



December 20, 2024

Perry

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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

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

Sincerely,

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

| | |
|--|-----------|
| Perry | 4 |
| Chapter I - Administration | 5 |
| Budget System | 5 |
| Audit System | 5 |
| Private Acts of 1927 Chapter 505 | 5 |
| Auditor | 6 |
| Private Acts of 1927 Chapter 646 | 6 |
| Board of Revenue Commissioners | 7 |
| Private Acts of 1929 Chapter 614 | 7 |
| Financial Management | 8 |
| Pay and Salary Policy | 8 |
| Private Acts of 2018 Chapter 40 | 8 |
| Administration - Historical Notes | 10 |
| Chapter II - Animals and Fish | 14 |
| Animals and Fish - Historical Notes | 14 |
| Chapter III - Bond Issues | 15 |
| Bond Issues - Historical Notes | 15 |
| Chapter IV - Boundaries | 16 |
| Creation of the County | 16 |
| Acts of 1819 Chapter 107 | 16 |
| Change of Boundary Lines | 17 |
| Private Acts of 1821 Chapter 202 | 17 |
| Acts of 1823 Chapter 137 | 18 |
| Private Acts of 1909 Chapter 441 | 18 |
| Acts of 1845-46 Chapter 7 | 19 |
| Acts of 1845-46 Chapter 62 | 21 |
| Acts of 1847-48 Chapter 15 | 22 |
| Acts of 1851-52 Chapter 189 | 22 |
| Acts of 1851-52 Chapter 220 | 23 |
| Acts of 1853-54 Chapter 138 | 23 |
| Acts of 1855-56 Chapter 159 | 23 |
| Acts of 1909 Chapter 441 | 23 |
| Acts of 1945-46 Chapter 7 | 24 |
| Boundaries - Historical Notes | 25 |
| Chapter V - Court System | 26 |
| Circuit Court | 26 |
| Circuit Court Clerk | 26 |
| Private Acts of 1996 Chapter 134 | 26 |
| Court System - Historical Notes | 27 |
| Chapter VI - Education/Schools | 33 |
| Education/Schools - Historical Notes | 33 |
| Chapter VII - Elections | 36 |
| Districts - Reapportionment | 36 |
| Acts of 1903 Chapter 283 | 36 |
| Elections - Historical Notes | 37 |
| Chapter VIII - Health | 38 |
| Chapter IX - Highways and Roads | 38 |
| Road Law | 38 |
| Private Acts of 1977 Chapter 18 | 38 |
| Highways and Roads - Historical Notes | 39 |
| Chapter X - Law Enforcement | 42 |
| Law Enforcement - Historical Notes | 42 |
| Chapter XI - Taxation | 42 |

Table of Contents

| | |
|---|------------|
| Hotel/Motel Tax | .42 |
| Private Acts of 2002 Chapter 133 | .42 |
| Litigation Tax | .44 |
| Private Acts of 1980 Chapter 191 | .44 |
| Severance Tax | .45 |
| Private Acts of 1980 Chapter 207 | .45 |
| Taxation - Historical Notes | .46 |

Perry



Perry County Courthouse

Revised and Edited By: Steve Lobertini, Legal Consultant and Stephany A. Skaggs, Administrative Assistant, 1995

Updated By: Elaine Turner, Paralegal, 2008

Chapter I - Administration

Budget System

Audit System

Private Acts of 1927 Chapter 505

SECTION 1. That it shall be the duty of the County Judge or Chairman of the County Courts in counties of this State having a population of not more than 7,800 nor less than 7,765, according to the Federal Census of 1920 or any subsequent Federal Census, to have made, not less than every two years, and oftener, if sufficient cause should arise, an audit, by competent auditors or certified public accountants, of the books and records of all County Officials, who handle, in any way, any County revenue, boards or commissions, including the County Judge or Chairman of the County Court, the County Court Clerk, Sheriff, County Trustee, Circuit Court Clerk, Clerk and Master, Superintendent of Public Instruction, County Board of Education, Special School Districts, Drainage Districts, Road Commissioners, Bridge and Levee Supervisor, Justices of the Peace, all other officials, boards or commissions, who handle any County revenue of counties coming within the provisions of this Act. Whenever the term of office of any County official expires, he, she or they shall be checked out and a full settlement be made with the counties herein affected, before the new officials shall take the oath of office and such audit and settlement as shown shall be certified to the County Judge or Chairman.

SECTION 2. That it shall be the duty of the County Judge or Chairman of the County Courts of the counties herein affected to have such audit or audits made before the qualification date of any new official, it being the legislative intent of this Act, that no retiring official shall leave office without a final audit and settlement as herein is provided and that not any new official enter upon the duties of office until he, she or they be properly checked in and for the carrying out of this provision, any such retiring or new official shall give of such of his, her or their time, without compensation more than is paid such retiring official, as may be necessary for a proper functioning of this Section, that retiring officials make proper settlement and new and incoming officials have full knowledge of condition of offices assumed. Such County Judge or County Chairman, in order to have such audit or audits made as is herein required, shall appoint a committee of three members from the County Quarterly Courts of such counties as come within the provisions of this Act, who with the County Judge or Chairman of such Court or Courts, shall compose the committee to have charge and control of such audit or audits, as such County Judge or Chairman may order. This committee shall first organize and they shall then have the power to make rules and regulations, to govern such audit or audits and is by this Act empowered to contract with auditors or certified accountants, by bids or otherwise; if bidding is used, such committee is given the right to reject any and all bids; they are by this Act given authority to summon witnesses to appear before them and such auditors or accountants; to question such witnesses and any person failing or refusing to obey any such subpoena to appear and who fails or refuses to testify when called upon by such committee shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$10.00 nor more than \$25.00, and each time such party or parties refuse to answer any subpoena to appear and testify or refuses to give testimony by the answering of any question or the production of any record, book, file or paper, as may be demanded, each such refusal shall under this Act, constitute a separate offense. The cost of such audit or audits shall be paid out of the funds of the County, upon warrant drawn by the County Judge or Chairman, when such committee as may have charge of such audit or audits certifies to the County Judge or Chairman the completion of such audit.

SECTION 3. That it shall be the duty of such committee as mentioned in Section 2 of this Act, when the audit is completed to make a report, which shall include the findings of the auditors or accountants, to the Quarterly Court, either at a regular or called session of such Court, for such Court's consideration and action and such report shall be made a part of the record of such Court in such manner as the membership thereof may prescribe.

SECTION 4. That any official, board or commission of any county herein affected, who fails or refuses to deliver to such committee as named in Section 2 hereof, auditors, agents or attorneys of such committee or auditors, any record, file, book or paper, as maybe required of them, being in their possession, having been in their possession or that come into their possession during such time as such audit may be in progress, or who attempts, in any way to interfere with, block in any manner a full and fair investigation and audit of his, her or their office, records, books, files, shall be deemed guilty of a misdemeanor and upon conviction be fined not less than \$10.00 nor more than \$50.00 for each offense.

SECTION 5. That any settlement by the paying into the County Treasury of any money, by any official, board or commission, so audited and who may be found indebted to any county or counties as may be affected by the Act, is to be the final of such Act, that is to say, no such official, commission or board, shall have any right to make any demand for the return of such money paid by them, or to enter suit in any court, or allow same to be entered by agent or attorney for the recovery of any such money as may have been paid, or produce any paper, file, receipt, book, record of any kind and claim a refund or payment back of any such money paid as herein set out, that was not produced during the course of such audit; and by the payment of such money is estopped from asking, suing or making any effort for the return of any sum for which he, she or they have already paid and for which proper credit has been given by such auditors or accountants.

SECTION 6. That it shall be the duty of such County Judge or Chairman to have a condensed report of such audit or audits made printed, at least one time, in each newspaper published in such county or counties as are herein affected and authority to pay the cost of such publication is given by this Act upon warrant drawn by such Judge or Chairman upon the Trustee of such county or counties.

SECTION 7. That any County Judge, or Chairman, whose county may come within the provisions of this Act, who fails or refuses to carry out the provisions herein set out, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$10.00 nor more than \$50.00.

SECTION 8. That if any word, phrase or section of this Act be declared unconstitutional, that it will not affect or render invalid or unconstitutional the whole Act.

SECTION 9. That all laws and parts of laws in conflict with this Act, be and the same are hereby repealed and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 19, 1927.

Auditor

Private Acts of 1927 Chapter 646

SECTION 1. That the office of County Auditor is hereby created for all the counties of the State of Tennessee, having a population of not less than 7,750 nor more than 7,800, according to the Federal Census of 1920 or any subsequent Federal Census.

SECTION 2. That John T. Whorley, a citizen of Perry County, Tennessee, shall serve as said Auditor until the January term, 1928, of the Quarterly Court of the Counties to which this Act applies, at which time the Quarterly Court of said counties shall elect his successor and to hold office for a term of two years beginning January 1st, 1928, or until his successor shall be appointed and qualified, the sum of Four Dollars (\$4.00) per day as compensation to be paid out of the general funds of said counties quarterly upon warrants of County Judge or Chairman.

SECTION 3. That said Auditor shall be experienced and competent to perform the duties required by the Act; that before entering upon his duties, he shall take and subscribe to an oath before the County Court Clerk of his county as required for other county officials. The County Auditor shall inspect the report of all officials made to the County Judge or Chairman of the County Court Clerk of said County and the books of said officers. He shall carefully examine the official report of the County Judge or Chairman of the said County; the report of the County Court Clerk, Trustee, Sheriff, Circuit Court Clerk, County Superintendent, Clerk and Master, County Road Supervisor and District Supervisor, or road overseers and the report of the County School Board, High School or Elementary School Board and the report of the Justices of the Peace of the Counties and all other County officials handling county funds, which report is hereby required to be made quarterly and which shall be spread in full on the minutes of County Court Clerk, the said County Auditor shall examine the checks and warrants on which such disbursements from the Trustee of said County have been made and compare it with books of the Judge of said County. The said Auditor shall ascertain what warrants have been drawn by the Chairman of said counties for said preceding quarter, which of them have been paid and which remain unpaid, and how many of same have either been paid or remain unpaid.

The County Auditor shall look to see that the balance as stated in the report of the County Judge or Chairman of said county corresponds with the balance shown to be on hand by the books of the County Trustee, and the exhibits of the cash or assets which he has or should have on hand at such examination. The said County Auditor shall report in writing at the end of each quarter the result of his investigation and it shall be his duty to call the attention of the Quarterly Court to any violation which he may observe on the part of any officials of the county. The said County Auditor shall also check the books of the Justice of the Peace of said county, the County Road Supervisor, the County Superintendent of Public Schools and

all other county officials. That in the case of the Justice of the Peace his report will show what fines have been assessed by the Justice of the Peace and those which have been paid or should be paid by said Justices to the county. The said Justices of the Peace shall present their respective books at the office of said County Auditor for examination at such time as said Auditor shall demand them. The said County Auditor shall at the direction of the County Court or County Judge or the Quarterly Court of said County make any investigation in which the said county is interested and report the result of his investigation the County Judge or Chairman of said court. It shall also be the duty of said County Auditor to check up and pass on all bills of cost to be paid by the county. It shall also be his duty to check and pass on the bill of cost, the amount of fees collected and paid to the various county officials and the amount of fees unpaid and report the condition as to the solvency or insolvency of all the bonds of county officials and to make a detailed written report to the Quarterly Court of the financial condition of the County at least once a year and if the County Judge or Quarterly Court demanded the said County Auditor may make a full and complete report of the condition of the accounts of all county officials at any time the said County Judge or Quarterly Court may demand it. The bill of cost of the Circuit Court or Criminal Court shall be approved by the said County Auditor before any part of said bill of cost is to be paid.

SECTION 4. That said County Auditor shall have the right to appoint an assistant, whose power and duty shall be the same as that of the County Auditor; and the compensation of the Assistant County Auditor or Auditors shall be paid such compensation as the Quarterly Court may fix, in no event to exceed that of Four (\$4.00) Dollars per day.

SECTION 5. That the County Auditor herein created shall not charge for more than three days for any one quarter unless directed to make a report by the County Judge or the Quarterly Court. The said County Auditor in making his annual report shall not charge for more than three days for making said annual report.

SECTION 6. That in all Counties where it is provided that the County Judge or Chairman of the County Court or the Quarterly Court shall appoint or elect County Revenue Commissioners, in which case the same is hereby repealed.

SECTION 7. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

SECTION 8. That this Act shall take effect from and after its passage, the public welfare require it.

Passed: April 23, 1927.

Board of Revenue Commissioners

Private Acts of 1929 Chapter 614

SECTION 1. That a Board of County Revenue Commissioners is hereby created for all counties of the State of Tennessee, having a population of not less than 7,750 and not more than 7,800 according to the Federal Census of 1920 or any subsequent Federal Census.

SECTION 2. That for the purpose of carrying out the provisions of this act, J. M. Godwin, T. R. Ledbetter, and J. H. Hinson are constituted a Board of Revenue Commissioners for said county and shall serve until the January term of 1930 of the Quarterly Courts of said counties to which this act applies, at which time the Quarterly Courts of said counties shall elect their successors and to hold office for a term of two years, beginning January 1, 1930, or until their successors shall be appointed and qualified and the sum of Five Dollars (\$5.00) per day is to be paid out of the general fund as compensation of said counties coming under the provisions of this act, upon warrants of the County Judge or Chairman.

