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Administration - Historical Notes

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

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

Sincerely,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

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Budget System

1. Private Acts of 1939, Chapter 431, provided for the Quarterly County Court of Henry County to elect a three member Budget Committee for each calendar year. The Budget Committee would prepare and submit to the Quarterly County Court a plan for all proposed expenditures and all estimated revenues for the ensuing year. Any county official found to be in violation of any provision set forth in this act was subject to personal liability, fines and/or removal from office depending on the particular violation.
2. Private Acts of 1951, Chapter 545, amended Private Acts of 1939, Chapter 431, above, by increasing the salary of the Secretary to the Budget Committee from \$1,200 to \$1,800 annually.
3. Private Acts of 1957, Chapter 314, amended Private Acts of 1951, Chapter 545, above, by increasing the salary of the Secretary to the Budget Committee from \$1,800 to \$2,400 annually.
4. Private Acts of 1971, Chapter 16, amended Private Acts of 1939, Chapter 431, above, by changing the membership of the Budget Committee from three members to seven members and by increasing the salary of the Secretary to the Budget Committee to \$7,200 annually.
5. Private Acts of 1974, Chapter 276, amended Private Acts of 1939, Chapter 431, above, to authorize the Quarterly County Court to fix from time to time the compensation of the Secretary to the Budget Committee.
6. Private Acts of 1977, Chapter 161, amended Private Acts of 1939, Chapter 431, above, to allow the Quarterly County Court to elect a Secretary for the Budget Committee to serve at the pleasure of the Quarterly County Court and keep all records of the Budget Committee and perform such office and secretarial duties as might be assigned by the Budget Committee.
7. Private Acts of 1978, Chapter 258, amended Private Acts of 1977, Chapter 161, Section 12, above, to allow the Quarterly County Court to elect each year at the April term a Secretary for the Budget Committee to keep all records and to perform such office and secretarial duties assigned. The Quarterly County Court was authorized to fix from time to time the compensation of the Secretary.
8. Private Acts of 1979, Chapter 76, amended Private Acts 1939, Chapter 431, above, by increasing the percentage of tax payments the County Commissioners could expect to be paid in setting the Budget from eighty to ninety percent.
9. Private Acts of 1980, Chapter 315, repealed all prior acts and provided for the Board of County Commissioners at the January, 1981 regular session of the Board and at the end of each succeeding calendar year to elect a seven member Budget Committee. The Budget Committee would prepare for and submit to the Board of County Commissioners a proposed budget for the ensuing fiscal year. Any county official found to be in violation of any provision set forth in this act was subject to personal liability, fines and/or removal from office, depending on the particular violation.
10. Private Acts of 1983, Chapter 137, repealed Private Acts of 1980, Chapter 315, above.

County Clerk

The following acts once affected the office of county clerk in Henry County. They are included herein for historical purposes.

1. Private Acts of 1822, Chapter 91, authorized the Ranger, the Register and the Clerk of Henry County Court to keep their books and papers of record separately at any house in the county which best suited their convenience for safe keeping, until a court house was completed or until some other provision was made by law. The act authorized the Justice of the Peace for the County to continue the courts at the same location pending the erection of a new courthouse.
2. Private Acts of 1825, Chapter 98, provided for James Hicks, the presiding County Court Clerk and James Jones, the Circuit Court Clerk, to keep their records and offices in their respective homes, any law to the contrary notwithstanding. However, the act provided that the said officials could not reside more than one-quarter of a mile from the town of Paris.

