



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

November 19, 2024

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# Administration - Historical Notes

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# Administration - Historical Notes

## **County Attorney**

The following acts once affected the appointment, election, or office of the county attorney in Dyer County.; These acts are included for historical reference only.; Also referenced below are acts which repeal prior law without providing new substantive provisions.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 13, created the office of County Attorney for Dyer County who would be appointed by the Governor to serve until September 1, 1928 when his successor, elected in the August, 1928, election, would assume the office.; The annual salary was \$600 payable in equal monthly installments out of the regular county funds.; The County Attorney was directed to transact all the county's legal business, both in and out of court, advise all county officials on legal matters, and collect delinquent taxes, except poll taxes, for which he would be paid the fees allowed by law.; This act was repealed by the one following.
2. Private Acts of 1935, Chapter 56, expressly repealed Private Acts of 1927, Chapter 31, Item One, above, in its entirety.
3. Private Acts of 1941, Chapter 175, recreated the position of County Attorney to be elected by popular vote in the August, 1942, election for four years.; This regular licensed and practicing attorney would be the solicitor of the county in all litigation and the attorney in all legal matters.; The County Attorney was required to handle all tax matters, delinquent or otherwise, paying all fees accrued under the law thereby into the county general fund and would make investigations into expenditures as requested by the County Judge, or Chairman, for which the authority to issue subpoenas and conduct hearings was conferred.; The Attorney was prohibited from compromising any litigation until the proposed compromise was approved by the County Court.; The Act named R. A. Ashley as the first County Attorney under this law with a monthly salary of \$125 and the power to employ assistants but at his own expense. This act was repealed by the Private Acts of 1972, Chapter 316.
4. Private Acts of 1972, Chapter 316, specifically repealed Private Acts of 1941, Chapter 175, Item 3, above, in its entirety.

## **County Clerk**

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

1. Private acts of 1933, Chapter 585, provided that the County Court Clerk of Dyer County (identified by the use of the 1930 Federal Census Court) would receive for his services a sum not to exceed \$3,600 per annum, payable monthly from and after September 1, 1934.; All fees allowed to and collected by the Clerk in excess of \$3,600 would be paid to the Trustee for deposit.; If the fees were collected in an amount less than \$3,600 the amount so collected would be the salary of the County Court Clerk.; This Act would not have any effect other than to reduce the clerk's salary.; Continuance in office and to perform the duties of it was an estoppel against the clerk to complain on a salary issue, and would constitute acceptance of the terms of this Act.

## **County Legislative Body**

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

1. Acts of 1823, Chapter 41, scheduled the dates on which the terms of the Quarterly Courts of several counties west of the Tennessee River would meet.; In Dyer County the Quarterly Court would convene on the second Monday in January, April, July and October.
2. Acts of 1823, Chapter 108, provided that the Dyer County Court of Pleas and Quarter Sessions would be held at the house of John Warren on the fourth Monday in December, March, June and September.
3. Acts of 1824, Chapter 53, authorized the County Courts of Weakley, Obion, Dyer, and McNairy Counties to adjourn their courts to such place as suited the convenience of a majority of the Justices, preferably to the county seat of justice if the same had been laid out and established.
4. Acts of 1824, Chapter 102, rescheduled the terms of the Quarterly Courts in several of the counties west of the Tennessee River including Dyer County where the Quarterly Court would meet on the fourth Monday in January, April, July and October.
5. Acts of 1825, Chapter 318, rearranged the opening dates for the Quarterly Courts in several

counties.; In Dyer County the court would meet on the second Monday in March, June, September and December.