SECTION 3. That said Board of Revenue Commissioners be experienced and competent to perform the duties required by this Act; that before entering upon their duties, they shall take and subscribe to an oath before the County Court Clerk of their county as required for other county officials. The Revenue Commissioners shall inspect the report of all officials made to the County Judge or Chairman of the County Court Clerk of said county and the books of said officers. They shall carefully examine the official report of the County Judge or Chairman of said County; the report of the County Court Clerk, Trustee, Sheriff, Circuit Court Clerk, County Superintendent, Clerk and Master, County Road Officials, or road overseers and the report of the County School Board, High School or Elementary School Board and the report of the Justices of Peace of the Counties and all other County officials handling county funds, which report is hereby required to be made quarterly and which shall be spread in full on the minutes of County Court Clerk, the said County Revenue Commissioners shall examine the checks and warrants on which disbursements from the Trustee of said County have been made and compare it with the books of the Judge of said county. The said Board shall ascertain what warrants have been drawn by the Chairman of said counties for said preceding quarter, which of them have been paid and which remain unpaid, and how

many of same have either been paid or remain unpaid. The Board shall look to see that the balance as stated in the report of the County Judge or Chairman of said county corresponds with the balance shown to be on hand by the books of the County Trustee, and the exhibits of the cash or assets which he has or should have on hand at such examination. The said County Board shall report in writing at the end of each quarter the result of their investigation and it shall be his duty to call the attention of the Quarterly Court to any violation which they may observe on the part of any officials of the county. The said County Board shall also check the books of the Justice of the Peace of said county, the County Road officials, the County Superintendent of Public Schools and all other county officials. That in the case of the Justice of the Peace his report will show what fines have been assessed by the Justice of the Peace and those which have been paid or should be paid by said Justices to the county. The said Justice of the Peace shall present their respective books at the office of said County Board for examination at such time as said Board shall at the direction of the County Court or County Judge or the Quarterly Court of said county make any investigation in which the said county is interested and report the result of their investigation to the County Judge or Chairman of said Court. It shall also be the duty of said County Board to check up and pass on all bills of cost to be paid to the county. It shall also be their duty to check up and pass on the bill of cost, the amount of fees collected and paid to the various county officials and the amount of fees unpaid and report the condition as to the solvency or insolvency of all the bonds of county officials and to make a detailed written report to the Quarterly Court of the financial condition of the county at least once a year and if the County Judge or Quarterly Court demanded the said County Board may make a full and complete report of the condition of the accounts of all county officials at any time the said County Judge or Quarterly Court may demand it. The bill of cost of the Circuit Court or Criminal Court shall be approved by the said County Board before any part of said bill of cost is to be paid.

SECTION 4. That said County Revenue Commissioners shall have the right to examine the reports of all county officials who receive a salary either from the county or the State and report with reference to the fees collected by such officials whose salaries are guaranteed by the County or State. If necessary, the County Revenue Commissioners are hereby given the right to summon witnesses to testify with reference to fees collected by said officials and to gather such information as in their opinion is proper, in order to make a full and complete report of the conditions of reports filed by the County officials.

SECTION 5. That the County Board of Revenue Commissioners herein created shall not charge for more than three days for any one quarter unless directed to make a report by the County Judge or the Quarterly Court. The said County Board in making their annual report shall not charge for more than three days for making said annual report.

SECTION 6. That all laws and parts of laws in conflict with this Act be and the same are repealed.

SECTION 7. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 10, 1929.

Financial Management

Pay and Salary Policy

Private Acts of 2018 Chapter 40

SECTION 1.

(a) The county legislative body may establish and maintain a pay and salary policy and a pay and salary scale that is not irrational, discriminatory, or non-uniform in application for all full-time, non-elected county employees, for which no statutory salary is required, working in the following offices:

- (1) The County Mayor's Office;
- (2) The County Trustee Office;
- (3) The County Clerk Office;
- (4) The County Register of Deeds Office;
- (5) The County Property Assessor Office;
- (6) The County Circuit Court Clerk Office;
- (7) The County Clerk and Master Office;
- (8) The County Election Office; and
- (9) The County General Sessions Judge Office

(b) The county legislative body may, in its discretion, establish and maintain a separate and distinct pay and salary policy with a separate and distinct pay and salary scale for the County Highway Department.

(c) The county legislative body may, in its discretion, establish and maintain a separate and distinct pay and salary policy with a separate and distinct pay and salary scale for the County Sheriff Department.

(d) The county legislative body may, in its discretion, establish and maintain a separate and distinct pay and salary policy with a separate and distinct pay and salary scale for the County Solid Waste Department.

(e) The county legislative body may, in its discretion, establish and maintain a separate and distinct pay and salary policy with a separate and distinct pay and salary scale for the County EMS Ambulance Service Department.

(f) The county legislative body may, in its discretion, establish and maintain a separate and distinct pay and salary policy with a separate and distinct pay and salary scale for the County 911 Emergency Service Department.

(g)

(1) The county legislative body may appoint a Chief Accountant and Budget Director.

(2) The county legislative body may dismiss the Chief Accountant and Budget Director.

(3) The Chief Accountant and Budget Director shall, for all purposes, be an employee of the county, but shall be treated as having the status of a Department Head.

(4) To be qualified for the position of Chief Accountant and Budget Director, each candidate must meet one (1) of the following requirements:

(A) Shall have a minimum of a bachelor of science degree from an accredited college or university;

(B) Shall have a minimum of eighteen (18) quarter hours or equivalent semester hours in accounting; or

(C) Shall have two (2) or more years of acceptable experience in a position dealing with accounting and county budget development and preparation.

(5) The county legislative body shall establish the compensation of the Chief Accountant and Budget Director. The county legislative body may establish and maintain a separate and distinct pay and salary scale for the Chief Accountant and Budget Director.

(h) The county legislative body may, by resolution, create and establish additional committees to assume functions as necessary, including, but not limited to, a budget committee, an investment committee, or a purchasing committee.

(1) If the county legislative body creates a budget committee, an investment committee, or a purchasing committee pursuant to this subsection (h), each shall be composed of a minimum of five (5) members appointed by the county legislative body with the head of the committee being the County Mayor. The members of such committees need not be members of the county legislative body.

(2) The budget committee shall establish and approve policies, forms and documents, procedures, and regulations necessary for the preparation of the annual operating and capital improvement budgets.

(3) The investment committee shall establish and approve policies and procedures for cash management and investing idle cash funds in various investments as prescribed by law.

(4) The purchasing committee shall establish and approve policies and procedures for the purchasing of all supplies, equipment, or goods for the county.

(i) Until the county legislative body adopts one (1) of the optional general laws to centralize purchasing, the county's purchasing functions shall continue to be performed by several officials and are not to be handled through a single office. The general laws that may apply to county purchasing, either separately or in combination, shall continue under the County Purchasing Law of 1983, compiled in Tennessee Code Annotated, § 5-14-201 et seq.

(j) The county legislative body may establish and maintain a separate and distinct pay and salary policy with a separate and distinct pay and salary scale for all part-time, non-elected employees working for Perry County.

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

body of Perry County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.

Passed: April 12, 2018.

Administration - Historical Notes

County Clerk

The following acts once affected the office of county clerk in Perry County. They are included herein for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1843-44, Chapter 87, authorized the County Court Clerk of Perry County to issue subpoenas duces tecum to produce copies or originals of documents destroyed by fire in the Register's Office of the county. Registration occurring now shall have the same force and effect as the original registration.
2. Acts of 1849-50, Chapter 186, averred that all acts heretofore done by persons in the name of the County Court Clerk and the County Register of Perry County, by and under the verbal authority of these County Officials, shall be valid and binding in all things as fully as if done by the County Court Clerk, or Register, in person.
3. Private Acts of 1919, Chapter 521, provided that the County Court Clerk of Perry County shall receive \$1,000 as salary each year, provided a sworn, itemized statement showing the total amount of fees collected in the office, plus commission, during the year was filed with the County Judge or Chairman, annually if the fees were less than the salary, the county would pay the difference to the Clerk; but, if the fees and commissions exceeded the salary, the excess must be paid over to the County. The books of the office are declared to be a public record and shall be audited by the county auditor.
4. Private Acts of 1933, Chapter 545, repealed Private Acts of 1919, Chapter 521.

County Legislative Body

The following acts once applied to the quarterly court or the county legislative body of Perry 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 1819, Chapter 107, which created the county provided that the court of Pleas and Quarter Sessions for Perry County would meet at the home of James Yates on Toms Creek, or at any other place in the County to which the Justices might adjourn.
2. Acts of 1819, Chapter 154, set court terms for the Fifth Judicial Circuit and also fixed the dates for the opening of the County Court of Perry County on the second Monday in January, April, July, and October at the Yates home.
3. Acts of 1820, Chapter 98, changed the terms of the County Court in Hickman and Perry Counties. Perry would begin the terms of the County Court on the third Monday in January, April, July, and October.
4. Acts of 1827, Chapter 44, stated that the Courts of Pleas and Quarter Sessions in the Counties of Perry, Humphreys, Stewart, Hickman, and Henry, a majority being present and agreeing thereto, on the first day of the first term in the year may select by ballot three of their member to hold the court for the rest of the year under the same rules and regulations applicable to the same type of Court in Rutherford County.
5. Acts of 1835-36, Chapter 6, authorized and County Court, in every county so desiring, to meet on the first Monday of every month and hold until the business of the Court was completed. Three Justices may be a court to head the probate of wills and related matters of estate administration but no jury trials are allowed in this Court. They would, however, select 25 jurors, one from each of the Civil Districts, if that many existed, or 37 jurors might be chosen, whichever was better for the county. The members of this Court would be paid \$1.00 per day for their services and the Court could levy a tax on county property to produce operating funds.
6. Acts of 1845-46, Chapter 7, split Perry County as divided by the Tennessee River, named Harrisburg as the county seat of the old County and specified that the Quarterly Court would meet on the third Monday in January, May, and September.

7. Private Acts of 1927, Chapter 647, declared that each Justice of the Peace in Perry County shall be entitled to receive as compensation for services rendered the sum of \$3.50 for each day of attendance at a regular, or special, session of the Quarterly County Court, plus the same mileage for going to and from their homes and the county seat as is now provided by law.
8. Private acts of 1953, Chapter 132, as amended by Private Acts of 1957, Chapter 58, and Private Acts of 1974, Chapter 198, declared that justices of the peace in counties with a population of not less than 6,400 nor more than 6,500 according to the 1950 Federal Census shall be compensated \$25.00 per day for their attendance at regular sessions of the quarterly county court and \$12.50 per day for attendance of special or called sessions. This act provided that no justice shall receive pay for more than one day's attendance upon any regular or called session.
9. Private Acts of 1965, Chapter 71, provided that the Justices of the Peace in Perry County would be compensated at the rate of \$15 per day for their attendance at the sessions of the Quarterly Court but no Justice would receive pay for more than one day's attendance at any regular, special, or called, meeting and they would also be paid ten cents per mile for traveling to and from their homes and any special, or called, meeting. The Act also repealed Chapter 132, Private Acts of 1953, and Chapter 58, Private Acts of 1957. This Act was disapproved by the Quarterly County Court and therefor never became a law under the Home Rule Amendment to the Constitution.

County Mayor

The references below are of acts which once applied to the office of county judge, or county executive in Perry 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 for every county in the State to be elected by the people for four year terms who shall be learned in the law, who shall be commissioned as other Judges and sworn to uphold the Constitution of the United States and the State and to discharge the duties of the office faithfully. The Quorum Courts were abolished and its powers and duties conferred upon the Judge herein, who would also preside over the County Court instead of the Chairman. The Clerk of the County Court would be the Judges' Clerk both exercising the jurisdiction prescribed in the Act. The Judge would be the accounting officer and general agent of the county responsible for the numerous functions outlined in the laws. The Judge would receive \$5.00 per day for each day he conducted the court. He was not precluded from practicing law in the Chancery, Circuit, or Criminal Courts. This law was not in force very long being repealed by Chapter 5, Acts of 1857-58.
2. Acts of 1867-68, Chapter 30, created the office of county judge for the counties of Perry, Decatur, Cheatham and Lauderdale to hold office for a term of eight years
3. Acts of 1907, Chapter 50, provided that the County Judge of Perry County would be paid \$400 per year as salary which would be payable quarterly out of the regular County funds in the treasury.
4. Private Acts of 1943, Chapter 458, stated that the compensation of the Judge, or the Chairman, of the County Court for serving in the capacity of accounting officer and general agent, and the Financial Officer of the County, and in order to defray the expenses of any clerical help incurred while serving in that capacity is hereby fixed at \$400 per year to be paid monthly on the warrant of the Judge, or Chairman.

County Register

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

1. Acts of 1843-44, Chapter 87, declared it to be lawful for any person claiming title to land in Perry County through an instrument registered in the Register's office of the county before it was destroyed by fire to do so again by presenting the instrument to the Register for another registration. Section 2 of the act established a procedure by which the Probate Court could authenticate instruments for re-registration.
2. Acts of 1849-50, Chapter 186, stated that all the acts done in the name of the present County Court Clerk of Perry County, or acts done in the name of the Register of the County, by and under the verbal authority of the said Clerk or Register, shall be valid and binding in all things as fully as if done by the County Court Clerk or Register in person.

County Trustee

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

1. Private Acts of 1933, Chapter 690, provided that the compensation of the Trustee of Perry County shall not exceed \$1,500 per year which shall be paid solely and exclusively out of the fees of the office and all fees in excess of the above compensation shall become the property of the County

and be paid into the regular county funds.

