court plus any balance remaining to the credit of such fund from the previous year.

It shall be a mandatory duty of every official drawing warrants against any county fund to keep advised and know before he signs, issues or delivers any warrant, whether or not the aggregate of the warrants theretofore issued against said funds out of which said warrant is payable equals the amount allowed said fund or department in the budget for that year plus any balance brought forward from the previous year, and it shall be the duty of said budget commission before submitting its annual report to the quarterly court to examine the books and records of each department of the county government for the purpose of ascertaining whether or not the warrants issued by or on behalf of any said departments during the year ending on the preceding June 30th have exceeded the amount allowed said departments in the budget adopted for that year, and said commission shall show in its report to be filed with its budget each year the departments, if any, that have warrants in excess of the amounts allowed such department in the budget for said year, and it shall be the mandatory duty of the quarterly court to certify the facts to the district attorney general for presentation to the grand jury at the next term of the circuit court; and it shall be the duty of the district attorney general to present the facts to said grand jury and to institute such other proceedings as may be necessary to give full effect to the provisions of this Act.

SECTION 7. Chapter 797 of the Private Acts of 1935, and all acts amendatory thereto and all laws or parts of laws in conflict with this act are repealed.

SECTION 8. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Henderson County before July 1, 1975. 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 9. For the purpose of approving or rejecting the provisions of this Act, as provided in Section 9 [sic], it shall be effective on becoming a law, the public welfare requiring it. For all other purposes it shall become effective upon being approved as provided in Section 9 [sic].

Passed: May 5, 1975.

County Attorney

Private Acts of 1970 Chapter 268

SECTION 1. That in counties of this State having a population of not less than 16,110 nor more than 16,160, by the Federal Census of 1960, or any subsequent Federal Census, there is hereby created the office of County Attorney. Such County Attorney shall possess a license to practice law in the State of Tennessee and shall be a person with good moral character.

The compensation for said County Attorney shall be fixed by the Quarterly County Court, payable in equal monthly payments out of the general fund.

As amended by: Private Acts of 1975, Chapter 125
Private Acts of 1980, Chapter 206

SECTION 2. That the said County Attorney shall be elected at the meeting of the Quarterly County Court in April, 1970, and shall take office on July 1, 1970. The term of this officer shall be for one year and until his successor shall be elected and qualified in the same manner.

SECTION 3. That the said County Attorney shall have the following duties:

1. To advise all county officials as to their official duties and powers.
2. To attend all of the meetings of the Quarterly County Court.

SECTION 4. That this Act shall have no effect unless the same be submitted to the Quarterly County Court of Henderson County, Tennessee, and be approved by a two-thirds (2/3) vote of said Quarterly County Court, on or before its next regular meeting occurring more than five (5) days after the approval or non-approval of this Chapter shall be proclaimed by the presiding officer of the Court and shall be

certified by him to the Secretary of State within ten (10) days after the action of the Court.

COMPILER'S NOTE: An obvious error appears in the fourth line of Section 4 of this act, which probably was intended to read "more than five (5) days after the approval of this act. The approval or non-approval of this Chapter shall be"

SECTION 5. That this Act shall take effect from and after its passage and ratification, the public welfare requiring it.

Passed: February 18, 1970.

County Legislative Body

Voting Procedure

Private Acts of 1931 Chapter 526

SECTION 1. That in counties having a population of not less than 17,665 and not more than 17,7 by the Federal Census of 1930, or any subsequent Federal Census, the Quarterly County Courts when electing any county officers, which under the law they are empowered to elect, shall cast their votes by calling the name or names of the candidates for whom they desire to vote when the roll of the court is called by the County Court Clerk for the purpose of ascertaining and recording the vote and/or votes of the members of said courts in the elections of county officers as aforesaid. It shall be mandatory for the vote in the election of county officers by the County Courts to be so ascertained and the clerk of the court shall record the vote of each and every member of the court, and the minutes of the court shall show how each and every member of the County Court voted or for whom each voted in the election of county officers. No person shall be legally elected to any county office in the counties coming under the provisions of this Act by the said courts to any county officer, unless the vote is so taken and so recorded.

SECTION 2. That the Quarterly County Courts in the counties coming under the provisions of this Act, in voting on appropriations of county funds for any purpose, shall in each and every instance wherein the amount for any one item shall be in the amount of One Hundred (\$100.00) Dollars, or in excess thereof, in response to a roll call by the County Court Clerk vote aye or no, and the record or minutes of the court shall show how each and every member of the court voted on said item. No appropriation for any one item in the amount of One Hundred (\$100.00) Dollars, or in excess thereof, shall be deemed to have been approved by the Quarterly County Courts in the counties coming under the provisions of this Act, unless the minutes of the court show how each and every member voted on each particular item mentioned above, and in no case shall any such appropriation of the amount above designated be deemed to have been made by the Quarterly County Courts in counties coming under the provisions of this Act, unless a majority of the members of said court vote for said appropriation and the record show that the majority of the court did so vote.

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

Passed: June 23, 1931.

County Registers

Clerical Assistant

Private Acts of 1967-68 Chapter 67

SECTION 1. The County Register of Henderson County shall have the right to employ a suitable person as clerical assistant at a salary, to be set by the county legislative body, such clerical assistant to be employed on a full time basis, and to be paid out of the general funds of the county.

As amended by: Private Acts of 1980, Chapter 189.

SECTION 2. This Act shall have no effect unless it is approved by two-thirds (2/3) vote of the Quarterly County Court of Henderson 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 court and certified by him to the Secretary of State.

SECTION 3. This Act shall take effect upon becoming a law, the public welfare requiring it.

Passed: April 4, 1967.

Purchasing

Purchasing Agent

Private Acts of 2000 Chapter 86

SECTION 1. Chapter 59 of the Private Acts of 1983, as amended by Chapter 40 of the Private Acts of 1995, is hereby repealed.

SECTION 2. The office of purchasing agent for Henderson County is abolished. Nothing in this act shall be construed as reducing the term of office of the current county purchasing agent. Such person shall continue to serve in that capacity and retain all powers and responsibilities of the office until the expiration of the current term on August 31, 2000, or until he or she vacates office, whichever occurs first. In the case of a vacancy in the office of county purchasing agent prior to August 31, 2000, such office shall not be filled, but shall be abolished on the effective date of the vacancy.

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

SECTION 4. 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 3.

Passed: February 28, 2000.

Fiscal Procedure

Private Acts of 1983 Chapter 61

SECTION 1.

(a) There shall be set up and maintained in the office of the county executive a system of fiscal procedure, control and centralized accounting, hereinafter set out and described which shall be under the administrative control and direction of the county executive; but such system shall be conducted in full accordance with the general law of this state respecting the duties and responsibilities of the county executive as fiscal agent of the county.

(b) The system of fiscal procedure, control and accounting herein provided shall conform to generally accepted principles of governmental accounting and shall be in substantial agreement with the recommendations of the national committee on governmental accounting.

(c) The system shall include such records and procedures as may be required to accurately reflect the assets, liabilities, income, and expenditures of each fund of the county, together with such records, accounts and files as are necessary to record and control:

- (1) The transactions relating to county revenues, and the revenues for each of its several funds;
- (2) The transactions relating to the adopted budget and appropriations, including the expenditures and encumbrances against each item of appropriations;
- (3) The transactions relating to the bonded debt; and
- (4) Such other records as may be necessary to facilitate the operation of the adopted budget and the proper accounting for each item of county expenditure.

SECTION 2.

(a) It shall be the duty of the county executive, or an employee under his direction, to post and otherwise keep the records of the central accounting system to:

- (1) Verify all bills, invoices, payrolls and claims against the county before payment; and
- (2) Check the settlements and reports of the various officials and department heads of the county government.

(b) The county executive, or an employee under his direction, shall also, after careful pre-audit of invoices, bills and claims against the county or any of its funds, prepare disbursement warrants of all county funds. It shall be the duty of such county executive, or an employee under his direction, to sign all county disbursement warrants as evidence of his audit and approval of the expenditures made thereby,

but no disbursement warrant drawn on the county trustee shall become a county liability payable by the county trustee until such warrant shall also have been signed by the county executive, county superintendent of schools, or other official or officials whose signatures are required on such warrants.

(c) The county executive, or an employee under his direction, shall install with the approval of the comptroller of the treasury, a uniform classification of accounts, including a classification of revenues and expenditures, to be used in accounting, budgeting, and financial reporting respecting all county funds, offices, agencies, and activities of the county government, with the exception of school funds administered by the county board of education and the county superintendent of schools, and shall prescribe the forms to be used by each official and employee of the county in connection therewith. The classification and expenditures and receipts of county schools funds shall conform to the classification of accounts as prescribed by the state commissioner of education.

(d) The county executive, or employee under his direction, shall set up and maintain a double entry system of accounting for recording the transactions of all county's funds, including both proprietary and budgetary accounts. The accounts shall be kept on the modified cash basis.

(e) The county executive, or employee under his direction, shall set up the necessary accounts to properly record the annual budget and each appropriation made by the county legislative body. All encumbrances, expenditures, or other charges against any item of the budget shall be promptly recorded in order [sic] the unencumbered balance of each item of the budget shall be readily ascertainable at all times.

(f) At the end of each month the county executive, or employee under his direction, shall prepare a comprehensive report of all revenues and expenditures of the county and of each of its several funds, departments, offices, agencies, and activities, all encumbrances against the several appropriations, and the condition of each item of appropriation in the annual budget. The most recent of such reports shall be presented to the county legislative body at each regular meeting and copies of such reports shall be furnished the members thereof.

(g) The county executive, or employee under his direction, shall pre-audit all payrolls of the county before payment and shall maintain complete earnings records of each employee of the county. The county executive is hereby authorized to maintain a special county payroll account at a local bank at the county seat, in which disbursement warrants for the total of each payroll may be deposited and against which individual net earnings checks may be issued to each of the county employees.

SECTION 3. Excepting taxes such as the county trustee is authorize to collect, the payment of all moneys to the county trustee by any collectors authorized by statute, or by anyone on account due the county, shall be made only by issuance of a receivable warrant signed by the county executive instructing the trustee to receive the amount named, for which the trustee shall issue his receipt, duplicate of which shall be delivered to the county executive, or employee under his direction, to be used by him in posting the accounting records.

SECTION 4.

(a) Before any obligation against the county shall be paid, or any disbursement warrant or voucher issued thereof, a detailed invoice or statement approved by the head of the office, department, or agency for which the obligation was made shall be filed with the county executive, or employee under his direction. The county executive, or employee under his direction, shall make a careful pre-audit of such invoice or statement, including a comparison with any encumbrance document previously posted or filed authorizing such obligation, and shall approve for payment only such items as appear to be correct, properly authorized, and not exceeding the otherwise unencumbered balance of the allotments or appropriations against which they are chargeable. Disbursement warrants shall be promptly prepared for all such approved items by the county executive, or employee under his direction, and mailed or delivered to the payees thereof.

(b) A duplicate copy of all disbursement warrants, with all original invoices and/or other supporting documents attached thereto, shall be, kept on file in the office of the county executive.

SECTION 5.

(a) Each official, office, department, institution, agency, board, committee, commission, or employee of the county shall furnish such information and make such reports as may be required to properly maintain the central accounting system and fiscal procedures herein authorized and prescribed, and such information and reports shall be furnished at such times and in such form as may be prescribed by the county executive.

(b) The records of all county offices, departments and agencies shall be made available by their respective officials or employees for examination at all reasonable hours by the county executive.

SECTION 6. Any official named in this Act, or any other official, agent, or employee of the county who shall fail or refuse to perform the duties required of him under this Act, or who shall otherwise fail or refuse to conform to the provisions of this Act, shall be deemed guilty of a misdemeanor, and subject to removal from office.

SECTION 7. The county executive is authorized to employ necessary personnel to carry out the duties of this Act.

SECTION 8. The provisions of this Act shall not apply to county school funds for any purpose, the county board of education, or the county superintendent.

SECTION 9. The provisions of this Act will effect [sic] only the general fund budget.

SECTION 10. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Henderson County before September 1, 1983. Its approval or nonapproval shall be proclaimed by the presiding officer of the Henderson County Commission and certified by him to the Secretary of State.

SECTION 11. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 10.

Passed: April 7, 1983.

Repealing Statute

Private Acts of 1980 Chapter 194

SECTION 1. Chapter 661 of the Private Acts of 1921 is hereby repealed.

SECTION 2. Chapter 399 of the Private Acts of 1935, as amended by Chapter 277 of the Private Acts of 1967, is hereby repealed.

SECTION 3. Chapter 635 of the Private Acts of 1947 is hereby repealed.

SECTION 4. Chapter 221 and 344 of the Private Acts of 1957 are hereby repealed.

SECTION 5. Chapter 172 of the Private Acts of 1959 is hereby repealed.

SECTION 6. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Henderson County before November 1, 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 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: February 18, 1980.

Administration - Historical Notes

Budget System

The following acts once created a budgeting system for Henderson County, but they have been specifically repealed or superseded by current law.

1. Private Acts of 1935, Chapter 797, was the Budget Law for Henderson County until it was repealed by Private Acts of 1975, Chapter 131 (reproduced hereinabove). The principal provisions of the two laws are substantially the same. The dates were changed to conform to the change in the fiscal year, and the Budget Committee was increased from three to five members. Some changes were made in the procedural rules for filing and maintaining records.
2. Private Acts of 1971, Chapter 39, would have created a five-member Budget Committee, consisting of two members from the Quarterly Court, one from the Board of Education, and two from the citizenry, with one of those to be an attorney selected by the Quarterly County Court. This law was rejected by the Quarterly County Court and never became effective.

County Attorney

The following acts once affected the appointment, election, or office of the county attorney in Henderson 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 1927, Chapter 680, created the office of County Attorney in Henderson County. The applicant had to be a licensed attorney, over 30 years of age, and otherwise legally qualified in all respects. Julian L. Jones was appointed to serve until the voters could elect a County Attorney at the next general August election. The County Attorney was to transact all legal business of the county, and county officials, who were forbidden to employ any other attorney without authorization by the county court. The salary was \$600 per year, payable quarterly out of regular county funds. The County Attorney was to receive additional compensation for trials in state and federal court. This act was repealed by Private Acts of 1941, Chapter 483.
2. Private Acts of 1929, Chapter 418, reduced the salary of the County Attorney to \$300 per year. For litigation in the state or federal Courts, the County Attorney was to be paid an extra fee set by the Quarterly County Court. The County Attorney had to be a duly licensed and practicing attorney of the State and not related to the County Judge, or Chairman. The age qualification established by Private Acts of 1927, Chapter 680, was eliminated. The County Attorney was to be elected by the Quarterly County Court for a term of two years.
3. Private Acts of 1941, Chapter 483, repealed Private Acts of 1927, Chapter 680, abolishing the office of County Attorney in Henderson County.
4. Private Acts of 1969, Chapter 66, would have re-established the office of County Attorney for Henderson County. Qualifications were a license to practice law in Tennessee and good moral character. The annual salary, to be set by the Quarterly Court, was to be no less than \$1,200 and no more than \$1,500. The County Attorney was to be elected by the Quarterly County Court to serve a one-year term. Our information is that this act was never acted on by the Quarterly Court of Henderson County, and therefore never went into effect.
5. Private Acts of 1975, Chapter 185, was a duplicate of Private Acts of 1975, Chapter 125, and was rejected by the Quarterly Court of Henderson County.
6. Private Acts of 1980, Chapter 206, amended Private Acts of 1975, Chapter 125, which amended Private Acts of 1970, Chapter 268 (reproduced hereinabove). The 1980 act corrected an erroneous reference to Private Acts of 1970, Chapter 268, contained in the 1975 act. The 1975 act had stated that it amended Private Acts of 1969, Chapter 66, which had been repealed by the 1970 act.

County Mayor

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

1. Acts of 1855-56, Chapter 253, created the office of County Judge in every county in Tennessee, to be elected by the voters for a four-year term. The County Judge was required to be a person learned in the law, to be commissioned as the other Judges of the State. The County Judge would preside over the County Court, and was granted all the powers, jurisdiction and authority formerly exercised by the Chairman of the County Court, as well as those formerly belonging to the Quorum Court which was abolished. The County Judge would also serve as the accounting officer and general agent of the county. The County Judge was to receive compensation of \$5 per day, with such additional compensation as the Quarterly Courts might determine, payable quarterly out of the county treasury. The County Judge was allowed to practice law in other courts, but he was prohibited from practicing in County Court or from acting as counsel in cases appealed to other courts from his own court. This Act was repealed by Public Acts of 1857-58, Chapter 5.
2. Public Acts of 1857-58, Chapter 5, repealed Acts of 1855-56, Chapter 253, abolishing the office of County Judge effective January 1, 1858.
3. Acts of 1903, Chapter 26, established the office of County Judge in Henderson County, to be elected by the voters for an eight-year term. The Judge was required to be learned in the law and was granted all the jurisdiction, powers and authority formerly held by the Chairman of the County Court. The compensation was \$500 per year, payable out of the regular county funds. The County Judge was also to serve as the financial officer of the county at no additional compensation. This act was repealed by Private Acts of 1929, Chapter 603.
4. Acts of 1903, Chapter 68, amended Acts of 1903, Chapter 26, to require the County Judge to take the same oath of office as Circuit Judges before a Justice of the Peace and to file his oath with the County Court Clerk before entering upon the duties of his office.
5. Private Acts of 1917, Chapter 233, amended Acts of 1903, Chapter 26, to add a requirement that the Judge be a licensed attorney engaged in the actual practice of law for a period of five years, and enrolled as a practicing attorney in either Circuit or Chancery Court. This act erroneously

recited that it amended Chapter 26 of the Acts of 1913, rather than 1903.

6. Private Acts of 1917, Chapter 540, amended Acts of 1903, Chapter 26, to give the County Judge the authority and jurisdiction to grant extraordinary writs of injunction and attachment, to appoint receivers, and to hear and determine petitions for writs of habeas corpus, in the same manner and under the same rules as Chancellors and Circuit Judges. The County Judge's annual salary was increased from \$500 to \$600 per year.
7. Private Acts of 1921, Chapter 870, authorized the County Judge of Henderson County to serve as a member or Chairman of the County Highway Commission and to receive compensation therefor.
8. Private Acts of 1929, Chapter 603, repealed Acts of 1903, Chapter 26, and all acts amendatory thereto, effective June 30, 1929.
9. Private Acts of 1937, Chapter 185, made the County Judge or Chairman of the County Court the ex-officio purchasing agent for Henderson County, with the sole power and authority to purchase material, supplies and equipment of every kind for the use of every County Board, Agency and department, including the authority to arrange and contract for the rentals of the same. Competitive bidding was required for all purchases and contracts for \$50 or more, except in emergency, but competitive prices were to be sought and solicited in all purchases. The Judge/Chairman was prohibited from having any personal interest in any contract or deal. An additional \$9,000 bond was required. The Judge/Chairman was to be paid additional compensation of \$60 per year. This act was repealed by Private Acts of 1947, Chapter 633.
10. Private Acts of 1937, Chapter 201, authorized the County Court of Henderson County to appropriate \$900 per year for clerical or stenographic assistance for the County Judge or Chairman of the County Court. This act was repealed by Private Acts of 1941, Chapter 69.
11. Private Acts of 1937, Chapter 613, amended Private Acts of 1937, Chapter 185, to require the County Judge to countersign all warrants drawn against the general fund of the county, to raise the competitive bid requirement from \$50 to \$100, and to prohibit the Trustee from paying any warrants drawn on the county general fund which were not countersigned by the Purchasing Agent and to declare all such unsigned warrants null and void even in the hands of an innocent holder for value. The compensation of the Judge/Chairman for his services as Purchasing Agent was increased from \$60 to \$720 per year.
12. Private Acts of 1939, Chapter 467, created the office of County Judge in Henderson County, who was required to be at least 30 years of age, learned in the law, and a licensed lawyer with at least three years actual practice. The County Judge was to be elected by the voters for an eight year term, and would be commissioned in the same manner as other judges and to execute a \$10,000 bond. The act abolished the quorum and Chairman's Court and the office of Chairman of the County Court, transferring all duties, powers, authority and jurisdiction to the County Judge who would preside over the County Quarterly Court. The County Judge was given the same power to grant extraordinary writs as Chancellors and Circuit Judges, to hear writs of habeas corpus, and to appoint receivers. The County Judge was also made the county purchasing agent. The County Judge was authorized to sit by interchange with other County Judges in Tennessee. If the County Judge was unable to serve due to sickness or other cause, the Governor was to appoint a temporary replacement. The salary of the County Judge was \$1,800 per year. This act has been superseded by general law.
13. Private Acts of 1939, Chapter 470, required County Judges or County Chairmen to countersign all warrants issued against the public funds not required by law to be originally issued by said County Judges or County Chairmen.

County Legislative Body

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

1. Public Acts of 1823, Chapter 41, provided that the Quarterly County Court of Henderson County would meet on the third Mondays in March, June, September and December.
2. Private Acts of 1823, Chapter 247, authorized the county court of Henderson County to appoint additional commissioners to assist the existing commissioners with the business of the county.
3. Private Acts of 1824, Chapter 102, set the dates for holding county court in Henderson County on the third Mondays in February, May, August and November.
4. Private Acts of 1825, Chapter 318, set the dates for holding county court in Henderson County on the second Mondays in February, May, August and November.

5. Private Acts of 1826, Chapter 90, set the dates for holding Quarterly Court of Henderson County on the second Mondays in January, April, July and October, with court to remain in session for one week each term if necessary.
6. Private Acts of 1829, Chapter 20, authorized the county courts of the counties of Henderson, Carroll, Gibson, Dyer, Knox, Anderson and Obion, on the first day of the first term in the year, to select three of their number to hold the county courts for the remainder of that year. These Justices were to be paid \$1.50 a day for each day spent holding this Quorum Court, and the county court was given the power to levy a tax of \$1 on each suit filed, if necessary.
7. Public Acts of 1835-36, Chapter 6, was an act to reorganize the county courts in Tennessee. A court was established in each county to be held by the justices of the peace on the first Monday in every month, to be called the County Court. One third, or twelve justices, constituted a quorum for all business except assessment of tax and appropriation of public funds over \$50. The court had no jurisdiction to hear jury trials. A chairman was to be selected each year. These courts were obligated to select 25 jurors, one from each civil district if that many existed in the county, or thirty seven jurors if the needs of the county required, for circuit court. These Jurors would be paid \$1 per day. Taxes could be levied on all taxable property of the county to produce operating funds.
8. Private Acts of 1931, Chapter 517, authorized the election of two additional justices of the peace for the municipal corporation of Lexington in Henderson County, to be elected by the qualified voters in Lexington.
9. Private Acts of 1937, Chapter 201, authorized the County Court of Henderson County to appropriate \$900 per year for clerical or stenographic assistance for the County Judge or Chairman of the County Court. This act was repealed by Private Acts of 1941, Chapter 69.
10. Private Acts of 1949, Chapter 666, fixed the compensation of Justices of Peace at \$5 per day plus mileage payments as provided by law.
11. Private Acts of 1967-68, Chapter 137, amended Private Acts of 1949, Chapter 666, to increase the per diem of the Justices of the Peace from \$5 to \$15.