6. Acts of 1826, Chapter 53, validated all the proceedings conducted by the Quarterly Court of Dyer County at a court session which was apparently not authorized but which fact was unknown to the Justices at the time the court met.
7. Acts of 1829, Chapter 20, was the enabling legislation for the County Courts of Carroll, Gibson, Dyer, Knox, Anderson, Obion and Henderson Counties, a majority of the Justices being present, on the first day of the first term in each year to select three of their own number to hold the Court for the remainder of that year under the same regulations as would apply to the whole court.; The pay for the Justices was set at \$1.50 per day for each day spent in this task, and a tax of \$1.00 on each lawsuit could be levied by the court to raise the money to pay them if need be.
8. Acts of 1829-30, Chapter 102, fixed the terms for the Quarterly Courts of Obion County and Dyer County whose Quarterly Court would hereafter meet on the third Monday in February, June, September and December.; This act was repealed by the one following.
9. Acts of 1831, Chapter 52, repealed Acts of 1829-30, Chapter 102, Section 3, above, and provided that the Quarterly Court of Dyer County would hereafter convene on the second Monday in March, June, September and December.; The proceedings of the court conducted at the March term were ratified and made legal and binding on all concerned any law to the contrary notwithstanding.
10. Acts of 1832, Chapter 21, reset the terms of the Dyer County Quarterly Court to start on the fourth Monday in March, June, September and December with the provision that all writs returnable to the former terms of court would be made returnable to the above terms.
11. Acts of 1867-68, Chapter 65, abolished the Quarterly County Courts and transferred all their functions to the Board of County Commissioners.
12. Acts of 1869-70, Chapter 49, repealed all prior acts which created Boards of County Commissioners and restored the Quarterly County Courts to their former active status.
13. Private Acts of 1955, Chapter 44, averred that in Dyer County the Justices of the Peace would be paid \$5.00 per day and five cents per mile for travel to and from home and the courthouse.
14. Private Acts of 1965, Chapter 53, amended Private Acts of 1955, Chapter 44, above, by increasing the per diem payments of the Justices of the Peace in Dyer County from \$5.00 to \$10.00.; The Act was properly ratified by the Dyer County Quarterly Court.
15. Private Acts of 1973, Chapter 24, amended Private Acts of 1955, Chapter 44, above, by increasing the per diem payments of the Justices of the Peace from \$10 to \$25 but this act was rejected by the Quarterly Court of Dyer County thus failing to become an effective law.

### **County Mayor**

The references below are of acts which once applied to the office of county judge, or county executive in Dyer 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 1856, Chapter 253, created the position of County Judge in every county, who would be elected by the people for four year terms, beginning on the first Saturday in May, 1856, and who would be commissioned and sworn as other judges were.; Quorum Courts were abolished and their responsibilities given to the County Judge who would also preside over the Quarterly Court.; The jurisdiction of the court, meeting on the first Monday in each month, was clearly outlined in the act.; The administrative powers and duties of the Judge as the accounting officer and general agent of the county were numbered and specified in Section 8.; Compensation was set at \$5.00 per day for each day spent as the Judge.; The County Judge was permitted to practice law in all courts other than the one over which he presided.; This act was repealed by Acts of 1857-58, Chapter 5.
2. Acts of 1857-58, Chapter 5, expressly repealed Acts of 1856, Chapter 253, above, restoring all Quorum Courts to their former status.
3. Private Acts of 1915, Chapter 82, created and regulated the office of County Judge for Dyer County who was required to be a person learned in the law, a licensed attorney, and who would be elected by the people for an eight year term.; The present County Chairman would be the County Judge until a successor was elected at the regular county election on the first Thursday in August, 1916, taking office on the first Monday in September, 1916.; The office of county chairman, and chairman protem, were abolished, all their functions being transferred to the County Judge.; Section 8 listed the powers and duties of the office as the accounting officer and general agent of the county and Section 9 vested concurrent jurisdiction with the Circuit and

Chancery Courts in some matters, as habeas corpus proceedings, appointment of guardians, etc.; The Judge was forbidden to practice law in other courts but would be sworn and commissioned as other judges.; The annual salary was \$1,500.; The Judge would preside over the Quarterly Court which would continue to meet on the first Monday in January, April, July, and October.; This act was repealed for all practical purposes by Private Acts of 1927, Chapter 161, which created a Probate Court for Dyer County and was construed by the Tennessee Supreme Court in Hodge v. State, 135 Tenn. 537, 188 S.W. 206 (1916).