General Reference

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

1. Acts of 1823, Chapter 200, provided that a town would be laid off on the land of Elijah Cotton which would be called Overton. Cotton, Andrew Stabough, Elijah Moore, Isham H. Beard, and William Holmes are appointed as Commissioners to do so. They shall lay off the streets and alleys, make a map of the town, and adopt such rules and regulations as may be necessary for its proper government.
2. Acts of 1823, Chapter 225, authorized and empowered the commissioners of Perryville in Perry County to select and set apart a suitable lot in the said town for the site of the public jail for the use of the County, and to have erected on it a suitable jail for the county. The jail would be paid for out of any public funds in their hands from the sale of lots, or other properties similarly disposed of but the jail shall not be erected on or near the public square of the town.
3. Acts of 1825, Chapter 69, was a lengthy reenactment of the State Militia Law which established and identified all the units of it, composed of free white men and indentured slaves. Perry County's militia constituted the 68th Regiment of the 11th Brigade in which they were joined by the militia of Humphreys, Wayne, Hardin, and McNairy Counties. The 68th Regiment would hold its annual muster on the first Saturday in October. The remainder of the Act was given over to regulations for internal organization and discipline.
4. Acts of 1825, Chapter 267, was the authority for William Evans to make void an entry on a certificate warrant issued by the Register of West Tennessee for 50 acres of land which was entered in the 8th Surveyor's District of Perry County. He may enter said warrant on any vacant and unappropriated 50 acres in the County.
5. Acts of 1826, Chapter 123, permitted Wyly Ledbetter, of Maury County, to hawk and peddle in retail goods, wares, and merchandise, either of domestic, or foreign, make, in Maury, Hardin, Lawrence, Wayne, McNairy, Madison, Henderson, Perry, and Hardeman Counties without having to obtain a license in any of those counties to do so.
6. Acts of 1826, Chapter 141, was the authority for William Gann, of Perry County, to hawk and peddle in the entire Western District of the State without being compelled to take out a license therefor in any of the counties in the district.
7. Acts of 1827, Chapter 12, established a Treasury Department for West Tennessee for the Counties of Fayette, Shelby, Hardeman, McNairy, Hardin, Perry, Henderson, Carroll, Henry, Weakley, Obion, Dyer, Tipton, Haywood, Madison, and Gibson. The offices would be in Jackson.
8. Acts of 1827, Chapter 60, divided the 68th Regiment of the Perry County State militia organizing a new Regiment for the east side of the Tennessee River which would be identified by number later. The commissioned officers on both sides of the river would retain their rank and the Sheriff of the county would hold elections promptly to supply the commissioned officers in each Regiment which would bring both up to a full complement.
9. Acts of 1829, Chapter 74, allowed Richard Brown, John Brown, and William Isam, of Brown's Bend on the Duck River in Perry and Humphreys County to perform civil and military duty in Hickman County and all were thereby exonerated from performing the same duties in any other county.
10. Acts of 1831, Chapter 6, permitted James Dickson, the Entry Taker for Perry County, to keep his office at his own house in Perry County, any law, custom, or usage to the contrary notwithstanding.
11. Acts of 1831, Chapter 43, provided that the Cashier of the Bank of Tennessee shall place to the credit of the Counties of Montgomery, Dickson, Robertson, Sumner, Dickson, Stewart, Humphreys, Perry, Hickman, Williamson, Lawrence, Wayne, Hardin, and Wilson, their respective portions of the \$60,000 heretofore set apart for the internal improvement of facilities in Middle Tennessee. These funds would be credited to the County officers for the benefit of the county until the next scheduled meeting of the General Assembly.
12. Acts of 1831, Chapter 44, applied to all counties of Tennessee lying west of the Tennessee river. Section 8, stated that Perry, Hardin, and Humphreys Counties would receive a portion of the funds provided by the act to one half those allotted to the other counties. Their respective County Courts at their first meeting of the year on the first day thereof, would elect three suitable people as Board of Commissioners of Internal Improvement, who would be sworn and bonded. The Board

- was required to keep good and accurate records, to improve, wherever possible, the navigation of rivers and streams, the traffic on roads of the county, the common schools, and other public institutions.
13. Acts of 1831, Chapter 96, provided that one Richard C. Napier may enter and cause to be granted to him in one or more tracts a quantity of vacant public lands in Perry, Hardin, and McNairy Counties to be used for cultivation which would include any banks of iron ore, provided Napier shall within two years from the date of the grant put into operation a plant for the manufacture of iron. Napier may require the County Surveyor to run and mark the land granted, and the Entry Taker for the location to record it.
 14. Acts of 1832, Chapter 14, made it the duty of the County Court of Perry County, at their first Court after January 1 of each year, a majority of the Justices being present, to elect three suitable residents of the County to constitute a Board of Internal Improvement for that portion of the County lying east of the Tennessee River and it is the duty of the cashier of the Bank of Tennessee to pay over to this Board its share of the \$60,000 appropriated for the internal improvement of Middle Tennessee.
 15. Acts of 1832, Chapter 18, granted jointly unto William B. Ross and William Dickerson, the privilege of entering up to 500 acres of land in the Counties of Wayne, Perry, and Hardin, which are located in the Seventh, Eighth, and Ninth Surveyor's Districts, provided that the two would place a plant for working iron into operation within two years.
 16. Acts of 1832, Chapter 73, was the authority for \$30,000 to be appropriated and spent on the improvement of the Tennessee River, and Section 5 specified that Humphreys, Perry, and Hardin Counties shall share in the distribution of those funds allotted to the portion lying west of the river.
 17. Acts of 1833, Chapter 13, allowed the Board of Internal Improvement in Perry County to expend the funds allocated to that county for any object of internal improvement within the county which they consider worthy.
 18. Acts of 1833, Chapter 53, permitted Solomon Brents of Perry County to enter up to 5000 acres of vacant land in the 8th Surveyor's District and to record the entry in the proper places provided he has a plant in operation for making iron within three years after entry. Failure to comply herewith would be grounds for nullifying the grant.
 19. Act of 1833, Chapter 302, authorized and required the citizens who now or may hereafter, reside in that part of Humphreys and Perry Counties which lie in the Brown's Bend of the Duck River to perform civil and military duties of every kind whatsoever in Hickman County and to enter their lands for taxation by Hickman County. They were exonerated from doing the same duties, or paying the same taxes, in any other county.
 20. Acts of 1835-36, Chapter 21, was part of the militia law passed after the new State Constitution become effective, this Section designating by number all the various units of the entire state military organization. Perry County's militia were the 99th and 100th Regiments, which with Henderson and Madison Counties' units, made up the 20th Brigade.
 21. Acts of 1837-38, Chapter 70, recited that since the Tennessee River runs through the center of Perry County and the Entry Taker's office is on the west side of the river which is often out of its banks and difficult to be ferried, the County Court may establish an office for the Entry Taker on the east side of the river and elect an Entry Taker to keep it open, which office could be at the residence of that person so chosen. If needed, the Entry Taker and the Surveyor shall have one Deputy. The ones holding office at Perryville shall hand over all pertinent records to the new one. The County Court Clerk shall furnish the proper books on which all the pertinent records will be transcribed.
 22. Acts of 1837-38, Chapter 157, set up a county drill schedule for every state militia unit in every county. Perry County, still in the 20th Brigade, shall hold their county drills and musters on the first Friday and Saturday in September.
 23. Acts of 1841-42, Chapter 34, permitted the Entry Taker on the east side of the Tennessee River in Perry County to keep his office where it now is, or as near the center of the east side, as possible, and he would be subject to the same rules and regulations as are other Entry Takers.
 24. Acts of 1841-42, Chapter 102, authorized the County Court of Perry County to appoint a Surveyor for the west side of the Tennessee River area under the same rules and regulations applicable to other Surveyors, and a majority of the Justices shall proceed to elect the Surveyor on the first Monday in April, or at any subsequent term of the said Court.
 25. Acts of 1843-44, Chapter 17, changed the dates set up for the Regimental Musters in the 20th

Brigade, changing Perry County to the first Friday and Saturday in October of each year and also rescheduling the dates for Henderson and Madison Counties.

26. Acts of 1843-44, Chapter 146, was the authority for the County Courts of Henderson and Perry Counties to lay out and expend the Internal Improvement Funds allotted to them, arising from all sources, and all public officers having such funds in their possession shall pay them over to the county officials. Any person refusing or failing to comply with these requirements is subject to fine and punishment.
27. Acts of 1843-44, Chapter 147, stated in the preamble that a Resolution had been passed in the General Assembly to amend the Constitution so as to divide Perry County by the Tennessee River, and the people are frequently urging the Quarterly Court of the county to build a jail and levy a tax therefor which would be patently unjust if the County were divided, therefore, this Act makes it unlawful to do so until the proposal to divide Perry County has been decided by the people.
28. Acts of 1847-48, Chapter 52, gave Perry County a director in the Branch Bank of Tennessee at Trenton.
29. Acts of 1897, Chapter 124, was a salary Act for the State which set the annual salaries of the various county officials according to the population of that particular county. This Act deprived the officials of all the fees and emoluments of their offices, making them the property of the counties. Each official must file a monthly statement showing all the fees collected with the County Judge, or Chairman, and pay them over to the Trustee. This Act was ruled unconstitutional in the case of *Weaver v. Davidson County*, 104 Tenn. 315, 59 S.W. 1105 (1900).
30. Private Acts of 1937, Chapter 310, removed all the disabilities of her minority from Ina Lee Harder, of Perry County, who was given the right to sue and be sued, to contract, and to do all other things any other adult could lawfully do.
31. Private Acts of 1937, Chapter 606, provided that in Perry County, the compensation of the county officers shall be such as is fixed by the general salary law, or by local statute, but, in that County, no Court shall have the power, or the authority, to supplement the compensation of any officer not withstanding the provisions of Section 10743, Code of Tennessee, to the contrary.

Chapter II - Animals and Fish

Animals and Fish - Historical Notes

The following is a listing of acts that at one time affected, but no longer appear to have any effect on, hunting, fishing or animal control in Perry County. They are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1897, Chapter 276, amended Chapter 127, Public Acts of 1895, so as to make it legal to take fish from any of the streams lakes, rivers, or ponds within the Counties of Wayne, Perry, Humphreys, Marshall, Union, and Campbell, by grabbling and by gig, except during the months of March, April, and May.
2. Acts of 1899, Chapter 33, amended Chapter 276, Acts of 1897, so as to make it unlawful to take, or catch, fish in any of the lakes, streams, or ponds, except the Tennessee River which shall be governed by the presently existing fish laws, in the counties of Humphreys and Perry in any manner whatsoever except by hook and line, or by trot line.
3. Acts of 1901, Chapter 21, exempted Perry County from the provisions of the fish law passed by the General Assembly, which was Chapter 33, Acts of 1899, except that it shall be lawful for anyone to catch fish in any way, or manner, in the streams of Perry County, except by means of seine, or net, poison, dynamite, or any other explosive, and all laws seeking to restrain and punish the above exceptions remain in full force and effect in every other respect in Perry County.
4. Private Acts of 1911, Chapter 356, declared it to be legal for the resident citizens of Perry County to take and catch fish from the Tennessee, Duck, and Buffalo Rivers by trot line, giggering, bait net, and seine no longer than twelve feet with meshes no smaller than 1½" and no license shall be charged by the State when fishing in the above described manner. All conflicts which may be found in Chapter 489, Acts of 1907, are hereby repealed in Perry County.
5. Private Acts of 1915, Chapter 340, made it unlawful for anyone to take fish from the Buffalo and Duck Rivers in Perry County except with a baited hook and line, or with a basket and seine no longer than twelve feet. Violations were declared to be a misdemeanor and subject to fines ranging from \$10 to \$50. This Act was repealed by the one below.

6. Private Acts of 1917, Chapter 619, repealed Private Acts of 1915, Chapter 340, in its entirety.
7. Private Acts of 1921, Chapter 405, exempted practically every county in the State from the provisions and requirements of Chapter 61, Public Acts of 1919, which was a highly regulatory and restrictive law for the keeping of dogs in Tennessee. Perry County was among the exempted counties.
8. Private Acts of 1921, Chapter 503, passed a law for those counties which exempted themselves from a general law on the same subject, which included Perry County. It would be unlawful for any person to shoot, kill, or injure by any method, any quail, partridge, or dove from November 15 to the following January 15, of each year. Squirrels, rabbits, wild ducks and geese, and other migratory birds may be shot and killed at any time. Anyone hunting upon the lands of another must have a written permit to do so. Violations would be punished with fines from \$10 to \$25 which would go into the school funds of the county.
9. Private Acts of 1921, Chapter 951, amended Chapter 519, Public Acts of 1909, which created a State Department of Game and Fish and regulated the same throughout the State, by adding a provision at the end of Section 44 which exempted the Counties of Humphreys, Stewart, Dickson, Houston, and Perry from its terms and conditions.
10. Private Acts of 1929, Chapter 654, made it lawful for any resident citizen of Perry County to fish at any time or season of the year for game and non-game fish with hook, rod and line, trot line, net or basket, and for non-game fish at any season except between March 1 and June 15 it shall be unlawful to gig or grabble non-game fish in the Buffalo River and one shall not shoot, poison, or kill fish by dynamite, or other explosives in any stream, lake, or pond.
11. Private Acts of 1933, Chapter 341, stated that it would be unlawful for the next six years for any person, firm or corporation, to kill, wound, hunt, chase knowingly, or to permit a dog to do so, or to have in one's possession, any deer in Perry County (which is identified by the use of the 1930 Federal Census figures). Violations were to be considered as misdemeanors subjecting one to fines from \$50 to \$150 or from 30 days to 90 days in jail, all within the discretion of the Court. Any civil officer arresting and convicting one guilty of the above offense is entitled to a fee of \$50 to be taxed as part of the costs to be paid by the defendant.
12. Private Acts of 1935, Chapter 567, declared it to be lawful for all residents of Perry County to hunt and fish without a license from the State, provided all the rules and regulations of the General Game and Fish Department be observed except the following (1) no closed season on fishing in the Buffalo and Tennessee River, (2) no closed season on killing rabbits and ground hogs, (3) the open season on opossums shall be from November 15 to the following February 15, and (4) no closed season on taking mussels from the river.
13. Private Acts of 1945, Chapter 478, stated that, subject to the affirmative approval of the people in a referendum election to be held no later than 60 days after the passage of the Act, it shall be unlawful for the owner, or custodian of horses, mules, asses, cattle, sheep, swine, or goats to wilfully, knowingly, or negligently permit the same to run at large in Perry County. Any person damaged by such large animals shall have a lien on the trespassing animals for the amount of the damages and, further, shall have the right to take them up, feed and care for them and add these costs to the damages suffered. The owner shall be given notice with 24 hours, if the owner is known, or the notices shall be posted in a conspicuous place in that Civil District giving a description of the animals involved. The owner, or custodian, was also made subject to fine, established in the Act.

Chapter III - Bond Issues

Bond Issues - Historical Notes

A listing of the acts which authorized various bond issues for Perry County is included below for reference purposes, although these acts are no longer current.

Bridges

1. Acts of 1895, Chapter 21, allowed the Quarterly Court of Perry County to issue up to \$15,000 in bonds, at an interest rate not to exceed 6%, to build one, or more, bridges across the Buffalo River, which bonds would be returnable in three years and payable in not more than fifteen years. The Court must levy a special tax each year for the sinking fund in order to amortize the issue. The County Trustee would keep all the records on the issue, handle the money and make disbursements on proper warrants. Interest on the bonds would cease after they were called in

whether they were presented for payment or not. The Court could, if it desired, appoint a Commission to sell them.

Courthouse

1. Acts of 1867-68, Chapter 71, permitted the Quarterly Court of Perry County, a majority of the Justices being present and voting therefor, to issue bonds up to \$15,000 in amount, bearing such interest as the Court should decide but which bonds would be payable in 15 years, or less, at the discretion of the Court, for the purpose of building a Court House for the county.
2. Private Acts of 1929, Chapter 341, recited that the Court House in Linden had been destroyed by fire and the Quarterly Court of Perry County had authorized the construction of a new Court House to be erected on the site, the County Judge and the County Court Clerk were allowed to issue up to \$50,000 in the general obligation bonds of the County as a means of paying the cost of building and equipping the Court House, said bonds to bear interest at 5% or less, and be payable according to the schedule in the Act. A form for the bond was prescribed in the law and the details which the issue must follow were included. The essential of requiring a special tax levy to repay the bonds was observed.