County Register

The following act once affected the office of county register in Henderson County, but is no longer operative. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Private Acts of 1947, Chapter 771, provided that a deed was ineffectively noted for registration unless it had first been reported to the County Trustee. This act was repealed by Private Acts of 1980, Chapter 193.

County Trustee

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

1. Private Acts of 1929, Chapter 416, authorized the County Trustee of Henderson County to use the proceeds of the issuance and sale of 350 road improvement bonds issued by the county in 1920 for the discharge and payment of the interest accruing on the said bonds or on any judgment rendered against the County for interest on the bonds, or for the payment or discharge of the bonds.
2. Private Acts of 1931, Chapter 122, authorized the Trustee of Henderson County to transfer \$6,000 from the "Interest and Bond Fund" to the "General Fund" of Henderson County to pay off or cancel county warrants issued for land and a building for the county fair.
3. Private Acts of 1947, Chapter 771, required that all land sales be reported to the County Trustee for entry into the Trustee's records prior to registration with the County Register. This act was repealed by Private Acts of 1980, Chapter 193.

Purchasing

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

1. Private Acts of 1937, Chapter 185, made the County Judge or Chairman of the County Court the ex-officio purchasing agent for Henderson County, with the sole power and authority to purchase material, supplies and equipment of every kind for the use of every county board, agency and

department, including the authority to contract for rentals of same. Competitive bidding was required for all purchases and contracts for \$50 or more, except in emergency, but competitive prices were to be sought and solicited in all purchases. The Judge/Chairman was prohibited from having any personal interest in any contract or deal. An additional \$9,000 bond was required. The Judge/Chairman was to be paid additional compensation of \$60 per year. This act was repealed by Private Acts of 1947, Chapter 633.

2. Private Acts of 1937, Chapter 613, amended Private Acts of 1937, Chapter 185, to require the County Judge to countersign all warrants drawn against the general fund of the county, to raise the competitive bid requirement from \$50 to \$100, and to prohibit the Trustee from paying any warrants drawn on the county general fund which were not countersigned by the Purchasing Agent and to declare all such unsigned warrants null and void even in the hands of an innocent holder for value. The compensation of the Judge/Chairman for his services as Purchasing Agent was increased from \$60 to \$720 per year.
3. Private Acts of 1939, Chapter 467, made the County Judge the purchasing agent for Henderson County.
4. Private Acts of 1947, Chapter 642, created the office of county purchasing agent for Henderson County, to be elected by the voters for a two-year term at a salary of \$1,200 per annum. (The act recites "Twelve Hundred Dollars (\$12,000)" which is an obvious typographical error.) Leo Jones was appointed to serve until the next regular election. The purchasing agent was required to solicit bids for all purchases in excess of \$200. This Act is similar to the 1983 act now in effect (reproduced hereinabove). This Act was repealed by Private Acts of 1971, Chapter 35.
5. Private Acts of 1970, Chapter 298, would have amended Private Acts of 1947, Chapter 642, to extend the term of office of the county purchasing agent to four years and to provide that the compensation would be set by the Quarterly County Court at not less than \$12,000 annually. This act was rejected by the Quarterly County Court of Henderson County and never went into effect.
6. Private Acts of 1971, Chapter 35, created the office of county purchasing agent for Henderson County, to be elected by the voters for a four year term at a salary between \$1,200 and \$2,400, to be set by the Quarterly County Court. The county purchasing agent was given the duty and the exclusive power to contract for and purchase or rent all supplies, materials and equipment for the county. The purchasing agent was in charge of the central storeroom, mailing room, and similar services. Sealed bids were required for purchases in excess of \$500, in accordance with a prescribed bidding procedure. The purchasing agent was prohibited from having any financial interest in purchases made for the county. The act authorized the purchasing agent to employ a secretary at a salary of not more than \$50 per month. This act was repealed by Private Acts of 1983, Chapter 59.
7. Private Acts of 1971, Chapter 155, would have amended Private Acts of 1971, Chapter 35, by changing the bidding requirements. This Act was never acted on by the Quarterly County Court, and consequently never became law.
8. Private Acts of 1981, Chapter 49, amended Private Acts of 1971, Chapter 35, to raise the salary range of the purchasing agent to \$2,400-\$4,800 annually, and to raise the threshold amount for sealed bids to \$1,000, and to raise the salary of the secretary to an amount not to exceed \$200 per month. This act was repealed by Private Acts of 1983, Chapter 59.
9. Private Acts of 1983, Chapter 59, created the office of county purchasing agent for Henderson County. This act was repealed by Private Acts of 2000, Chapter 86.

General Reference

The following private or local acts constitute part of the administrative and political history of Henderson 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 201, appointed Sterling Brewer, James Fentress and Abram Maury as Commissioners to procure plots of land of at least 50 acres each within three miles of the center of Henry, Carroll, Madison and Henderson Counties, to be the seat of justice in each county. The county court of each county was directed to appoint commissioners to lay out its respective town, streets and alleys, to sell lots, and to superintend the construction of a courthouse, prison and stocks under contracts awarded to the lowest bidder. If the sale of lots did not produce sufficient revenue to accomplish those tasks, the county courts were authorized to levy taxes to obtain the funds.
2. Private Acts of 1822, Chapter 210, directed the county courts of Hickman, Henderson, Madison, Carroll and Henry Counties to make appropriations to the commissioners appointed by the

Legislature in 1821 to fix the seats of justice in those counties in order to compensate them at the rate of \$4 per day.

3. Public Acts of 1823, Chapter 50, directed the President and Directors of the Bank of the State of Tennessee to appoint an agent, and establish an agency, in McMinn, Monroe, Madison, Wayne, Hardin, Henderson, Carroll and Henry Counties.
4. Private Acts of 1824, Chapter 68, incorporated the town of Lexington under the Mayor-Alderman form of government with seven aldermen, with succession for 50 years.
5. Private Acts of 1826, Chapter 115, authorized a lottery in Henderson County to up to \$20,000 to endow an academy in Lexington. (Lotteries were declared illegal in the State of Tennessee by Public Acts of 1835-36, Chapter 47, effective March 1, 1936.)
6. Private Acts of 1826, Chapter 123, authorized Wyly Ledbetter of Maury County to hawk and peddle his own goods, wares and merchandise, domestic and foreign, in the counties of Maury, Hardin, Lawrence, Wayne, McNairy, Madison, Henderson, Perry and Hardeman without a license.
7. Public Acts of 1827, Chapter 12, established a Treasury Department in the Western District for the counties of Shelby, Fayette, Hardeman, McNairy, Hardin, Perry, Henderson, Carroll, Henry, Weakley, Obion, Dyer, Tipton, Haywood, Madison and Gibson, the Treasurer to be appointed by joint ballot of both houses of the legislature. The Treasurer was to have his office in Jackson, where tax money from the above-named counties was to be deposited, rather than in Nashville.
8. Private Acts of 1829, Chapter 274, authorized and required the Surveyor of the 10th Surveyor's District to receive an entry on a valid warrant in the name of Isaac L. Moody or his assignees, for land not to exceed 10 acres, including the Methodist meeting house and camp ground on Clear Creek in Henderson County, known by the name of Ebenezer. The Register was directed to issue a grant on the entry according to law, as long as it did not interfere with existing claims of others.
9. Public Acts of 1831, Chapter 77, repealed a state law insofar as the same applied to Henderson County which required the owners or operators of mills west of the Tennessee River to cut down and remove the standing or decaying timber in their mill ponds.
10. Private Acts of 1831, Chapter 149, permitted Charles Austin, Jonothan Duck and Matthew Jones to enter an occupant claim to 25 acres of land in the 9th Surveyor's District in Henderson County to include a school house erected by them.
11. Private Acts of 1832, Chapter 19, authorized John Autry of Henderson County to have surveyed and entered upon the general plan of the 9th Surveyor's District 100 acres of vacant and unappropriated land upon the north Forked Deer River, adjoining his own lands and convenient to his mills.
12. Private Acts of 1832, Chapter 79, gave John and Barnett Rowark the preferred right of entering any grant of vacant and unappropriated lands, not to exceed 200 acres, lying upon Middleton's Creek in Henderson County, which would include any convenient mill site, for the purpose of building a mill.
13. Private Acts of 1833, Chapter 181, exempted the property left by John Brazeal from all forms of execution and judgment, because Brazeal had been convicted in the courts of Henderson County for assault with intent to kill and sentenced to 21 years in confinement, leaving Brazeal's large family helpless and dependent for support on the little amount of property left by him.
14. Private Acts of 1833, Chapter 188, authorized John Mallard of Henderson County to hawk and peddle goods, wares and merchandise without a license in the congressional district in which he lived.
15. Private Acts of 1835-36, Chapter 12, incorporated the town of Lexington in Henderson County under the Mayor-Alderman form of government in perpetual succession. The Sheriff was ordered to hold an election on the second Monday in September 1836 to choose seven Alderman, who would then select one of their own number as Mayor.
16. Public Acts of 1835-36, Chapter 48, abolished the Surveyor's office south and west of the Congressional Reservation line, and directed the county courts in each county to elect an entry taker and a surveyor, each to serve a four-year term. Each entry taker was to maintain an office at his respective county seat. The Surveyor of the 9th Surveyor's District was directed to deliver all his records and papers to the Entry Taker's Office in Henderson County.
17. Acts of 1843-44, Chapter 146, authorized the County Courts of Perry and Henderson Counties to expend the Internal Improvement Funds belonging to the said counties, arising from all sources, in such manner as seemed proper to them, and all persons, public, or private, who may have internal improvement funds in their hands were directed to pay the same to the court on demand,

or subject themselves to prosecution for violation of the act.

18. Public Acts of 1868-69, Chapter 40, directed the Surveyor of Henderson County to perform all duties and functions of the Entry Taker in addition to the duties of Surveyor. He would be paid the normal and customary fees of the Entry Taker. The Surveyor was directed to keep all books, papers and records at the county seat.
19. Private Acts of 1923, Chapter 468, provided that in Henderson County no contract could be let or bonds issued for drainage purposes pursuant to Acts of 1909, Chapter 185, or for drainage districts, until and unless all the provisions and conditions contained in the 1923 amendment to that act had been met.
20. Private Acts of 1935, Chapter 637, removed all the disabilities of infancy from Pauline Christopher O'Brien of Henderson County, granting to her all the rights and privileges of adults including the authority to settle all accounts with her former guardian, J. M. Manley, and with her present one, G. H. Maxwell, and to receive her entire estate from them.
21. Private Acts of 1935, Chapter 740, removed the disabilities of infancy and minority of Mrs. Mozell Woods of Henderson County.

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 Henderson County. They are included herein for reference purposes. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1897, Chapter 190, made it a misdemeanor to hunt, capture, kill, shoot, or wound any quail or partridge in Henderson County from April 1 through October 1, to do so at any time on the land of another without permission, or to export quail or partridge from Henderson County. Violators could be fined from \$5 to \$15 for each offense, and for each quail or partridge killed out of season. Section 5 of this act, which gave the Grand Jury inquisitorial powers to enforce the act, was repealed by Public Acts of 1899, Chapter 20.
2. Private Acts of 1897, Chapter 242, provided that residents of Henderson, Loudon and Claiborne Counties could catch fish at any time except from April 1 until June 1 each year, by any means except by wing net, poison, dynamite or other explosives.
3. Private Acts of 1917, Chapter 203, made it illegal to hunt, shoot or trap quail in Henderson County except from December 15 to the following February 15 each year. Fines ranged from \$10 to \$50 and the Court could impose a jail sentence of up to 30 days after the first offense.
4. Private Acts of 1917, Chapter 650, made it unlawful for owners or keepers to allow their horses, mules, cattle, hogs, sheep, goats, or any other kind of livestock to run at large in Henderson County. Violators could be fined from \$5 to \$25 and imprisoned up to 60 days. Any person damaged by trespassing stock was given a lien on the stock which could be enforced within 60 days from the date of the damage. The Sheriff or Constable was directed to impound the trespassing stock, and, if not claimed by the owner in ten days, to sell the same at public outcry to the highest bidder. Out of the proceeds of the sale, the officers were allowed to keep 25¢ for each animal impounded and 10¢ to 25¢ a day per animal for boarding them. The remainder of the sale proceeds would be paid into the public school fund.
5. Private Acts of 1933, Chapter 745, declared it unlawful for any non-resident of Henderson County to hunt or kill wild game unless in the company of a resident of the county, or upon land owned or leased by the non-resident. The act did not apply to hunting or fishing clubs. Bag limits were 10 squirrels and 15 quail or partridges. No traps, snares or deadfalls could be lawfully used. Selling the game or shipping it out of the county was unlawful.
6. Private Acts of 1935, Chapter 700, authorized J. W. Butler to practice veterinary medicine and surgery in Henderson County and its vicinity provided that he first furnish proof to the State Board of Veterinary Examiners of his age and good moral character, and of a practice of at least four years duration, and then upon payment of the proper fees, a license to practice would be issued to Butler.
7. Private Acts of 1945, Chapter 77, authorized Chester L. Goff to continue the practice of veterinary medicine and surgery in Henderson County and upon adequate documentation being filed with the Board of Veterinary Examiners and payment of the required fees, a license would be issued to

Goff.

Chapter III - Bond Issues

Bond Issues - Historical Notes

A listing of the acts which authorized various bond issues for Henderson County is included below for reference purposes, although these acts are no longer current. Also referenced below are acts which repeal prior law without providing new substantive provisions.

County Fair

1. Private Acts of 1931, Chapter 122, authorized the Trustee of Henderson County to transfer \$6,000 from the "Interest and Bond Fund" to the "General Fund" of Henderson County to pay off or cancel county warrants issued for land and a building for the county fair.

Debts

1. Private Acts of 1921, Chapter 53, authorized and directed the County Judge and the County Court Clerk to issue \$60,000 in Refunding Bonds bearing interest at 6%, maturing serially by February 1, 1932, to pay and cancel outstanding warrants of Henderson County.
2. Private Acts of 1935, Chapter 670, validated the proceedings of the Henderson County Quarterly Court in connection with the issuance of \$60,000 in bonds to pay outstanding floating indebtedness of the county, at an interest rate of 5%, maturing serially by 1955.
3. Private Acts of 1939, Chapter 462, authorized the issuance of up to \$60,000 in bonds at an interest rate not to exceed 4%, to mature within 20 years from the date of issuance, to pay off floating indebtedness of the school system evidenced by notes or warrants issued prior to September 1, 1938.

Railroads

1. Acts of 1907, Chapter 11, authorized the issuance of refunding bonds in an amount equal to the outstanding bonds issued in connection with the Tennessee Midland Railroad Company, at an interest rate not exceeding 6% and maturing at the rate of \$10,000 in ten years, \$20,000 in twenty years, and the remainder in thirty years. This Act was repealed by Acts of 1909, Chapter 462.
2. Acts of 1909, Chapter 462, validated the bonds issued in aid of Tennessee Midland Railroad Company, and authorized the issuance of refunding bonds not exceeding \$54,000 bearing interest not in excess of 5% and maturing serially by 1914. This Act repealed Acts of 1907, Chapter 11.

Roads

1. Private Acts of 1919, Chapter 361, authorized the issuance of coupon bonds in the maximum amount of \$100,000 bearing interest not exceeding 6%, maturing in 20 years, to build, repair, construct and improve roads, bridges, levees and culverts in Henderson County.
2. Private Acts of 1949, Chapter 879, validated the action of the Quarterly County Court of Henderson County authorizing the County Highway Commission to purchase machinery and equipment for the construction and maintenance of roads, highways and bridges, especially those involved in cooperation with the State's rural roads program, and to issue notes or warrants not in excess of \$60,000 in furtherance thereof, payable over a period of three years, and assuring the Highway Commission of a 40¢ road tax levy for the years 1949-1951, for payment of the notes or warrants.

Schools

1. Private Acts of 1919, Chapter 258, authorized the issuance of coupon bonds in the amount of \$50,000 bearing interest not exceeding 6% and maturing within 20 years, to purchase sites and erect suitable high school buildings including dormitories for both sexes.
2. Private Acts of 1920 (Ex. Sess.), Chapter 48, authorized the issuance of up to \$35,000 in coupon bonds, bearing interest not exceeding 6%, to mature within twenty years, to complete the school buildings for high schools and to furnish and equip them.

Chapter IV - Boundaries

Creation of the County

Public Acts of 1821 Chapter 32

COMPILER'S NOTE: The first eight (8) sections of this Act are not relevant to Henderson County and are therefore omitted from this compilation.

SECTION 9. That the following described lines shall be the bounds of one other county, which shall be called and known by the name of Henderson county, in honor of, and to perpetuate the memory of Col. James Henderson: Beginning at the south east corner of Madison county; running thence east to the west boundary of Hardin County; thence north with Hardin county line to the north west corner of Hardin on the 6th sectional line of the 9th district; thence east on said sectional line to the west boundary of Perry county; thence north with said boundary to the line separating the 9th and 12th districts; thence west with said line to the north east corner of Madison county; thence south with the east boundary line of said county, on the 2nd range line in the 9th Surveyors district to the beginning.

SECTION 10. That for the due administration of justice, the Courts of Pleas and Quarter Sessions in said counties shall be held at the following places & times: For the county of Henry, at the house of Henry Wall, on the first Monday in December, March, June and September; for the county of Carroll, on the second Monday in December, March, June and September, at the house of R.E.C. Doherty; for the county of Madison, at the house of Adam R. Alexander, on the third Monday in December, March, June and September; for the county of Henderson, at the house of Samuel Wilson, on the fourth Monday in December, March, June and September; at which places the said courts shall be holden until otherwise provided for by law, under the same rules, regulations and restrictions, and shall exercise the same power and jurisdiction that is possessed by said courts in other counties of this state.

SECTION 11. That the sheriffs of the counties of Henry, Carroll, Madison and Henderson shall each hold an election at the places appointed for holding courts in said counties on the first Friday and Saturday in March next, for the purpose of electing field officers of the militia for said counties, under the same rules, regulations and restrictions as are pointed out by law in similar cases; and the militia of the county of Henry shall compose the _____ Regiment, and shall be attached to the _____ Brigade; and the militia of the county of Carroll shall compose the _____ Regiment and be attached as aforesaid; and the militia of the county of Madison shall compose the _____ Regiment, and be attached as aforesaid; and the militia of the county of Henderson shall compose the _____ Regiment, and be attached as aforesaid.

SECTION 12. That it shall be duty of the commandants of said _____ and _____ Regiments, having first been commissioned and sworn according to law, to divide their regiments into such number of companies as they shall think best for the convenience of said companies and it shall be the duty of each of said commandants to issue writs of election for company officers according to law.

SECTION 13. That all persons who were appointed and are now acting justices of the peace for Stewart county, that live in the bounds of Henry county, be, and they are hereby continued in office with as full power and authority as though they had been appointed for Henry County.

Passed: November 7, 1821.

County Seat

Private Acts of 1821 Chapter 201

SECTION 1. That Sterling Brewer, James Fentress and Abram Murry, Esquires, be and they are hereby appointed commissioners, who or a majority of them shall on or before the first Monday in May next, proceed to fix on a place, as near the center of the respective counties as an eligible site can be procured, at least within three miles of the center of each of said counties, at which site the commissioners shall procure by purchase or otherwise, at least fifty acres of land, for which they shall cause a deed or deeds to be made to themselves and their successors in office, by a general warranty, and the said commissioners shall report and return all their proceedings relative to and concerning the county of Henry to the county court thereof, and all their proceedings relative to and concerning the county of Carroll, to the county court thereof, and all their proceedings relative to and concerning the county of Henderson to the county court thereof, and all their proceedings relative to and concerning the county of Madison, to the county court thereof, and it shall be the duty of the clerk of each of the several counties to record the same.

SECTION 2. That it shall be the duty of the respective county courts aforesaid to appoint five commissioners, to whom the commissioners appointed by this act, shall convey the lands acquired for county purposes, on which it shall be the duty of the commissioners appointed by the county court to cause a town to be laid off in their respective counties with their necessary streets, at least ninety feet wide, reserving at least four acres for a public square, on which shall be built a court house and stocks,

also reserving a public lot sufficient to contain a jail.

SECTION 3. That the commissioners of each of the respective counties shall sell the lots of the town of their county at public sale, on a credit of twelve months, giving due notice thereof, in one or more of the public newspapers printed in Nashville, and shall take bond with sufficient securities from the purchasers of said lots, payable to themselves and successors in office, and shall make titles in fee simple as commissioners 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 respective commissioners, for defraying the expenses incurred in the purchase of the tract of land in their county, on which the town is directed to be laid off, also for defraying the expenses of building thereon a court house, prison and stocks.

SECTION 5. That the said commissioners shall superintend the building of the court house, prison and stocks, in their respective counties and shall let all of the said public buildings to the lowest bidder, advertising the same sixty days in one or more of the newspapers printed in Nashville, setting forth their dimensions and the materials of which they are to be built, and shall take bond with sufficient securities from the person or persons to whom the court house, prison or stocks, is let, payable to themselves and successors in office, in the sum of at least ten thousand dollars, conditioned for the faithful performance of his or their contract or contracts, and if the proceeds of the sale of said lots is not sufficient for the purposes above mentioned, it shall be the duty of the county court of the county or counties where such deficiencies may happen, to lay a tax, not exceeding the amount of the state tax levied in the said county, to be applied to the objects aforesaid and to be continued until all arrearages are paid off.

SECTION 6. That the commissioners appointed by the county courts, before they enter on the duties of their appointments shall give bonds and approved securities, in the sum of five thousand dollars each, payable to the chairman of the county court of their county, and his successors in office, for the use of the county, conditioned for the faithful performance of the trust reposed in them, and the said bond shall be filed in the clerk's office of the county, and shall not be so construed as to make any one of the commissioners securities for another.

SECTION 7. That a majority of the commissioners shall in all cases be competent to perform the duties by this act assigned them, and if any one of the commissioners appointed by the county court neglects or refuses to act, a majority of the justices of the county, where such vacancies may happen, shall appoint another in his place, and when the said commissioners shall have performed the duties above enjoined upon them, they shall lay before their respective county courts a full statement of all their proceedings, and the county court shall make them a reasonable compensation for their services.