County Legislative Body

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

1. Private Acts of 1822, Chapter 91, authorized the Ranger, the Register and the Clerk of Henry

- County Court to keep their books and papers of record separately at any house in the county which best suited their convenience for safe keeping, until a courthouse was completed or until some other provision is made by law. The act authorized the Justice of Peace for the county to continue to hold the courts at the same location pending the erection of a new courthouse.
2. Private Acts of 1824, Chapter 102, provided that the County Court of Henry County would meet on the second Monday in March, June, September and December.
 3. Private Acts of 1825, Chapter 98, allowed James Hicks, the presiding County Court Clerk and James Jones, the Circuit Court Clerk of Henry County to keep their records and offices in their respective homes. The act required that the officials live no more than one-quarter of a mile from the town of Paris. than one-quarter of a mile from the town of Paris.
 4. Public Acts of 1827, Chapter 44, authorized the Justices of the Courts of Pleas and Quarter Sessions of Perry, Humphreys, Stewart, Hickman, and Henry Counties to elect three members amongst themselves to hold the County Court every year. Said Court was to operate under the same rules, regulations and restrictions as the Courts of Rutherford County were then under.
 5. Private Acts of 1827, Chapter 65, authorized the Court of Pleas and Quarter Sessions in Dickson, Sullivan, Weakley, Hawkins, Hamilton, Smith, Henry and Rhea Counties to select from their County Court three of their members to act as a Quorum Court.
 6. Public Acts of 1831, Chapter 57, ordered that anyone who had the official papers of Thomas Read, a former Justice of the Peace in Henry County, to return the papers to the County Court Clerk, whose duty it was to receive the same and issue executions on the judgments entered by Read and to do all other things required by law for County Court Clerks with reference to the official papers of the Justices of the Peace.
 7. Public Acts of 1833, Chapter 11, provided for the Quarterly County Court of Henry County to be held on the fourth Monday in March, June, September and December.
 8. Private Acts of 1919, Chapter 411, allowed the Justices of the Peace attending regular or called sessions of the Quarterly County Court of Henry County to receive \$3 per day for their attendance at the sessions plus receive an allowance for their mileage, ferriage or toll, as was permitted under the law.
 9. Private Acts of 1959, Chapter 296, set the per diem for Henry County Justices of the Peace attending Quarterly Court at \$10 and set the mileage allowance for the Justices at eight cents per mile travelled to and from the courthouse and their place of residence. Any Justice of Peace living within two miles of the courthouse was not allowed to receive mileage.

County Mayor

The references below are of acts which once applied to the office of county judge, or county executive in Henry 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 the state, the official to be elected by the people for four-year terms. The County Judge was to be learned in the law and sworn and commissioned as were other Judges. Quorum Courts were abolished and all the duties of those Courts were assigned to the County Judges who would preside over the sessions of the various county Quarterly Courts. The jurisdiction of the County Courts was specifically outlined in the act. The County Judge would be the accounting officer and general agent of the County and would be responsible for discharging the duties as enumerated in the act.
2. Public Acts of 1857-58, Chapter 5, repealed Acts of 1855-56, Chapter 253, above, in its entirety and restored the Quorum Courts to their former status.
3. Public Acts of 1867-68, Chapter 30, allowed Henry, Weakley and Obion Counties to elect a County Judge who would have the same rights and privileges as other County Judges. The act provided that the County Judge was to receive a salary of \$500 to be paid out of the county treasury. The County Judge was to be the Financial Agent for Henry, Weakley and Obion Counties.
4. Acts of 1909, Chapter 333, provided that the County Judge of Henry County would receive, in lieu of all other compensation then provided by law, the sum of \$1,000 annually, to be paid monthly out of the county treasury.
5. Private Acts of 1921, Chapter 873, empowered the Judge of the Henry County Court with jurisdiction concurrent with the Chancery Court in actions to allow guardians to encroach upon the corpus of the estates of minors, lunatics, idiots and others under disability when the value was \$500 or less.

6. Private Acts of 1923, Chapter 246, prohibited the County Judge and County Highway Engineer of Henry County from knowingly issuing warrants on any general or special fund when there was at the time, an insufficient amount of money actually on hand with the County Trustee to cover the said warrant. The amount of money on hand with the County Trustee was to be ascertained on the first Monday in April of each year by either of the county officials above. They were to keep in their office an appropriate record of the warrants and the available funding. Any violation of this act carried a fine that ranged between \$50 and \$500 with the possibility of removal from office.
7. Private Acts of 1933, Chapter 188, authorized the County Judge or Chairman to be made the Purchasing Agent for all county purchases or supplies. All officials were required to make their requisitions for all purchases with the County Judge or Chairman, who would handle the various transactions and keep all the records.
8. Private Acts of 1935, Chapter 404, amended Acts of 1909, Chapter 333, above, by increasing the powers and duties of the County Judge in Henry County. The amendment empowered the County Judge with the same power and authority then conferred upon Chancellors and Circuit Judges in the State in granting extraordinary writs. The County Judge was authorized to appoint and discharge receivers, grant and dissolve injunctions, hear and determine cases upon writs of habeas corpus and to decree sales of lands or other property belonging to minors, lunatics, married women or other disabled persons. The amendment established that all appeals from county judgments and decrees would be made to the Supreme Court of this State.
9. Private Acts of 1939, Chapter 452, repealed Private Acts of 1933, Chapter 188, above, and designated the County Judge as the Purchasing Agent for all the departments of the Henry County government.