4. Private Acts of 1917, Chapter 350, amended Private Acts of 1915, Chapter 82, Item 3, above, in Section 9, by adding a provision which granted to the County Judge the authority to ratify sale of land where the contract was entered into between parties who were under some sort of disability in the same manner as the Chancery Court could ratify them, and the power to assess fines and impose other penalties in misdemeanor cases in which the defendant entered a guilty plea.; A proper docket of such cases would be kept and the costs taxed as they would be in appearances before a Justice of the Peace Court.
5. Private Acts of 1919, Chapter 683, amended Private Acts of 1915, Chapter 82, Item 3, above, in line 2 of Section 14, by reducing the annual salary of the County Judge from \$1,500 to \$900.
6. Private Acts of 1919, Chapter 638, amended Section 7, Private Acts of 1917, Chapter 350, Item 4, above, by adding a provision after the phrase "the costs shall be taxed as in trials before Justices of the Peace" the words "and without the imposition of the State tax, County tax, or fee for the Attorney General."
7. Private Acts of 1927, Chapter 161, repealed Private Acts of 1915, Chapter 82, Item 3, above, as it was amended, and created a Probate Court for Dyer County.; This Act, except for Section 18 which repealed Private Acts of 1915, Chapter 82, was in turn repealed by Private Acts of 1947, Chapter 612.; (The County Chairman was among those whose jurisdiction was preserved by Chapter 161, above).
8. Private Acts of 1937, Chapter 713, stated that in Dyer County (identified by the 1930 Federal Census figures) the Chairman of the County Court would be allowed and paid \$150 per month on the last day of each calendar month on the warrant of the County Judge, or Chairman, countersigned by the County Court Clerk.
9. Private Acts of 1941, Chapter 273, made the County Judge, or Chairman, the Purchasing Agent of the County with the sole power and authority to purchase all articles needed and requested in every government department of Dyer County.
10. Private Acts of 1943, Chapter 366, fixed the term of the Chairman of the County Court of Dyer County at two years from the date of his election being applicable initially to that person elected by the Quarterly Court at its January, 1944, meeting.
11. Private Acts of 1984, Chapter 180, gave the County Executive the additional duties of serving as the County's ex officio purchasing agent.; The County Executive was given the authority; to contract for and purchase all materials, to arrange for the purchase or rental of any real estate, and to receive and approve bids for the road department.; This act also repealed the Private Acts of 1941, Chapter 350 and any amendatory acts associated with it.; Private Acts of 1984, Chapter 180 was expressly repealed by the Private Acts of 1987, Chapter 101.

### **County Register**

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

1. Acts of 1851-52, Chapter 119, consolidated the Register's Office with the office of the Entry Taker in all counties south and west of the Congressional Reservation line except those counties which declared themselves to be exempt in Section 6 whose number did not include Dyer County.; The Register's Office assumed all the duties of the Entry Taker plus a few more added by this act.; Entry takers were required to forward to the Register all plats, maps, documents, and records in their possession.; The Register was allowed to charge the same fees for his services as the Entry Taker had been charging.; This act repealed as applied to Dyer County by the one following.
2. Acts of 1853-54, Chapter 148, expressly repealed Acts of 1851-52, Chapter 119, above, as the act had application to Dyer County.; Section 2 stated that the present Register of Dyer County would continue to act as the Entry Taker until the first Monday in April next, at which time the County Court of Dyer County would elect an Entry Taker for the County who would exercise the power and perform the duties of that office from that time as prescribed by law.
3. Acts of 1868-69, Chapter 40, again consolidated the two offices of Register and Entry Taker into the Register's Office of Dyer County.; The Register was directed to assume and perform all the

duties of the Entry Taker.; All papers and records would hereafter be kept at the county seat where a proper and complete Index would be made and kept current.; The Quarterly Court of Dyer County was made accountable for the enforcement of this act.

4. ;Private Acts of 1933, Chapter 653, fixed the annual compensation of the Dyer County Register at \$3,600, payable monthly, provided the Register file a sworn, itemized statement with the County Judge, or Chairman, showing all the fees collected in that office the preceding year.; If the fees did not equal the salary above, the amount collected would be the salary of the Register, but, if the fees exceeded the salary, the Register must pay over the excess to the Trustee.; Acceptance of the office and performance of the duties would constitute an estoppel to proceed on any issue of compensation.