SECTION 8. That the first mentioned three commissioners shall be entitled to and receive as compensation for their services --- dollars for each day they may be absent from home, and necessarily employed in performing the duties required of them by this act, to be paid by the counties aforesaid, in such proportion as the said commissioners may deem just and equitable.

SECTION 9. That when either of the towns above mentioned is laid off, the courts of the county shall be adjourned to, and held therein, any law to the contrary notwithstanding; and that this act shall not be so construed as to make either of the aforesaid counties liable for any part of the expenses which the other may incur or take from either of the counties any of the monies which may accrue to it from the sale of town lots or otherwise.

And whereas a manifest mistake appears in the second call or line establishing Carroll county, by an act of the present General Assembly, for remedy whereof,

SECTION 10. That the lines of said county shall run as follows, to wit: Beginning at the south east corner of Henry county, running thence west with the south boundary to the south west corner thereof, thence south two miles and a half to the fourth sectional line in the 12th district, thence west on said sectional line to a point four miles west of the first range line in said district, thence south parallel with said range line to a point two miles and a half south of the line separating the 9th and 12 districts, thence east as mentioned in the above recited act.

Passed: November 16, 1821.

Private Acts of 1822 Chapter 210

SECTION 1. That it shall and may be lawful for Molton Dixon to charge the county of Hickman at the rate of three dollars for each day necessarily engaged in running the lines and centering the same, and employed in making out maps for said county, under the direction of the commissioners appointed by an act of the last General Assembly.

SECTION 2. That the said Molton Dixon may prove his account before any justice of the peace in the

county of Hickman, and file the same with the county trustee of said county, whose duty it shall be to discharge the same out of the first money coming into his hands, and the said account shall be a good voucher in his settlement with the county court of Hickman, any law to the contrary notwithstanding.

SECTION 3. That the county court of Hickman County make an appropriation, and direct the trustee to pay over to the umpires appointed by the legislature in 1821, to fix on a site for the seat of justice for said county, the sum of four dollars per day for each day they were necessarily employed in going to, and returning from, and fixing on a site in said county.

SECTION 4. That the county court of Henderson county, Madison county, Carroll county and Henry county make a similar appropriation to the commissioners appointed by the Legislature of 1821, to fix on sites for the seats of justice in the counties aforesaid.

Passed: August 23, 1822.

Change County Lines

Private Acts of 1823 Chapter 137

SECTION 1. That the west boundary line of Perry county shall be altered as follows: beginning at the north-west corner of said county; and running thence south parallel with the range line, to a point two miles south of the line that divides the sixth and seventh sections in the ninth surveyor's district; thence east to Turnshaw's creek; thence down said creek to the Tennessee river; thence down with the west bank of said river, to a point due west of the point that the west boundary line of Wayne county leaves said river; thence with the said boundary line, down said river, to the north-west corner of Wayne county; which shall be the permanent lines dividing said counties.

SECTION 2. That the court of Perry county shall appoint a suitable persons [sic] to run the aforesaid lines, and allow them such pay as to them may seem reasonable and right.

SECTION 3. That the south boundary line dividing Henderson and Hardin counties, shall be run as follows: beginning at the south-west corner of Perry county, and running thence west to a point due north of the north-east corner of M'Nairy county; thence south to the south boundary line of Henderson county; which shall be the permanent lines dividing said counties.

SECTION 4. That the court of Henderson county shall appoint some suitable persons to run said lines, and allow them such pay as to them may seem reasonable and right.

SECTION 5. That the surveyor appointed to run the dividing line between Hardin and Henderson county, shall run the dividing line between Henderson and M'Nairy county, and shall be paid as provided for in this act.

Passed: October 31, 1823.

Acts of 1845-46 Chapter 62

COMPILER'S NOTE: The first six (6) sections of this act have no application to Henderson County and are omitted from this compilation.

SECTION 7. That the within described territory of the county of Henderson be attached to the county of Decatur as established by this Legislature, [viz.] Beginning at the north east corner of Henderson County, thence west 2½ miles with the line between Carroll and Henderson counties, thence south to the Hardin County line, thence east with the line between Hardin and Henderson counties to Decatur county, thence north with the line between Decatur and Henderson counties to the beginning.

SECTION 8. That Abraham Dereberry, Uzzell Hawkins and Samuel Moreland, or any of them, after giving at least 20 days notice in at least six places in the territory proposed to be attached, shall open and hold elections, or appoint some persons to hold the same at the house of Abraham Dereberry, and at the house of Samuel Moreland, and all legal voters within said territory, may vote for or against being attached to Decatur county, those in favor of being attached shall have on their tickets "Decatur County;" and those opposed shall have on their tickets "Henderson County;" and if a majority of the qualified voters vote in favor of being attached, then and in that case it shall be and constitute a part of Decatur county. And it shall be the duty of said surveyor to certify the result, and make return the Chairman of the county court of Henderson County, and also to the Chairman of Decatur County, which shall be entered upon the records of each county; and said territory shall be entered upon the records of each county; and said territory shall be organized into two civil districts, under the regulations of the county court of Decatur, or attached to the several civil districts, in Decatur county adjoining. And said citizens shall have all the rights and privileges of citizens of Decatur county.

SECTION 9. That nothing in this act shall be so construed as to reduce the county of Henderson to less than her constitutional limits. And provided further, That the counties of Decatur and Perry, be organized, otherwise this amendment shall be null and void, so far as relates to the county of Henderson.

SECTION 10. That the commissioners herein appointed, shall have power to employ some competent surveyor (if necessary) to run out and mark the lines, to be paid by the citizens attached to Decatur County.

Passed: January 15, 1846.

Acts of 1847-48 Chapter 15

SECTION 1. That the eastern boundary of Decatur county be extended to the low water mark on the east bank of Tennessee river, and that revenue accruing from trading boats, &c., trading on said eastern side of the river shall be due to the proper officers in Perry County, and collected as other revenue.

SECTION 2. That the Surveyors of Henderson and Decatur counties, as soon as practicable after the passage of this act, be and they are hereby required to commence at the point where the county line crossed the road leading from Lexington to Perryville, previous to the act passed at the last General Assembly, attaching the portion of Henderson to Decatur, and run in a south-westerly direction so as to strike the southern boundary of Henderson County, at a point that will leave Henderson county her constitutional limits; and all east of the line shall be and is hereby attached to the county of Decatur; and the citizens thereof shall be entitled to all the rights and privileges and subject to all the liabilities of other citizens of Decatur county; and said Surveyors shall be allowed such compensation as the County Court of Decatur county may think their services reasonably worth.

SECTION 3. That all that portion of territory, lying north of the road leading from Lexington to Perryville, attached by the last General Assembly to Decatur county, be and the same is hereby declared a portion of Henderson County, and that the Sheriff of Henderson County, be and he is hereby authorized and required to collect the taxes due for the year 1847, in that portion of territory attached by the last General Assembly to Decatur County; and that he pay over all sums collected north of said road to the Trustee of Henderson County; and all such sums as may be collected south of said road, and east of the line described in the second section of this act, shall be paid over to the Trustee of Decatur county, and their receipts shall be good vouchers in the hands of the Sheriffs or Tax Collectors in the final settlement of their accounts; and all monies collected by the revenue collector of Decatur county from citizens in that portion of territory made by this act a part of Henderson County, shall be paid over to the Trustee of Henderson County, and his receipt shall be a good voucher in the hands of said revenue collector upon final settlement.

SECTION 4. That the county seat of the county Perry shall after the passage of this act, be known and distinguished by the name of Lindon.

SECTION 5. That the said Surveyors, after running the line described in the second section of this act, shall designate two suitable places to open and hold an election of the qualified voters in said portion of territory by this act attached to Decatur county, and also two suitable persons to open and hold the same at each place; which election shall be held in thirty days after running of said line, notice first having been given in at least four public places within the said territory for at least fifteen days; and those in favor of being attached to Decatur county, shall have on their tickets "Decatur county," and those opposed shall have on their tickets "Henderson county;" and if a majority vote in favor of being attached to Decatur, then those holding the elections shall make a report of the same to the County Court Clerks of each county, which shall be filed in their respective offices; and the portion thus attached to Decatur, shall be deemed and taken as a part of Decatur, and shall be under jurisdiction of the same, in all things, as other portions of said Decatur county.

SECTION 6. That the Surveyor of Perry county, and the Surveyor of Wayne county be required to examine the line between Wayne and Perry as defined by the last General Assembly, and if it approached nearer at any point to Waynesborough, than twelve miles, then said Surveyors shall so alter the line as to prevent it approaching nearer than twelve miles, and such line as defined by them shall be the line between Perry and Wayne; said Surveyors shall have such compensation as their respective County Courts may deem their services reasonably worth.

Passed: December 1, 1847.

Acts of 1849-50 Chapter 92

That the line between Henderson and Decatur counties be so altered so as to commence at the point designated in the act passed 19th January, 1848, and run in a south-westwardly direction, (so as not to

approach Lexington nearer than twelve miles,) to the line known as the Brown line; thence south with that line to the Hardin county line; and the citizens east of that line to be entitled to all the rights and privileges, and subject to all the liabilities of other citizens of Decatur county.

Passed: November 8, 1849.

Public Acts of 1868-69 Chapter 39

SECTION 2. That the county line of Henderson be so changed as to attach the portions of said county Southwest of the Forked Deer River to Madison County, beginning at the Southwest corner of Henderson County, running east with the McNairy County line to the Forked Deer River; thence with said river to the county line between Henderson and Madison counties. The taxes in the portions of said county due shall be paid to the Tax Collector of Henderson County.

COMPILER'S NOTE: Section 1 of this act changes the line between Lawrence and Giles Counties, Section 3 alters the line between Benton and Carroll Counties, Section 4 deals with the Emery Manufacturing and Transportation Company, and Sections 5-14 of this act authorized the formation of Grant County which would have included a portion of Henderson County, but the county was never formed.

Passed: February 25, 1869.

Public Acts of 1893 Chapter 3

SECTION 1. That the line between the counties of Carroll and Henderson be changed to run as follows: Beginning in the center of Giffin's Creek with W. A. Holder's east boundary line; thence up, and following the meanderings of Giffin's Creek to C. F. McHany's west boundary line; with C. F. McHany's west boundary line back to the said creek; thence up center said creek to Sim Barkham's east boundary line to York's Creek; thence up center of York's Creek to the county line, containing about seven hundred and fifty (750) acres, and including the lands of C. A. Gates, E. E. Williamson, W. A. Holder, G. W. Lovell, M. C. Lanier, and M. E. Jones, L. R. Burroughs, Sim Barkham, Ranking and Williamson, W. N. Holmes in Carroll County.

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

Passed: February 9, 1893.

Public Acts of 1893 Chapter 81

SECTION 1. That the line between the counties of Henderson and Chester be so changed so as to detach from Henderson and attach to the county of Chester the territory in the following boundaries, to wit: Beginning where the Chester County line now strikes the Forked Deer River, being the northeast corner of said county, running east with said stream to its fork with what is known as the Middle Fork of the Forked Deer; thence with said stream south of east to C. Beaver's old mill place; thence south-east with mill stream to the Mifflin and Saltillo Road, at Mount Gilead; thence south to the county line.

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

Passed: April 3, 1893.

Acts of 1903 Chapter 186

SECTION 1. That the line between the counties of Henderson and Madison be and the same is hereby changed so as to run as follows:

Beginning at the intersection of the Jackson and Beech Bluff public road with the Madison and Henderson County line, running thence east 136 poles to a stake; thence north 409 poles to a stake; thence west 136 poles to a junction with the present county line so as to include 340 acres of land, the farm of C. N. Matlock, within the boundaries of Madison County.

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

Passed: March 19, 1903.

Civil Districts

Acts of 1903 Chapter 243

SECTION 1. That the Fourth Civil District, Fifth Civil District, Seventh Civil District, Eighth Civil District,

Ninth Civil District, Tenth Civil District, Eleventh Civil District, Thirteenth Civil District, Fourteenth Civil District, Sixteenth Civil District, Seventeenth Civil District, Eighteenth Civil District, Nineteenth Civil District and Twentieth Civil District of Henderson County, as the same have heretofore and up to this time been constituted and existed, be and same are hereby abolished.

SECTION 2. That the territory heretofore and up to this time embraced in the Eighth, Ninth and Seventeenth Civil Districts of Henderson County be and the same is hereby attached to what has heretofore and up to this time been the First Civil District of Henderson County; and that the said combined territory be hereafter known and nominated the First Civil District of Henderson County; that the territory heretofore and up to this time embraced in the Seventh and Nineteenth Civil Districts of Henderson County be and the same is hereby attached to what has heretofore and up to this time been the Second Civil District of Henderson County; and that the said combined territory be hereafter known and nominated the Second Civil District of Henderson County; that the territory heretofore and up to this time embraced in the Fourth, Eleventh and Twentieth Civil Districts of Henderson County be and the same is hereby attached to what has heretofore and up to this time been the Third Civil District of Henderson County, and that the said combined territory be hereafter known and nominated the Third Civil District of Henderson County; that the territory which has heretofore and up to this time embraced the Thirteenth Civil District of Henderson County be and the same is hereby attached to what has heretofore and up to this time been the Twelfth Civil District of Henderson County, and that the said combined territory be hereafter known and nominated the Fourth Civil District of Henderson County; that the territory which has heretofore and up to this time embraced the Fifth and Tenth Civil Districts of Henderson County be and the same is hereby attached to what has heretofore and up to this time been the Sixth Civil District of Henderson County, and that said combined territory be hereafter known and nominated the Fifth Civil District of Henderson County; that the territory which has heretofore and up to this time embraced the Fourteenth, Sixteenth and Eighteenth Civil Districts of Henderson County be and the same is hereby attached to what has heretofore and up to this time been the Fifteenth Civil District of Henderson County; and that said combined territory be hereafter known and nominated the Sixth Civil District of Henderson County.

SECTION 3. That no civil district in excess of the number of six hereby created and established shall be created out of any of the territory of said county, nor shall the lines of the said six districts of said county herein created be altered or changed unless authorized by Act of the General Assembly of the State of Tennessee.

SECTION 4. That from and after the first day of May, 1903, the offices of Justice of the Peace and all other civil district officers in the districts hereby abolished shall cease to exist, and the Justices and other civil officers of the districts abolished by this Act shall turn over to the Justices and other officers not affected by this Act, the books, papers and documents pertaining to their respective offices.

SECTION 5. 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 the 31st day of December, 1903, the public welfare requiring it.

Passed: April 11, 1903.

Acts of 1905 Chapter 399

SECTION 1. That the lines of the Fourth Civil District of Henderson County be, and the same are hereby, changed, and that there is detached from the Third and Sixth Civil Districts of said county and attached to the Fourth Civil District that part of said Third and Sixth Civil Districts within the following boundaries: Beginning at the corner of the Fourth Civil District on the Decatur and Henderson County lines, near Scott's Hill, runs north with the Decatur County line to James Jackson's farm and including the same; thence with Beacon and Scott's Hill Road to the Shady Hill and Decaturville Road, near Flat Creek; thence west with Shady Hill and Decaturville, Road to the Long and Scott's Hill Road, including the lands of J. O. Mitchell; thence south with said road, including the entire farm of Newton Holmes; thence west through the land between J. M. Barthelemew and W.W. Buck's lands, including the lands of W.W. Buck, to Cane Creek; thence southwest with the lines of the lands and including the lands of Dick Rushing, Will Cresser, Leonard White, Weed White, W.L. Laster, and Tom McCollum; thence in a northwest direction with a country road to a point on the Shady Hill and Reagan Road, near the home of I. B. Buck and including the lands of the said I. M. Buck; thence west, including the lands of Milton Buck, dec'd, to the Lexington and Saltillo Road; thence with lines of and including the lands of J. F. M. Neisler, D. F. Neisler; thence south with the lines of and including the lands of J. R. Dickey, W. C. Crissom, Mrs. Stinson, Frank Wilkinson, and Jim Wilkinson, to the Center Point and Lexington Road; thence with said road to the line of the Fourth District.

SECTION 2. That there be, and there is hereby, detached from the Second Civil District and attached to

the First Civil District of Henderson County all that part of the Second Civil District lying north of a line running with the Lexington and Jackson Stage Road from the point where said road crosses the boundary line of the Second and Fifth Civil Districts; runs thence west with said Lexington and Jackson Road to a point where the Spring Creek Road intersects the same; thence with said Spring Creek Road through Juno-----, to the line of the First Civil District.

SECTION 3. That all laws and parts of laws which are 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: April 12, 1905.

Acts of 1905 Chapter 462

SECTION 1. That there is hereby created an additional Civil District in Henderson County, Tennessee, to be known as Civil District No. 7, and the said district is made to include the territory within the boundaries as follows:

Beginning at a point on the Decatur County Line, north of and on the line of James Jackson's lands, runs thence in a southwest direction with the Beacon and Scott's Hill Road to the Shady Hill Road at Flat Creek; runs thence west with the Shady Hill and Decaturville Road to the Middleburg and Scott's Hill Road to Middleburg and Scott's Hill Road to and including the farm of J. P. Mitchell; thence south with said road to and so as to include the farm of Newt Holmes; thence west through the lane between the lands of J. M. Barthelemew and W. W. Buck so as include the lands of N. W. Buck and with the line of same on to Cane Creek; thence southwest with and including the lands of Dick Rushing, Will Crosser, Leonard White, Wood White, W. L. Laster, and thence south to the old (Thirteenth) Civil District line at or near the home of Asa Jones; thence in a southwest direction with said old district line to the Saltillo and Lexington Road, at the Benson old mill place; thence (in) a south direction with what is known as the Stickey Ridge Road, passing the lands of J. T. Johnson, E. Frazier, Mrs. Story, and Polk Bridges, and on (in) a southern direction to the Hardin County line; thence in an eastern direction with said Hardin County line to the Decatur County line to the beginning at James Jackson's lands.

SECTION 2. That at the next regular county election for said county there shall be elected in and for said district two Justices of the Peace, a Constable, a Tax Assessor, and other officers, such as are allowed by law to Civil Districts, and until said officers are elected and qualified the officials of the several districts having jurisdiction of the territory shall continue to exercise such jurisdiction.

SECTION 3. That in all other respects than as is especially otherwise provided herein, this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 15, 1905.

Private Acts of 1911 Chapter 568

SECTION 1. That the boundary line between the Third and Fourth Civil Districts of Henderson County, Tennessee, be, and the same hereby are, changed so as to exclude from the Third District the parties hereinafter named, together with their lands, and that the said parties, together with their lands, be included in the Fourth Civil District of Henderson County, Tennessee. Said boundary line between said districts shall hereafter run with the following line instead of line as at present: Beginning at the line of I. M. Buck, it being the line of the Fourth District, and running with J. W. Neisler's east boundary line to W. H. Neisler, then with W. H. Neisler's east line to J. M. Neisler, with J. M. Neisler's east line to J. W. Fanning's Morton place; then with his east line to the corner; then west with J. W. Fanning's line to J. M. Neisler; then west to J. W. Fanning's home place; thence west to J. D. Horton's; then west to R. J. McPeak; thence to H. J. Petty; thence with his line to the corner; thence south with his line to the land of Tom Christopher, it being the line of the Fourth District. The names below want to go from the Third District to the Fourth District: J. W. Neisler, W. H. Neisler, J. M. Neisler, J. W. Fanning, J. D. Horton, R. J. McPeak.

SECTION 2. That all laws or 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 1, 1911.

Private Acts of 1925 Chapter 777

SECTION 1. That the line between the Seventh Civil District and the Fourth Civil District of Henderson County, Tennessee, be and is hereby so changed as to detach the farm of John Martin and J. A. Hart and Mitch Standfield from the said seventh [sic] Civil District and include the same in the Fourth Civil District

of said county.

SECTION 2. That all laws and parts of laws in conflict with this Act, are hereby repealed and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 4, 1925.

Private Acts of 1927 Chapter 487

SECTION 1. That the District Line between the Sixth and Seventh Districts of Henderson County be, and the same is so changed as to detach all the farms of J. M. Bartholomew and Alfred Rogers from the Sixth Civil District and attach the same to that of the Seventh Civil District.

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

Passed: April 18, 1927.

COMPILER'S NOTE: Private Acts of 1927, Chapter 252, was a duplication of Private Acts of 1927, Chapter 487, except that the earlier act contained a typographical error.

Boundaries - Historical Notes

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

1. Acts of 1855-56, Chapter 173, moved approximately 80 acres of the 180-acre plantation of E. Lee out of Henderson County and into Decatur County where the rest of the land was located.
2. Public Acts of 1869-70 (2nd Sess.), Chapter 3, provided for the establishment of Etheridge County out of portions of Henderson, Gibson, Carroll, Madison and Weakley Counties, subject to the outcome of an election those areas on whether the new county should be formed. This act was amended by Public Acts of 1869-70 (2nd Sess.), Chapter 117, to authorize the Commissioners appointed under that act to make such changes in the boundary line of the new county adjacent to Henderson and Madison Counties, by either extending or contracting the boundary as they determined to be in the best interests of the people. This act was further amended by Public Acts of 1870-71, Chapter 93, to authorize boundary changes and to condition any boundary changes, and the formation of the county itself, upon the approval of 2/3 of the voters.
3. Public Acts of 1873, Chapter 100, transferred all the lands belonging to J. Henry Thomas and J. H. Dodd out of Henderson County and into Decatur County, provided such action did not reduce the area of Henderson County below its constitutional limits.
4. Public Acts of 1877, Chapter 14, established a new county to be known as Hanes County out of parts of Henderson, Benton, Carroll and Decatur Counties, conditioned upon the approval by the people in the area affected.
5. Public Acts of 1881, Chapter 130, changed the boundaries between Henderson and Decatur Counties beginning at the county line at the lands formerly owned by G. M. Morgan and subsequently owned by Noah Williams, running east with the line of John F. Chumley and continuing to the county line at or near T. Lemon's line.
6. Public Acts of 1883, Chapter 56, transferred all the lands belonging to W. T. Vaden and W. A. Thompson out of Henderson County and into Carroll County.
7. Public Acts of 1885, Chapter 13, changed the boundary lines between Henderson and Decatur Counties to include all of J. C. P. Myracle's home tract of land, known as the Cox land, within Decatur County.
8. Acts of 1905, Chapter 161, detached all the lands belonging to W. M. Jones and C. P. Jones, as they were generally described in the Act, from Henderson County and attached the same to the 11th Civil District of Chester County.
9. Public Acts of 1972, Chapter 738, removed from Henderson County the 20-acre farm of Howard Bailey and wife, Fran Bailey, and placed it in the 2nd Civil District of Chester County.