County Register

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

1. Public Acts of 1897, Chapter 124, provided for and regulated the salaries of county officials and clerks of the State Supreme Court. The act also provided for the appointment, removal, compensation and duties of the deputies and assistants of the various county officials. The salaries for the county officials were to be paid out of the fees received by their respective offices. Every designated county official and the clerks of the Supreme Court were required to file with the County Judge, the Chairman of the County Court or the Comptroller for the State, in the case of the clerks of the Supreme Court, an itemized statement of all fees, commissions, perquisites and emoluments received by virtue of the respective office. The various county officials and clerks of the Supreme Court were required to give bond to properly collect and account for fees and costs received by them by virtue of their respective offices. All county officials were required to keep a bound book of every fee, bill, emolument, compensation or perquisite provided for by this act. Failure to comply with the act constituted a felony and upon conviction imposed a fine ranging between \$500 and \$1,000 with imprisonment between one and five years.
2. Private Acts of 1911, Chapter 351, declared that women of lawful age and passing all other qualifications were eligible to serve in the office of the County Register of Henry County.

County Trustee

The following act once affected the office of county trustee in Henry County, but is no longer operative.

1. Acts of 1851-52, Chapter 201, authorized the County Court of Henry County to pay Matthew C. Bowles such sum of money as they deemed just and reasonable for extraordinary services and expenses performed and incurred by him as the County Trustee.

General Reference

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

1. Public Acts of 1821, Chapter 46, declared Henry County to be the 73rd Regiment in the State Militia, holding its regimental muster every year on the first Friday in October at the same place where court was held in the County. The act further provided for any Justice of the Peace for Henry County to attend court in Carroll County and administer oath to Justices of the Peace for Carroll County.
2. Private Acts of 1821, Chapter 201, appointed Sterling Brewer, James Fentress and Abram Maury as Commissioners to select and fix the site of the county seats of Henry, Carroll, Henderson and

Madison Counties. The sites had to be within three miles of the center of the county if possible. The Commissioners would procure at least fifty acres of land at the site and report their actions to the Quarterly County Courts of their respective counties. The County Court would appoint at least five Commissioners to receive this land who would lay off its streets, at least 90 feet wide and set aside four acres for a public square on which would be located the court house, the prison and stocks. The remaining lots would be sold and the funds used to construct the public buildings above.