Debts

1. Private Acts of 1931, Chapter 742, was the authority for the Quarterly Court of Perry County to issue up to \$50,000 in 6%, 20 year, bonds to pay off and retire the outstanding floating indebtedness existing in the County. All the essential details were present and a mandatory tax levy required.

Memorials

1. Private Acts of 1945, Chapter 206, declared that in order to provide a fitting and a suitable memorial for the soldiers and sailors of Perry County who have served and will serve the United States Government in its World Wars, the Quarterly Court was given the authority to appropriate up to \$75,000 for such a memorial and to issue the general obligation bonds of the county to acquire the land to construct a memorial thereon, said bonds to have an interest rate not to exceed 6%, all the issued being set out in the Resolution of the Court.
2. Private Acts of 1947, Chapter 550, granted the Quarterly Court of Perry County the authority to appropriate and issue bonds therefor, an additional \$50,000, to be used to acquire land in Perry County for a park and therein to construct a memorial to the soldiers and sailors of Perry County who have served, are serving, or will hereafter serve the U.S. Government in the war with Germany, Italy and Japan. The bonds must be issued at an interest rate not to exceed 6% and to mature and take the form as specified in the County Court Resolutions pertinent thereto.

Roads

1. Private Acts of 1933, Chapter 555, allowed the Quarterly Court of Perry County, by Resolution adopted by the Court, to use one fourth of the funds coming to the county, known as county aid funds derived from the gasoline tax, for the purpose of paying off and discharging any outstanding bonds which may have been issued by the proper authorities for the purpose of building county roads.

Chapter IV - Boundaries

Creation of the County

Acts of 1819 Chapter 107

SECTION 1. That a new county be and the same is hereby established, north of Wayne county West of Hickman and south of Humphreys counties by the name of Perry County, which shall be bounded as follows, to wit: beginning at the south east corner of Humphreys county, running west, thence south, thence east, thence north to the beginning so as to include all the territory lying between Humphreys, Hardin, Wayne, and Hickman counties, and all that tract of territory included in the above described lines shall be included within the said county of Perry.

SECTION 2. That for the due administration of Justice, the first court of pleas and quarter-sessions and circuit courts and all subsequent courts, until otherwise provided for, shall be held at the house of James Yates, on Toms creek, or at such other place in said county as the justices in said county may adjourn from the said James Yates, to hold their courts after the first term under the same rules, regulations, and

restrictions, and shall have and exercise the same powers and jurisdiction as are or shall be prescribed for the several counties in this state.

SECTION 3. That it shall be the duty of the Sheriff of the said county of Perry, to hold an election at the place of holding courts in said county on the first Thursday in April next, for the purpose of electing one colonel and two Majors for said county of Perry, which shall be conducted under the same rules and regulations as are prescribed by law in similar cases and the militia of said county shall compose the 68th regiment, and be attached to the 6th Brigade.

SECTION 4. That the election for company officers for the county of Perry, shall be held at such places as the commandant of the militia of said county may think proper to appoint; which said election shall be held on the second Saturday in June next under the same rules, regulations and restrictions as are prescribed in like cases.

SECTION 5. That the county of Perry shall be a part of the district for electing a Governor, Representative to Congress, Electors to elect a President and Vice President of the United States, and members to the General Assembly, to which the county of Hickman belongs, and the elections be held at the place of holding courts in said county, at the time, and in the manner prescribed by law and that the Sheriff or returning officer of said county make a return of the polls at the town of Vernon.

SECTION 6. That the county courts shall be held in Perry county on the _____ Monday in _____.

SECTION 7. That it shall be the duty of the clerk of the said county of Perry to receive and receipt for the quantum of acts and journals of the present session.

Passed: November 18, 1819

Change of Boundary Lines

Private Acts of 1821 Chapter 202

SECTION 1. That from and after the passage of this act the boundary line of Perry county shall be as follows, to wit: Beginning on the north boundary line of Wayne county at a point due south of the Mossy shoals of Duck river, running north to the south east corner of Humphreys county; thence west with the south boundary line of Humphreys county twenty five miles, or so much further that a south course to the north boundary line of Hardin and Wayne counties shall give Perry County six hundred and twenty-five square miles; thence east with said lines to the beginning.

SECTION 2. That Charles Miles, John Reaves, James Dickson, Charles Graham, William S. Britt and William Patterson of Perry County, be and they are hereby appointed commissioners, and they or a majority of them are authorized to employ some suitable person as a surveyor to run out and mark the lines of said county of Perry, and ascertain the center of said county; and it shall be the duty of said commissioners and they have full power and authority to fix on a proper place for the seat of justice in and for the said county, having due regard to the central situation of said county, and its commercial advantages, and its navigation as far as conveniency may admit, where a majority of said commissioners shall agree on; and if the said commissioners of Perry county cannot agree on the place to fix the seat of justice, William Easley, William Philips and Charles Bowing of Hickman county or a majority of them are appointed as umpires to fix on the place for the seat of justice in said county of Perry as aforesaid, and the said commissioners from Hickman county shall fix on the place for the seat of justice in Perry county, be entitled to receive for their services three dollars for every twenty-five miles traveling to, and returning from, the place, and three dollars for every day they may be necessarily engaged in the performing the duties enjoined on them by this act, out of any monies that are in the hands of the county trustee of Perry county, not otherwise appropriated.

SECTION 3. That the said commissioners of Perry county are hereby authorized to purchase fifty acres of land on the most reasonable terms, on some part of which shall be erected the court house, prison and stocks for the use of said county; and said commissioners or a majority of them shall take a deed in fee simple, in trust for the county, to themselves and successors in office, for the use and benefit aforesaid, and shall as soon as may be, after purchasing and obtaining a title thereto, proceed to lay off a town thereon, to be called and known by the name of Perryville, reserving two acres for a public square, on which shall be erected a court house, prison and stocks for said county, which two acres shall be denominated the public square.

SECTION 4. That the said commissioners or a majority of them be and they are hereby authorized and required to advertise and sell the lots in said town to the highest bidder on a credit of twelve months, taking bond with approved security for the purchase money to themselves and their successors in office,

for the use of said county, and they are hereby authorized to execute deeds to the purchasers which shall be good and valid in law to all intents and purposes, and the money arising from the sale of said lots shall be appropriated to the payment of the land by them purchased as aforesaid, and the residue to the building of a court-house (sic), prison and stocks, and no other purpose, and they are hereby authorized and required first to advertise the sale of the said lots at least three months in some newspaper printed in Nashville or Clarksville, and at the court-house (sic) or place of holding court in the county of Perry, to contract and receive proposals for building said court-house (sic), prison and stocks.

SECTION 5. That the said commissioners shall before they enter on the duties of their office, assigned them by this act, take an oath or affirmation that they will truly and faithfully execute and perform the different duties by this act enjoined on them, according to the best of their judgment, and moreover enter into bond with approved security to the chairman of the Perry County court and his successors in office in the sum of six thousand dollars, conditioned for the due and faithful performance of the duties enjoined on them by this act, which bond shall be deposited in the clerk's office of said county.

SECTION 6. That the said commissioners shall keep a fair and regular statement of all monies by them received and expended, which statement when required shall from time to time be laid before the county court, but said commissioners shall not be called on oftener than once a year.

SECTION 7. That when the buildings aforesaid are completed the said commissioners shall lay a fair statement of the amount of money by them received and expended for the purposes aforesaid, before the court aforesaid, who shall allow the said commissioners a reasonable compensation for their services, provided two thirds of the justices of said county be present, and if, after the completion of the said buildings there be any surplus money in the hands of said commissioners it shall be paid over to the county trustee for county purposes by a motion of the county trustee, and it shall be his duty to make such motion.

Passed: November 14, 1821

Acts of 1823 Chapter 137

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

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

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

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

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

Passed: October 31, 1823.

Private Acts of 1909 Chapter 441

SECTION 1. That the line between the counties of Perry and Wayne be so changed as to make the line read as follows between said counties:

Beginning on a stake at the intersection of the present Perry and Wayne County line with E. S. Chappell's west boundary line, and run thence south instead of north as it now does poles until it intersects with the McLemore line of a 70-acre tract now owned by S. T. and G. W. Sharp; thence south with said McLemore west boundary line....poles to the southwest corner of said 70-acre tract; thence east with the south boundary line of said tract poles to Buffalo River; thence up said river poles with its meanders to a point on said river where it turns east; thence on in an eastern direction up said river with its meanders to the southwest corner of the land now owned by J. E. Bastin; thence in a northern direction poles with his west boundary line to O'Possum Creek; thence up said creek with its meanders poles to Edwin Pope's west

boundary line; thence in a northern direction poles with his west boundary line to a stake in the present Perry and Wayne County line.

SECTION 2. That all real estate added to Perry County by this Act shall be added to and become a part of the Third Civil District of Perry County for all civil and school and all other purposes.

SECTION 3. That all laws in conflict with this Act be, and the same are hereby, repealed.

SECTION 4. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 30, 1909.

COMPILER'S NOTE: This act was part of the litigation in State v. Marshall, 124 Tenn. 233, 135 S.W. 926 (1911).

Acts of 1845-46 Chapter 7

Whereas, It has been satisfactorily made known to this General Assembly, that the county of Perry is divided by the Tennessee river, to the manifest inconvenience of a very large portion of its citizens, and that by attaching a portion of the county of Wayne to the county of Perry, there is sufficient territory within the requirements of the constitution to divide said county by the river, and organize a new county on the west side of the river. Therefore,

SECTION 1. That all that part of the county of Perry, lying and being East of the Tennessee river, together with that portion of Wayne, attached by this General Assembly to the county of Perry, shall be and remain the county of Perry aforesaid.

SECTION 2. That the civil and military divisions within the boundaries of Perry county, as described by this act, and all the respective officers thereof, shall remain as they now exist, with all the rights, duties, jurisdictions and functions, as the law now confers, as well in the civil administration of justice as in its military organization, under the same rules, regulations and restrictions, as if this act had never been passed.

SECTION 3. That the county seat of the county of Perry be and is hereby located at Harrisburg, in said county, and for the administration of justice, the county and circuit courts of said county shall be held in some house in the town of Harrisburg, in said county, and the circuit courts thereof shall be holden on the 3d (sic) Mondays in January, May and September, and said county shall be attached to the 14th Judicial circuit in said State, provided that the county court of Perry, a majority of the Justices concurring therein, may adjourn to some other place said county, if they find it more convenient to hold the courts aforesaid, and adjourn to the seat of justice whenever the necessary arrangements are made, or public buildings erected, as hereinafter provided in this act, and all writs and other precepts returnable to either place where said courts may have been removed by the county court aforesaid, and said courts to be under the same rules, regulations and restrictions, and shall have, hold, exercise and possess the same power, as courts in other counties in this State.

SECTION 4. That Isaac W. Stanly, Wyly R. Lane, William Watson, Andrew H. Guthrie and Basdal Brown, be, and they are hereby appointed a board of Commissioners for said county of Perry, for the purposes hereafter mentioned:--They shall appoint a Chairman and Clerk of their own body, and keep a regular record of all their proceedings, and shall, as soon as practicable after the location of the county seat shall be permanently established, as hereinafter provided for, procure by purchase or otherwise, a sufficient quantity of land upon which to lay off a town and to erect all necessary public buildings for said county, and the Commissioners shall make to themselves, and their successors in office, a deed or deeds of conveyance with general warrantee for the lands so purchased or otherwise obtained, and it shall be the duty of said Commissioners to cause a town to be laid off in said county, at the county seat, into lots, streets and alleys, of such size and width as they may deem necessary, reserving a sufficient quantity of land for the purpose of erecting a Jail and Court House; and further, it shall be the duty of said Commissioners to sell the lots in said town on a credit of at least twelve months, first giving twenty days notice in some newspaper published in Columbia and Jackson, and setting a day on which the sale will take place at the county seat, and shall take bond with good security from the purchaser or purchasers of said lots, payable to themselves and their successors in office, and said Commissioners shall give a bond as Commissioners, for a title to the purchasers in fee simple, when the said lot or lots shall have been paid for.

SECTION 5. That the proceeds of the sales of the lots, aforesaid, shall be a fund in the hands of said Commissioners for defraying the expenses incurred in the purchase of said tract of land, on which the

county seat shall be located, and for defraying the expenses of erecting the necessary public buildings as a majority of the county court of said county shall order to be built, and shall at the same time take bonds from the undertakers, with ample penalties and sufficient securities, payable to themselves and their successors in office, conditioned for the faithful performance of his or their contract, and it shall be the further duty of the Commissioners to report all proceedings by them had under this act to the county court of said county, when called by notice from the Chairman of said court, and said Commissioners, before they enter upon the duties assigned them by this act, shall take an oath before some Justice of the Peace to faithfully and honestly perform the duties of their office, to the best of their judgment and ability, and they shall moreover enter into bond with security in the penalty of two thousand dollars, payable to the Chairman of said county court and his successors in office, conditioned for the faithful performance of the duties enjoined upon them by this act, and for the just application or forthcoming of such funds as may come to their hands, as Commissioners aforesaid; and further, the said Commissioners shall keep a regular and fair record of all moneys by them received, and the amount expended, and when the public buildings of said county shall have been completed, the Commissioners shall, by order of the county court, pay over any surplus money that may be in their hands, to the county Trustee, of said county, for county purposes, and they shall, for their services, receive such reasonable compensation as shall be adjudged them by the county court of Perry county.

SECTION 6. That a majority of said Commissioners shall have full power to transact any business that the whole of them are empowered to transact and do, and if a vacancy occurs, it shall be filled by the County Court, he or they entering into bond as required by this act.

SECTION 7. That the Sheriff of said county shall open and hold an election on the first Thursday in August next, at each precinct in said county, wherein every voter, qualified by law to vote for Governor, members of Congress, and members of the General Assembly, &c., shall be entitled to vote, under the same regulations, penalties and restrictions, as are now provided for by law, for the permanent location of the Seat of Justice in said county of Perry; there may be an indefinite number of places designated to vote for, but none of them shall be more than six miles from the centre of said county, and if no place shall receive a majority of all the votes cast, at said election, then and in that case, said sheriff shall on the first Thursday in September next, open and hold an election in like manner as aforesaid, when the two places which received the highest number of votes shall only be put in nomination, and whichever of said places shall receive a majority of votes, shall be considered the permanent Seat of Justice for said county.

