



March 14, 2025

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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,

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# Administration - Historical Notes

## **County Clerk**

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

1. Acts of 1829, Chapter 100, stated in the preamble that Henry M. Johnson, deceased, owed the Bank Agency of Fayette County, having been found to be in default in the approximate amount of \$521.25, as the agent of the said Bank, and it appeared further that there was a deficiency of about \$600 which the said Johnson collected in his lifetime as the Clerk of the County Court and collector for the County, and Sarah L. Johnson, widow of the said Henry M. Johnson desired to pay the same as the Administratrix of Johnson's estate. This Act permitted the widow to pay the above amounts in equal annual installments provided good and sufficient bond is first given.
2. Private Acts of 1919, Chapter 274, declared that all females, married or single, over the age of 21, and residents of the county appointing them, were eligible to serve as deputies in the office of the County Court Clerk in the several counties named in the Act, including Fayette.
3. Private Acts of 1919, Chapter 678, stated that women over the age of 21 would be allowed to serve as deputies in the office of the Clerks of all the Courts in Fayette County, with all the rights privileges, powers, and obligations of all other deputy clerks.

## **County Legislative Body**

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

1. Acts of 1824, Chapter 36, provided that the Court of Pleas and Quarter Sessions for the newly formed county of Fayette would meet at the home of Robert G. Thornton, until otherwise provided for by law, on the first Monday in December, March, June, and September.
2. Acts of 1824, Chapter 102, re-scheduled the terms of the County Courts in several of the counties, including Fayette County, whose Quarterly Court would meet in the future on the second Monday in February, May, August, and November.
3. Acts of 1825, Chapter 318, rearranged the opening dates for the terms of the Courts of Pleas and Quarter Sessions in several of the western state counties. Fayette County would convene Court on the second Monday in January, April, July, and October.
4. Acts of 1827, Chapter 44, was the authority for the County Courts of Haywood, Fayette, Tipton, Shelby, and Madison Counties, a majority of the Justices being present, on the first day of the first term of the year, to select three Justices from their own body to hold their county courts for the remainder of the year with the same powers in civil and criminal cases as the regular court may have, and with the power also to select another Justice if one chosen should fail to perform or be absent due to illness.
5. Acts of 1829-30, Chapter 15, reinvested Justices of the Peace with the duties incidental to them as members of the Quarterly County Court, which had been previously taken away from them and given to Boards of County Commissioners.
6. Acts of 1832, Chapter 67, permitted the County Court of Fayette County to dismiss a suit if judgment had not been given and to release the judgment if it had been given, against Hugh C. Crozier, and others, who were bail for a Mr. Mussellmann, convicted of showing tricks without a license.
7. Acts of 1835-36, Chapter 6, permitted every county to organize a court which would meet on the first Monday in every month at the Court House situated in the county seat. A great portion of the jurisdiction formerly exercised by the County Courts in civil and criminal matters were transferred to the Circuit Courts meeting in the County, including all jury trials which might arise during the administration of estates.
8. Acts of 1835-36, Chapter 17, defined the jurisdiction of the Courts conducted by Justices of the Peace, pursuant to the 1835 Constitution, placing some limitations upon them which they did not formerly have, setting up rules of procedure, and establishing a schedule of fees which the Justices could charge. Forms for some of the bonds used in the Courts and for some of the written pleas found in the practice before the tribunals were included in the Act. The whole range of activities permitted to take place in the Justice's Courts were generally covered by this law.
9. Acts of 1835-36, Chapter 74, was the enabling legislation for the County Court of Fayette County

to appropriate any money in the County treasury not otherwise appropriated, for the satisfaction of any claim which an individual may have against the County for work done under contracts made with the Internal Improvement Board of the county. The Justices would judge the validity of all claims before they were paid and could require any quantum of proof to be submitted they may considered necessary.