3. Private Acts of 1822, Chapter 210, authorized the Quarterly County Courts to make an appropriation for the Commissioners who were in the process of selecting a site for the county seat.
4. Private Acts of 1823, Chapter 71, designated Paris as the permanent County Seat for Henry County.
5. Private Acts of 1823, Chapter 87, incorporated Paris and created a mayor-alderman form of government. The Sheriff would supervise an election on the first Monday in January, 1824, and each succeeding year to elect seven aldermen. The seven receiving the highest number of votes would be selected. The seven who were elected would then select one of their own number to be Mayor to serve a one year term. The act provided for a Constable to hold such position for one year once executing the required bond and the Sheriff was to collect and account for the taxes.
6. Private Acts of 1827, Chapter 12, established a division of the State Treasury Department for the western district of Tennessee. The Treasurer for said department would sit in the town of Jackson and would be appointed by joint ballot of both houses of the legislature. The Treasurer would be required to give bond. The Sheriffs, Collectors and other county officials would then be required to pay the sums they collected into the Jackson office in lieu of the Nashville office.
7. Private Acts of 1829, Chapter 189, authorized the County Court of Henry County to appoint three Commissioners to examine the situation concerning the courthouse, to investigate the manner in which the contract to build the courthouse had been complied with and to report to the County Court any injury those undertaking to build the courthouse suffered from the Commissioners failure to comply with their part of the agreement. The Court was authorized to levy a tax to pay any damages suffered which the Commissioners deemed to be necessary.
8. Private Acts of 1831, Chapter 266, permitted Memucan H. Howard and others to erect a mill or iron works across the Big Sandy River below Wyatt's Mill and above the mouth of West Sandy, provided the mill or non workers did not interfere with the operation of Wyatt's Mill.
9. Public Acts of 1832, Chapter 14, authorized the County Courts of Henry, Carroll, Gibson, Weakley, Obion and Dyer Counties to appoint Boards of Commissioners for Internal Improvement in their respective counties and to operate under the same rules and regulations which other such Boards were so operating.
10. Private Acts of 1832, Chapter 96, authorized William C. Rogers to lay off a town on 30 acres of his land in the vicinity known as Cross Roads. The town was to be called Caledonia. The act also authorized James W. Taylor, David Hogan, Thomas Bowdin, James Brooks, John D. Love, William Brooks and William Alexander to lay off a town on the land where John D. Love had a store. The town could be named Pleasant Town. Upon the purchase of land and receipt of deeds, the purchaser would be subject to state and county taxes.
11. Private Acts of 1833, Chapter 202, authorized Thomas T. Bailey to lay off a town on his own land, on the road from Paris to Huntingdon. The town would be called Baileysville and governed by the same regulations applicable to another community in Henry County called Naples. James Carter, Benjamin Peoples, Nelson Anderson, James Dinwoody and Dr. T. Travis were named as the Commissioners who would lay out the town of Baileysville. The act also permitted Abner Boyd to lay off a town on his land situated in the north west corner of Henry county, adjoining the Kentucky line and said town would be called Boydsville.
12. Private Acts of 1833, Chapter 235, authorized the County Court of Henry County at the January term each year to elect five internal improvement Commissioners for the county. The Commissioners would serve under the same rules, restrictions and liabilities as other Commissioners in the counties lying west of the Tennessee River. Three Commissioners constituted a quorum and could transact their necessary business. Prior law had provisions for the election of three commissioners.
13. Acts of 1837-38, Chapter 282, made it lawful for any person owning seats on Big Sandy River, suitable for mills or machinery of any kind worked by water power, to build dams across the river and to erect any kind of waterworks, as long the passage of boats was not impeded nor the

