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# Administration - Historical Notes

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Sincerely,

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# 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The following acts once created a budgeting system for Henderson County, but they have been specifically repealed or superseded by current law.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 Private Acts of 1935, Chapter 797, was the Budget Law for Henderson County until it was repealed by Private Acts of 1975, Chapter 131 (reproduced hereinabove).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 These acts are included for historical reference only.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 This act was repealed by Private Acts of 1941, Chapter 483.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, Jonathan 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.

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