10. Acts of 1870, Chapter 48, stated that the Act passed on November 11, 1869, Chapter 15, which re-established the Quarterly Court of Fayette County and the Quorum Court, was hereby re-enacted and Acts of 1869-70, Chapter 49, which repealed the said Act, was repealed as the same applied to Fayette County.
11. Acts of 1871, Chapter 21, stated that an additional Justice of the Peace would be elected by the qualified voters within the limits of the town of Lagrange in Fayette County, who would have their office in said city, and the town Constable was authorized and directed to hold the election and to tally and certify the vote count to the Governor who would issue a Commission to the person elected.
12. Acts of 1889, Chapter 190, rescheduled the starting dates of the terms of the Quarterly Court in Fayette County from the first Monday in January, April, July, and October to the first Tuesday in the very same months.
13. Private Acts of 1929, Chapter 99, stated that in Fayette County the Justices of the Peace would be entitled to receive as compensation for their services the sum of \$3.00 per day for each day of attendance at any regular or special session of the Quarterly Court of the said County, and, in addition, shall be paid all such mileage, ferrriage, and tolls as allowed by law.
14. Private Acts of 1931, Chapter 212, made Justices of the Peace ineligible to serve in Fayette County as a member of the County Highway Commission, Road Superintendent, or to do any other work in connection with the management, control, or working of the highways where the compensation was fixed by the County Court, but this Act shall not legislate anyone out of office on the Highway Commission. Vacancies occurring would be filled by the Chairman of the County Court until the first Monday in April, 1931, and until their successors were elected and qualified.
15. Private Acts of 1957, Chapter 137, fixed the compensation of the Justices of the Peace in Fayette County, identified by the use of the 1950 Federal Census figures, at \$5.00 per day for each day spent at regular and extraordinary meetings of the Quarterly County Court.
16. Private Acts of 1965, Chapter 190, was rejected and disapproved by the Fayette County Quarterly Court and never became an effective law. The Act provided that, beginning with the general August election in 1966, an additional Justice of the Peace would be elected in every incorporated municipality who would be in addition to the number presently elected. They would take office and hold terms as other Justices of the Peace.
17. Private Acts of 1967, Chapter 484, amended Private Acts of 1967, Chapter 357, Section 3, by reducing the requirement for publishing proposed new ordinances from two newspapers to one newspaper.

### **County Mayor**

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

1. Acts of 1856, Chapter 253, created the position of County Judge for every county in the State, who would be a person learned in the law and hold his office for a term of four years after being elected by the popular vote of the people in the County. The Quorum Courts of the counties were abolished and their responsibilities where assigned to the Judge provided herein who would also attend to the duties of the County Chairman. All the jurisdiction of the County was enunciated in Section 6 and the Clerk was assigned to wait upon the County. The Judge would also fulfill the positions of accounting officer and general agent of the county and his responsibilities with reference to those two positions were outlined in the Act. Proper dockets and records would be kept and the Judge could practice law in every Court except his own.
2. Acts of 1857-58, Chapter 5, repealed Acts of 1856, Chapter 253, and restored the Quorum Court and the County Chairman to their former positions.
3. Acts of 1867-68, Chapter 30, created the office of County Judge in Perry, Decatur, Cheatham, and Lauderdale Counties and in Section 14 extended the provisions of the Act to Fayette County.

### **County Register**

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

1. Private Acts of 1915, Chapter 226, allowed the Registers of Fayette County to appoint women over the age of 21 as Deputy Registers and gave the women the power and authority to serve.
2. Private Acts of 1919, Chapter 274, made all women, married or single, over 21 years of age, and a resident of the county appointing them, eligible for appointment as a Deputy Register in the Register's Office of the several counties named in the Act, Fayette County being among them.