- navigation of the river injured.
14. Acts of 1837-38, Chapter 286, allowed the Superintendent of Public Instruction or any other officer or agent holding any balance of the internal improvement funds belonging to Henry County to pay those funds to any person authorized by the County Court to receive the funds. The balance of these funds could be applied to whatever public improvements or works the county court might deem appropriate.
 15. Acts of 1849-50, Chapter 210, authorized the County Courts of Carroll, Benton, and Henry Counties to withdraw from the Bank of Tennessee at Trenton the unexpended funds of the appropriation to improve the navigation of the Big Sandy River. The funds were to be divided into three equal parts and paid over to the Trustees of the respective counties. The Trustees were to hold the funds until the respective County Court authorized the funds be spent on improving roads, bridges and causeways. Carroll and Benton Counties were allowed the option to invest their share of the funds in the stock of the Huntingdon and Tennessee River Turnpike Company.
 16. Acts of 1853-54, Chapter 66, abolished the office of Entry Taker and provided that the Surveyor of Henry County would perform all the duties once performed by the Entry Taker and receive all the pay and emoluments arising from the performance of said duties.
 17. Acts of 1853-54, Chapter 180, authorized Claiborne, Campbell, Anderson, Knox, Montgomery, Stewart, Henry, Gibson, Tipton, Shelby, and Madison Counties to take stock in railroads and to issue their bonds for said railroad subject to the same restrictions and privileges granted to the other counties named in an act passed February 28, 1852, incorporating the Nashville, Franklin, and Columbia Railroad Company.
 18. Private Acts of 1869-70, Chapter 22, Section 7, provided that J.H. Travis, P. Loomey, F. F. Porter, S. H. Coldwell, W. P. Smallwood, Crawford Porter, H. Loving, James S. Brown, James M. Ray, W. F. Ray, E. D. Colyar, W. J. Hurt, W. Crawford, R. M. Kimball, R. L. Niles, E. B. Parker, James C. Leeper, J. M. Hudson, D. F. Alexander, H. F. Milton, John Hartsfield, S. C. Dobbins, H. J. Blanton, their associates and successors constituted a body politic and corporate under the name of the "Henry County Agricultural Association." The Association would run for a period of 99 years and had the authority to erect buildings, hold fairs and exhibitions, offer prizes and awards and engage in other activities to promote agriculture in the area. The act provided that the incorporators, or any five of them were authorized to act as commissioners and to elect by ballot a board of directors of which six would constitute a quorum. The directors would serve one year terms and select a president from among their numbers.
 19. Public Acts of 1891, Chapter 86, ratified the exchange of stock owned by Henry County in the Memphis and Ohio Railroad Company with stock in the Louisville and Nashville Railroad Company, the former having merged with the latter. The act also ratified the action of the County Court in Henry County in transferring, selling and delivering \$55,000, par value, of the L & N Railroad Company stock to the Paducah, Tennessee and Alabama Railroad Company.
 20. Public Acts of 1897, Chapter 124, provided for and regulated the salaries of county officials and clerks of the State Supreme Court. The act also provided for the appointment, removal, compensation and duties of the deputies and assistants of the various county officials. The salaries for the county officials were to be paid out of the fees received by their respective offices. Every designated county official and the clerks of the Supreme Court were required to file with the County Judge or Chairman of the County Court or the Comptroller for the State, an itemized statement of all fees, commissions, perquisites and emoluments received by virtue of their respective office. The various county officials and clerks of the Supreme Court were required to give bond to properly collect and account for fees, costs, commissions, perquisites and emoluments received by them by virtue of their respective offices. All county officials were required to keep a well bound book of each and every fee, bill, commission, perquisite and emolument received. Failure to comply with the letter or spirit of the act and to make the reports and exhibits or to falsify same was a felony and upon conviction carried a fine that ranged between \$500 and \$1,000 and imprisonment of one to five years.
 21. Private Acts of 1925, Chapter 54, prohibited the County Court of Henry County from having the power to make appropriations for the county funds for cooperative farm demonstration work as was supposedly permitted in Private Acts of 1913 (1st Ex. Sess.), Chapter 27, or to other farm bureaus or other organizations, unless and until the question of making the appropriations had been submitted to an election by the qualified voters and the majority of the votes cast were in favor of the appropriation. The election officers would tally the votes and certify the result to the County Election Board who would in turn certify the same to the County Judge or Chairman.
 22. Private Acts of 1925, Chapter 534, provided that any firm, partnership or corporation, doing the