SECTION 8. That all the suits which may be upon the Dockets of the Circuit Court of Perry, at the time this act takes effect, where both plaintiff and defendant, or plaintiffs and defendants reside within the newly described county of Perry, shall be transferred to the Dockets of said county for trial, and all other causes, remaining upon said Dockets shall be heard and determined in the new county of Decatur established by this act, and all books, paper, &c., belonging to the offices in the county of Perry before this act takes effect, be transferred to the proper officers and offices, of the county of Perry, as herein organized, except those papers, &c., which are necessary in those suits to be heard and determined in the county of Decatur, and that the officers of the two counties, be not required to hold their offices at the county seats, until the complete and permanent location of the county seats for the respective counties, which county seats shall be known and distinguished by whatever names the majority of each board shall designate for their respective county seats.

SECTION 9. That all debts and liabilities, which may now be due and owing by the county of Perry, shall be liquidated and paid by each county respectively, in proportion to the Tax (sic) lists taken for the year 1845, until said debts are paid.

SECTION 10. That on the first Saturday in March next, there be elected for the county of Perry as constituted by this act, a Circuit Court Clerk and Register, and all officers required by law to be elected in the respective counties.

SECTION 11. That a new county be and is hereby established to be composed of all that part of Perry county lying on the west side of Tennessee river, to be known and distinguished by the name of Decatur county, in honor of and to perpetuate the memory of Commodore Stephen Decatur, of the United States Navy, of whose services our Nation should be proud, and whose memory should be revered.

SECTION 12. That the county of Decatur shall be bounded as follows, to wit:-- Beginning on the west bank of Tennessee river, at the low-water mark, in the north-east corner; thence west with the line between Humphreys and Perry, to its north-west corner; thence south with the line between Perry, Carroll, Henderson and Hardin, to the Tennessee river, at its southwest corner; thence with the Tennessee river, to its south-east corner; thence north with the line between Wayne and Perry, to the Tennessee river; thence north with the low-water mark of Tennessee river, to the beginning.

SECTION 13. That for the purpose of organizing the county of Decatur, John C. Yarbrough, Wm. J. Menzies, John S. Walker, Samuel Brashear, and David B. Funderburg, be, and they are hereby appointed

a board of Commissioners, who shall have the same powers, and perform the same duties and labor, under the same obligations, that are imposed upon the Commissioners for Perry county; and as Commissioners for Decatur county, that are required to be performed by the Commissioners of Perry county, in the 4th, 5th, and 6th sections of this act; and further, it shall be the duty of the Sheriff of Decatur county, to perform the same duties for Decatur county that are imposed upon the Sheriff of Perry county, as contained in the seventh section of this act. Provided, that nothing herein contained, shall prevent Perryville being voted for as the county seat of Decatur county, in the same manner and regulations as provided in the said 7th section of this act; even though it might prove to be more than six miles from the centre of said county of Decatur.

SECTION 14. That the civil and military divisions within the boundaries of Decatur county, as described by this act, and all the respective officers thereof shall remain as they now exist, with all the rights, duties, jurisdictions and functions, as the law now confers, as well in the civil administration of justice as in its military organization, under the same rules, regulations, and restrictions, as if this act had never been passed. Provided, that the Circuit Clerk and Register may hold their offices, and exercise the duties thereof, as Clerk and Register of Decatur county, until the next regular election for such officers and all officers required by law to be elected on the first Saturday in March, for other counties, shall be elected in Decatur county.

SECTION 15. That until the duties imposed upon the Commissioners and Sheriff of Decatur county be complied with, as hereinafter set forth, the County and Circuit Courts shall be held at Perryville, in some house within the corporate limits of said town. And further, it is provided, that if Perryville should be selected by the people, agreeably to the provisions of this act, for the county seat of Decatur county, then the Jail already built, shall be made use of as the county Jail, and the public square appropriated for the building of a Courthouse for Decatur county.

SECTION 16. That the county of Decatur shall be attached to the 10th Judicial Circuit, and the Circuit Courts shall be held on the 3rd Mondays in March, July and November, and Decatur county shall be attached to the same Chancery Court district to which Perry county now belongs.

SECTION 17. That the citizens of Decatur county, in all elections for Governor, Representatives in Congress, members of the General Assembly, and Electors for President and Vice President, shall vote with Perry county, from which they have been taken off agreeably to the provisions of the 5th section of the 10th article of the Constitution of the State.

SECTION 18. That this act shall take effect, and go into operation from and after the first Thursday in March, 1846; provided, that the counties of Wayne and Perry be not reduced below the constitutional amount of six hundred and twenty-five square miles. And provided, Decatur county contains the constitutional amount of three hundred and fifty square miles.

SECTION 19. That the 15th section of the act to establish the county of Lewis, be so amended, as to authorize the several Courts directed in said act to be holden at the house of John Blackburn, until the public buildings for said county shall be completed, shall be so construed as to authorize said Courts to be holden in the town of Gordon, so soon as a suitable house shall be procured; due notice of which shall be given to the clerks of the several Courts in said county, by the Commissioners therein appointed.

Passed: November, 1845

Acts of 1845-46 Chapter 62

SECTION 1. That the act passed by this General Assembly, dividing Perry county, and establishing Decatur county, shall not take effect until the first Monday in April 1846, and the commissioners appointed for each county shall have power if they deem it necessary, to employ a surveyor and two chain carriers to ascertain the centre of said counties, which surveyors shall determine upon the centre of their respective counties, and whether places put in nomination for the county seats shall be within six miles of the same, and make return to the county court of their respective counties, which shall be entered upon the records of the same, and the respective county courts shall make them such allowance as they may think their services reasonably worth.

SECTION 2. That the act attaching a portion of Wayne county to the county of Perry, be so amended as to authorize the polls to be opened, and an election held on the 7th February next, at the Widow Halliboughs on Sinking creek, in addition to the place appointed in said act, and Simon D. Whitley and Andrew J. Helms, the commissioners appointed in that act, shall appoint some one (sic) to hold said election, and said commissioners are required to divide that portion of Wayne attached to Perry into two civil districts, and make report to the first term of the county court of Perry, except that position lying between Lewis county and Perry, which shall be attached to the Sugarhill district No. 10, in Perry, and if a majority do not vote in favor of being attached on the 7th February, then notice being given, there may be

another election held as aforesaid on the 21st February thereafter.

SECTION 3. That John L. Houston and William H. Storm of Decatur county, and William F. Doherty and the present county surveyor of Benton county be appointed commissioners to run the line between said counties and distinctly mark the same, and said commissioners shall commence at Tennessee river on the north east corner of Decatur county, and run westerly, and shall make their return to their respective county courts, which shall allow them such compensation as their services are reasonably worth, and their returns shall be entered upon the records of said county courts.

SECTION 4. That the within described territory (a portion of the county of Hickman) be attached to the county of Perry, beginning on the Hickman county line on the top of the dividing ridge between the waters of Brush and Cane creek, and running from thence with the meanders of the main ridge dividing the waters of Brush and Cane creek, eastwardly to a point that a line due south will include all the settlements on Coon and Brush creeks to a point that due east will strike the corner of Lewis county, thence with Lewis county line south to where the same crosses the Hickman county line, thence west with the same to the south-west corner of Hickman county, thence north to the beginning, and that all the within described territory shall be attached to and constitute a part of Perry county.

SECTION 5. That Hiram Campbell Esq., Thomas Vickery and Abram Barber, or any one of them, after giving ten days notice shall open and hold an election at the house of Abram Barber on Coon creek, and all persons constitutionally qualified to vote for members of the Legislature, living within the territory proposed to be attached to Perry county, may vote for or against being attached to Perry county, those wishing to be attached to Perry county shall have on their ticket Perry county, and those opposed shall have on their ticket Hickman county, and if a majority of all the votes so cast shall vote to be attached to Perry county, then this act shall take effect and be in full force, and it shall be the duty of the persons appointed under this act to certify the result to the commissioners of Perry county, and the citizens so attached shall have and possess all the rights and privileges of other citizens of Perry county, and be attached to such civil district or districts in Perry county that may be most convenient for them.

SECTION 6. That nothing in this act shall be so construed as to reduce the county of Hickman below her constitutional limits, provided furthermore, should not the counties of Decatur and Perry both be organized, this act shall be null and void so far as relates to the county of Hickman.

COMPILER'S NOTE: The remainder of this Act concerns Decatur county and therefore is not included herein.

Passed: January 15, 1846.

Acts of 1847-48 Chapter 15

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

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

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

COMPILER'S NOTE: Sections 2, 3 and 5 concern Decatur county and therefore are not included herein.

Passed: December 1, 1847.

Acts of 1851-52 Chapter 189

SECTION 1. That the line between the counties of Perry and Hickman, be changed as follows, to wit: Beginning at a point on the Ridge between Cain creek and Brush creek, at the head of Dicky's branch, running thence north, so as to leave Isaac Depreast west of said line, crossing Cain creek, and continuing one half mile north of said creek, there to corner, and run from said corner west or north-west to the Perry county line, so as to include all the citizens living on Cain creek, below where said line crosses the creek, above said Depreast's, and that all the territory stricken off of Hickman county by changing the line as above described, be, and is hereby attached to the county of Perry.

SECTION 2. That all persons residing within the territory attached to the county of Perry, by the first section of this act, shall be entitled to all the rights and privileges, and subject to all the liabilities and penalties of other citizens of Perry county. Provided, It does not reduce the county of Hickman below its constitutional limits, and it shall be the duty of the county court of Hickman county to appoint a surveyor to run out said county, whenever the county of Perry shall have deposited with the county court clerk, of Hickman county, money sufficient to pay all the cost and expense for running out said county.

COMPILER'S NOTE: The remainder of this Act concerns counties other than Perry County and therefore is not included herein.

Passed: February 25, 1852.

Acts of 1851-52 Chapter 220

That the line between Wayne and Perry counties be changed as follows: Beginning at a point on the Buffalo-hill, on the present line running on the dividing ridge between Beech and Whiteoak creek, to the north west point of said ridge; thence north forty-five west to the Tennessee river; thence up said river with its meanders to the lower end of Beech creek island; thence crossing said river so as to strike the line dividing the counties of Wayne and Decatur. Provided, that this transfer of territory does not reduce Perry county below its constitutional limits.

Passed: February 21, 1852.

Acts of 1853-54 Chapter 138

SECTION 1. That the line between the counties of Perry and Hickman be changed as follows--to wit: Beginning on the present county line, twenty poles north of William Watson's; thence East, to Abisha Curl's, so as to include said Curl in Perry county; thence south-east to Owen Morgan's; thence south-east to Jno. Sutherland's, on the Cave branch; thence south-east to David Carry's, including all of said persons and places in Perry county; thence south-west so as to leave Alexander Joice in Hickman county; and thence so as to leave John Sisco's in said county of Hickman; thence south to the county line on the dividing ridge between Cane and Brush Creeks; and all the territory stricken from Hickman county by changing the line as above described, be, and the same is hereby attached to the county of Perry.

SECTION 2. That the persons residing within the territory attached to the county of Perry by the first section of this act, shall be entitled to all the rights and privileges, and subject to all the liabilities and penalties of other citizens of Perry county; and that this act shall take effect from and after the tenth day of March next.

SECTION 3. That it shall be the duty of the county surveyor of Perry county to run and mark the line between said counties of Hickman and Perry, as set forth in the first section of this act; and it shall be the duty of the county of Perry to pay for the same. Provided, said change does not reduce said county of Hickman below its constitutional limits.

Passed: March 3, 1854.

Acts of 1855-56 Chapter 159

That an act passed February 21, 1852, to change the line between the Counties of Wayne and Perry, be so amended that the line dividing said Counties, shall begin at a point on the Tennessee River, west of the north-west corner of a tract of land owned by D. W. Carroll, and lying on the Tennessee River, and immediately below the mouth of Beech Creek; running thence to the north-east corner of said tract of land; thence, in a north-east direction, to the nearest point of the dividing ridge, between Beech and White Oak Creeks, to the line fixed by the act which this is intended to amend; thence, east with said line to its beginning;--and that this act shall take effect from and after its passage.

Passed: February 29, 1856.

Acts of 1909 Chapter 441

SECTION 1. That the line between the counties of Perry and Wayne be so changed as to make the line read as follows between said counties:

Beginning on a stake at the intersection of the present Perry and Wayne County line with E. S. Chappell's west boundary line, and run thence south instead of north as it now does poles until it intersects with the McLemore line of a 70-acre tract now owned by S. T. and G. W. Sharp; thence south with said McLemore west boundary line....poles to the southwest corner of said 70-acre tract; thence east with the south boundary line of said tract poles to Buffalo River;

thence up said river poles with its meanders to a point on said river where it turns east; thence on in an eastern direction up said river with its meanders to the southwest corner of the land now owned by J. E. Bastin; thence in a northern direction poles with his west boundary line to O'Possum Creek; thence up said creek with its meanders poles to Edwin Pope's west boundary line; thence in a northern direction poles with his west boundary line to a stake in the present Perry and Wayne County line.

SECTION 2. That all real estate added to Perry County by this Act shall be added to and become a part of the Third Civil District of Perry County for all civil and school and all other purposes.

SECTION 3. That all laws in conflict with this Act be, and the same are hereby, repealed.

SECTION 4. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 30, 1909.

COMPILER'S NOTE: This act was part of the litigation in State v. Marshall, 124 Tenn. 233, 135 S.W. 926 (1911).

Acts of 1945-46 Chapter 7

WHEREAS, It has been satisfactorily made known to this General Assembly, that the county of Perry is divided by the Tennessee river, to the manifest inconvenience of a very large portion of its citizens, and that by attaching a portion of the county of Wayne to the county of Perry, there is sufficient territory within the requirements of the constitution to divide said county by the river, and organize a new county on the west side of the river. Therefore,

SECTION 11. That a new county be and is hereby established to be composed of all that part of Perry county lying on the west side of Tennessee river, to be known and distinguished by the name of Decatur county, in honor of, and to perpetuate the memory of Commodore Stephen Decatur, of the United States Navy, of whose services our Nation should be proud, and whose memory should be revered.

SECTION 12. That the county of Decatur shall be bounded as follows, to wit: --Beginning on the west bank of Tennessee river, at the low-water mark, in the north-east corner; thence west with the line between Humphreys and Perry, to its north-west corner; thence south with the line between Perry, Carroll, Henderson and Hardin, to the Tennessee river, at its south west corner; thence with the Tennessee river, to its south-east corner; thence north with the line between Wayne and Perry, to the Tennessee river; thence north with the low-water mark of Tennessee river, to the beginning.