### **County Trustee**

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

1. Private Acts of 1917, Chapter 778, amended Public Acts of 1911, Chapter 46, to provide that the County Trustee in Fayette County, identified by the use of the 1910 Federal Census figures, who was charged with the collection of State and County revenues, taxes, funds, and moneys, shall at the time of the qualification enter into a bond, with approved sureties, payable to the State of Tennessee, in the amount of \$50,000 conditioned upon the proper collection and accurate accounting by him of all moneys mentioned above. Section 8-11-103, Tennessee Code Annotated, now regulates the bond for County Trustees.
2. Private Acts of 1919, Chapter 274, made all females, married, or single, over the age of 21 and residents of the county appointing them, eligible for appointment as a Deputy County Trustee in Weakley, Rutherford, Montgomery, Greene, Giles, and Fayette Counties.

### **Levee and Drainage Districts**

The following act once affected Fayette County, but is no longer operative.

1. Private Acts of 1923, Chapter 385, amended Private Acts of 1909, Chapter 185, Section 40, by adding the Wolf River, its bottom lands and tributaries to Reelfoot Lake as exceptions to the provisions of this law.

### **General Reference**

The following private or local acts constitute part of the administrative and political history of Fayette County but are today no longer operative because they have either been superseded, repealed, or failed to receive local approval.

1. Acts of 1824, Chapter 132, stated that the Commissioners, when appointed by the County Courts of Gibson, Dyer, Hardeman, Tipton, Fayette, Weakley, Obion, and McNairy Counties, lay off and sell the lots in the seats of justice for those counties, shall have, exercise, and possess all the powers extended by this act to the Commissioners designated for the city of Brownsville. Section 4 of this act named the county seats for the above counties specifying that the county seat in Fayette County would be called Somerville.
2. Acts of 1827, Chapter 12, set up a Treasury Department for the Western District of the State taking in the counties of Shelby, Fayette, Hardeman, McNairy, Hardin, Perry, Henderson, Carroll, Henry, Weakley, Obion, Dyer, Tipton, Haywood, Madison, and Gibson. A treasurer would be appointed for the agency by the joint ballot of both Houses of the General Assembly, who would operate under the same rules and be paid the same compensation as others in the State. The office would be located at Jackson in Madison County and the Sheriffs, Collectors, and other county officials would pay the money due the State at this office rather than at Nashville.
3. Acts of 1829, Chapter 158, appointed Joseph Cotton, Robert Cotton, F. Titus, Daniel Johnson, D. Jarnigan, Samuel Harper, and Charles Micky, as managers to raise \$7,500 by lottery scheme which would be used in cleaning out obstructions from the Wolf River but, before they could enter upon the plan, a bond of \$20,000 was required to be made.
4. Acts of 1831, Chapter 85, declared that all the deeds signed by Daniel Johnson as one of the Commissioners and Secretary to the Board appointed by law to dispose of the public lots in the town of Somerville in Fayette County which have been proved and registered, as required by law, are good and valid conveyances and are acceptable as proof in any court in the same way as if they were signed by all the Commissioners.
5. Acts of 1833, Chapter 34, opened the Planters Bank of Tennessee with an authorized capital stock of two Million Dollars, authorizing the Bank to establish branches in several Tennessee cities where stock would be sold and registered. In Somerville, John Brown, William S. Gray, H. A. Parker, Asbury Crenshaw, and John Cooper would supervise the affairs of the Bank.
6. Acts of 1833, Chapter 54, established the Farmers and Merchants Bank of Memphis with a capital stock allowed which would not exceed \$600,000, divided into \$100 shares. Banks for the subscription of stock were to be opened in several cities listed in the Act. At Somerville those