- business of a telephone company in Weakley, Henry and Carroll Counties, should have control, power and authority over their lines in said counties in respect to enforcing their own rules and regulations concerning the collection of tolls, rents and fines, to the extent of disconnecting the lines of any subscriber, or renter, and to charge for reconnecting the same. For a subscriber to connect or attempt to reconnect a telephone line a fine ranging between \$25 and \$50 was fixed.
23. Private Acts of 1925, Chapter 597, authorized the County Court of Henry County to appropriate at their discretion and to pay out of the regular funds of the county, a sum not to exceed \$25 to any person or persons who may furnish information leading to the conviction of any person illicitly selling intoxicating liquor.
 24. Private Acts of 1927, Chapter 661, validated as legal and binding transactions, all sales, leases, rentals or other dispositions of municipally owned water, electric or other utilities for a consideration, when bargained for, sold and conveyed, leased, or rented by the municipalities in Dyer, Gibson, Weakley and Henry Counties.
 25. Private Acts of 1929 (Ex. Sess.), Chapter 70, repealed Private Acts of 1925, Chapter 54, above.
 26. Private Acts of 1933, Chapter 133, removed the disability of minority and infancy from Mary Frances Kirkland of Henry County, who was 20 years and 6 months old, conferring upon her all the rights, privileges and obligations of adulthood.
 27. Private Acts of 1933, Chapter 313, removed the disability of minority and infancy from Leon Chatman of Henry County, conferring upon him the right to conduct his affairs in the same manner as if he were 21 years of age.
 28. Private Acts of 1933, Chapter 607, fixed the annual salaries of several county officials in Henry County. The salaries for the Trustee and the County Court Clerk would be \$3,000 each. The County Judge and the Circuit Court Clerk salaries were set at \$1,500 each; and the Clerk and Master would receive \$2,200. The condition of filing a sworn itemized statement of all fees received in the offices of the respective officials was set. The County would be required to pay the difference between the fees and salary if the fees were less, but excess fees received in the office over the stated salaries would be paid into the county treasury.
 29. Private Acts of 1935, Chapter 52, removed the disability of minority and infancy from Henrietta Madison of Henry County, conferring upon her the right to conduct her affairs in the same manner as if she were 21 years of age.
 30. Private Acts of 1935, Chapter 120, removed the disability of minority and infancy from Robert Brown of Henry County, giving him the right to conduct his affairs in the same manner as if he were 21 years of age.
 31. Private Acts of 1935, Chapter 285, removed the disability of minority and infancy from J. C. Rowland of Henry County, conferring upon him the right to conduct his affairs in the same manner as if he were 21 years of age.
 32. Private Acts of 1935, Chapter 286, removed the disability of minority and infancy from Brent Dawson Rowland of Henry County, conferring upon him the right to conduct his affairs in the same manner as if he were 21 years of age.
 33. Private Acts of 1935, Chapter 375, removed the disability of minority and infancy from Mildred Fay Faust of Henry County, conferring upon her the right to conduct her affairs in the same manner as if she were 21 years of age.
 34. Private Acts 1935, Chapter 376, removed the disability of minority and infancy from Edward Harold Faust of Henry County, conferring upon him the right to conduct his affairs in the same manner as if he were 21 years of age.
 35. Private Acts of 1935 (Ex. Sess.), Chapter 158, removed the disability of minority and infancy from George Lee Curry of Henry County, conferring upon him the right to conduct his affairs in the same manner as if he were 21 years of age. Public Acts of 1935 (Ex. Sess.), Chapter 25, makes reference to this act.
 36. Private Acts of 1937, Chapter 362, authorized the County Highway Commission of Henry County to compensate the widow of B. C. Sykes, Lettys Skyes, in the amount of \$1,200, which was to be paid from the proceeds of any unexpended highway funds belonging to Henry County. Mr. Sykes was killed in an automobile accident caused by the County Highway Engineer.
 37. Private Acts of 1937, Chapter 414, removed the disability of minority and infancy from Grace Nells West of Henry County, conferring upon her the right to conduct her affairs in the same manner as if she were 21 years of age.
 38. Private Acts of 1937, Chapter 415, removed the disability of minority and infancy from Bertha and

- Bera Gibson of Henry County, conferring upon them the right to conduct their affairs in the same manner as if they were 21 years of age.
39. Private Acts of 1937, Chapter 418, removed the disability of minority and infancy from Mary Evelyn Farrar of Henry County, conferring upon her the right to conduct her affairs in the same manner as if she were 21 years of age.
 40. Private Acts of 1937, Chapter 428, removed the disability of minority and infancy from Ralph A. Wasson of Henry County, conferring upon him the right to conduct his affairs in the same manner as if he were 21 years of age.
 41. Private Acts of 1967-68, Chapter 46, established a Port Authority for Henry County to supervise the construction, acquisition, ownership, maintenance and operation of publicly owned ports, boat docks, airports, storage, transfer, transportation, water sports and recreational facilities in Henry County. The act also provided that the Port Authority was to promote and facilitate commercial and industrial development. The Port Authority consisted of five Port Authority Commissioners, who were authorized to issue and sell bonds and borrow money for the purpose of implementing the powers and responsibilities so conferred. The act specifically sets out the numerous powers of the Commissioners. The act was not approved by the County Court and did not become effective.

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