SECTION 13. That for the purpose of organizing the county of Decatur, John C. Yarbrough, Wm. J. Menzies, John S. Walker, Samuel Brashear, and David B. Funderburg, be, and they are hereby appointed a board of Commissioners, who shall have the same powers, and perform the same duties and labor, under the same obligations, that are imposed upon the Commissioners for Perry county; and as Commissioners for Decatur county, that are required to be performed by the Commissioners of Perry county, in the 4th, 5th, and 6th sections of this act; and further, it shall be the duty of the Sheriff of Decatur county, to perform the same duties for Decatur county that are imposed upon the Sheriff of Perry county, as contained in the seventh section of this act. Provided, that nothing herein contained, shall prevent Perryville being voted for as the county seat of Decatur county, in the same manner and regulations as provided in the said 7th section of this act; even though it might prove to be more than six miles from the centre of said county of Decatur.

SECTION 14. That the civil and military divisions within the boundaries of Decatur county, as described by this act, and all the respective officers thereof shall remain as they now exist, with all the rights, duties, jurisdictions and functions, as the law now confers, as well in the civil administration of justice as in its military organization, under the same rules, regulations, and restrictions, as if this act had never been passed. Provided, that the Circuit Clerk and Register may hold their offices, and exercise the duties thereof, as Clerk and Register of Decatur county, until the next regular election for such officers, and all officers required by law to be elected on the first Saturday in March, for other counties, shall be elected in Decatur county.

SECTION 15. That until the duties imposed upon the Commissioners and Sheriff of Decatur county be complied with, as hereinafter set forth, the County and Circuit Courts shall be held at Perryville, in some house within the corporate limits of said town. And further, it is provided, that if Perryville should be selected by the people, agreeably to the provisions of this act, for the county seat of Decatur county, then the Jail already built, shall be made use of as the county Jail, and the public square appropriated for the

building of a Court-house for Decatur county.

SECTION 16. That the county of Decatur shall be attached to the 10th Judicial Circuit, and the Circuit Courts shall be held on the 3rd Mondays in March, July and November, and Decatur county shall be attached to the same Chancery Court district to which Perry county now belongs.

SECTION 17. That the citizens of Decatur county, in all elections for Governor, Representatives in Congress, members of the General Assembly, and Electors for President and Vice President, shall vote with Perry county, from which they have been taken off agreeably to the provisions of the 5th section of the 10th article of the Constitution of the State.

SECTION 18. That this act shall take effect, and go into operation from and after the first Thursday in March, 1846; provided, that the counties of Wayne and Perry be not reduced below the constitutional amount of six hundred and twenty-five square miles. And provided, Decatur county contains the constitutional amount of three hundred and fifty square miles.

COMPILER'S NOTE: The first ten sections and the last section involved Perry County and therefore are not included herein.

Passed: November, 1845.

Boundaries - Historical Notes

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

1. Acts of 1825, Chapter 247, extended the lines of Wayne County so as to take in the plantation on which Henry Mahan now lives, which is presently located in Perry County on the bank of the Tennessee River opposite the town of Carrollville, so that Mahan shall become a citizen of Wayne County.
2. Acts of 1835-36, Chapter 45, added the land of Perry County lying between the Purdy's and Daugherty's line to Benton County. The Perry County citizens that were affected by this act were to have all of the same rights and privileges of that were extended to Benton County citizens.
3. Acts of 1837-38, Chapter 273, attached to Wayne County all that part of Perry County on the south side of the Tennessee River, and on the east side of a line beginning on the south side of the River, opposite the lower end of James Island and running north to strike said River above Isaac West's, Senior, and this area shall be attached to the same Civil District in Wayne County which contains Carrollville.
4. Acts of 1839-40, Chapter 80, repealed Chapter 273, Acts of 1837-38, and states that the part of Perry County which was intended to be stricken off to Wayne County was that part of the bend of the Tennessee River lying east of a due line north from David Roach's landing on the said river.
5. Acts of 1843-44, Chapter 40, appointed Thomas R. Jett and Burwell Beard of Benton County, and John L. Houston and Jesse Taylor of Perry County, as commissioners to run the line between the two counties on the west side of the Tennessee River and the line so designated shall be the line between Benton and Perry Counties. Each commissioner would be paid \$2.00 per day for each day's work.
6. Acts of 1859-60, Chapter 100, changed the lines between Perry and Wayne Counties so as to include the residences and farms of W. M. Lofferty and D. W. Carroll in Wayne County, provided Perry County is not reduced below its constitutional limits in so doing. Section 7, of the same Act, moved all the citizens living on Russell's Creek into Perry County from Hickman County.
7. Acts of 1866-67, Chapter 28, transferred the house and lands belonging to Clement C. Dyer out of Hickman County and into Perry County.
8. Acts of 1867-68, Chapter 60, moved the lands of George Beard out of Humphreys County and into Perry County, and the farm and residence of Amos S. Keltan out of Hickman County and into Perry County.
9. Acts of 1868-69, Chapter 31, returned to Maury, Hickman, Lawrence, Wayne, and Perry Counties the territory taken from them to compose Lewis County. Section 2 made some changes between Perry and Hickman described as beginning in the northwest corner of Amos Skelton's lands; thence to the farm of Joseph R. Sutton, leaving here in Hickman County; thence north so as to include the farm of Amos Edwards in Perry County; thence west of north to the southeast corner of the lands of C. C. Dyer, said boundary including the farms of Samuel Bates, James Rodgers, James Hughes, James Bates, William Whitwell, John Whitwell, the lands of Thomas Kelly deceased, and James Hofstedder all in Perry County. The first Section was repealed by the Act

below and the other in Item 10.

10. Acts of 1869-70, Chapter 30, provided that the Act returning the fractions of counties, which composed Lewis County, to the original counties is repealed and Lewis County is restored in full. All officers would return as well as all the official records and the tax collectors would pay over to Lewis County all the taxes due it.
11. Acts of 1869-70, Chapter 88, repealed the second Section of Chapter 31, Acts of 1868- 69, Item 8, above, thus restoring the line between Perry and Hickman Counties to the status it was in before the passage of that Act.
12. Acts of 1879, Chapter 57, was the authority to change the boundaries between Perry and Humphreys Counties so as to include wholly within Humphreys County the lands of G. D. Hays, T. B. Smith, L. W. Goodman, J. N. Goodman, A. G. Goodman, W. F. Goodman, J. M. Gray, J. L. Phelps, G. T. Phelps, and J. A. Wooten.
13. Acts of 1891, Chapter 150, stated that, whereas grave doubt existed as to the exact location of the boundary line between Wayne and Perry Counties causing trouble and inconvenience to the citizens of both, the Quarterly Courts of the two counties shall appoint three competent men from their respective counties surveyors. The surveyors shall begin at the established corner of Wayne and Lewis Counties and run the line westward as far as may be necessary to definitely establish the disputed lines.
14. Acts of 1895, Chapter 174, transferred all the lands belonging to Mrs. H. A. Mauldin, Mrs. Mary Hamer, and J. C. Whittaker, out of Perry County, and into Wayne County.
15. Acts of 1899, Chapter 175, appointed B. W. Depriest, the County Surveyor of Perry County; William Grinder, and Commodore Dabbs, of Perry County; William Hale, the County Surveyor of Lewis County; Frank Fain and George Turnebo of Lewis County, to resurvey and establish the line between Lewis and Perry Counties, which shall be recorded as the true line between the two. They shall start on the Wayne County line between Opossum and Mills Creek, the southeast corner of an entry in the name of J. L. Webb and Thomas Lomax in Perry County and the southwest corner of an entry in Lewis County in the name of George Nixon, running north with the old county line as near as practicable until it strikes the line of Hickman County between the head of Coon and Brush Creeks and the waters of Cane Creek.
16. Acts of 1903, Chapter 53, altered the lines between Perry and Hickman Counties so as to include all the properties of Charles Cagle in Hickman County.
17. Private Acts of 1911, Chapter 21, moved the residences and farms belonging to R. G. Oglesby and C. B. Oglesby out of Perry County and into Lewis County.
18. Private Acts of 1915, Chapter 683, changed the lines between Wayne and Perry Counties so that the farms of J. L. Phillips, Mrs. Sallie Phillips, W. S. Stove, John J. Brumley, J. E. Baston, S. T. Kettrell, Mrs. Ed Pope, and F. M. Thomason. All being a part of the Flat Woods District, were all included in Perry County.

Chapter V - Court System

Circuit Court

Circuit Court Clerk

Private Acts of 1996 Chapter 134

SECTION 1. The duly elected circuit court clerk in Perry County is hereby designated to serve as clerk of the general sessions court when such court is exercising juvenile jurisdiction.

SECTION 2. The county clerk in Perry County is relieved of the duties of clerk of the general sessions court when such court is exercising juvenile jurisdiction.

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

SECTION 4. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective ten (10) days after its approval as provided in Section 3.

Passed: February 26, 1996.

Court System - Historical Notes

Board of Jury Commissioners - Jurors

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

1. Acts of 1819, Chapter 165, directed the Quarterly County Courts of Humphreys, Perry, and Hardin Counties to allow jurors and witnesses who are compelled to cross the Tennessee River to attend court a sum of money to pay for their ferrriage which would be paid out of any monies in the county treasury which were not appropriated at the time.
2. Acts of 1825, Chapter 279, made it the duty of the ferryman to give any person a certificate when they pay their ferrriage who have been summoned as a juror in Humphreys, Perry, and Roane Counties, which the juror can file with the County Trustee who shall return the amount of the ferrriage to him.
3. Acts of 1903, Chapter 509, created a three member Board of Jury Commissioners in Perry County, who would be of good repute, and good habits, not attorneys or county officials who had no suit pending nor any interest in one. Those appointed would appear immediately before the Judge to be sworn after being notified and they would be paid \$2.00 per day for each day actually worked in this capacity. Their appointments would be for one year. They would retire to some room in the Court house and select from the tax rolls, or some other public source, the jurors who would serve for the next three terms of Court. The jurors chosen would have their names entered on a book and also written on separate slips of paper which would be placed into an envelope and sealed. The proper number would be chosen for each term of Court. These envelopes would be presented to the Judge in open Court. At least twenty days before the term of Court opened, the Clerk would open the envelope and issue summons for the 25 named on the list. Provisions were made for selecting special panels and to replenish an exhausted list. The Judge may dismiss a Commissioner for failure to perform his duty and fill the vacancy created thereby. No one could be excused except by the Judge.
4. Private Acts of 1949, Chapter 195, fixed the compensation of jurors serving on both the Grand Jury and the various petit juries in Perry County at \$4.00 per day for every day of attendance as such.
5. Private Acts of 1949, Chapter 919, amended Chapter 427, Private Acts of 1917, which set up a Board of Jury Commissioners for Williamson County so as to make the same Act applicable to Perry County. Chapter 427 created a four man Board of Jury Commissioners who could not be lawyers, or State or County officials who would be appointed after the first two years to four year terms by the Circuit Judge. Those appointed must take the oath prescribed in the Act and select one of their members as Chairman. The Circuit Court Clerk or his Deputy, would serve as Clerk to the Board and must likewise subscribe to the oath written into the Act. On the first Monday in June the Board would meet and select from the tax rolls, or other public sources, a list of names equal to one-fifth of the voters in the last Presidential election but which number would be no less than 250 nor more than 4,000. Those selected would be the petit Jury list for the next two years, whose names would be entered alphabetically in a book provided for them by the Clerk and the list certified by all of the Commissioners. Two-fifths of that number would be designated as Grand Jurors, who would also be listed in the book and certified by the Commissioners. Their names would also be written on separate scrolls, or cards, which would be placed in a box, locked, and sealed. All these would be presented to the Court as Grand and petit juries. At least fifteen days before the court would open the term, the Judge shall open the box and draw names for the petit jurors. And then do the same for the Grand Jurors, whereupon the box would be relocked and sealed. The names chosen would be delivered to the Sheriff to be summoned as Jurors. They could be excused only by the Judge and then only for the reasons specified in the law. Ample provisions were included for special jury panels.

Chancery Court

The following acts form an outline of the development of equity jurisdiction in Perry County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification.

1. Acts of 1822, Chapter 13, stated that the Justices of the Supreme Court shall arrange among themselves to hold a court of equity jurisdiction at least once each year at the places for holding the Supreme Court. These were listed as follows: At Rogersville on the first Monday in November;

at Knoxville, on the third Monday in November; at Charlotte, on the fourth Monday in December; at Sparta, on the second Monday in December; at Nashville, on the fourth Monday in January; and at Columbia, on the second Monday in January. All Courts would be for two weeks unless the dockets were completed at an earlier time.