### **County Trustee**

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

1. Private Acts of 1933, Chapter 586, established the annual salary of the Trustee of Dyer County at \$3,600 payable in equal monthly installments after September 1, 1934.; All fees collected over the amount of the salary must be paid to the Trustee for deposit in the county funds.; if the fees collected were less than the salary above, the amount collected would be the salary of the Trustee.; Acceptance of the position and performance of the duties would work an estoppel against the Trustee on the issue of compensation.; This Act was not intended to affect any phase of the operation of the Trustee's office, only to set the salary at the above figure.

### **Obion and Forked Deer River - Flood Control and Drainage Improvements**

The following acts, which were not codified, once affected flood control and drainage improvements in the Obion and Forked Deer River basin, and are included herein for historical purposes.

1. Public Acts of 1972, Chapter 807, added a new section to Public Acts of 1959, Chapter 129, providing the department of agriculture with concurrent authority and responsibility for maintenance of completed channel improvements for the Obion and Forked Deer Rivers.; This act was repealed twice, first by Public Acts of 1973, Chapter 38, and again when the 1973 act was repealed by Public Acts of;1974, Chapter 415.
2. Public Acts of 1973, Chapter 38, amended Public Acts of 1959, Chapter 129, and Public Acts of 1963, Chapter 149, to transfer the authority and responsibility for the flood control and drainage improvements for the Obion and Forked Deer Rivers from the department of highways and public works to the department of agriculture.; This act was repealed by Public Acts of 1974, Chapter 415.

### **Purchasing**

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

1. Private Acts of 1974, Chapter 350, amended Private Acts of 1941, Chapter 273, by rewriting the first sentence of the second paragraph in Section One to increase the amount of purchases without advertising for bids from \$100 to \$500. Private Acts of 1941, Chapter 273 was repealed by the Private Acts of 1984, Chapter 180.
2. Private Acts of 1984, Chapter 180, gave the County Executive the additional duties of serving as the County's ex officio purchasing agent.; The County Executive was given the authority; to contract for and purchase all materials, to arrange for the purchase or rental of any real estate, and to receive and approve bids for the road department.; This act also repealed the Private Acts of 1941, Chapter 350 and any amendatory acts associated with it.; Private Acts of 1984, Chapter 180 was expressly repealed by the Private Acts of 1987, Chapter 101.
3. Private Acts of 1987, Chapter 101, specifically repeals Chapter 273 of the Private Acts of 1941, as well as the Private Acts of 1984, Chapter 180.

### **General Reference**

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

1. Acts of 1823, Chapter 206, appointed Abram Maury, William Hall, James Fentress, and Benjamin Reynolds, as Commissioners, to fix on a site for the permanent seat of justice in Weakley, Gibson, McNairy, Dyer, Hardeman, Obion, Trenton, and Haywood Counties.; Having due regard for water's availability and the central point of the county.; The Commissioners had the authority to procure 50 acres at the site selected.; They would be entitled to and paid \$4.00 for each day spent in this service which amount must be paid by the county benefitted.