Chapter V - Court System

General Sessions Court

Private Acts of 1941 Chapter 393

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

Court rooms and adequate facilities for said Court shall be provided in the Court House at Lexington; and it shall be the duty of the County Judge of Henderson 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 Henderson County, Tennessee, is hereby vested with all the jurisdiction and shall exercise the authority conferred by the Legislature upon the Justices of the Peace in civil and criminal cases, suits and actions, which jurisdiction and authority shall be coextensive with Henderson County, Tennessee; provided, however, nothing in this Act shall be construed to divest the Justices of the Peace of their jurisdiction until the election and qualification of a Judge for said Court of General Sessions as hereinafter provided. The authority of said Justices of the Peace in their capacity as members of the Quarterly Court or in the performance of the rights of matrimony is in nowise affected by this Act.

SECTION 3. That before any 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 judgment, 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 to 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 the Section 9080 of the Code of Tennessee.

SECTION 4. That said Court shall be in session daily, except legal holidays, and each Saturday from after 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 Henderson 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 Henderson 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 a trial by a jury of his peers.

SECTION 8. That in all cases where defendants shall be bound over to the Grand Jury of Henderson County, Tennessee, by the Mayor or Judge of the City Court of Lexington, such defendants shall forthwith be brought before the Court of General Sessions upon any State's warrant outstanding, or any State's warrant or information filed against them, and there arraigned as if such cases originated in the Court of General Sessions as is provided for in Sections 6 and 7 of this Act.

SECTION 9. That no warrant or information charging a person with an offense against laws of the State shall be delivered to any peace officer for the arrest of such person until after an entry in the Criminal Docket has been made by the Clerk, showing the names of the person or person accused, the prosecutor,

the officer to whom to be delivered and his signature upon said docket showing receipt of such process. All of such warrants, information, dockets and other records of said Court of General Sessions shall be available to the District Attorney-General for any legal purpose.

SECTION 10. That all 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 the Circuit Court. This provision shall in nowise abridge the authority of the Sheriff to take bonds as now provided by law.

SECTION 11. 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 of 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 12. 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 payment 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, and shall also contain the information provided for in Section 9 of this Act.

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

SECTION 13. That there shall be a Judge for said Court, who shall be a person with all the 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.

As amended by: Private Acts of 1973, Chapter 115

SECTION 14. That the compensation of said Judge shall be Two Thousand Four Hundred (\$2,400.00) 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 the Chancery Courts and the County Courts of the State, provided such practice does not interfere with the duties of his office.

Commencing with the 1990 election, all general sessions court judges of Henderson County shall receive an annual cost of living increase equal to any annual cost of living increase received by Henderson County elected officials pursuant to Tennessee Code Annotated, Title 8, Chapter 24, Part 1.

As amended by: Private Acts of 1947, Chapter 141
Private Acts of 1990, Chapter 209

SECTION 15. That the first Judge to be elected under the provisions of this Act shall be elected by the qualified voters of the County at the election for judicial and other civil officers on the first Thursday of August, 1942, and shall take office September 1st, 1942, and shall serve for a period of eight years, and until his successor is elected and qualified as is provided by law for judges of inferior Courts. Said election shall be conducted in accordance with the general election laws of the State of Tennessee.

SECTION 16. 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 17. That the Clerk of the Circuit Court of Henderson County, Tennessee, shall act as Clerk of said Court of General Sessions, and when acting as Clerk of said Court shall be designated "Clerk of Court of General Sessions of Henderson County, Tennessee." Said Clerk is hereby authorized and directed to perform the duties of said Court, and shall receive as compensation therefor the sum of (\$1200.00) Twelve Hundred Dollars per annum, payable in equal monthly installments, the same to be paid out of the

general fund of the County. Said salary of \$1200.00 to be in addition to the salary already paid him as Circuit Court Clerk for said County. The Judge of the County Court shall issue warrants drawn upon the Trustee for the payment of said salary as provided herein.

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 Henderson County, Tennessee, and shall be deposited by said Trustee in the general fund of said County.

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

As amended by: Private Acts of 1945, Chapter 6,
Private Acts of 1953, Chapter 585.

SECTION 18. 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 heretofore provided by law.

SECTION 19. That this Act shall in nowise impair the right, title or interest of any Justices of the Peace of Henderson County to any unpaid fees, or funds in which he had a right or interest in any proceedings, judgment or suit, whether said cause is disposed of or pending when this Act becomes effective.

SECTION 20. That all the official dockets, records and papers in cases that are undisposed of or pending in the offices of the 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 completed shall be turned over to Henderson County, as provided by law.

SECTION 21. That said Court shall have authority to hear and determine all undisposed cases arising in the Courts of Justice of the Peace of Henderson County as if said cases had originated in said Court of General Sessions.

SECTION 22. That the Legislature expressly declares that each section, sub-section, 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 the 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 Henderson County, Tennessee, be and the same are hereby repealed.

SECTION 24. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 13, 1941.

Clerking Duties When Exercising Juvenile Jurisdiction

Private Acts of 2000 Chapter 122

SECTION 1. On July 1 next following local approval of this Act, the County Clerk of Henderson County shall cease to act as Clerk of the General Sessions Court of Henderson County when that court is exercising juvenile jurisdiction. From that date forward, the Circuit Court Clerk of Henderson County shall serve as Clerk of the Court of General Sessions in Henderson County when that court is exercising juvenile jurisdiction.

SECTION 2. All records of the General Sessions Court of Henderson County pertaining to its juvenile jurisdiction shall be transferred from the office and jurisdiction of the County Clerk of Henderson County to that of the Circuit Court Clerk of Henderson County during the period following the local approval of this Act, but prior to the first day that the Circuit Court Clerk of Henderson County assumes the duties of Clerk of the General Sessions Court when that court is exercising juvenile jurisdiction.

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

SECTION 4. For the purpose of approving or rejecting the provisions of this Act, 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 3.

Passed: May 18, 2000.

Court System - Historical Notes

Board of Jury Commissioners - Jurors

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

1. Acts of 1903, Chapter 265, directed the Circuit Judge of Henderson County to appoint three Jury Commissioners from different localities within the county who were freeholders and citizens of the county, of good reputation and good moral habits and sound judgment, had no suit pending in the court and did not seek to be appointed. Not more than two could belong to the same political party. The Board would make out a list of 37 jurors, or more if ordered by the Court, who would be the jurors for the ensuing term of court. The Commissioners would be paid \$2 for each day served, and could be fined for refusing to serve once appointed. No one could be excused from duty except on order of the Judge.
2. Private Acts of 1921, Chapter 534, purported to exempt Henderson County from the requirements of Public Acts of 1919, Chapter 37, which concerned the appointment and term of the Foremen of the Grand Jury. The Tennessee Supreme Court declined to rule upon the constitutionality of this private act in *Roberts v. State*, 247 S.W. 102 (Tenn. 1923).
3. Private Acts of 1921, Chapter 615, created a Board of Jury Commissioners for Henderson County. This Board consisted of five members to be appointed by the Quarterly County Court for one-year terms. Members were required to be discreet persons who were house-holders or freeholders and residents of the county for at least three years prior to appointment, and not more than three could be members of the same political party. The Commissioners would be paid \$3 per day for each day spent in service. The Commissioners would select 37 jurors, or more if ordered by the Circuit Judge. The 37 jurors would constitute both Grand and petit jurors for that term. The County Judge would appoint the Foreman of the Grand Jury for a term of 2 years. The Foreman was to be paid \$4 a day for each day served, and would be the 13th member of the Grand Jury. This Act purported to repeal Public Acts of 1911, Chapter 115, and Public Acts of 1919, Chapter 37, as applied to Henderson County, the constitutionality of which the Tennessee Supreme Court declined to rule upon in *Roberts v. State*, 247 S.W. 102 (Tenn. 1923).
4. Private Acts of 1925, Chapter 528, created a Board of Jury Commissioners in Henderson County. The Circuit Court Judge was directed to appoint three Jury Commissioners from different sections of the County who were freeholders of sound judgment with good reputation and moral habits, with no suit pending in Circuit Court. The Board members would be paid \$2 per day of service. The Board would select 37 qualified jurors, or more if directed by the Judge, to serve as both grand and petit jurors at the next regular term of court. The Judge would appoint the Foreman of the Grand Jury who would be paid \$4 per day served. Failure to perform any duty imposed under the act was a misdemeanor punishable by a fine not less than \$20 and imprisonment not exceeding 3 months.
5. Private Acts of 1929, Chapter 601, created a Board of Jury Commissioners in Henderson County. The Circuit Judge was to appoint a Board of four persons who were householders and freeholders of the county and who were not practicing attorneys or county or State officials. The first Board members were to serve until September 1, 1930, when two would be appointed for two years, and two for four years, so that thereafter Jury Commissioners would serve a four-year term with two members being appointed every two years. Every two years, the Board was to meet and select from the Tax rolls or other public sources a list of qualified names equal to one-fifth of the votes cast in the last Presidential election, but not less than 300 or more than 2500, to be the petit jury list for the next two years. The Board then selected from this list a sufficient number of the most experienced, intelligent and upright men to serve as grand jurors. Names would be placed on cards or slips and placed into two locked and sealed boxes (the Grand Jury Box and the Petit Jury Box), from which the Judge would draw names at least 15 days before court. At least ten days before the beginning of court the names withdrawn would be given to the Sheriff for summons. Failure to attend and serve was a misdemeanor punishable by fine of \$25 to \$50.
6. Private Acts of 1931, Chapter 487, amended Private Acts of 1929, Chapter 601, to add a provision that if the required number of grand jurors could not be obtained from the Grand Jury Box, the names of the petit jurors in attendance in court could be placed in a hat and drawn one name at a time by a child under 12 years of age until a sufficient number of qualified grand jurors were empaneled. The act further provided that a Justice of the Peace could not serve as a Juror but could serve as the Foreman of the Grand Jury, and that in cases where a special panel had been demanded to try a case and a delay of trial would be occasioned, the Judge could order

prospective jurors to be summoned instanter.

7. Private Acts of 1945, Chapter 348, set the compensation of every regular juror in Henderson county at \$3 per day for each day served.

Chancery Court

The following acts form an outline of the development of equity jurisdiction in Henderson 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, directed one of the judges of the Supreme Court of Errors and Appeals to hold an Equity Court with original chancery jurisdiction in each circuit where supreme courts were held, at least once each year, the places being Rogersville, Knoxville, Charlotte, Sparta, Columbia and Nashville. These Chancery Courts were to sit for two weeks if necessary, and in Nashville for six weeks if necessary.
2. Public Acts of 1824, Chapter 14, directed the justices of the supreme court to make arrangements among themselves to hold the Chancery Courts of Tennessee at least twice each year. Chancery Court was to be held at Jackson on the second Mondays in April and October for all counties west of the Tennessee River. All other counties were designated by name to be held at Greenville, Rogersville, Kingston, Carthage, McMinnville, Franklin, Columbia or Charlotte.
3. Public Acts of 1825, Chapter 32, directed the justices of the supreme court, by arrangement among themselves, to hold a Chancery Court at Paris for the counties of Henderson, Perry, Carroll, Henry, Weakley, Obion, Gibson and Dyer, on the third Mondays in April and October. The judges were directed to appoint a Clerk and Master for this new chancery court.
4. Public Acts of 1827, Chapter 60, set the dates for holding chancery court at Paris on the third Mondays in March and September.
5. Public Acts of 1827, Chapter 79, repealed prior laws giving original chancery jurisdiction to the judges of the supreme court of errors and appeals, and divided the State into two chancery divisions whose courts would be held by two Chancellors to be appointed by both Houses of the General Assembly. The Eastern Division would be composed of the chancery courts at Rogersville, Greeneville, Kingston, Carthage and M'Minnville, and the Western Division would be composed of the courts at Franklin, Columbia, Charlotte, Jackson and Paris. The Chancellors would be paid \$1,500 per year for their services.
6. Public Acts of 1827, Chapter 88, supplemented Public Acts of 1827, Chapter 79, declaring the chancellors to be chancellors of the State of Tennessee, and authorizing the chancellors to interchange with each other.
7. Public Acts of 1829, Chapter 52, placed Henderson and Perry Counties in the 8th Judicial Circuit. This act was amended by Public Acts of 1831, Chapter 48, to provide that the counties in the 8th Judicial Circuit would belong to the Chancery District Court held at Jackson.
8. Public Acts of 1829, Chapter 104, set the dates for holding district chancery court for the 8th circuit or district on the third Mondays in March and September.
9. Public Acts of 1835-36, Chapter 4, divided Tennessee into three Chancery Divisions which were further divided into districts. Three Chancellors appointed by the General Assembly were to hold court in their divisions at least twice each year. Henderson County was placed in the Fourth District of the Western Division along with Perry County, and court was to be held in Lexington on the fourth Mondays in April and October. The Chancellors were directed to appoint clerks and masters for their divisions to serve six-year terms.
10. Acts of 1837-38, Chapter 14, formed one chancery district of the counties of Henry, Weakley, Obion, Dyer, Gibson, Carroll, Benton, Perry, Henderson and Madison in the Western Division. Court was to be held at Huntingdon in Carroll County on the first Mondays in February and August. The chancery courts at Lexington, Paris, Jackson, Dresden, Trenton, Bolivar and Clarksville were abolished.
11. Acts of 1839-40, Chapter 33, established a new Fourth Chancery Division, but Henderson County remained in the Western Division.
12. Acts of 1843-44, Chapter 182, established a chancery district composed of the counties of Henderson, Perry and McNairy. Court was to be held at Lexington by the chancellor of the Western Division on the first Mondays in May and November.
13. Acts of 1845-46, Chapter 124, set the dates for holding chancery court at Lexington on the first Monday in May and second Monday in December.

14. Acts of 1847-48, Chapter 198, set the dates for holding chancery court at Lexington on the second Mondays in June and December, beginning with the second term of court.
15. Acts of 1853-54, Chapter 54, established the Fifth and Sixth Chancery Divisions of the state. The Sixth Chancery Division consisted of the counties of Henderson, Carroll, Benton, Humphreys, Dickson, Hickman, Perry, Decatur, McNairy, Hardin, Wayne and Lawrence.
16. Acts of 1855-56, Chapter 112, set the dates for holding Chancery Court in the Sixth Chancery Division. The court at Lexington in Henderson County would commence its terms on the second Mondays in February and August.
17. Public Acts of 1857-58, Chapter 88, set the dates for holding chancery court in the Eastern, Middle, Western, Fourth, Fifth, and Sixth Chancery Divisions. The chancery court at Lexington in Henderson County would continue to be held on the second Mondays in February and August.
18. Public Acts of 1866-67, Chapter 4, set the dates for holding chancery courts in the 5th Chancery District (Henderson, Hickman, Dickson, Humphreys, McNairy, Hardin, Wayne, Lawrence, Decatur and Perry Counties). The chancery court at Lexington in Henderson County was to convene on the first Mondays in April and October.
19. Public Acts of 1869-70 (2nd Sess.), Chapter 32, divided the State into twelve Chancery Districts. Henderson County was placed in the Ninth District, along with the counties of Benton, Hickman, McNairy, Lawrence, Dickson, Humphreys, Decatur, Lewis, Perry, Hardin and Wayne.

COMPILER'S NOTE: The twelve chancery "districts" created by Public Acts of 1869-70 (2nd Sess.), Chapter 32, were called "divisions" in subsequent legislation.

20. Public Acts of 1869-70 (2nd Sess.), Chapter 47, set the dates for holding chancery courts throughout the state. In the Ninth Division, the chancery court at Lexington in Henderson County was to begin on the fourth Mondays in February and August.
21. Public Acts of 1870-71, Chapter 10, set the dates for holding chancery courts in the Ninth Chancery Division. The chancery court at Lexington in Henderson County would continue to be held on the fourth Mondays in February and August.
22. Public Acts of 1873, Chapter 5, set the dates for holding court in the Ninth Chancery Division. The chancery court at Lexington in Henderson County was to begin on the fourth Mondays in March and September.
23. Public Acts of 1879, Chapter 88, set the dates for holding court in the Ninth Chancery Division. The chancery court at Lexington in Henderson County would continue to begin on the fourth Mondays in March and September.
24. Public Acts of 1881, Chapter 162, set the dates for holding court in the Ninth Chancery Division. The chancery court at Lexington in Henderson County would continue to begin on the fourth Mondays in March and September.
25. Acts of 1885 (Ex. Sess.), Chapter 20, divided the state into eleven chancery divisions. Henderson County was placed in the Ninth Chancery Division, along with the counties of Hardeman, McNairy, Chester, Madison, Crockett, Carroll and Henry. The chancery court in Henderson County would be held on the first Mondays in May and November.
26. Public Acts of 1887, Chapter 111, set the dates for holding chancery courts in the Ninth Chancery Division. Chancery court in Henderson County would begin on the first Mondays in April and October.
27. Public Acts of 1899, Chapter 427, divided the state into ten Chancery Divisions. Henderson County was placed in the Eighth Chancery Division, along with the counties of Decatur, Hardin, Chester, Benton, McNairy, Crockett, Carroll, Henry, Madison and Perry. Henderson County's chancery court would begin on the first Mondays in March and September.
28. Acts of 1903, Chapter 36, set the dates for holding court in the Eighth Chancery Division. Chancery court in Henderson County would begin on the first Mondays in April and October.
29. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, reorganized the lower court system in Tennessee. Henderson County was placed in the Eighth Chancery Division, along with the counties of Carroll, Henry, McNairy, Crockett, Hardeman, Decatur, Hardin, Benton and Chester. Henderson County chancery court would be held on the first Mondays in April and October.

Chancery Court - Clerk and Master

The reference list below contains acts which once applied to the clerk and master in Henderson County. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1909, Chapter 476, set the salary of the Clerk and Master of Henderson County at \$750 per year. The Clerk and Master was required to file a sworn, itemized statement in January of each year with the County Judge or Chairman showing the total amount of fees collected during the preceding year. If the fees were less than \$750, the county paid the difference to the Clerk and Master; if the fees were more than \$750, the Clerk and Master could retain the excess.
2. Private Acts of 1911, Chapter 70, is virtually identical to Acts of 1909, Chapter 476, setting the annual salary of the Clerk and Master of Henderson County at \$750.
3. Private Acts of 1919, Chapter 664, amended Private Acts of 1911, Chapter 70, to increase the annual salary of the Clerk and Master of Henderson County from \$750 to \$1,200.
4. Private Acts of 1929, Chapter 419, amended Private Acts of 1911, Chapter 70, by adding a provision that the Clerk and Master was not required to include fees for processing delinquent tax suits in his sworn, itemized statement of fees collected. This Act was repealed by Private Acts of 1931, Chapter 436.
5. Private Acts of 1931, Chapter 436, repealed Private Acts of 1929, Chapter 419, in its entirety.
6. Private Acts of 1931, Chapter 437, amended Private Acts of 1911, Chapter 70, by adding a provision that the Clerk and Master was not required to include in his sworn, itemized statement of fees collected in his office fees for processing delinquent tax suits and fees for the court-ordered sale of lands.
7. Private Acts of 1933, Chapter 709, amended Private Acts of 1911, Chapter 70, to set the salary of the Clerk and Master of Henderson County at \$1,200 per year, with the Clerk and Master to file quarterly sworn, itemized statements of fees collected. If the fees for any quarter were less than \$300, the county made up the difference; however, if at the end of the year the total amount was in excess of \$1,200, the Clerk and Master was required to reimburse the County up to the amount paid to him in the previous quarter.

Circuit Court

The following acts were once applicable to the circuit court of Henderson County but now have no effect, having been repealed, superseded, or having failed to win local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1821, Chapter 42, established the 8th Judicial Circuit composed of the counties of Henry, Carroll, Henderson, Madison, Shelby, Wayne, Hardin and Perry. All appeals would be heard by the courts of errors and appeals at Charlotte. Circuit Court in Henderson County would be held at Samuel Wilson's house on the second Mondays in April and October. Henderson, Madison and Shelby Counties were placed in the 14th Solicitorial District.
2. Public Acts of 1821, Chapter 52, authorized Joshua Haskell, Judge of the 8th Judicial Circuit, to take his oath of office before any Justice of the Peace in Rutherford County.
3. Public Acts of 1821, Chapter 65, provided that all appeals from circuit courts in the counties of Wayne, Hardin, Perry, Henderson, Madison and Shelby would be heard by the Supreme Court of Errors and Appeals at Columbia.
4. Public Acts of 1823, Chapter 11, established the 9th Judicial Circuit composed of the counties of Perry, Henderson, Carroll, Henry, and all new counties west of Carroll and Henry Counties which were to be organized. Appeals would be heard by the Courts of Errors and Appeals at Charlotte.
5. Public Acts of 1823, Chapter 41, scheduled the terms for the 8th and 9th Judicial Circuits. Circuit court in Henderson County would begin on the second Mondays in April and October.
6. Private Acts of 1825, Chapter 318, changed the dates for holding circuit court in Henderson County to the second Mondays in May and November.
7. Public Acts of 1826, Chapter 43, changed the dates for holding circuit court in Henderson County to the second Mondays in April and October.
8. Public Acts of 1829, Chapter 52, attached Henderson County and Perry County to the 8th Judicial Circuit.
9. Public Acts of 1835-36, Chapter 5, divided the state into eleven judicial circuits and placed Henderson County in the 10th Judicial Circuit along with the counties of Perry, Madison, Haywood, Tipton and Lauderdale. The act provided for three annual terms instead of two. The circuit court in Henderson County would begin its terms on the fourth Mondays in March, July and November. Circuit judges were authorized to sit by interchange with other circuits.
10. Acts of 1839-40, Chapter 21, set the dates for holding certain circuit courts in the state. Circuit court in Henderson County would begin on the fourth Mondays in March, July and November.