2. Acts of 1824, Chapter 14, expanded the Supreme Court to five Justices and required them to hold the Chancery Courts of the State at least twice each year, arranging the schedules among themselves. The Courts would convene at Greenville, Rogersville, Kingston, Carthage, McMinnville, Franklin, Columbia, Charlotte, and Jackson. Several counties would direct their equity cases to each of these Courts. Perry, and all counties west of the Tennessee River would be heard at Jackson.
3. Acts of 1825, Chapter 32, declared that the Judges of the Supreme Court shall arrange to hold a Chancery Court at Paris, in Henry County, for the Counties of Perry, Henderson, Carroll, Henry, Weakley, Obion, Dickson, and Dyer, which court would meet on the third Monday in April and October. The Judges would appoint a Clerk and Master as soon as possible to serve this Court.
4. Acts of 1827, Chapter 79, laid off the State into two Chancery Divisions for which two Chancellors would be appointed by the ballot of both houses of the General Assembly. The Eastern Division was made up of the Courts at Greenville, Rogersville, Kingston, Carthage, and McMinnville, while the Western Division had in it the Courts at Franklin, Columbia, Charlotte, Jackson, and Paris.
5. Acts of 1835, Chapter 4, divided Tennessee into three Chancery Divisions to be held by Chancellors appointed by the General Assembly, and each Division was subdivided into Districts. Perry and Henderson Counties made up the fourth district of the Western Division with Court to be held at Lexington on the fourth Monday in April and October.
6. Acts of 1837-38, Chapter 14, provided that the counties of Henry, Weakley, Obion, Dyer, Gibson, Benton, Perry, Henderson, and Madison would hereafter constitute one Chancery District in the Western Division whose court would take place at Huntington in Carroll County on the first Monday in February and August. The Chancery Courts at Paris, Dresden, Trenton, Jackson, Lexington, Bolivar, and at Clarksville were all abolished and their outstanding process made returnable to this Court.
7. Acts of 1847-48, Chapter 125, provided that the citizens of Perry and Decatur Counties may file their Bills in Chancery at the Courts in Lexington or Huntington whichever suited their convenience best.
8. Acts of 1851-52, Chapter 167, allowed the citizens of Perry County to file their Chancery cases at the court in Waynesboro if they so desired.
9. Acts of 1853-54, Chapter 54, created the Sixth Chancery Division assigning to it the Counties of Carroll, Benton, Humphreys, Dickson, Hickman, Perry, Decatur, Henderson, McNairy, Hardin, Wayne, and Lawrence. The Court at Linden in Perry County would be held on the first Thursday after the third Monday in June and December of each year. The Chancellor of the new Division would appoint a Clerk and Master for each of the Courts in the Division.
10. Acts of 1853-54, Chapter 101, stated that the Counties of Perry and Decatur would be a separate Chancery District whose Courts shall be held by the Chancellor of the Western Division at the Court house in Decaturville on the third Monday in June and December of each year and in the town of Linden on the first Thursday after the third Monday in June and December.
11. Acts of 1855-56, Chapter 112, scheduled the Court terms for the Courts in the Sixth Chancery Division. Court would be opened at Linden in Perry County on the first Thursday after the first Monday in April and October.
12. Acts of 1857-58, Chapter 88, separated Tennessee into the Eastern, Middle, Western, Fourth, Fifth, and Sixth Chancery Divisions. The Sixth Division contained the Counties of Carroll, Henderson, McNairy, Hardin, Wayne, Lawrence, Hickman, Dickson, Humphreys, Benton, Decatur, and Perry whose Courts would open at Linden on the first Thursday after the first Monday in April and October.
13. Acts of 1859-60, Chapter 187, changed the terms of the Chancery Courts in Perry and Decatur Counties. The Court at Decaturville would start on the second Monday in June and November and the Chancery Court at Linden would start on the Thursday following.
14. Acts of 1861, Chapter 16, changed the starting dates for the Chancery Court at Decaturville to the second Monday in May and December and the Court for Perry County would commence on the second Thursday in May and December.
15. Acts of 1865-66, Chapter 14, fixed the time for opening the Chancery Court at Linden in Perry

County on the second Monday in June and December.

16. Acts of 1866-67, Chapter 4, changed the terms of the Chancery Courts in the 5th Chancery Division which was composed of the Counties of Hickman, Dickson, Humphreys, Henderson, McNairy, Hardin, Wayne, Lawrence, and Decatur. Perry would continue to hold its Chancery Courts on the second Monday in June and December.
17. Acts of 1867-68, Chapter 74, stated that all appeals from the Chancery and Circuit Courts of Perry County shall be taken to the Supreme Court at Jackson instead of Nashville and all the Clerks shall make out the transcripts according to this law.
18. Acts of 1870, Chapter 32, reorganized the entire lower judicial system of the State into twelve Chancery Districts. The 9th Chancery District contained the Counties of Benton, Hickman, Henderson, McNairy, Lawrence, Dickson, Humphreys, Decatur, Lewis, Perry, Hardin, and Wayne.
19. Acts of 1870, Chapter 47, scheduled the Court terms for every chancery court in every county of the State. In Perry County the Chancery Court would meet on the second Monday in February and August.
20. Acts of 1870-71, Chapter 10, changed the terms of the Chancery Courts in some of the Counties of the 9th Chancery Division but left Perry on the second Monday in February and August.
21. Acts of 1870-71, Chapter 77, provided that all appeals from the causes tried in the Chancery Court of Perry County shall be taken to the Supreme Court at Jackson and Section One of the 1868 Act is repealed.
22. Acts of 1873, Chapter 5, changed the starting dates for the terms of the Chancery Courts in the 9th Chancery Division. Courts for Perry County would commence at Linden on the second Monday in March and September.
23. Acts of 1879, Chapter 20, provided for all appeals from the Chancery Court of Perry County to be addressed to the Supreme Court at Nashville instead of to Jackson as the law now requires.
24. Acts of 1879, Chapter 88, rescheduled the court terms for the courts in the 9th Chancery Division, changing Perry County to the first Monday in March and September.
25. Acts of 1881, Chapter 162, rearranged the Chancery Court schedules in the 9th Chancery Division switching the Court at Linden in Perry County to the second Monday in March and September.
26. Acts of 1885 (Ex. Sess.), Chapter 20, divided Tennessee into eleven Chancery Divisions. The Seventh Chancery Division was made up of the Counties of Maury, Giles, Lawrence, Lewis, Wayne, Hickman, Hardin, Perry, Decatur, Dickson, and Benton. Court in Perry County would begin on the second Monday in March and September. This Act was part of the decision of the Supreme Court in *Flynn v. State*, 203 Tenn., 341, 313 S.W.2d 249 (1958).
27. Acts of 1887, Chapter 5, rescheduled the Chancery Court terms for some of the counties in the 7th Chancery Division. Perry County would start the Chancery Court at Linden on the second Monday in May and November.
28. Acts of 1893, Chapter 154, provided that the appeals from cases in the Chancery Court at Perry County would return to the Supreme Court at Jackson instead of being heard at Nashville as the law then required. All conflicts were repealed.
29. Acts of 1899, Chapter 427, was the next complete reorganization of the States' lower court system. There were ten Chancery Divisions of which the 8th Division contained the Counties of Decatur, Hardin, Chester, Benton, McNairy, Crockett, Henderson, Carroll, Henry, Madison, and Perry where the Chancery Court would begin at Linden on the second Monday in May and November.
30. Acts of 1903, Chapter 36, rearranged the starting dates for some of the Chancery Courts in the 8th Chancery Division but Perry County would continue to meet on the second Monday in May and November.
31. Private Acts of 1919, Chapter 760, detached Perry County from the 8th Chancery Division and made it a part of the Division composed of the Counties of Williamson, Wayne, and Lewis. These Chancery Courts were to be held by the Circuit Judge of the 17th Judicial Circuit for which he was vested with all the jurisdiction, power, and authority granted to other Chancellors of the State.
32. Private Acts of 1919, Chapter 761, scheduled the terms of the Chancery Courts in the new special Chancery Division mentioned above Perry County would start the terms of the Chancery Court at Linden on the fourth Monday in March and the second Monday in October.

Chancery Court - Clerk and Master

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

1. Acts of 1909, Chapter 541, stated that the Clerk and Master of Perry County, identified by the use of the 1900 Federal Census figures, shall receive as compensation the sum of \$500 per year provided the Clerk and Master file a sworn, itemized statement on January 1 of each year with the County Judge, or Chairman, showing the total amount of fees collected in the office. If the fees were less than the salary, the county must pay the difference, but, if the fees were more than the salary, the Clerk and Master could retain the excess as his own.
2. Private Acts of 1919, Chapter 291, fixed the annual salary of the Clerk and Master of Perry County at \$750 per year, provided the Clerk and Master meets the same terms and conditions of filing the sworn, itemized statement mentioned above.
3. Private Acts of 1933, Chapter 680, stated that the compensation of the Clerk and Master of Perry County is hereby fixed at \$420 per year plus all the fees of the said office, which amount shall be paid to him in equal monthly installments out of the county treasury. This Act is repealed by the one below.
4. Private Acts of 1943, Chapter 457, set the annual salary of the Clerk and Master of Perry County at \$600 per year, payable \$50 each month out of the regular county funds, which amount shall be over and above and in addition to all the fees now allowed him by law, and Chapter 680, Private Acts of 1933 is hereby repealed.
5. Private Acts of 1947, Chapter 873, amended Private Acts of 1943, Chapter 457, by increasing the compensation of the Clerk and Master as specified therein from \$50 per month to \$1,200 per year payable \$100 each month out of regular county funds.

Circuit Court

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

1. Acts of 1819, Chapter 154, fixed the terms of Court for the 5th Judicial Circuit which had in it the Counties of Montgomery, Dickson, Hickman, Humphreys, Stewart, Robertson, Wayne, Hardin, and Perry whose courts would begin on the third Monday in May and November.
2. Acts of 1821, Chapter 42, created the 8th Judicial Circuit in Tennessee which was made up of the Counties of Henry, Carroll, Henderson, Madison, Shelby, Wayne, Hardin, and Perry. The General Assembly would elect a Judge for the new Circuit by joint ballot and the appeals from the Circuit would go to Charlotte to be heard by the Supreme Court when it met there.
3. Acts of 1821, Chapter 65, stated that the appeals from the Circuit Courts of Wayne, Hardin, Perry, Henderson, Madison, and Shelby Counties would be directed to the Supreme Court at Columbia in Maury County.
4. Acts of 1823, Chapter 11, established a new 9th Judicial Circuit to which were assigned the Counties of Perry, Henderson, Carroll, and Henry and all the counties west of Carroll and Henry. There would be one Judge for the new Circuit as long as it was feasible to have only one.
5. Acts of 1823, Chapter 41, scheduled the Circuit Court terms for all the counties there in the 9th Judicial Circuit which were Shelby, Hardeman, McNairy, Wayne, Hardin, Madison, Haywood, Henderson, Carroll, Henry, Weakley, Obion, Dyer, Gibson, and Perry whose Circuit Court terms would begin on the first Monday in April and October.
6. Acts of 1825, Chapter 318, reset the terms of the Circuit Courts of several counties in the western part of the State, including Perry County whose Circuit Courts would start on the first Monday in May and November.
7. Acts of 1826, Chapter 43, rescheduled the terms of the Circuit Courts in Henderson, Carroll, Gibson, Dyer, Obion, Weakley, Henry and Perry Counties. The Circuit courts of Perry County would commence on the first Monday in April and October.
8. Acts of 1829, Chapter 104, provided that the Circuit Courts of Wayne, Hardin, and Perry Counties might take an appeal to Reynoldsburgh in Humphreys County, to Huntington, in Carroll County, or to Nashville, in Davidson County, whichever best suited the convenience of the litigant.
9. Acts of 1835-36, Chapter 5, reorganized the entire lower judicial system of the State into eleven Judicial Circuits and provided that the Circuit Courts would thereafter be hold three times a year instead of twice. Perry, Henderson, Madison, Haywood, Tipton, and Lauderdale Counties were all assigned to the 10th Judicial Circuit. The terms of the Circuit Court in Perry County would start on

the first Monday in April, August, and December.

10. Acts of 1837-38, Chapter 3, assigned the Counties of Lawrence, Wayne, Hardin, Perry, Carroll, and Benton to the 14th Judicial Circuit. Perry County's Courts would hereafter start its terms on the first Monday of April, August and December.
11. Acts of 1837-38, Chapter 116, changed the schedule of the terms of the Circuit Courts for some of the Counties in the 14th Judicial Circuit. Perry County's Courts would hereafter start its terms on the first Monday of April, August and December.
12. Acts of 1839-40, Chapter 140, reset the terms of the Circuit Courts in several of the counties including Perry whose schedule shifted to the third Monday in January, May, and September.
13. Acts of 1847-48, Chapter 84, provided that the Clerk of the Circuit Court at Perry County was empowered to issue final process upon all judgments and decrees, which by the provisions of this Act, are to be transferred from Decatur County to Perry County in causes originating before the creation and organization of Decatur County.
14. Acts of 1849-50, Chapter 70, rescheduled terms of the Circuit Courts in the counties of the 14th Judicial Circuit. Perry County would start the Circuit Courts on the third Monday in January, May, and September, all process being made to conform to those dates.
15. Acts of 1851-52, Chapter 105, reset the terms of the Circuit Courts in Wayne, Hickman, and Perry Counties. Perry would convene the Circuit Courts on the fourth Monday in February, June, and October.
16. Acts of 1857-58, Chapter 98, divided Tennessee into sixteen Judicial Circuits. The 12th Circuit contained the Counties of Wayne, Lawrence, Hickman, Decatur, McNairy, Hardin, and Perry where the Circuit Court terms would begin on the fourth Monday in February, June, and October.
17. Acts of 1865, Chapter 37, assigned the Counties of Wayne, Hickman, Perry, Decatur, Henderson, McNairy, and Hardin to the 12th Judicial Circuit and scheduled the terms of the Court to begin in Perry County on the same days as above.
18. Acts of 1865-66, Chapter 14, rearranged Court terms in the 12th Judicial Circuit moving Perry County to the first Monday in April, August, and December.
19. Acts of 1866-67, Chapter 40, again changed some of the terms of the Circuit Courts shifting Perry County to the fourth Monday in March, July, and November.
20. Acts of 1867-68, Chapter 8, reset the court terms of the Circuit Courts in the 12th Judicial Circuit. The terms of the Circuit Court in Perry County would begin in Linden on the third Monday in March, July, and November.
21. Acts of 1867-68, Chapter 74, directed that all appeals from the Circuit Court of Perry County shall be taken to the Supreme Court at Jackson instead of Nashville as was now required by law. All the Clerks would prepare the transcripts according to this law.
22. Acts of 1868-69, Chapter 15, changed the Circuit Court terms of some of the counties of the 12th Judicial Circuit. Perry County would hereafter open the Circuit Court terms on the second Monday of April, August, and December.
23. Acts of 1870, Chapter 31, organized the lower judicial system of Tennessee into 15 regular, and one special, judicial circuits. Hardin, Wayne, Lewis, Hickman, Perry, Decatur, Henderson, and McNairy Counties constituted the Eleventh Judicial Circuit.
24. Acts of 1870, Chapter 46, scheduled the terms of the Circuit Courts for every county in the state. The Circuit Court of Perry County would start the terms on the first Monday in February, June, and October.
25. Acts of 1871, Chapter 17, rescheduled the terms of the Circuit Courts in the 11th Judicial Circuit changing Perry County to the fourth Monday in January, May, and September.
26. Acts of 1871, Chapter 70, further changed the Circuit Court terms in the 11th Judicial Circuit. Perry County would begin the terms of the Circuit Courts on the second Monday in February, June, and October.
27. Acts of 1875, Chapter 18, rearranged the Circuit Court terms of some of the counties in the 11th Judicial Circuit but did not change Perry County.
28. Acts of 1879, Chapter 20, stated that hereafter all the appeals from the Circuit Court of Perry County would be taken to the Supreme Court at Nashville instead of at Jackson as now provided.
29. Acts of 1881 (Ex. Sess.), Chapter 2, reset the Circuit Court terms for the counties in the 11th Judicial Circuit. Courts would begin at Linden in Perry County on the fourth Monday in February,

June, and October.