2. Acts of 1824, Chapter 32, amended Acts of 1823, Chapter 206, so as to replace Abram Maury and William Hall, who declined to serve as Commissioners to select the respective county seats of the counties mentioned, with Robert Jetton who would join those remaining Commissioners in the execution of their responsibilities.
3. Acts of 1824, Chapter 132, authorized the commissioners named in the Act to lay out Brownsville in Haywood County.; Section 3 extended the same power and authority to those Commissioners named to establish the seat of justice in the Counties of Gibson, Dyer, Hardeman, Tipton, Fayette, Weakley, Obion, and McNairy.; The name of the county seat in Dyer County would be Dyersburgh.
4. Acts of 1826, Chapter 45, named Adam Huntsman, Moses Woodbine, Samuel Dickens, and John F. Brown, all of Madison County.; Blackman Coleman and Daniel Cherry, both of Haywood County; and John P. Byrne, of Dyer County, as Commissioners of Navigation to draft a plan to carry out the provisions of this act which were calculated to improve the navigation of the Forked Deer River.
5. Acts of 1827, Chapter 12, organized the Western District of the Treasury Department of Tennessee which was composed of the counties of Shelby, Fayette, Hardeman, McNairy, Hardin, Perry, Henderson, Carroll, Henry, Weakley, Obion, Dyer, Tipton, Haywood, Madison, and Gibson.; The Treasurer of the District would be appointed by the joint ballot of the General Assembly and hold his office in Jackson in Madison County.; The Sheriffs and all the other collectors of revenue and taxes were required to deposit their collections at Jackson rather than to bring them all the way to Nashville.
6. Acts of 1831, Chapter 44, was the legislative authority for the counties of the State acting through the county courts at their first meeting on the first day to select three of their number to compose a Board of Internal Improvement serving for one year from the appointment date.; They would be sworn and bonded, elect a President and a Secretary, and would supervise the expenditure of the funds allocated to their particular county for internal improvements such as roads, rivers, and levees, and to promulgate rules and regulations for their own operations.
7. Acts of 1832, Chapter 14, made it lawful for the County Courts of Henry, Carroll, Gibson, Weakley, Dyer, and Obion to proceed to elect Boards of Internal Improvement in their counties in conformity with the same regulations imposed on other counties in this regard.; The cashier of the bank was directed to pay over to each Board the prorated share of that particular county.
8. Acts of 1832, Chapter 131, was the legal authority for Ellen Hilyer, a free woman of color, to purchase her husband, Jacob, a slave, and to emancipate him after the said purchase, provided that Jacob would be under the same rules and regulations as were other free persons of color and further, that bond be made with the Chairman of the County Court by Jacob that he would behave himself and not become a public charge.
9. Acts of 1835-36, Chapter 11, permitted the County Court of each county to elect two Notaries Public except in Davidson County wherein three would be elected, all for four year terms after the Notaries were sworn and bonded.; The Notaries were required to furnish their own seals.
10. Acts of 1835-36, Chapter 139, incorporated the City of Dyersburg under the name and style of the Mayor and Aldermen of Dyersburg.; The Mayor and Aldermen would have and exercise all the power and authority heretofore granted to Trenton in Gibson County.
11. Acts of 1839-40, Chapter 132, made it legal for the Commissioners of the town of Dyersburg to lay off the commons of the said town into lots and to sell the same if the best interests of the town and the county required the same to be done.; Alleys could be closed out and sold if those who owned lots adjacent to the alley agreed to do so in writing.
12. Acts of 1842 (Ex. Sess.), Chapter 4, named John C. Gillespie, and William Moore, of Gibson County, Samuel Lancaster, and James S. Lyon, both of Madison County; and Isaac Sampson, of Dyer County, as Commissioners to superintend the improvement of the navigation of the Forked Deer River.
13. Acts of 1847-48, Chapter 211, declared it the duty of the Surveyors of Dyer and Obion Counties to run and mark all the range and section lines in their respective counties which have not heretofore been run and marked for which services they would be paid such fees as were authorized by law.; The Entry Takers of these counties were named to pay the fees if they had sufficient funds in their possession to do so.; If they did not, the county was obligated to pay.
14. Acts of 1849-50, Chapter 55, incorporated Dyersburg under the Mayor-Alderman form of government under the same restrictions and powers conferred upon Linden in Perry County.; A general description of the area included in the town was included in this act.
15. Acts of 1853-54, Chapter 323, allowed the Counties of Tipton, Dyer, Stewart, and Obion to