11. Public Acts of 1857-58, Chapter 98, reorganized the State into sixteen judicial circuits and placed Madison, Haywood and Henderson Counties in the 14th Judicial Circuit. The circuit court in Henderson County would continue to be held on the fourth Mondays in March, July and November.
12. Public Acts of 1861-62, Chapter 49, provided for two regular terms of circuit court per year in each county. Henderson County's terms were scheduled to begin on the first Mondays in May and November. The act also provided that judgments and decrees of courts of record would constitute a lien on the defendant's real property for two years after rendition of the judgment.
13. Public Acts of 1865, Chapter 37, changed the 11th, 12th and 14th Judicial Circuits, placing the counties of Wayne, Hickman, Perry, Decatur, Henderson, McNairy and Hardin in the 12th Judicial Circuit. Court would be held in Henderson County on the first Mondays in March, June and September.
14. Public Acts of 1865-66, Chapter 8, revived the 14th Judicial Circuit composed of the counties of Henderson, Madison and Haywood Counties, and added Hardeman County to the Circuit. The courts were to be held as previously provided by law.
15. Public Acts of 1865-66, Chapter 14, rescheduled the terms in the 14th Judicial Circuit. Circuit court in Henderson County would begin on the fourth Mondays in March, July and November.
16. Private Acts of 1865-66, Chapter 129, assigned the newly-formed Crockett County to the 14th Judicial Circuit.
17. Public Acts of 1867-68, Chapter 1, transferred Henderson County to the 13th Judicial Circuit.
18. Public Acts of 1867-68, Chapter 8, set the dates for holding circuit court in Henderson County on the third Mondays in February, June and October.
19. Public Acts of 1869-70 (2nd Sess.), Chapter 31, divided Tennessee into fifteen judicial circuits. Henderson County was placed in the 11th Judicial Circuit along with the counties of Wayne, Lewis, Hickman, Perry, Decatur, McNairy and Hardin.
20. Public Acts of 1869-70 (2nd Sess.), Chapter 46, set the dates for holding circuit courts throughout the State, with Henderson County to begin its terms on the third Mondays in February, June and October.
21. Public Acts of 1871, Chapter 17, changed the dates for holding circuit court in the 11th Judicial Circuit. Court in Henderson County would begin on the second Mondays in February, June and October.
22. Public Acts of 1871, Chapter 70, changed the dates for holding circuit court in the 11th Judicial Circuit. Henderson County would begin its terms on the fourth Mondays in February, June and October.
23. Public Acts of 1875, Chapter 18, changed the dates for holding circuit court in the in 11th Judicial Circuit. Henderson County would continue to hold court on the fourth Mondays in February, June and October.
24. Public Acts of 1881, Chapter 83, changed the dates for holding circuit court in the 11th Judicial Circuit. The circuit court at Lexington in Henderson County would be held on the second Mondays in March, July and November.
25. Public Acts of 1881 (Ex. Sess.), Chapter 2, changed the dates for holding circuit court in the 11th Judicial Circuit. Henderson County would continue to begin on the second Mondays in March, July and November.
26. Acts of 1885 (Ex. Sess.), Chapter 20, reorganized the State into fourteen judicial circuits. Henderson County was placed in the 11th Circuit along with the counties of McNairy, Chester, Madison, Decatur and Perry. Circuit court in Henderson County would begin on the third Mondays in April, August and December.
27. Public Acts of 1887, Chapter 94, added Benton County to the 11th Judicial Circuit, and changed the dates for holding circuit court in Henderson County to the second Mondays in March, July and November.
28. Public Acts of 1895, Chapter 46, established separate criminal courts in the 11th Judicial Circuit, transferring criminal jurisdiction from the circuit courts. All cases not heard and under advisement were to be transferred from the circuit courts to the new criminal courts. This Act was amended by Public Acts of 1895, Chapter 124. Both acts were repealed by Public Acts of 1899, Chapter 155.
29. Public Acts of 1899, Chapter 155, abolished the criminal courts in the 11th Judicial Circuit and repealed Public Acts of 1895, Chapter 46, and Public Acts of 1895, Chapter 124.

30. Public Acts of 1899, Chapter 409, restored to the circuit courts the criminal jurisdiction which had been transferred to the criminal courts in the 11th Judicial Circuit (except in Madison County, which would continue to be a part of the 11th Judicial Circuit for civil cases only). The Henderson County Circuit Court would begin on the second Mondays in March, July and November. Benton County was transferred out of the 11th Judicial Circuit.
31. Public Acts of 1899, Chapter 427, divided the state into fourteen judicial circuits, placing Henderson County in the 12th Judicial Circuit along with the counties of Hardeman, McNairy, Hardin, Chester, Decatur, and Madison. The circuit and criminal courts in Henderson County would begin on the third Mondays in February, June and October.
32. Acts of 1901, Chapter 325, added Perry County to the 12th Judicial Circuit.
33. Acts of 1903, Chapter 32, changed the dates for holding circuit court in Henderson County to the second Mondays in February, June and October.
34. Acts of 1905, Chapter 57, removed Hardeman, Madison (civil only) and McNairy Counties from the 12th Judicial Circuit.
35. Acts of 1905, Chapter 192, changed the dates for holding circuit court in the 12th Judicial Circuit. Henderson County circuit court would continue to be held on the second Mondays in February, June and October.
36. Acts of 1907, Chapter 338, changed the dates for holding circuit court in the 12th Judicial Circuit, which now contained the counties of Henderson, Madison, Chester, Decatur, Perry and Hardin. Henderson County courts would continue to be held on the second Mondays in February, June and October.
37. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, established twenty judicial circuits and placed Henderson County in the 12th Judicial Circuit along with the counties of Madison (criminal only), Chester, Decatur and Hardin. Henderson County Circuit Court would convene on the second Mondays in February, June and October.
38. Public Acts of 1974, Chapter 526, was a public act of local application which provided that the circuit court for the 12th Judicial Circuit (Henderson, Madison and Chester Counties) would be divided into two parts or divisions designated as Part I and Part II, with a Circuit Judge for each Part who could sit interchangeably in all counties. Circuit court in Henderson County was scheduled on the first Mondays in February, June and October.

Circuit Court - Clerk

The following acts have no current effect, but once applied to the Henderson County Circuit Court Clerk. They were repealed, superseded, or never received local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1895, Chapter 46, which created a criminal court in the 11th Judicial Circuit, provided that the Circuit Court Clerk of each county in the circuit would also be the clerk of the criminal court. This act, as amended by Public Acts of 1895, Chapter 124, was repealed by Public Acts of 1899, Chapter 155.
2. Public Acts of 1897, Chapter 124, provided that the clerks of the circuit courts would no longer be allowed to keep all of the fees received by their offices, and instead would be paid a fixed salary based on the county population. This act was declared unconstitutional in *Weaver v. Davidson County*, 59 S.W. 1105 (Tenn. 1900).
3. Acts of 1903, Chapter 255, set the compensation of Circuit Court Clerks according to the population of the county in which he served. According to our census information for Henderson County, the Circuit Court Clerk would have received \$750 per year.
4. Private Acts of 1921, Chapter 704, provided that the Circuit Court Clerk of Henderson County would receive an annual salary of \$1,200. The Clerk was required to file with the County Judge or Chairman an itemized sworn statement of the total fees collected by the office. If the fees collected were less than \$1,200 the county would pay the difference. The Clerk was allowed to keep all fees collected by him in excess of \$1,200.
5. Private Acts of 1933, Chapter 710, amended Private Acts of 1921, Chapter 704, to provide that the itemized sworn statement would be filed quarterly and if the fees were less than \$300 the county would make up the difference, but if the total amount paid by the county for the year was over \$1,200 the clerk was required to reimburse the County.
6. Private Acts of 1937, Chapter 822, amended Private Acts of 1933, Chapter 710, to increase the annual salary of the Circuit Court Clerk from \$1,200 to \$1,800, payable quarterly.

7. Private Acts of 1941, Chapter 393, required the Henderson County Circuit Court Clerk also to serve as the clerk of the newly-formed court of general sessions, with additional annual compensation of \$300.
8. Private Acts of 1945, Chapter 6, amended Private Acts of 1941, Chapter 393, to increase the additional annual compensation of the Clerk from \$300 to \$600.
9. Private Acts of 1947, Chapter 140, allowed the Circuit and General Sessions Court Clerk an additional \$75 per month for clerical assistance. This act was repealed by Private Acts of 1949, Chapter 888.
10. Private Acts of 1953, Chapter 585, amended Private Acts of 1945, Chapter 6, to increase the additional annual compensation for serving as General Sessions Court Clerk from \$600 to \$1,200.
11. Private Acts of 1957, Chapter 221, authorized the Circuit Court Clerk of Henderson County to hire an assistant at a salary not to exceed \$150 per month. Private Acts of 1970, Chapter 267, would have repealed this act but it failed to gain local approval. This act was repealed by Private Acts of 1980, Chapter 194.

Criminal Court

The following acts once pertained to the Henderson County Criminal Court, but are no longer current law. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1895, Chapter 46, established separate criminal courts in the 11th Judicial Circuit, which included the counties of Madison, Chester, McNairy, Henderson, Decatur, Perry and Benton. The Criminal Court in Henderson County was to hold three regular terms beginning on the third Mondays in April, August and December. The records of all criminal cases not heard and under advisement were to be transferred from circuit court to the new criminal court. The Governor would appoint a Judge to serve until September 1, 1896, when his elected successor would assume office. The Attorney General of the 11th Judicial Circuit would prosecute all cases in the name of the State, and the Circuit Court Clerk would serve as Clerk of the criminal court. This Act was repealed by Public Acts of 1899, Chapter 155.
2. Public Acts of 1895, Chapter 124, changed the dates for holding criminal court in the 11th Judicial Circuit. Henderson County would begin on the first Mondays in January, May and September. This Act was repealed by Public Acts of 1899, Chapter 155.
3. Public Acts of 1899, Chapter 155, abolished the separate criminal courts in the 11th Judicial Circuit, repealing Public Acts of 1895, Chapter 46, and Public Acts of 1895, Chapter 124.
4. Public Acts of 1899, Chapter 409, restored to the circuit courts the criminal jurisdiction which previously had been given to the criminal courts of the 11th Judicial Circuit.
5. Private Acts of 1977, Chapter 118, would have created the Office of Public Defender of Chester, Henderson and Madison Counties, which composed the 12th Judicial Circuit. Although the act received local approval in Henderson County, it was not acted upon in Chester County and was disapproved by the Quarterly County Court in Madison County, and therefore never went into effect.

District Attorney General - Assistants and Criminal Investigators

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

1. Public Acts of 1835-36, Chapter 28, provided that each judicial circuit in the State of Tennessee would constitute one solicitorial district. The General Assembly would elect one Attorney General for each solicitorial district to attend to the business of the State in his district. The Attorneys General were directed to issue legal opinions without charging a fee upon request of a county official within their district.
2. Public Acts of 1899, Chapter 199, provided that the Attorney General of the criminal court of the 11th Judicial Circuit would be responsible for the circuit courts in the counties in the 11th Judicial Circuit, being the counties of Madison, Chester, McNairy, Henderson, Decatur, Perry and Benton.
3. Public Acts of 1899, Chapter 311, amended Public Acts of 1899, Chapter 199, to require the Attorney General of the 11th Judicial Circuit to perform the duties of that office in Henderson, McNairy, Chester, Perry, Decatur and Madison (including cases in the 18th Judicial Circuit) Counties. The Attorney General of the 12th Judicial Circuit would be responsible for Benton County.
4. Public Acts of 1974, Chapter 565, authorized the District Attorney General of the 12th Judicial Circuit to appoint an additional assistant district attorney general. This act was a public act of

local application which was not codified in Tennessee Code Annotated. This act has been superseded by general law found at T.C.A. § 16-2-506.

General Sessions Court

The following acts once affected the general sessions court of Henderson County, but are no longer in effect and are included herein for reference purposes. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Private Acts of 1945, Chapter 6, amended Section 17 of the Private Acts of 1941, Chapter 393, to increase the salary of the Clerk of the Circuit Court in Henderson County for his duties as Clerk of the Court of General Sessions from \$300 to \$600 per year.
2. Private Acts of 1947, Chapter 140, allowed the Circuit and General Sessions Court Clerk an additional \$75 per month for clerical assistance. This act was repealed by Private Acts of 1949, Chapter 888.
3. Private Acts of 1955, Chapter 25, would have amended Private Acts of 1941, Chapter 393, to prohibit the Judge of the General Sessions Court for Henderson County from actively practicing law in the circuit or criminal courts of the State or in any court to which his decisions could be appealed, but this act failed to gain local approval and never went into effect.
4. Private Acts of 1972, Chapter 362, would have amended Private Acts of 1941, Chapter 393, to change the qualifications of the Judge of the General Sessions Court to be consistent with the Tennessee Constitutional provisions dealing with judges of inferior courts, but it was not acted upon by the Quarterly County Court.

Secretarial Assistance

The following acts are no longer in effect but are listed here for historical purposes.

1. Public Acts of 1939, Chapter 71, created the office of stenographer to the Chancellor of the 8th Chancery Division. The stenographer was appointed by the Chancellor and was paid \$720 per year.
2. Public Acts of 1949, Chapter 109, purported in its caption and preamble to amend Public Acts of 1939, Chapter 71, but the body of the act had no application to stenographers.

Chapter VI - Education/Schools

Board of Education

Private Acts of 1992 Chapter 192

SECTION 1. Chapter 724 of the Private Acts of 1931, as amended by Chapter 640 of the Private Acts of 1947, Chapter 453 of the Private Acts of 1949, and all other acts amendatory thereto, are hereby repealed.

SECTION 2. Henderson County shall be divided into school districts which shall be coextensive with the county commissioner districts established by the county legislative body of Henderson County from time to time. The Henderson County Board of Education shall consist of the same number of members as the number of county commissioner districts in Henderson County, with one (1) member of such Board of Education being elected by the qualified voters in each school district. Board members shall be elected to staggered four (4) year terms so that every two (2) years the terms of approximately one-half (1/2) the members of the Board shall expire, with the odd-numbered districts expiring at the same time, and the even-numbered districts expiring at the same time. Persons elected in the regular August elections shall take office on September 1 following the election and shall serve until their successors are duly elected and qualified.

SECTION 3. No incumbent member of the Henderson County Board of Education shall be removed from office as a result of changes in the school districts occurring as a result of changes in the county commissioner districts in Henderson County. In the event that changes in school districts result in a Board member no longer residing in the district he or she represents, such member shall continue to hold office until the expiration of his or her term. If changes in the boundaries of school districts result in more than one (1) Board member residing in a single district, all of such members shall continue to hold office until their respective terms expire, and no representative shall be elected in such district until the last such member's term expires, at which time that district shall elect a resident to the Board to an initial term which will expire at the same time as other Board members from odd-numbered districts or

even-numbered districts, as the case may be, and to four (4) year terms thereafter. If changes in the school districts result in one (1) or more school districts which are without a Board member residing therein, at the next regular August election a new school board member shall be elected from each such district to an initial term which will expire at the same time as other Board members from odd-numbered districts or even-numbered districts, as the case may be, and to four (4) year terms thereafter. Changes in school districts may result in the number of members on the Board temporarily exceeding the number of school districts until the expiration of the terms of the members in office on the date of such changes.

SECTION 4. At the August 1992 election, seven (7) members of the Board shall be elected, one (1) from each school district, with members from the odd-numbered districts being elected to four (4) year terms and members from the even-numbered districts being elected to two (2) year terms. Thereafter, all Board members shall be elected to four (4) year terms.

SECTION 5. The Henderson County Board of Education shall have the same powers, duties, privileges and qualifications as the Board of Education established pursuant to Tennessee Code Annotated, Title 49, except as otherwise provided herein.

SECTION 6. 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 this 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 7. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Board of County Commissioners of Henderson County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Board of County Commissioners of Henderson County and certified by him to the Secretary of State.

SECTION 8. 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 7.

Passed: March 25, 1992.

Superintendent or Director of Schools

Private Acts of 1953 Chapter 113

COMPILER'S NOTE: The Education Improvement Act of 1991, Public Acts of 1992, Chapter 535, mandates a phasing out of the office of Superintendent, and the appointment of a Director of Schools.

SECTION 1. That in counties of this State with the population of not less than 17,100, nor more than 17,200, by the Federal Census of 1950, or any subsequent Federal Census, the county superintendents of education hereafter shall be elected by popular vote for a term of four years from September 1 next following his election. At the August election 1954, there shall be elected by the qualified voters of counties to which this Act applies some competent person as county superintendent, who shall take office on September 1 next following his said election and shall hold office for a period of four years and until his successor shall be elected and qualified. He shall possess the same qualifications as is now required by law for county superintendents, perform the same duties and be under the same obligations.

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

Passed: March 6, 1953.

Education/Schools - Historical Notes

Board of Education

The following acts once affected the board of education in Henderson County but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1907, Chapter 236, abolished the office of District Director and established a Board of Education and an Advisory Board for every county in the State. The Quarterly County Court was directed to divide the county into five school districts, composed of whole civil districts. The voters in each district would elect one member of the Board of Education. The local Advisory Board of three members would be elected every two years by the voters in the school district.
2. Private Acts of 1915, Chapter 341, amended Acts of 1907, Chapter 236, to exempt Henderson County from the provisions of the act.

3. Private Acts of 1917, Chapter 134, repealed Private Acts of 1915, Chapter 341, making Henderson County once again subject to the provisions of the 1907 general law from which it had been exempted.
4. Private Acts of 1917, Chapter 585, amended Public Acts of 1899, Chapter 279 (the general law of the State allowing counties to establish high schools, to levy taxes to support them, and to establish County boards of Education to manage them), by adding a section which applied only to Henderson County, setting up a five member County High School board to control and manage the high schools in the county with four members elected by the Quarterly County Court for staggered terms initially and for four years thereafter, and making the Superintendent of Schools the ex-officio fifth member and Secretary of the High School board.
5. Private Acts of 1931, Chapter 724, established school districts coextensive with civil districts, with one school board member being popularly elected from each school district to serve four-year terms. This act appears to have been repealed by implication by Private Acts of 1935, Chapter 339, but probably was revived in 1980 when the 1935 act was repealed in 1980. Private Acts of 1931, Chapter 724, was repealed by Private Acts of 1992, Chapter 192.
6. Private Acts of 1935, Chapter 339, established five school Zones in Henderson County. Each Zone would elect one member of the County Board of School Commissioners, which had all the powers granted by general law to a County Board of Education except those enumerated in the act. This act, as amended by Private Acts of 1967-68, Chapter 277, was repealed by Private Acts of 1980, Chapter 194 (an act to repeal certain obsolete laws relative to Henderson County). Accordingly, Private Acts of 1931, Chapter 724, probably was revived. The 1947 and 1949 acts which amended the 1931 act while it was superseded by the 1935 act probably were revived as well.
7. Private Acts of 1947, Chapter 640, amended Private Acts of 1931, Chapter 724, to provide that the "corporation of the County Towns of said Counties to which this Act applies, by popular vote of said corporation," could elect one member of the County Board of Education who would possess all the powers and responsibilities as other members of the board, who would serve without compensation for four-year terms. Robert C. Darnell was named to fill this position until his successor could be elected in the 1948 regular election. The County Superintendent was authorized to cast the deciding vote in case of a tie on matters before the board. This act was repealed by Private Acts of 1992, Chapter 192.
8. Private Acts of 1949, Chapter 453, amended Private Acts of 1947, Chapter 640, by deleting the confusing language referring to "corporation of County Towns" and added provisions that the qualified voters in each incorporated town in Henderson County could elect a member of the County Board of Education and such board member would receive compensation. If a town were located partly in and out of the county, only those citizens living in Henderson County could vote for the member. Eleo Kennedy was named to fill the post for the incorporated town of Scotts Hill, to serve until his successor could be elected in the regular 1950 election. This amendment left the act with conflicting provisions as to whether the members elected from incorporated towns would receive compensation. This act was repealed by Private Acts of 1992, Chapter 192.
9. Private Acts of 1951, Chapter 727, amended Private Acts of 1949, Chapter 453, to provide that a county school board member elected by an incorporated town would have the right to designate the teachers to be selected by the board to teach in the schools located in that town. This act was repealed by Private Acts of 1953, Chapter 504.
10. Private Acts of 1967-68, Chapter 277, amended Private Acts of 1935, Chapter 339, to increase the compensation of members of the County Board of Education from \$4 to \$10 for each meeting of the board. Both of these acts were repealed by Private Acts of 1980, Chapter 194.

Superintendent or Director of Schools

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

1. Private Acts of 1917, Chapter 585, established a five-member High School Board for Henderson County and made the Superintendent of Schools the ex-officio fifth member of the board, the other four being elected by the Quarterly County Court.
2. Private Acts of 1935, Chapter 645, abolished the office of County Superintendent of Public Education in Henderson County. The governing body of the elementary and high schools of Henderson County was directed to employ an Executive Secretary who was certified by the State Department of Education as a Superintendent. The Executive Secretary was required to execute a \$10,000 bond. The Executive Secretary would be employed for two years, and would be paid

compensation not to exceed \$2,200 per year. Henderson County was to receive any State salary supplements given for County Superintendents, which were to be applied to the salary of the Executive Secretary.

3. Private Acts of 1935 (Ex. Sess.), Chapter 155, was a duplicate of Private Acts of 1935, Chapter 645, except that the maximum salary of the Executive Secretary was \$2,000 per year and the bond required was \$5,000. The later act contained a general repealer clause and probably repealed the earlier act by implication. The later act was repealed by Private Acts of 1939, Chapter 468.
4. Private Acts of 1937, Chapter 680, amended Private Acts of 1935 (Ex. Sess.), Chapter 155, to increase the term of the Executive Secretary from two years to four years.
5. Private Acts of 1939, Chapter 468, repealed Private Acts of 1935 (Ex. Sess.), Chapter 155, as amended.
6. Private Acts of 1939, Chapter 469, set the salary of the County Superintendent of Public Instruction for Henderson County at \$2,400 per year in full compensation for all of his duties, including his duties as Superintendent, as Secretary to the Board of Education, and as compulsory attendance officer. The State supplement for Superintendents would be included in the \$2,400 salary. The Superintendent was required to pay any clerical assistants out of his own salary, but he was not required to pay for necessary office supplies. The Superintendent would be elected by the Quarterly County Court for a two-year term, and was required to execute a \$10,000 bond. Ira C. Powers, the incumbent Executive Secretary, was named to the position until his successor was elected. This Act was repealed by Private Acts of 1947, Chapter 634.
7. Private Acts of 1943, Chapter 472, amended Private Acts of 1939, Chapter 469, to raise the annual salary of the County Superintendent in Henderson County from \$2,400 to \$2,650.
8. Private Acts of 1945, Chapter 281, amended Private Acts of 1939, Chapter 469, by striking the provision which allowed no additional funds for clerical assistance, and authorized the Superintendent to employ a secretary or clerk at a salary not to exceed \$900 per year, payable monthly out of the School Fund of the county.
9. Private Acts of 1947, Chapter 634, repealed Private Acts of 1939, Chapter 469, as amended.
10. Private Acts of 1947, Chapter 635, provided for the election of the Superintendent of Public Instruction for Henderson County. The Quarterly County Court would elect the Superintendent for a four-year term on the first Monday in April and every four years thereafter. The Superintendent was required to execute a \$10,000 bond. This act was repealed by Private Acts of 1980, Chapter 194.
11. Private Acts of 1947, Chapter 640, amended Private Acts of 1931, Chapter 724 (summarized under the topic "Board of Education" herein), to authorize the Superintendent to cast the deciding vote in case of a tie on school board questions. This act was repealed by Private Acts of 1992, Chapter 192 (reproduced under the topic "Board of Education" herein).