- named to supervise the Bank's business were Benjamin F. Gray, George Smith, John Cooper, William Davis, and Solomon Duty. At Lagrange, George F. Thompson, John Anderson, James Ruffin, Samuel B. Harper, and John M. Moss.
7. Acts of 1833, Chapter 55, was the authority for the Commissioners of navigation for the Wolf River to draw out of the Internal Improvements funds of Fayette County an amount sufficient to enable them to pay off the balance due to contractors who have satisfactorily completed their work on that project, provided that the Internal Improvement funds had not been otherwise appropriated. Records were to be kept of all transactions involving these funds.
  8. Acts of 1833, Chapter 180, was the legal authority for Edmund W. Tipton, the Surveyor of the 11th Surveyor's District, to maintain and keep the land office in his home in Fayette County.
  9. Acts of 1837-38, Chapter 7, made it the duty and responsibility of the Surveyors of Hardin, McNairy, Hardeman, and Fayette Counties, to extend the southern boundary of their respective counties to the line recently run by the Commissioners of the State acting under the authority of Acts of 1833, Chapter 46.
  10. Acts of 1841-42, Chapter 159, stated that the last Notary Public elected by the County Court of Fayette County was required to keep his office in the town of Lagrange and it was the duty of the County Court, whenever a vacancy should occur, to fill the same, immediately and to assign one Notary Public to Lagrange and the other to Somerville.
  11. Acts of 1847-48, Chapter 38, directed the Comptroller of the State of Tennessee to issue his warrant to the estate of Matthew Woodson, of Fayette County, for \$47.94, which was the amount paid by the said Matthew Woodson, while yet alive, to the Entry Taker of Fayette County for 383.5 acres of land which Entry was later declared to be void.
  12. Acts of 1867-68, Chapter 99, made Public Acts of 1867-68, Chapter 65, Page 80, applicable to Fayette County, setting aside all laws which conflicted with it and fixing the annual compensation of the President of the Board of County Commissioners at \$500 and of the members of the Commission at \$300. The above cited act created a three member Board of County Commissioners in Madison County, who would be residents of the county for at least one year, who would serve a three year term, and the first members were to be appointed by the Governor. Vacancies on the Commission would be filled by the remaining members of the Board for the unexpired portion of the term. The Commissioners must be sworn and make bond for \$2,000.00. They would hold four regular sessions each year at the times established for the Quarterly County Court, all of whose powers and duties were taken from the court and vested in the Commission. In addition, the Commissioners were given certain specific powers enumerated in the act. All the Magistrates were likewise relieved of all their responsibilities as members of the County Court. This Act was repealed by Acts of 1869-70, Chapter 15.
  13. Acts of 1868-69, Chapter 18, incorporated Whitfield Boyd, J. J. Holloway, John H. Key, William C. Trent, Joseph A. Hill, J. J. Pulliam, Joel L. Pulliam, and their associates, as a body corporate and politic to be called the "Somerville Bank."
  14. Acts of 1869-70, Chapter 15, repealed Acts of 1867-68, Chapter 99, Section 26, which in effect established a Board of County Commissioners for Fayette County. The Magistrates and the County Court were restored to their former positions and status.
  15. Acts of 1869-70, Chapter 49, repealed all laws creating Boards of County Commissioners in Tennessee and those laws which were expressly or impliedly repealed by them were revived, restored, and reenacted to their full force and effect as formerly possessed by them.
  16. Acts of 1875, Chapter 48, empowered the County Court of Fayette County at its meeting in April, 1875, or at any term thereafter, to elect a Notary Public for the 6th Civil District of the County.
  17. Acts of 1897, Chapter 124, set up an annual salary schedule for all the county officials, except County Judges, which was based on the population of the county in which the official served, depriving them of all their fees, commissions, emoluments, and prerequisites, and requiring them to file a sworn, itemized statement each month with the County Judge, or Chairman, of the Collections taking place in the particular office. This Act was declared unconstitutional in Weaver v. Davidson County (1900), 104 Tenn. 315, 59 S.W. 1105, but this one and some which followed have evolved into the current salary statutes under which the State and county officials now operate.
  18. Private Acts of 1909, Chapter 22, was enabling legislation for the Worshipful Master, and the other officers, of the Macon Lodge #120, Free and Accepted Masons, in Fayette County, Tennessee, to sell at public auction in Macon, to the highest and best bidder for cash, all the grounds and buildings belonging to the Lodge. The proceeds of the sale would first be applied to

the amount the Lodge had spent on the College, the Lodge building, and the grounds, and the remainder would be divided equally between the Lodge and the free public school in Macon.

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