- subscribe to stock in the Great Central North and South Railroad Company, and to issue their bonds to pay for the same under the terms and conditions found in this Act.
16. Acts of 1867-68, Chapter 65, established a three member Board of County Commissioners in Madison County who would be appointed by the Governor to serve staggered terms to begin with or until their successors were elected.; The Commissioners would be sworn and bonded and would fill any vacancy which occurred.; The Board would meet four times annually on the same dates set up for the meetings of the Quarterly Court.; The County Court Clerk would be the Recorder for the meetings.; All the powers and duties of the Quarterly Court were transferred with some specific grants of power added.; All the Magistrates were relieved of their duties which were also vested in the Commissioners.; Quorum Courts were abolished, too, by this act.; The Chairman would be paid \$500 annually and the other members would get \$400 a year.; Section 13 of this act extended all its terms and provisions to apply to Dyer County as fully as if written separately.; This act was repealed by the Acts of 1869-70, Chapter 6.
  17. Acts of 1869-70, Chapter 6, repealed all Sections of the Acts of 1868-69, Chapter 65, which created a Board of County Commissioners, as the same was applicable to Sumner and Dyer Counties.
  18. Acts of 1869-70, Chapter 49, specifically repealed all acts which created Boards of County Commissioners in all counties and restored all acts which were either expressly or impliedly repealed by such acts.
  19. Acts of 1869-70, Chapter 119, repealed all laws creating a Board of County Commissioners for Madison County, and Section 2 again repealed all the laws creating the Boards for all the counties.
  20. Acts of 1897, Chapter 124, fixed the annual salaries for all the county officials in the State according to their classification by population of the county in which they served.; They were deprived of all fees which were to be paid to the county and would henceforth be compensated only by salary.; The salary of the office holder and deputies would be limited by the amount of fees collected and reported to the Judge, or Chairman, in a sworn and itemized account.; (Although this act was declared unconstitutional in Weaver v. Davidson County, 104 Tenn. 315, 59 S.W. 1105, (1900), this act, plus features from some others, formed the basis upon which the current salary laws were predicated.)
  21. Private Acts of 1929, Chapter 245, was the legislative authority for the Dyer County Quarterly Court to appropriate annually a sum of money not to exceed the amount collected from a special tax levy of one cent which would be used for the aid and support of the poor, indigent, dependent, insane and feeble minded, the expenditures to be made by the Dyer County Red Cross Chapter.; If sufficient funds were available the tax levy would not be made, but, if there were not sufficient funds available, the Chairman of the County Court was allowed to borrow them.
  22. Private Acts of 1929, Chapter 266, recited in the preamble that public spirited citizens had made donations, that the Kraft Cheese Company desired to build a cheese factory, and that the opinion of the Quarterly Court, expressed in a Resolution, was that the best interest of the county would be served thereby, this act allowed the Dyer County Quarterly Court to appropriate and give \$2,000 to the West Tennessee Dairy Association, as recorded in the Resolution, which sum would be used in the construction of the said cheese plant in Dyer County.
  23. Private Acts of 1933, Chapter 668, was the authority for the Quarterly Court of Dyer County, in their discretion, to create a sinking fund into which they could pay all of the delinquent taxes collected and owing for the years 1920-1934, inclusive, which were levied for any and all purposes.; The court could by Resolution retire any of the county's outstanding obligations from this fund and make arrangements to accept as payment for delinquent taxes incurred during those years outstanding bonds, past due interest coupons, or warrants heretofore issued by the county.
  24. Private Acts of 1935, Chapter 310, removed the disabilities of infancy from Laverne Barker, of Dyer County, who, from now on, could conduct herself as an adult.
  25. Private Acts of 1935, Chapter 748, amended Private Acts of 1933, Chapter 668, Item 23, above, by changing the years for which the delinquent taxes were to be considered from 1920-1931 to 1920-1934.; No other changes occurred.
  26. Private Acts of 1982, Chapter 338, approved at the local level on May 18, 1982, amended Private Acts of 1901, Chapter 450, the City Charter of Newbern, to make the Vice-Mayor instead of the Recorder, the person to act when the Mayor was incapacitated.
  27. Private Acts of 1982, Chapter 364, amended Private Acts of 1903, Chapter 410, the Charter of the City of Dyersburg, in several Sections concerning the Mayor and Aldermen, the aldermanic



districts, and the elections of various city officials.; This act was made effective by local approval on May 17, 1982.

28. Private Acts of 1982, Chapter 370, authorized the levy of a hotel-motel type of tax in the City of Dyersburg in the amount of 1.25% of the amount of 1.25% of the amount for the consideration of occupancy of accommodations of that type in the City.; The mechanics of collection of and distribution of the funds are included.; This act was also approved in Dyersburg on May 17, 1982.

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