General Reference

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

1. Private Acts of 1825, Chapter 111, established a county academy for Henderson County to be called Lexington Academy, located in the town of Lexington. The act named John T. Harman, John W. Philpot, John Purdy, Richard Mc'Cree and James A. Haslet as Trustees of the Academy.
2. Private Acts of 1831, Chapter 149, authorized commissioners Charles Austin, Jonothan Duck and Matthew Jones to enter as an occupant claim 25 acres of land in Henderson County to include a school house built by them and others.
3. Acts of 1905, Chapter 185, created a School District from parts of the 1st and 5th Civil Districts of Henderson County. The act did nothing more than establish the boundaries of the new district.
4. Acts of 1907, Chapter 77, created a special school district in the 1st and 2nd Civil Districts of Henderson County. The County Election Commission was directed to hold an election to choose the directors of the new school district, to whom the new district's pro rata share of school funds would be turned over.
5. Acts of 1907, Chapter 132, was a duplicate of Acts of 1907, Chapter 77, which was passed the day before Chapter 77, except that the boundary description referred to "the Jehu League old

home place" rather than "the John Teague old home place".

6. Acts of 1907, Chapter 167, created a special school district in parts of the 1st, 2nd and 5th Civil Districts of Henderson County. The County Superintendent was directed to ascertain the scholastic population of the district and to transfer its pro rata share of school funds to it, and to appoint directors for the new district until their successors were elected at the next regular election.
7. Private Acts of 1911, Chapter 183, directed the County Court of Henderson County to levy a tax of 10¢ per \$100 property valuation each year, which funds would be used exclusively for high school purposes, and authorized the County Court to increase the tax to 15¢ if necessary.
8. Private Acts of 1911, Chapter 569, created Popular Springs School District in Henderson County. The act did nothing more than establish the boundaries of the new district.
9. Private Acts of 1920 (Ex. Sess.), Chapter 95, created Bargerton Special School District of Henderson County, Tennessee, in the 1st Civil District including the Center Ridge School House. In addition to the usual boundary description, the act listed each farm included within the district. A five-member board of directors was established, with the first board consisting of O. A. Douglas, J. J. Lawrence, Sam Peterson, F. S. Sellers and L. E. Webb. The directors were given staggered terms, with a new director to be selected every 2 years. The board had the authority to levy such taxes on real and personal property, plus a \$1 poll tax on all males between the ages of 21 and 50 within the district, as necessary to keep the schools in operation. All children residing in the district between the ages of 6 and 21 were allowed to attend the schools free of charge, but separate schools were required to be maintained for white and colored children. The board was authorized to issue bonds up to \$5,000 at 6% interest or less, to mature within 20 years. If bonds were issued, the directors were authorized to levy a tax to pay the interest and to create a sinking fund. This Act was repealed by Private Acts of 1937, Chapter 679.
10. Private Acts of 1921, Chapter 214, created Presley School District out of parts of Henderson and Decatur Counties. Each county would pay costs in proportion to the number of pupils attending school from that county. School was to be taught in the Presley Schoolhouse. The act named J. W. Mitchell, R. L. Presley and W. R. Maness as the first directors. The clerk of the district was to furnish the scholastic count to the Trustee in each county, who then would pay over the district's pro rata share of school funds. No director was to be paid except the clerk for providing the scholastic census, at 2¢ per head.
11. Private Acts of 1921, Chapter 248, created Wildersville Special School District in part of the 1st Civil District of Henderson County including the town of Wildersville. The act named W. R. Bolen, R. E. Kizer, M. C. Rosser, J. J. Tilson and C. E. Bolen to serve as directors for staggered terms. The powers and duties of the board were enumerated. The district was to receive its pro rata share of county school funds. A tax of 15¢ to 40¢ per \$100 of taxable property was assessed, with the rate to be set by the directors annually. Resident children were entitled to all the benefits of the district's facilities, with others to pay tuition.
12. Private Acts of 1921, Chapter 437, created the Mt. Gilead Special School District out of part of the 1st Civil District of Henderson County. The act established a five-member board of directors, naming S. L. Pierce, H. R. Williams, D. J. Bush, Dave Stewart and J. G. Cook as the first board of directors, to serve staggered terms. The school tax rate for the district was set at 20¢ per \$100 but could be lowered to 15¢ or raised to 30¢ if necessary. Resident children were entitled to all the benefits of the district's facilities, with others to pay tuition.
13. Private Acts of 1921, Chapter 468, created Cross Roads Special School District out of part of the 1st Civil District in Henderson County. The five members of the board of directors would serve staggered terms. The first board consisted of H. L. Laws, S. W. Murphy, W. H. Flake, J. R. Derryberry and E. F. Derryberry. A school tax of 20¢ per \$100 and a \$1 poll tax were authorized, but the tax could be lowered to 15¢ or increased to 30¢ as necessary. Resident children were entitled to all the benefits of the district's facilities, with others to pay tuition.
14. Private Acts of 1921, Chapter 713, created Chesterfield School District in Henderson County. E. M. Evans, Herby Dennison and J. A. Bright were named as the first directors of the district. The district was given all the rights, power and authority as other school districts, specifically including the power to levy a school tax.
15. Private Acts of 1921, Chapter 770, created Sardis Special School District in Henderson County, Tennessee, including the town of Sardis. The act named W. M. Holland, W. F. Little, Otis Moffitt, J. M. Stanfill and J. T. Keaton as initial directors, serving staggered terms. Vacancies on the board were to be filled by the board. The board was empowered to levy a tax sufficient to operate the schools for nine months, plus \$1 poll tax on all males between 21 and 50 years of

- age. In *Williamson v. McClain*, 249 S.W.2d 814 (Tenn. 1923), the Tennessee Supreme Court refers to *Newman v. Holland* as a then recent case in which Private Acts of 1921, Chapter 770, was declared unconstitutional as an impermissible delegation of legislative taxing power, and because the school board members were authorized to elect their own successors in violation of the constitutional requirement that all county offices must be filled by popular election or by the County Court. However, our research indicates that the *Newman* decision was never published and we have been unable to find a record of the unpublished opinion.
16. Private Acts of 1921, Chapter 822, created the Darden Special School District out of the 6th Civil District of Henderson County. The act established a five-member board of directors, composed of J. C. Neely, L. B. Moore, Asa Davis, W. O. Hill and W. F. Boren. Vacancies on the board were to be filled by the board. The board was directed to elect officers to serve four year terms, their successors to be elected by the qualified voters within the district. The board was authorized to levy a tax of 2½ mills on each \$1 of taxable property (or a proportional part thereof), plus \$1 poll tax on all males between 21 and 50 years of age. Resident children were entitled to all the benefits of the district's facilities, with others to pay tuition.
 17. Private Acts of 1923, Chapter 18, amended Private Acts of 1920 (Ex. Sess.), Chapter 95, to state that the Bargerton Special School District included portions of the 1st and 2nd Civil Districts, and to change the interval for selecting new directors from every two years to each year. The tax rate was set at 25¢ per \$100 of taxable property, plus a \$1 poll tax. The act removed the general authority to impose a tax for bonds, and levied a tax of 25¢ per \$100 to pay the interest on the bonds and to create a sinking fund.
 18. Private Acts of 1923, Chapter 206, amended Private Acts of 1921, Chapter 713, which created Chesterfield School District, to change the boundary and to authorize a 25¢ tax on every \$100 of taxable property in the district.
 19. Private Acts of 1923, Chapter 292, amended Private Acts of 1920 (Ex. Sess.), Chapter 95, which created Bargerton Special School District, to restate the provisions dealing with the board of directors such that the members would be elected by the voters within the district, and a special election would be called to fill any vacancies on the board.
 20. Private Acts of 1923, Chapter 332, amended Private Acts of 1921, Chapter 248, which created Wildersville Special School District, to fix the tax rate at 15¢ per \$100 of taxable property within the district.
 21. Private Acts of 1923, Chapter 566, amended Private Acts of 1921, Chapter 468, which created Cross Roads Special School District, to set the tax rate at 15¢ per \$100 of taxable property within the district.
 22. Public Acts of 1925, Chapter 115, T.C.A. § 49-2-501, abolished all special school districts which were not taxing districts, authorized each taxing district to hold a referendum on the question of its abolition, and allowed any school district to join the county school system when all its outstanding debts were paid.
 23. Private Acts of 1937, Chapter 679, repealed Private Acts of 1920 (Ex. Sess.), Chapter 95, thereby abolishing the Bargerton School District.
 24. Private Acts of 1939, Chapter 451, provided that teachers in Henderson County public schools would be employed on continuing contract. "Teacher" included principals, assistant principals, supervising principals, superintendents of city systems who were also principals or teachers, supervisors and visiting teachers. Teachers would serve a 3 year probationary period on annual contract, would acquire indefinite tenure if reemployed for the fourth year. Tenure teachers could not be demoted or dismissed except for cause. Teachers could be dismissed without cause if the position was eliminated and there existed no vacancy for which the teacher was qualified. A teacher charged with incompetency was entitled to a written warning, and if no improvement was made, a notice of dismissal could be issued giving 30 days' notice. The teacher was entitled to formal notice and a hearing prior to dismissal. When a position was eliminated, the teacher in that position with the least years in service would be dismissed. This act was declared unconstitutional as suspending the general law for the benefit of particular individuals in *Gillian v. Adams*, 171 S.W.2d 813 (Tenn. 1943). This act was repealed by Private Acts of 1941, Chapter 70.

Chapter VII - Elections

Elections - Historical Notes

The following is a listing of acts for Henderson County which affected the elective process, but which have been superseded or repealed. They are listed here for historical and reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1821, Chapter 46, placed Henderson County in a state senatorial district with Stewart, Humphreys, Perry, Henry and Carroll Counties. The polls would be compared at Reynoldsburgh in Humphreys County.
2. Public Acts of 1822, Chapter 1, established nine U.S. Congressional Districts in the State. Henderson County was in the 9th District, along with the counties of Wayne, Perry, Hardin, Perry, Lawrence, Henry, Carroll, Madison, Shelby, and such other counties as might be formed west of the Tennessee River.
3. Public Acts of 1823, Chapter 47, divided the State into eleven electoral districts. The 11th District was composed of Wayne, Hardin, Perry and all counties west of the Tennessee River (which included Henderson County). The 11th District would choose one elector.
4. Public Acts of 1824, Chapter 1, was very similar to Public Acts of 1823, Chapter 47, assigning the same counties to the 11th Electoral District to choose one elector. The electors were to convene at Murfreesborough, Rutherford County, to vote for President and Vice-President of the United States.
5. Public Acts of 1826, Chapter 3, apportioned the State for representation in the General Assembly. Henderson County was placed in a senatorial district along with Stewart, Humphreys and Perry Counties to elect one of the 20 Senators, and Henderson, Madison and Haywood Counties would elect one of the 40 Representatives. The returning officers for each senatorial district were directed to convene at Reynoldsburgh in Humphreys County.
6. Public Acts of 1827, Chapter 17, divided Tennessee into eleven electoral districts, placing Henderson County in the 11th Electoral District along with the counties of Henry, Weakley, Obion, Carroll, Gibson, Dyer, Madison, Haywood, Tipton, McNairy, Hardeman, Fayette and Shelby.
7. Public Acts of 1832, Chapter 4, divided the State into thirteen U.S. Congressional Districts and placed Henderson County in the 13th Congressional District along with the counties of Perry, McNairy, Hardeman, Fayette, Shelby and Tipton.
8. Public Acts of 1832, Chapter 9, divided the State into 15 electoral districts. Henderson County was placed in the 14th District along with the counties of Hardeman, Hardin, McNairy, Madison, Fayette and Shelby. Each district would choose one elector to vote for President and Vice-President of the United States.
9. Public Acts of 1833, Chapter 71, divided the State into senatorial and representative districts. Henderson, Stewart, Humphreys and Perry counties were placed in a senatorial district to elect one State Senator, and Hardin and Henderson Counties were placed in a representative district to elect one State Representative. The returning officers of the senatorial district would meet at Reynoldsburgh, and for the representative district, at Kendall's Store in Hardin County.
10. Public Acts of 1833, Chapter 76, provided for the election of 60 delegates to the State Constitutional Convention. Henderson County would elect one delegate.
11. Public Acts of 1835-36, Chapter 39, divided the State into fifteen electoral districts. Henderson County was placed in the 14th District along with the counties of Hardeman, Hardin, McNairy, Madison, Fayette and Shelby.
12. Acts of 1839-40, Chapter 79, provided that each U.S. Congressional District would constitute an Electoral District from which one elector would be chosen, and that there would be two at-large electors. Qualified voters in the State could vote for all fifteen electors.
13. Acts of 1842 (2nd Sess.), Chapter 1, apportioned the free white male voters of the State into 25 senatorial districts, placing Henderson County in the 24th Senatorial District along with the counties of Perry and McNairy, with the votes to be counted at Lexington. Henderson County would elect one of the 75 State Representatives. This act was repealed by Public Acts of 1978, Chapter 597.
14. Acts of 1842 (2nd Sess.), Chapter 7, divided the State into eleven U. S. Congressional Districts, placing Henderson County in the 11th District along with the counties of Perry, Madison, Carroll, Gibson, Weakley and Obion.
15. Public Acts of 1865, Chapter 34, divided the State into eight U. S. Congressional Districts. Henderson County was placed in the 7th District along with the counties of Benton, Henry, Weakley, Obion, Dyer, Gibson, Lauderdale and Carroll.
16. Public Acts of 1871, Chapter 146, provided that Henderson County would elect one State

- Representative. Henderson, Hardin, Decatur, Benton and McNairy Counties were placed in the 18th Senatorial District to elect one State Senator.
17. Acts of 1872 (Ex. Sess.), Chapter 7, divided Tennessee into nine U. S. Congressional Districts, placing Henderson County in the 7th District along with the counties of Montgomery, Houston, Stewart, Humphreys, Benton, Henry, Carroll, Decatur, Perry, Hardin and McNairy.
 18. Public Acts of 1873, Chapter 27, divided the State into ten U. S. Congressional Districts, placing Henderson County in the 8th District along with the counties of Henry, Benton, Carroll, Perry, Decatur, Hardin, McNairy and Madison.
 19. Public Acts of 1881 (Ex. Sess.), Chapter 5, fixed the number of Senators in the General Assembly at 33 and the number of Representatives at 99.
 20. Public Acts of 1881 (Ex. Sess.), Chapter 6, placed Henderson and Madison Counties in the 25th Senatorial District to elect one of the 33 State Senators. Henderson County would elect one State Representative alone and would share a floater with Madison County.
 21. Public Acts of 1882 (Ex. Sess.), Chapter 27, divided the State into ten U. S. Congressional Districts, placing Henderson County in the 8th District along with the counties of Henry, Benton, Perry, Decatur, Hardin, McNairy, Madison and Carroll.
 22. Public Acts of 1891, Chapter 131, apportioned the State into ten U. S. Congressional Districts, placing Henderson County in the 8th District along with the counties of Henry, Benton, Perry, Decatur, Hardin, McNairy, Madison, Carroll and Chester.
 23. Acts of 1891 (Ex. Sess.), Chapter 10, provided that Henderson County would elect one State Representative. Henderson County was placed in the 26th Senatorial District with Madison County, to elect one Senator.
 24. Acts of 1901, Chapter 109, created ten U. S. Congressional Districts in the State, placing Henderson County in the 8th District along with the counties of Henry, Benton, Perry, Carroll, Decatur, Chester, Madison, McNairy and Hardin.
 25. Acts of 1901, Chapter 122, divided the State into senatorial and representative districts, placing Henderson County in the 25th Senatorial District along with Madison and Chester Counties. Henderson and Madison Counties were placed in the 23rd Representative District to elect one State Representative.
 26. Acts of 1903, Chapter 536, provided that Henderson County would be subject to the provisions of the Registration Law and the Dortch Law governing elections.
 27. Acts of 1905, Chapter 400, removed the voter registration requirement in Henderson County so that registration was no longer a prerequisite to voting. The Election Commission of the county was directed to appoint two Registrars for each polling precinct. *Wallace v. Lewallen*, 210 S.W.2d 684, 686 (Tenn. 1948), cites an unpublished opinion in which this act withstood constitutional challenge.
 28. Private Acts of 1945, Chapter 347, set the compensation of judges, clerks and officers holding general or primary elections in Henderson County at \$3 per day, for one day only.

Chapter VIII - Health

Hospital Road

Private Acts of 1959 Chapter 7

SECTION 1. That there is hereby created and established in the City of Lexington and Henderson County, Tennessee, a Board of Trustees to be known and designated as the "Lexington-Henderson County General Hospital Board of Trustees," to have full charge of the operation and maintenance of the Lexington-Henderson County General Hospital in Henderson County, Tennessee.

SECTION 2. That the Board of Trustees 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 Lexington-Henderson 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 Trustees 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, the administration of all fiscal affairs of the hospital, the execution of all contracts, agreements and other instruments.

The board of trustees of the Lexington-Henderson County General Hospital shall have the power and authority to lease or sell any or all of the property, both real and personal, of the Lexington-Henderson County General Hospital. In the event of sale of the whole hospital property, the board is relieved of its duties under this act relative to the operation and management of a hospital.

As amended by: Private Acts of 1983, Chapter 1

SECTION 3. That said Board of Trustees shall be composed of five in number, 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.

SECTION 4. That the initial members of the Board of Trustees shall be as follows: John L. Frizzell and J. T. Stewart to represent the City of Lexington and E. L. Stewart, Ben Douglass and Mrs. John B. Davis to represent Henderson County. All of the said trustees shall take office on April 1, 1959, and the said Ben Douglass shall serve for a term of one year, his term expiring on March 31, 1960; the said J. T. Stewart shall serve for a term of two years, his term expiring on March 31, 1961; the said Mrs. John B. Davis shall serve for a term of three years, her term expiring March 31, 1962; the said John L. Frizzell shall serve for a term of four years, his term expiring March 31, 1963; and the said E. L. Stewart shall serve for a term of five years, his term expiring March 31, 1964. As the respective terms of the two members of said Board representing the City of Lexington shall expire, the Board of Aldermen of the City of Lexington at their regular March meeting prior thereto shall elect successors to serve for a term of three years. As the respective terms of the trustees representing the County of Henderson shall expire, the Quarterly County Court of Henderson County, Tennessee, at the regular January session prior thereto shall elect successors for a term of three years.

SECTION 5. That the three trustees representing Henderson County, Tennessee, shall be citizens of Henderson County, Tennessee, and the two trustees representing the City of Lexington, Tennessee, shall be citizens of Lexington, Tennessee. No person shall be a member of the Board of Trustees if he is:

1. An employee of the Board;
2. A member of the medical staff or a licensed doctor, or physician, or a registered nurse;
3. The holder of a full time remunerative position in the county or city government, or a physician with the Tennessee Department of Public Health, or the Department of Public Welfare, or the United States Public Health Service.

SECTION 6. That a Trustee whose term has expired shall continue to serve until his successor shall have been elected in the manner hereinabove provided. In the event of death or resignation of a Trustee prior to the expiration of his term, his successor shall be elected by the Quarterly County Court of Henderson County, Tennessee, or by the Board of Aldermen of the City of Lexington, Tennessee, as the case may be, for the unexpired term. Any incumbent Trustee shall be eligible for re-election.

SECTION 7. That at the first meeting of the Board of Trustees the Board shall elect one of its members as Chairman 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 Trustee 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 Trustees shall have the 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 Trustees 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 Trustees.

The Board of Trustees 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 Trustees.
2. Shall, with the consent of the Board of Trustees, 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 Trustees.
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 and obedience to all rules, by-laws and regulations adopted by the Board of Trustees 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 Trustees.
6. Shall, under such rules and regulations and within the limits and in the manner prescribed by the Board of Trustees and with the advice and consent of said Trustees, employ such necessary personnel, including nurses' aides, 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 Trustees and see that such records and accounts are correctly made up for the report of the Board of Trustees to the Quarterly County Court of Henderson County, Tennessee, and to the Board of Mayor and Aldermen of the City of Lexington, 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 Trustees 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 Trustees in such manner as the Board of Trustees 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 Trustees.
9. Before entering upon the discharge of his duties, the Administrator shall give a bond in such sum as the Board of Trustees 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 Trustees may prescribe.

SECTION 10. That the Board of Trustees shall fix the salary of the Administrator and, with the advice and consent of said Administrator, the salary of the 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 Trustees shall have the general superintendence, management, and control of said hospital, the hospital grounds, buildings, officers and employees thereof, of the patients therein and of all matters relating to the government, discipline, contracts and fiscal concerns thereof, and make such other by-laws [sic] 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 Trustees 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, said fiscal year to begin on July 1st of each year, the 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 Henderson County, Tennessee, and one copy with the City Recorder of Lexington, Tennessee.

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

The Board of Trustees shall annually present to the Quarterly County Court of Henderson County, Tennessee, at the October term of said Court and to the Board of Mayor and Aldermen of the City of Lexington, Tennessee, at the October meeting of said Board, 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 the hospital the proper care and attention.

SECTION 13. That the Quarterly County Court of Henderson County, Tennessee, is hereby authorized to appropriate to the Lexington-Henderson County General Hospital for the use of the Board of Trustees from the general funds, or such other funds not appropriated [sic] 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 Henderson County, Tennessee, for the purpose of supplying funds necessary for the proper and efficient operation of said hospital.

SECTION 14. That the Board of Mayor and Aldermen of the City of Lexington, Tennessee, is hereby authorized to appropriate to the Lexington-Henderson County General Hospital, for the use of the Board of Trustees from the general funds or such other funds not appropriated of said city, such sum as may be required to operate said hospital, and said Board of Mayor and Aldermen is authorized and empowered to levy a tax, in addition to all other taxes, upon all taxable property within Lexington, Tennessee, for the purpose of supplying funds necessary for the proper and efficient operation of said hospital.

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.

All Acts, or parts of Acts, in conflict herewith are hereby repealed.

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 Henderson County, Tennessee, and by a two-thirds vote of the Board of Aldermen of the City of Lexington, Tennessee. Said action shall be taken within ninety days after the approval of this Act by the Governor. The approval or non-approval of the Act by the Quarterly County Court of Henderson County, Tennessee, and by the Board of Aldermen of the City of Lexington, Tennessee, shall be proclaimed by the County Judge and Mayor respectively, countersigned by the County Court Clerk and City Recorder respectively, and shall be certified by them to the Secretary of State.

SECTION 17. That this Act shall take effect from any [sic] after its passage, the public welfare requiring it.

Passed: January 21, 1959.

Chapter IX - Highways and Roads

Crushed Rock Sales

Private Acts of 1975 Chapter 181

SECTION 1. Tennessee Code Annotated, Section 54-1015 is amended by adding the following provision at the end of that section:

Provided, however, that in counties having a population of not less than 17,330 and not more than 18,000 according to the 1970 or any subsequent federal census, the county governing body or the chief administrative officer shall have the authority to permit the sale of crushed rock, stone, or gravel to churches and cemeteries located within that county for the purpose of constructing or repairing roads in that county. Such sales may also be authorized to landowners for use in constructing or repairing driveway connections with roads maintained in the county.

COMPILER'S NOTE: Section 54-1015 of the Tennessee Code Annotated, referenced in Private Acts of 1975, Chapter 181, is now codified as T.C.A. § 54-7-202. This general law prohibits selling or giving away county highway equipment, rock, crushed stone, or other materials to private persons or entities.

SECTION 2. 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 3. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly

County Court of any county to which it may apply. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of the State.

SECTION 4. For the purpose of approving or rejecting the provisions of this Act, as provided in Section 3, it shall be effective upon becoming a law. For all other purposes it shall become effective upon being approved as provided in Section 3.

Passed: May 28, 1975.

Highway Supervisor

Private Acts of 1992 Chapter 179

SECTION 1. The office of highway supervisor for Henderson County is hereby created. The highway supervisor is the chief administrative officer for the purposes of the County Uniform Highway Law, Tennessee Code Annotated, Title 54, Chapter 7. The powers and duties of the highway supervisor are as specified in the County Uniform Highway Law as codified in Tennessee Code Annotated, Sections 54-7-101, et seq.

SECTION 2. The highway supervisor will be elected by the qualified voters of Henderson County according to the general election laws of the State of Tennessee in the General Election held in August, 1992, and every four (4) years thereafter. Upon certification of the results of the election, the highway supervisor will take office on September 1, for a term of four (4) years. No provision of this act shall be construed to abridge the term of office of the current highway supervisor of Henderson County.

A vacancy in the office of highway supervisor will be filled by an appointee of the county legislative body as provided by law.

SECTION 3. In order to qualify for the office of highway supervisor of Henderson County, a person shall be a graduate of an accredited school of engineering, with at least two (2) years experience in highway construction or maintenance or be licensed to practice engineering in Tennessee; or shall have had at least four (4) years experience in a supervisory capacity in highway construction or maintenance; or a combination of education and experience equivalent to either of the above. Candidates shall file affidavits and such other evidence as the county election commission may require with the county election commission not later than fourteen (14) days prior to the qualifying deadline for candidates in the election. The county election commission shall certify that a candidate's qualifications are acceptable prior to the candidate's name being placed on the ballot, and such certificate of qualification must be filed with a candidate's qualifying petition prior to the qualifying deadline.

SECTION 4. The county legislative body has the authority to set the salary of the highway supervisor at a rate higher than the minimum salary established under the County Uniform Highway Law, in Tennessee Code Annotated, Section 54-7-106.

SECTION 5. Chapter 470 of the Private Acts of 1945, all acts amendatory thereto and all other acts in conflict with the provisions of this act or the County Uniform Highway Law, are expressly repealed.

SECTION 6. This act shall have no effect unless it is approved by a two-thirds (2/3) majority vote of the county legislative body of Henderson County. Its approval or nonapproval shall be proclaimed by the presiding officer and certified by him 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 approval as provided in Section 6.

Passed: March 12, 1992.

Road Law Repealing Statute

Private Acts of 1981 Chapter 48

SECTION 1. Chapter 681 of the Private Acts of 1951, Chapter 261 of the Private Acts of 1953, Chapter 373 of the Private Acts of 1974, and all other acts amendatory to Chapter 681 of the Private Acts of 1951 relative to the County Road Commission of Henderson County, are hereby repealed.

SECTION 2. Nothing contained within the provisions of this Act shall be construed to remove any incumbent from office, to abridge the term of such incumbent, or to alter the salary of such incumbent prior to the end of the term for which such official was elected.

SECTION 3. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Henderson County Board of County Commissioners before October 1, 1981. Its approval or non-approval shall be proclaimed by the presiding officer of the board and certified by him to the Secretary of State.

SECTION 4. 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 3.

Passed: March 18, 1981.

Highways and Roads - Historical Notes

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

1. Public Acts of 1821, Chapter 6, required the Courts of Pleas and Quarter Sessions in each county to index and classify the public roads in the county into three classes: stage roads and like roads; roads 12 feet wide, suitable for loaded wagons; and roads suitable for single horse and rider. These roads were to be marked depending upon their classification. The Courts were also authorized to establish ferries where needed.
2. Acts of 1901, Chapter 136, was a statewide road law applying to all counties under 70,000 in population. The County Court was to elect one Road Commissioner for each road district (coextensive with civil districts) for a two-year term, to receive compensation of \$1 for each day of service up to 10 days per year. The County Court was authorized to levy an ad valorem tax of 2¢ per \$100 property valuation, 2/3 of which could be worked out on the roads in the district. All male residents between the ages of 21 and 45 were required to perform road labor or pay 75¢ for each day assigned but not worked. County prisoners were required to work on the public roads. Roads were to be classified by width and indexed, and built to meet basic specifications. The Commission was authorized to receive and determine petitions to open, close or change roads.
3. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, to make it a misdemeanor to refuse to serve as Road Commissioner if appointed, to limit their compensation to \$40, and to exempt certain counties from the provisions of the act. Petitions to open, close or change roads would be determined by the County Court rather than the Commission.
4. Acts of 1907, Chapter 466, regulated public roads in Henderson and Weakley Counties. The act established a three-member Board of Road Commissioners, with two members to be elected by the Quarterly County Court to serve two year terms at compensation of \$600 to \$800 per year, and the third member being the County Court Clerk serving ex officio without compensation. The Board was responsible for all public roads and all bridges and culverts under 25 feet in length in the county. Roads were to be classified into four classes by width. Petitions to open, close or change roads were to be made to the Road Commissioners, who were empowered to condemn land for road purposes. All males between the ages of 21 and 50, except residents of incorporated towns, were required to perform road labor at least 6 days per year or pay a fee of 50¢ per day. The Quarterly County Court was directed to levy a road tax of at least 20¢ per \$100 of taxable property, and a privilege tax of at least 5¢. The Road Commissioners were to prepare a "Public Road Record" describing each road in the county. Road work was to be done between April and October, except in emergencies. The penalty for obstructing public roads was \$5-\$10 per offense. Road Commissioners who failed to perform their duties or showed partiality were to be fined \$10-\$25 per offense.
5. Acts of 1909, Chapter 262, regulated public roads in Henderson County. The Quarterly County Court was directed to elect one Road Commissioner from each road district (coextensive with civil districts) to serve a two-year term. A notice of election was served upon the Commissioner by the Sheriff, and it was a misdemeanor to refuse to serve or fail to finish his full term without sufficient cause. Each Road Commissioner was to appoint Overseers in his district to be in charge of 3-8 mile sections of road. Petitions to open, close or change roads were to be made to the Road Commissioner in the district(s) in which the road was located. If only one district were involved, the Commissioner was to select two other freeholders to serve with him on the "jury of view," which had power of condemnation and assessment of damages. If two districts were involved, the two Commissioners and one other person would constitute the jury of view; if three or more were involved, the Commissioners served alone. Appeals had to be made within 3 days, first to the Quarterly County Court, then to the Circuit or Supreme Court. Roads were to be classified into four classes according to width, and built and maintained according to several enumerated conditions and specifications. Commissioners and overseers were required to work 6

days without pay, and received \$1.50 per day thereafter. County prisoners were to perform road work as needed. Males between 18 and 50, outside cities, were required to perform road duty from 6-12 days per year, or furnish a substitute worker or pay 75¢ per day. The County Court was directed to assess a road tax of 10¢-25¢ per \$100 of taxable property and a privilege tax not more than 1/4 the county assessment, 2/3 of which could be paid by road labor. The act did not apply to any incorporated town that maintained its own roads. This act was repealed and superseded by Private Acts of 1917, Chapter 589.

6. Acts of 1911, Chapter 312, was virtually identical to Acts of 1909, Chapter 262, except that payment to Clerks for supplying taxpayers' lists was limited to 20¢ per 100 names, the provisions allowing persons to furnish plows and wagons and the like in substitute for road labor were deleted, and all actions taken under prior road laws were ratified.
7. Private Acts of 1917, Chapter 589, regulated public roads in Henderson County. The Quarterly County Court was directed to select a three-member Highway Commission to serve staggered terms of three years. One member was to be selected each year to serve as Chairman, and one member was to serve as Secretary for a term not exceeding two years. The Secretary could be paid up to \$240 annually, but the remaining members would serve without compensation. The Commission had general supervision over all roads, bridges and levees, direction of the county workhouse and the work of the prisoners on the county roads, custody of all equipment, and acted as purchasing agent for the county in that regard. The Commission was authorized to hire a Road Supervisor at a salary not to exceed \$100 per month. The duties of the Commission included dragging all roads with split logs as soon as practicable after rains. The Commission was empowered to hear and decide petitions to open, close or change a road (including condemnation), or to do the same upon their own motion, and their determination was to be submitted to the County Judge for entry upon the court's record. The Quarterly County Court was directed to levy a road tax of 40¢-\$1 per \$100 of taxable property. All males between ages of 18 and 50 who were not residents of incorporated towns were required to work 10 days on the roads or pay a \$5 commutation fee. Prisoners from other counties could also be worked. This act contained a general repealer clause, "especially Chapter 262 of the published Acts of 1909," but the caption did not indicate that any act was to be repealed. This act was repealed by Private Acts of 1919, Chapter 489.
8. Private Acts of 1917, Chapter 812, authorized the Quarterly County Court of Henderson County to levy a road tax of 50¢ or more per \$100 taxable property, and the action of the Court in levying this tax for 1916 was validated.
9. Private Acts of 1919, Chapter 489, repealed Private Acts of 1917, Chapter 589, and regulated the public road system in Henderson County. The County Judge was to be the Chairman of a three-member Board of Highway Commissioners. The other two members were to be elected to staggered two-year terms by the Quarterly County Court. The Commission was to elect a Secretary to keep minutes and records, who could be paid up to \$300 per year. The Highway Commission had general supervision over all roads, levees, bridges and culverts in the county, and control of the workhouse and county property used in connection with same, and was to act as county purchasing agent in that regard. The Commission was authorized to employ an engineer, a supervisor, and other persons as needed to direct the county road work. Petitions to open, close or change roads were to be submitted to the Highway Commission, and would be acted upon by the Commission or the Supervisor and reported to the County Court for entry upon the record. Appeals to the Circuit Court had to be filed within 10 days. Machinery could be bought and financed over a term of years. The act authorized the issuance of interest-bearing warrants to pay for bridges or roads. The Quarterly County Court was directed to assess an ad valorem tax of 40¢-\$1 on all property outside incorporated towns. All males between 18 and 50 years of age were required to work 10 days on the county roads or pay \$10 in cash as a commutation fee. This act was the basis for the decision of the Tennessee Supreme Court in *Choctaw Culvert and Machinery Company v. Henderson County*, 89 S.W.2d 753 (Tenn 1936), holding that suit can be maintained against a county on its road warrant. This act was repealed by Private Acts of 1931, Chapter 331.
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11. Private Acts of 1921, Chapter 800, amended Private Acts of 1919, Chapter 489, to create a seven-member Board of Highway Commissioners, one from each Civil District, to serve staggered seven-year terms. The initial members were S. J. Alton, J. L. Manley, T. C. Jowers, J. C. Benson, H. E. Graper, E. M. Evans, and J. S. Johnson. Each Commissioner was in charge of the roads in his district and would be paid \$100 per year. The Chairman would be paid \$1,800 per year. The

- tax rate was 40¢-\$1. Persons subject to road duty were required to give notice by March 1 if they intended to work or they would be deemed to have chosen to pay the \$5 commutation fee. The Commissioners continued to be authorized to appoint Road Overseers, but not District Supervisors. Members of the Commission were to be paid for their attendance at meetings.
12. Private Acts of 1927, Chapter 720, amended Private Acts of 1921, Chapter 800, to decrease the compensation of the Commissioners to \$60 per year and the Chairman to \$1,200 per year. The Chairman was required to devote at least 3 days per week to his duties except in July, August and September, when he was required to spend full time on the job. At least 30¢ of the road tax was required to be applied to current expenses, with the remainder to be used to retire prior indebtedness.
 13. Private Acts of 1931, Chapter 331, repealed Private Acts of 1919, Chapter 489, and its amendments.
 14. Private Acts of 1931, Chapter 527, regulated the public road system in Henderson County. A seven-member Board of Highway Commissioners was established, with one member from each civil district to serve staggered two-year terms. Lucian Cook, Elmer Threadgill, George McPeake, Leo Segerson, James L. Gilliam, Clifford Neely and Ellis Maness were appointed to serve on the first Board until their successors were elected by the qualified voters. The Commissioners were to choose one of their number to serve as chairman. The County Court (not Quarterly County Court) was empowered to remove a member of the Commission for incompetence, neglect of duty, or misconduct upon petition filed by any citizen or taxpayer of the county. The Board was directed to employ a full time County Highway Superintendent, to be paid not more than \$1,800 per year. The duties of the Commission and the Superintendent were enumerated in the act. The Commission could choose a Secretary to be paid up to \$300 per year for the work of keeping minutes and records. The Board was to hold regular monthly meetings and act as representative of the county in its dealings with the State Highway Department. The Quarterly County Court was directed to levy an ad valorem road tax of 40¢-60¢ per \$100 taxable property outside incorporated towns. All males between 21 to 50 were required to work 10 days on the roads or pay \$10 commutation fee. This act and its amendments were repealed by Private Acts of 1941, Chapter 266.
 15. Private Acts of 1933, Chapter 737, amended Private Acts of 1931, Chapter 527, to abolish the position of County Highway Superintendent and give the Highway Commission supervision and control of all roads, levees, bridges, culverts, and the maintenance, working, and construction thereof, and road hands, materials, and machinery.
 16. Private Acts of 1939, Chapter 145, amended Private Acts of 1931, Chapter 527, to extend the term of the Highway Commissioners from two to four years. This amendment also purported to delete a phrase in Section 7 of the 1931 act dealing with the removal of the County Highway Superintendent, but Section 7 had been deleted in its entirety by Private Acts of 1933, Chapter 737.
 17. Private Acts of 1941, Chapter 265, regulated the public road system in Henderson County. The Board of Highway Commissioners was composed of seven members, one from each civil district to be elected by the qualified voters for a two-year term. Dennis Douglas, Joe Anderson, George McPeake, Curtis McMurray, Howard Meadows, Johnny Reeves and Lois Kelly were named to serve until their successors were elected. Commissioners were to be paid \$20 per month, with the Chairman to receive an additional \$17.50 per month. Commissioners could be removed for cause in the manner provided under the general laws. The Highway Commission was directed to employ a full time County Highway Supervisor, to be paid not more than \$1,600 per year, and who could be a member of the Highway Commission but would receive no salary in addition to the \$1,600. The duties of the Supervisor and the Commission were enumerated in the act. Public bids were required for all purchases of supplies and materials over \$100. The Commission was to hear and determine petitions to open, close or change roads, with the results reported to the County Court Clerk to be placed in the record. Appeals to the Circuit Court were required to be filed within 10 days. The Commission was directed to employ a keeper of the highway garage and tool house, and was authorized to employ an engineer or surveyor to be paid no more than \$125 per month.
 18. Private Acts of 1941, Chapter 266, repealed Private Acts of 1931, Chapter 527, and all amendments thereto.
 19. Private Acts of 1943, Chapter 247, amended Private Acts of 1941, Chapter 265, by deleting all of Sections 7, 8, 9, 10, 11, 13, 14, 15, 18, 20, 22 and 23, which among other things eliminated the positions of County Highway Supervisor, bookkeeper, garage keeper, and engineer or surveyor. Compensation to Commissioners was reduced to \$15 per month, the extra amount paid to the

- Chairman was reduced to \$5 per month, and Commissioners could no longer work as foremen on the roads at extra compensation.
20. Private Acts of 1943, Chapter 248, directed the Quarterly County Court of Henderson County to elect annually a Supervisor of Roads, who could not be a member of the Quarterly County Court or the Highway Commission, and who would be paid no more than \$1,800 per year. The Supervisor was in charge of roads, road hands, materials and equipment. He could employ a secretary/bookkeeper to be paid no more than \$900 per year. The Supervisor was directed to employ a keeper of the highway garage and tool house. The Quarterly County Court was authorized to appoint an inspection committee to check the efficiency of the Supervisor, which committee could be paid no more than \$3.50 per day for 5 days. The Supervisor, acting on behalf of Henderson County, was given the power of eminent domain. This act was repealed by Private Acts of 1945, Chapter 471.
 21. Private Acts of 1945, Chapter 470, regulated the public road system in Henderson County. The seven civil districts were grouped into three Road Districts. A Road Commissioner was to be elected by the voters in each Road District to a two year term, to work full time at compensation of \$5 per day of actual service. Each Commissioner was authorized to appoint a sub-commissioner for each of the civil districts in his Road District in which he did not reside, to be paid \$4 per day of actual service. The Commissioners were authorized to employ laborers and a skilled mechanic. Laborers could be paid no more than \$3 per day. The Chairman of the Commission would be paid no more than \$100 per month for his services. The Quarterly County Court was authorized to levy a tax of \$2 on every male citizen of the county between 21 and 50 years of age, to be used for road purposes. The Commission was given the power of eminent domain. This act was repealed by Private Acts of 1992, Chapter 179.
 22. Private Acts of 1945, Chapter 471, repealed Private Acts of 1943, Chapter 248.
 23. Private Acts of 1947, Chapter 632, authorized the Quarterly Court of Henderson County to assess and levy a tax on all real and personal property in the county for the purpose of obtaining funds for the construction, maintenance, and repair of roads, bridges, culverts, and other structures connected with the county road system.
 24. Private Acts of 1947, Chapter 641, regulated the public road system in Henderson County. This Act created a seven-member County Highway Commission and the office of County Road Supervisor, who had control and management of all roads, bridges and highways in the county except those which were State or Federal, and all road funds. One Commissioner was to be elected by the voters in each road district (coextensive with each civil district), and Commissioners could not be members of the Quarterly County Court. George Leslie, Jim Henry Britt, W. G. Blankenship, George Martin, Howard Meadows, Wilhoit Evans and Ben Hayes were named to serve as Commissioners until their successors could be elected in the next general election, and thereafter every two years. The Commission was directed to elect a Chairman, and was authorized to employ a full-time Secretary to be paid no more than \$50 per month who also could serve as secretary for the county purchasing agent. The Commission was to hear and dispose of petitions to open, close or change roads, and was given the power of eminent domain. The duties and powers of the Commission were enumerated in the act. The Chairman would be paid \$20 per month and the Commissioners \$15 per month. An annual audit was required to be performed by independent auditors, the cost of which could not exceed \$250. The Commission was directed to elect a County Road Supervisor annually, to be paid \$200 per month, whose duties and powers were enumerated in the act. Haskel Williams was named as initial Road Supervisor. This act contained a general repealing clause which presumably abrogated Private Acts of 1945, Chapter 470.
 25. Private Acts of 1949, Chapter 419, amended Private Acts of 1947, Chapter 641, to make mandatory the hiring of a Secretary to be paid \$75 per month for a two-year term; to require the signature of the County Judge, rather than the County Purchasing Agent, on all warrants; and to cause the term of the County Road Supervisor to coincide with the terms of the Commissioners.
 26. Private Acts of 1951, Chapter 681, created a three-member County Road Commission in Henderson County. Commissioners were to be elected to staggered six-year terms and would be paid \$900 per year. Glen Grissom, Johnny O'Bryan and Rellece Galbert were appointed to serve until the next regular election. The Commission was directed to employ a County Supervisor of Roads for a term not to exceed four years, to be paid \$3,000 per year. The Commission was given the power of eminent domain to open, close or change roads. The Commission and the Supervisor jointly were to make quarterly reports to the Quarterly County Court. The Commission was authorized to select a chairman and a vice-chairman, and to employ a secretary to be paid not more than \$900 per year. The duties of the Commission and the Supervisor were enumerated

- in the act. The Supervisor was declared the executive agent of the Commission. This act was held constitutional in *Peterson v. Grissom*, 250 S.W.2d 3 (Tenn. 1952). This act and its amendments were repealed by Private Acts of 1981, Chapter 48.
27. Private Acts of 1953, Chapter 261, amended Private Acts of 1951, Chapter 681, to raise the salary of the Secretary to \$1,500 per year. This act was repealed by Private Acts of 1981, Chapter 48.
 28. Private Acts of 1967-68, Chapter 66, amended Private Acts of 1951, Chapter 681, to change the salary of the Road Supervisor from \$3,000 per year to an amount to be set by the Commission, not to exceed \$400 per month. This Act was repealed by Private Acts of 1974, Chapter 373.
 29. Private Acts of 1971, Chapter 36, amended Private Acts of 1951, Chapter 681, as amended by Private Acts of 1967-68, Chapter 66, to change the salary of the Supervisor to no more than \$600 per month and no less than \$400 per month. This act was repealed by Private Acts of 1981, Chapter 48, as an amendatory act to Private Acts of 1951, Chapter 681.
 30. Private Acts of 1971, Chapter 37, would have amended Private Acts of 1951, Chapter 681, as amended, to create the elected office of County Supervisor of Roads. Huley Dickson was to have served until his successor's election. The Supervisor was to serve a two-year term, and would have been paid not less than \$4,800 nor more than \$7,200 per year. This act apparently was never acted upon by the Quarterly County Court, but nevertheless was repealed by Private Acts of 1974, Chapter 373.
 31. Private Acts of 1971, Chapter 40, would have amended Private Acts of 1951, Chapter 681, as amended, to increase the compensation of the members of the Highway Commission from \$900 per year to \$150 per month, but this act was rejected by the Quarterly County Court and never became law. Nevertheless, this act was repealed by Private Acts of 1974, Chapter 373.
 32. Private Acts of 1971, Chapter 157, would have amended Private Acts of 1951, Chapter 681, as amended, to increase the compensation of the Secretary from \$1,500 to \$2,100 per year, but this act apparently was never acted upon by the Quarterly County Court of Henderson County and never became law.
 33. Private Acts of 1971, Chapter 158, was identical to Private Acts of 1971, Chapter 40, but extended the time for approval by the Quarterly County Court from July 1 to August 1, 1971. This act apparently was never acted upon by the Quarterly County Court and never became law.
 34. Private Acts of 1974, Chapter 367, would have amended Private Acts of 1951, Chapter 681, to (a) raise the compensation of the members of the County Highway Commission from \$900 to \$1,800 per year; (b) create the office of County Road Superintendent to be elected to a four-year term; (c) rewrite Section 2 concerning the powers of the Highway Commission; (d) rewrite Section 3 concerning the powers and duties of the Road Superintendent and set his compensation at \$8,000 per year; (e) terminate the position of the present County Road Supervisor effective September 1, 1975; and (g) repeal Private Acts of 1967-68, Chapter 66, and Private Acts of 1971, Chapters 37 and 40. This act was rejected by the Quarterly County Court and never became law.
 35. Private Acts of 1974, Chapter 373, amended Private Acts of 1951, Chapter 681, as amended, to raise the salary of the Road Commissioners from \$900 to \$1,800 per year, and to create the position of County Road Supervisor to be elected in the next general election for a term of four years. The Quarterly County Court was to appoint a temporary Road Supervisor to serve until the 1976 election. The duties of the Commission and the duties of the Supervisor were rewritten. Private Acts of 1967-68, Chapter 66 and Private Acts of 1971, Chapters 37 and 40, were repealed. This act was repealed by Private Acts of 1981, Chapter 48.
 36. Private Acts of 1979, Chapter 117, would have repealed Private Acts of 1951, Chapter 681, and all amendments thereto, but this act was rejected by the County Legislative Body of Henderson County and never became effective.

Chapter X - Law Enforcement

Law Enforcement - Historical Notes

Militia

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

1. Public Acts of 1821, Chapter 6, required the Courts of Pleas and Quarter Sessions in each county to index and classify the public roads in the county into three classes: stage roads and like roads;

- roads 12 feet wide, suitable for loaded wagons; and roads suitable for single horse and rider. These roads were to be marked depending upon their classification. The Courts were also authorized to establish ferries where needed.
2. Acts of 1901, Chapter 136, was a statewide road law applying to all counties under 70,000 in population. The County Court was to elect one Road Commissioner for each road district (coextensive with civil districts) for a two-year term, to receive compensation of \$1 for each day of service up to 10 days per year. The County Court was authorized to levy an ad valorem tax of 2¢ per \$100 property valuation, 2/3 of which could be worked out on the roads in the district. All male residents between the ages of 21 and 45 were required to perform road labor or pay 75¢ for each day assigned but not worked. County prisoners were required to work on the public roads. Roads were to be classified by width and indexed, and built to meet basic specifications. The Commission was authorized to receive and determine petitions to open, close or change roads.
 3. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, to make it a misdemeanor to refuse to serve as Road Commissioner if appointed, to limit their compensation to \$40, and to exempt certain counties from the provisions of the act. Petitions to open, close or change roads would be determined by the County Court rather than the Commission.
 4. Acts of 1907, Chapter 466, regulated public roads in Henderson and Weakley Counties. The act established a three-member Board of Road Commissioners, with two members to be elected by the Quarterly County Court to serve two year terms at compensation of \$600 to \$800 per year, and the third member being the County Court Clerk serving ex officio without compensation. The Board was responsible for all public roads and all bridges and culverts under 25 feet in length in the county. Roads were to be classified into four classes by width. Petitions to open, close or change roads were to be made to the Road Commissioners, who were empowered to condemn land for road purposes. All males between the ages of 21 and 50, except residents of incorporated towns, were required to perform road labor at least 6 days per year or pay a fee of 50¢ per day. The Quarterly County Court was directed to levy a road tax of at least 20¢ per \$100 of taxable property, and a privilege tax of at least 5¢. The Road Commissioners were to prepare a "Public Road Record" describing each road in the county. Road work was to be done between April and October, except in emergencies. The penalty for obstructing public roads was \$5-\$10 per offense. Road Commissioners who failed to perform their duties or showed partiality were to be fined \$10-\$25 per offense.
 5. Acts of 1909, Chapter 262, regulated public roads in Henderson County. The Quarterly County Court was directed to elect one Road Commissioner from each road district (coextensive with civil districts) to serve a two-year term. A notice of election was served upon the Commissioner by the Sheriff, and it was a misdemeanor to refuse to serve or fail to finish his full term without sufficient cause. Each Road Commissioner was to appoint Overseers in his district to be in charge of 3-8 mile sections of road. Petitions to open, close or change roads were to be made to the Road Commissioner in the district(s) in which the road was located. If only one district were involved, the Commissioner was to select two other freeholders to serve with him on the "jury of view," which had power of condemnation and assessment of damages. If two districts were involved, the two Commissioners and one other person would constitute the jury of view; if three or more were involved, the Commissioners served alone. Appeals had to be made within 3 days, first to the Quarterly County Court, then to the Circuit or Supreme Court. Roads were to be classified into four classes according to width, and built and maintained according to several enumerated conditions and specifications. Commissioners and overseers were required to work 6 days without pay, and received \$1.50 per day thereafter. County prisoners were to perform road work as needed. Males between 18 and 50, outside cities, were required to perform road duty from 6-12 days per year, or furnish a substitute worker or pay 75¢ per day. The County Court was directed to assess a road tax of 10¢-25¢ per \$100 of taxable property and a privilege tax not more than 1/4 the county assessment, 2/3 of which could be paid by road labor. The act did not apply to any incorporated town that maintained its own roads. This act was repealed and superseded by Private Acts of 1917, Chapter 589.
 6. Acts of 1911, Chapter 312, was virtually identical to Acts of 1909, Chapter 262, except that payment to Clerks for supplying taxpayers' lists was limited to 20¢ per 100 names, the provisions allowing persons to furnish plows and wagons and the like in substitute for road labor were deleted, and all actions taken under prior road laws were ratified.
 7. Private Acts of 1917, Chapter 589, regulated public roads in Henderson County. The Quarterly County Court was directed to select a three-member Highway Commission to serve staggered terms of three years. One member was to be selected each year to serve as Chairman, and one member was to serve as Secretary for a term not exceeding two years. The Secretary could be

paid up to \$240 annually, but the remaining members would serve without compensation. The Commission had general supervision over all roads, bridges and levees, direction of the county workhouse and the work of the prisoners on the county roads, custody of all equipment, and acted as purchasing agent for the county in that regard. The Commission was authorized to hire a Road Supervisor at a salary not to exceed \$100 per month. The duties of the Commission included dragging all roads with split logs as soon as practicable after rains. The Commission was empowered to hear and decide petitions to open, close or change a road (including condemnation), or to do the same upon their own motion, and their determination was to be submitted to the County Judge for entry upon the court's record. The Quarterly County Court was directed to levy a road tax of 40¢-\$1 per \$100 of taxable property. All males between ages of 18 and 50 who were not residents of incorporated towns were required to work 10 days on the roads or pay a \$5 commutation fee. Prisoners from other counties could also be worked. This act contained a general repealer clause, "especially Chapter 262 of the published Acts of 1909," but the caption did not indicate that any act was to be repealed. This act was repealed by Private Acts of 1919, Chapter 489.

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22. Private Acts of 1945, Chapter 471, repealed Private Acts of 1943, Chapter 248.
 23. Private Acts of 1947, Chapter 632, authorized the Quarterly Court of Henderson County to assess and levy a tax on all real and personal property in the county for the purpose of obtaining funds for the construction, maintenance, and repair of roads, bridges, culverts, and other structures connected with the county road system.
 24. Private Acts of 1947, Chapter 641, regulated the public road system in Henderson County. This Act created a seven-member County Highway Commission and the office of County Road Supervisor, who had control and management of all roads, bridges and highways in the county except those which were State or Federal, and all road funds. One Commissioner was to be elected by the voters in each road district (coextensive with each civil district), and Commissioners could not be members of the Quarterly County Court. George Leslie, Jim Henry Britt, W. G. Blankenship, George Martin, Howard Meadows, Wilhoit Evans and Ben Hayes were named to serve as Commissioners until their successors could be elected in the next general election, and thereafter every two years. The Commission was directed to elect a Chairman, and was authorized to employ a full-time Secretary to be paid no more than \$50 per month who also could serve as secretary for the county purchasing agent. The Commission was to hear and dispose of petitions to open, close or change roads, and was given the power of eminent domain. The duties and powers of the Commission were enumerated in the act. The Chairman would be paid \$20 per month and the Commissioners \$15 per month. An annual audit was required to be performed by independent auditors, the cost of which could not exceed \$250. The Commission was directed to elect a County Road Supervisor annually, to be paid \$200 per month, whose duties and powers were enumerated in the act. Haskel Williams was named as initial Road Supervisor. This act contained a general repealing clause which presumably abrogated Private Acts of 1945, Chapter 470.
 25. Private Acts of 1949, Chapter 419, amended Private Acts of 1947, Chapter 641, to make mandatory the hiring of a Secretary to be paid \$75 per month for a two-year term; to require the signature of the County Judge, rather than the County Purchasing Agent, on all warrants; and to cause the term of the County Road Supervisor to coincide with the terms of the Commissioners.
 26. Private Acts of 1951, Chapter 681, created a three-member County Road Commission in Henderson County. Commissioners were to be elected to staggered six-year terms and would be paid \$900 per year. Glen Grissom, Johnny O'Bryan and Rellece Galbert were appointed to serve until the next regular election. The Commission was directed to employ a County Supervisor of Roads for a term not to exceed four years, to be paid \$3,000 per year. The Commission was given the power of eminent domain to open, close or change roads. The Commission and the Supervisor jointly were to make quarterly reports to the Quarterly County Court. The Commission was authorized to select a chairman and a vice-chairman, and to employ a secretary to be paid not more than \$900 per year. The duties of the Commission and the Supervisor were enumerated in the act. The Supervisor was declared the executive agent of the Commission. This act was held constitutional in *Peterson v. Grissom*, 250 S.W.2d 3 (Tenn. 1952). This act and its amendments were repealed by Private Acts of 1981, Chapter 48.
 27. Private Acts of 1953, Chapter 261, amended Private Acts of 1951, Chapter 681, to raise the salary of the Secretary to \$1,500 per year. This act was repealed by Private Acts of 1981, Chapter 48.
 28. Private Acts of 1967-68, Chapter 66, amended Private Acts of 1951, Chapter 681, to change the salary of the Road Supervisor from \$3,000 per year to an amount to be set by the Commission, not to exceed \$400 per month. This Act was repealed by Private Acts of 1974, Chapter 373.
 29. Private Acts of 1971, Chapter 36, amended Private Acts of 1951, Chapter 681, as amended by Private Acts of 1967-68, Chapter 66, to change the salary of the Supervisor to no more than \$600 per month and no less than \$400 per month. This act was repealed by Private Acts of 1981, Chapter 48, as an amendatory act to Private Acts of 1951, Chapter 681.
 30. Private Acts of 1971, Chapter 37, would have amended Private Acts of 1951, Chapter 681, as amended, to create the elected office of County Supervisor of Roads. Huley Dickson was to have served until his successor's election. The Supervisor was to serve a two-year term, and would

have been paid not less than \$4,800 nor more than \$7,200 per year. This act apparently was never acted upon by the Quarterly County Court, but nevertheless was repealed by Private Acts of 1974, Chapter 373.

31. Private Acts of 1971, Chapter 40, would have amended Private Acts of 1951, Chapter 681, as amended, to increase the compensation of the members of the Highway Commission from \$900 per year to \$150 per month, but this act was rejected by the Quarterly County Court and never became law. Nevertheless, this act was repealed by Private Acts of 1974, Chapter 373.
32. Private Acts of 1971, Chapter 157, would have amended Private Acts of 1951, Chapter 681, as amended, to increase the compensation of the Secretary from \$1,500 to \$2,100 per year, but this act apparently was never acted upon by the Quarterly County Court of Henderson County and never became law.
33. Private Acts of 1971, Chapter 158, was identical to Private Acts of 1971, Chapter 40, but extended the time for approval by the Quarterly County Court from July 1 to August 1, 1971. This act apparently was never acted upon by the Quarterly County Court and never became law.
34. Private Acts of 1974, Chapter 367, would have amended Private Acts of 1951, Chapter 681, to (a) raise the compensation of the members of the County Highway Commission from \$900 to \$1,800 per year; (b) create the office of County Road Superintendent to be elected to a four-year term; (c) rewrite Section 2 concerning the powers of the Highway Commission; (d) rewrite Section 3 concerning the powers and duties of the Road Superintendent and set his compensation at \$8,000 per year; (e) terminate the position of the present County Road Supervisor effective September 1, 1975; and (g) repeal Private Acts of 1967-68, Chapter 66, and Private Acts of 1971, Chapters 37 and 40. This act was rejected by the Quarterly County Court and never became law.
35. Private Acts of 1974, Chapter 373, amended Private Acts of 1951, Chapter 681, as amended, to raise the salary of the Road Commissioners from \$900 to \$1,800 per year, and to create the position of County Road Supervisor to be elected in the next general election for a term of four years. The Quarterly County Court was to appoint a temporary Road Supervisor to serve until the 1976 election. The duties of the Commission and the duties of the Supervisor were rewritten. Private Acts of 1967-68, Chapter 66 and Private Acts of 1971, Chapters 37 and 40, were repealed. This act was repealed by Private Acts of 1981, Chapter 48.
36. Private Acts of 1979, Chapter 117, would have repealed Private Acts of 1951, Chapter 681, and all amendments thereto, but this act was rejected by the County Legislative Body of Henderson County and never became effective.

Offenses

The act briefly summarized below fell into this category in Henderson County. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Private Acts of 1921, Chapter 661, declared it a misdemeanor to own, operate or work in pool rooms and billiard halls in Henderson County. The act was repealed by Private Acts of 1980, Chapter 194.

Sheriff

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

1. Private Acts of 1829, Chapter 192, authorized the Treasurer of the Western District to pay \$135 to Robert Marshall, the Sheriff of Henderson County, for expenses incurred by him in the murder trial of William Walden.
2. Private Acts of 1865-66, Chapter 122, appropriated \$181.70 to Jasper N. Teague, Sheriff and Jailor of Henderson County, for boarding five state prisoners (and apparently to repair the "decayed" jail after the five felons escaped).
3. Private Acts of 1915, Chapter 352, set the salary of the Sheriff of Henderson County at \$600 per year, plus all the fees of his office. The Quarterly County Court was directed to levy a tax sufficient to pay the salary.
4. Private Acts of 1929, Chapter 602, amended Private Acts of 1915, Chapter 352, to increase the Sheriff's salary to \$840 per year.
5. Private Acts of 1957, Chapter 14, amended Private Acts of 1915, Chapter 352, as amended, to increase the Sheriff's salary to \$2,400 per year. The act would not be effective after October 31, 1962.
6. Private Acts of 1957, Chapter 344, authorized the Sheriff of Henderson County to employ a

full-time Deputy Sheriff at a salary not to exceed \$200 per month. This act was repealed by Private Acts of 1980, Chapter 194.

7. Private Acts of 1961, Chapter 246, amended Private Acts of 1957, Chapter 14, to extend the effectiveness of that act to October 31, 1964.

Chapter XI - Taxation

Hotel/Motel Tax

Private Acts of 1983 Chapter 98

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.

As amended by: Private Acts of 1995, Chapter 113

(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, including structures or space owned or operated by a governmental entity.

As amended by: Private Acts of 1995, Chapter 113

(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 Henderson County, Tennessee.

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

(h) "Clerk" means the county clerk of Henderson County, Tennessee.

SECTION 2. Henderson County is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient, in the amount of seven percent (7%) of the rate charged by the operator.

Private Acts of 1998, Chapter 187

As amended by:

Private Act of 2021, Chapter 12

SECTION 3. The proceeds received by the County from the tax shall be designated and used in the following manner:

(a) Thirty-five percent (35%) of the proceeds to be designated and used to purchase new equipment for the Henderson County fire department; provided that any funds remaining unexpended at the end of each fiscal year shall not revert to the general fund but shall be restricted in the fund balance for use of the fire department for the purchase of new equipment. Such fund balance shall be appropriated by the Henderson County Commission after consulting with the Chief Officer of the Henderson County Fire Department.

(b) Twenty percent (20%) of the proceeds to be designated and used to promote tourism within Henderson County.

(c) Twenty percent (20%) of the proceeds to be designated and placed in an industrial development fund to be used to recruit the location of new industry in Henderson County.

(d) Twenty-five percent (25%) of the proceeds to be designated and used for general operating expenses and capital expenditures for the Henderson County jail.

As amended by: Private Acts of 1992, Chapter 186
Private Acts of 1998, Chapter 187
Private Acts of 2021, Chapter, 12

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

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

SECTION 5.

(a) The tax hereby levied shall be remitted by all operators who lease, rent or charge for any rooms or spaces in hotels, as heretofore defined, within the county, to the county clerk or such other officer as may by ordinance or resolution be charged with the duty of collection thereof, said tax to be remitted to such officer not later than the 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 whether prior to occupancy or after 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 city and 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 (2%) percent of the amount of the tax due and accounted for and remitted to the clerk in the form of a deduction in submitting his report and paying the amount due by him, provided the amount due was not delinquent at the time of payment.

SECTION 6. The clerk or other authorized collector of the tax authorized by this Act shall be responsible for the collection of said tax and shall place the proceeds of such tax in such accounts as provided in this Act. A monthly tax return under oath shall be filed 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 ordinances and resolutions to provide reasonable rules and regulations for the implementation of the provisions of this Act, including the form for such reports.

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

SECTION 8. Taxes collected by an operator which are not remitted to the county clerk on or before the due dates shall be delinquent. An operator shall be liable for interest on such delinquent taxes from the due date at the rate of twelve (12%) percent per annum, and in addition for penalty of one (1%) percent 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 by a fine not in excess of fifty dollars (\$50.00).

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

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

For his services in administering and enforcing the provisions of this Act, the county clerk shall be entitled

to retain as a commission two (2%) percent of the taxes so collected.

Upon any claim of illegal assessment and collection, the taxpayer shall have the remedy provided in Tennessee Code Annotated, Section 67-3033, 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 67-2301, for the county clerks.

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

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

As amended by: Private Acts of 1984, Chapter 187

SECTION 11. The proceeds of the tax authorized by this Act shall be allocated to and placed in the General Fund of Henderson County.

SECTION 12. 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 13. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Henderson County before September 1983. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

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

Passed: April 14, 1983.

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 Henderson County Assessor. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1925, Chapter 487, set out the duties of the Tax Assessor in Henderson County, which included assessment of taxes, serving as ex officio Chairman of the County Equalization Board, and keeping the book of the respective districts. The Tax Assessor would be paid \$1,500 annually.
2. Private Acts of 1927, Chapter 159, amended Private Acts of 1925, Chapter 487, to increase the salary of the Tax Assessor to \$2,200 per year. This act was repealed by Private Acts of 1929, Chapter 420.
3. Private Acts of 1929, Chapter 415, amended Private Acts of 1925, Chapter 487, to relieve the Tax Assessor of his position as Chairman of the County Equalization Board and to lower his salary to \$1,700 per year during those years when he was required to assess the real estate and \$800 per year in all other years.
4. Private Acts of 1929, Chapter 420, repealed Private Acts of 1927, Chapter 159.
5. Private Acts of 1937, Chapter 821, amended the Charter of the City of Lexington to allow the Mayor and Aldermen elect a Tax Assessor to assess all taxes within the city limits.
6. Private Acts of 1949, Chapter 452, set the compensation of the Tax Assessor of Henderson County at \$2,500 per year.
7. Private Acts of 1959, Chapter 172, authorized the Tax Assessor to employ a secretary at a salary of no more than \$600 per year. This Act was repealed by Private Acts of 1980, Chapter 194.
8. Private Acts of 1965, Chapter 291, would have provided the Tax Assessor reimbursement for office and travel expenses up to \$1,400 per year, but this act was rejected by the Quarterly County Court of Henderson County and never became law.

Taxation

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

1. Public Acts of 1870-71, Chapter 50, authorized the counties and incorporated towns 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 laid down for State taxation; (2) that no county or city could extend credit without the consent of a majority of the Justices of the Peace or the Board of Mayor and Aldermen, and approval of 3/4 of the qualified voters in a referendum; and (3) that no county or town could be a stockholder with others in any company without the same approval. Henderson County, along with several others, was exempt from the 3/4 approval requirement so that a simple majority of the voters would suffice until 1881, at which time approval of 3/4 of the voters would be required.
2. Public Acts of 1885, Chapter 145, abolished the taxing district of the town of Lexington.
3. Public Acts of 1893, Chapter 111, authorized, ratified and approved the actions of the Henderson County Quarterly Court with regard to the Paducah, Tennessee and Alabama Railroad Company and the construction of a railroad into Henderson County to Lexington. The town of Lexington and its citizens had agreed to subscribe to \$20,000 of the railroad's stock to bring the railroad to the town, and it was agreed that all taxes collected by Henderson County from the Paducah, Tennessee and Alabama Railroad Company for the next twenty years would be assigned to the town of Lexington.
4. Private Acts of 1911, Chapter 183, authorized Henderson County to levy a high school tax of 10¢ per \$100 property valuation. This act was repealed by Private Acts of 1915, Chapter 538.
5. Private Acts of 1917, Chapter 812, authorized the Henderson County Quarterly Court to levy a highway tax of 50¢ or more per \$100 property valuation, and validated the Quarterly Court's action in levying the tax in 1916.
6. Private Acts of 1929, Chapter 417, authorized Henderson County, through its Quarterly County Court, to levy a special tax not to exceed 12¢ per \$100 property valuation to pay the salaries of county officials. The tax was not mandatory, but was to be levied if and when insufficient funds were produced by the general tax levy.
7. Private Acts of 1937, Chapter 95, amended Private Acts of 1929, Chapter 417, to increase the permissible tax rate from 12¢ to 20¢.
8. Private Acts of 1937, Chapter 96, authorized the Quarterly County Court of Henderson County to levy a special tax to defray the expense of the maintenance and relief of paupers and the maintenance, care and upkeep of the insane. The tax rate was not to exceed 20¢ per \$100 property valuation.
9. Private Acts of 1937, Chapter 97, approved and validated the actions of the Henderson County Quarterly Court with regard to the levy in 1936 of a special tax of 16¢ per \$100 property valuation to pay salaries of county officials, a special tax of 8¢ per \$100 for the upkeep, care, and maintenance of the insane confined in Western State Hospital, and a special tax of 9¢ per \$100 for paupers in the county.
10. Private Acts of 1947, Chapter 632, authorized the Quarterly Court of Henderson County to assess and levy a tax on all real and personal property in the county for the purpose of obtaining funds for the construction, maintenance, and repair of roads, bridges, culverts, and other structures connected with the county road system.
11. Private Acts of 1957, Chapter 6, would have authorized the Quarterly Court of Henderson County to levy a special tax, not to exceed 25¢ per \$100 property valuation, to establish an Industrial Department for the county. Annual appropriations could not exceed \$15,000. This act was subject to approval of the voters in a referendum. The act was never presented to the voters and therefore never went into effect.

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