30. Acts of 1885 (Ex. Sess.), Chapter 20, divided Tennessee into fourteen regular, and one special, Judicial Circuits. The 11th Judicial Circuit contained the Counties of McNairy, Chester, Madison, Henderson, Decatur and Perry whose Circuit Courts would take up their dockets on the third Monday in February, June, and October.
31. Acts of 1887, Chapter 94, set different terms for the Circuit Courts in several of the counties of the 11th Judicial Circuit including Perry County where the Court would convene on the first Monday in April, August, and December.
32. Acts of 1895, Chapter 46, established a criminal Court in Madison, Chester, McNairy, Henderson, Decatur, Perry, and Benton Counties which was separate and apart from the Circuit Court. The Criminal Court would be held three times annually on the second Monday in January, May, and September in Linden. This Court would have the same jurisdiction in all criminal cases as was formerly exercised by the Circuit Court. The Circuit Court Clerk would serve this court and the same forms of process would be used. The Governor would appoint a Judge to serve until September 1, 1896, when the elected successor would take office for eight years. The District Attorney for the 11th Judicial Circuit would prosecute for the State. This Act was repealed by Chapter 155, Acts of 1899, below.
33. Acts of 1895, Chapter 124, changed the starting dates for the terms of the Criminal Courts of the 11th Judicial Circuit. Perry would begin the terms at Linden on the first Monday of February, June, and October.
34. Acts of 1899, Chapter 155, abolished the Criminal Court Division of the 11th Judicial Circuit in all the counties, expressly and entirely repealing Chapter 46, Acts of 1895, Item 32, above, and Chapter 124, Acts of 1895, Item 33, above.
35. Acts of 1899, Chapter 427, reorganized the lower judicial system of the State into 14 Judicial Circuits. The 11th Circuit was composed of the Counties of Maury, Giles, Lawrence, Wayne, Lewis, Perry, and Hickman. Court terms would begin in Perry County on the first Monday in January, May, and September.
36. Acts of 1901, Chapter 325, changed Perry County from the 11th to the 12th Judicial Circuit and set the terms of the court to begin on the fourth Monday in February, June, and October.
37. Acts of 1901, Chapter 374, changed the times of holding court to the first Mondays in April, August, and December in Perry County.
38. Acts of 1905, Chapter 464, rescheduled the terms of the Circuit Court in Perry and Decatur Counties. Courts would start at Linden in Perry County on the second Monday in April, August, and December.
39. Acts of 1907, Chapter 338, reset the terms of the Circuit Court in the 12th Judicial Circuit which now contained the counties of Madison, Chester, Henderson, Decatur, Perry, and Hardin. Perry County would start the Circuit Court terms on the first Monday in April, the fourth Monday in July, and the first Monday in December.
40. Private Acts of 1919, Chapter 817, took Perry County out of the 12th Judicial Circuit and attached it to and made it a part of the 17th Judicial Circuit whose Judge shall hold the Court. The duties heretofore performed by the Attorney-General of the 12th Judicial Circuit shall hereafter be assumed and discharged by the Attorney-General of the 17th Circuit.

Circuit Court - Clerk

The following acts have no current effect, but once applied to the Perry County Circuit Court Clerk. They were repealed, superseded, or never received local approval.

1. Acts of 1903, Chapter 255, was a general salary act pertaining to Circuit Court Clerks only which fixed their annual salary according to the population of the county. Under this Act the Circuit Court Clerk of Perry County would have been paid \$500 per year. The conditions were that the clerk file a sworn itemized statement each year with the Judge, or Chairman, showing the amount of fees paid into the office. If the fees were less than the salary for that county, the county would pay the difference but if the fees were more than the salary, the clerk could retain the excess as his own.
2. Private Acts of 1923, Chapter 144, stated that in Perry County, identified by the use of the 1920 Federal Census figures the Circuit Court Clerk would be paid a salary of \$750 per year. The Clerk was required to file quarterly with the County Judge, or Chairman, in January, April, July, and October, a sworn, itemized statement reporting all the fees collected in the office in each quarter and, if the amount of fees fail to equal \$187.50, the county will pay the difference to the Clerk but

the Clerk may retain as his own any excess over and above that amount.

3. Private Acts of 1933, Chapter 544, fixed the compensation of the Circuit Court Clerk of Perry County at \$400 per annum, plus all the fees collected in that office, the above amount to be paid quarterly to the Clerk out of regular county funds on the warrant of the County Judge, or Chairman.
4. Private Acts of 1949, Chapter 334, provided that the Circuit Court Clerks of Perry County shall receive the sum of \$1,200 per year as salary, payable one-quarter each on the first day of January, April, July, and October, provided the clerk files a sworn, itemized statement with the County Judge, or Chairman, showing the amount of fees earned and paid in that office during the preceding quarter. If the fees are less than the \$300, the county would be required to pay the difference.

District Attorney General - Assistants and Criminal Invesitgators

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

1. Acts of 1819, Chapter 154, placed the Hickman, Wayne, Hardin, and Perry Counties in the 12th Solicitorial District for which a Solicitor-General shall be elected by the joint ballot of both houses of the General Assembly.
2. Acts of 1835-36, Chapter 28, made each Solicitorial District coincide with each Judicial Circuit having criminal jurisdiction.

Chapter VI - Education/Schools

Education/Schools - Historical Notes

Board of Education

The following act once affected the board of education in Perry County but is no longer operative.

1. Private Acts of 1957, Chapter 153, fixed the compensation of members of the county board of education at \$10 per day for attending meetings.
2. Private acts of 1982, Chapter 264, repealed Private Acts of 1935, Chapter 817, and Private Acts of 1941, Chapter 529, and provided that six board members be elected from the six school districts, identical to the six county commissioner districts, for a term six years.

General Reference

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

1. Acts of 1831, Chapter 16, provided that so much of the state common school funds which belong to Humphreys and Perry County, which was appropriated for internal improvement in Middle Tennessee, is hereby placed in the hands of the common school commissioners to be used and applied as are other school funds.
2. Acts of 1843-44, Chapter 27, incorporated Buffalo Academy in Perry County, appointing A. H. Guthrie, Basdel Brown, William Sheppard, James Dickson, and Jacob McLoagee, as Trustees for the said Academy. The Trustees and the academy would have the same rules and regulations as are written in the Act creating Fulton Academy in Dekalb County. The Trustees of Perryville Academy were directed to pay over half of their funds to this school. The facilities at Perryville shall be rented or sold and one-half of those proceeds shall be given to the Buffalo Academy. These Trustees shall serve two years and then the Quarterly County Court shall appoint five more every two years thereafter.
3. Acts of 1845-46, Chapter 189, incorporated Perry Academy in Perry County, naming as Trustees for the Academy, Joseph Brown, Naphtali Tracey, Robert Patterson, John L. Webb, Claiborne Harris, Jeremiah Woods, John Montgomery, William O. Britt, and Jacob McCage. The Trustees were endowed with all the powers and responsibilities which were incidental to corporate institutions. The Trustees of the Perryville Academy were directed to divide all the assets of that Academy with the new Perry Academy herein and the new Decatur Academy in Decatur County.
4. Acts of 1847-48, Chapter 102, allowed the appropriation to the Perry County School Fund of

\$497, which amount had been sent to the said county of Perry by the State Agent for the common school funds but never reached the hands of the Superintendent and was therefore never credited to the county schools, this being through no fault of the officials of Perry County, or their school officers.

5. Acts of 1851-52, Chapter 351, authorized the Trustees of the county academy of Perry County to establish a female branch of the said academy in or near the town of Linden.
6. Acts of 1853-54, Chapter 208, declared that the Linden Male Academy would be divided into two branches, one for the education of males and one for the education of females, each of which would share equally in the moneys on hand, or which may hereafter be drawn from the treasury of the Linden Male Academy. Trustees, who were named to serve the new branch, were Thomas W. Edwards, Joseph Brown, F. H. Williamson, John L. Webb, Joseph Brown, and W. B. Barfield.
7. Acts of 1883, Chapter 150, recited in the preamble that the Linden Academy had two buildings which were old, dilapidated, and vacant and which were unfit for use by the school, and that the Trustees are in the process of erecting a new and commodious building in Linden but do not have sufficient funds to pay for the same, therefore, this Act named C. L. Pearson, W. C. Webb, S. P. Beasley, A. D. Craig, and James L. Sloan, as Trustees with power to sell and dispose of the old buildings and land and apply the proceeds of the sale to the construction of the new building.
8. Acts of 1903, Chapter 275, created a special school district out of the portions of Humphreys and Perry County described in the Act, providing for an election to be held on the fourth Saturday in May, 1903, to elect school directors for two years. The Clerk of the District shall furnish to the County Superintendents of Public Instruction a complete and accurate list of the students of both counties attending the school. The Superintendents were required to pass this information on to the Respective County Trustees who would pay over to the Directors their pro rata share of the county school funds.
9. Acts of 1907, Chapter 236, abolished the office of District Directors of Schools and created a Board of Education in every county. The County Court would divide the counties into five school districts, composed of whole civil districts from each of which one member of the board of Education would be elected. The members would select a Chairman from their own number. The County Superintendent of Schools would be the Secretary. The duties of the Chairman, the Secretary, and the members of the Board are all spelled out in the Act. Members would be paid from \$1.50 to \$3.00 per day when serving, as decided by the County Court. The people of each district would also elect three members of the Advisory Board whose duties are likewise enumerated. This law did not apply to city schools nor to the nine counties, not including Perry County, which exempted themselves in Section 17. This Act was part of the litigation in *Whitthorne v. Turner*, 155 Tenn. 303, 293 S.W. 147 (1927).
10. Private Acts of 1917, Chapter 803, abolished the Board of Education in Perry County. This Act required the Quarterly Court to divide the county into school districts, one for each school then existing. An election would be held in each district on the first Saturday in May, 1917, and every two years thereafter to elect three school Directors for the District. The duties of the Chairman, selected by the other members, and the members are stipulated in the Act. A board of Supervisors was provided which would consist of the Superintendent of the Schools, the County Judge, and a third person, who would be selected by the County Court, which Board would have immediate control and supervision, hiring and fixing salaries of personnel, etc. All schools with an average daily attendance of ten, or more, shall be kept open the same number of days. No one herein mentioned would receive any compensation for their services except salaried school people.
11. Private Acts of 1919, Chapter 196, repealed Private Acts of 1917, Chapter 803.
12. Private Acts of 1923, Chapter 623, created the "Cedar Creek Special School District" in the first Civil District of Perry County which embraced the area contained in a metes and bounds description set out in the Act. The District would be operated by a three member Board to which this Act initially appointed W. A. Horner, J. M. Howell, and George B. Ward, to hold office until the next general election produced their successor, all of whom would serve without compensation. The incidental powers of corporate institutions, plus those specified in the Act, were vested in the Board. The County Trustee would apportion to the District their pro-rata share of the school funds according to the district's scholastic population compared to the whole school census. Authority was given to levy a special school tax of 20 cents per \$100 property valuation, and a \$1.00 poll tax to operate the school for nine months each year. Children in the district would pay no tuition but those outside would. The Board must choose a Chairman and Secretary and could select no one other than qualified people to man the school district. This Act was repealed by Private Acts of

1933, Chapter 512.

13. Private Acts of 1925, Chapter 129, created a special school district out of an area in the Fourth Civil District of Perry County as the same was more particularly described in the Act, which included the town of Lobelville and which would be known as the "Lobelville Special School District." The powers and the duties of the five member Board of Directors, serving two year terms are specified in the Act. Until their successors could be elected at the next general election, this Act named G. A. Lancaster, Ralph Patterson, W. H. Lancaster, W. H. Bates, and S. J. Leeper to the Board of Directors. A special tax of 25 cents per \$100 property valuation and a poll tax of \$1.00 on all males between the ages of 21 and 50 were authorized, all funds to be used for the benefit of the district. Authority to issue bonds was granted but only when first approved by the people in a referendum. This Act was repealed by Private Acts of 1927, Chapter 265.
14. Private Acts of 1925, Chapter 499, created the "Linden Special School District" out of a portion of the Third Civil District of Perry County which included that city, the area being made specifically described in the law. A five member Board of Directors would operate the District as a Corporation, which would have all the incidental powers of a corporation plus those specifically granted. The Directors would serve two year terms when elected by the people at the next general August election, but, until that time, the Act appointed O. A. Kirk, L. B. Duncan, John Vaughn, O. T. Craig and S. B. Hufstедler, to serve. Subject to prior approval in a referendum, the Directors could issue up to \$10,000 in bonds at a maximum 6% interest rate and a maximum maturity schedule of twenty years which would be for the purpose of erecting school buildings, and which would have to meet all the requirements set out in the Act. Only the Election Commission could certify the results of the above mentioned referendum. This Act was repealed by Private Acts of 1927, Chapter 264.
15. Private Acts of 1927, Chapter 264, repealed Private Acts of 1925, Chapter 499.
16. Private Acts of 1927, Chapter 265, Private Acts of 1925, Chapter 129, which created the Lobelville Special School District.
17. Private Acts of 1927, Chapter 648, provided for an Elementary School Board in Perry County, composed of five members, one from each Civil District and one at large, who would be elected at the August general election to two year terms. Ernest Broadway, Mrs. Ezra Bussell, S. Y. Conger, Dr. W. J. Frost, and J. A. Denton, were named to the Board until their successors could be popularly elected. The Board would organize themselves and the County Superintendent would be an ex-officio member but could not vote. The powers, duties, and responsibilities of the Board and the Secretary are specified generally including the keeping of mentioned records and reports. Section A provided for three member District Boards in each Civil District, to be elected for two year terms by the people in that particular District, and discharge the duties specified in the Act. The Act named George Sewell, G. B. Ward, and J. M. Howell from the First District; A. M. Roberts, Same Bell, and W. A. Daniel, from the second District; B. E. Warren, B. W. Depriest, and R. T. Ledbetter, from the third District, and no one from the fourth District. Each member of the Elementary School Board would receive from \$2.50, to \$5.00 per day not to exceed fifteen days per year for their services. This Act was repealed by Chapter 554, Private Acts of 1933, and by Chapter 817, Private Acts of 1935. See *Warren v. Walker*, 167 Tenn. 506, 77 S.W.2d 1057 (1934).
18. Private Acts of 1929, Chapter 615, stated that the High School at Lobelville in Perry County, is hereby changed from a two year to a four year High School and the same shall be under the control and the management of the County Board of Education. The school shall teach the regular four year High School curriculum.
19. Private Acts of 1929, Chapter 647, amended Private Acts of 1927, Chapter 648, defined the manner of electing the members of the Elementary School Board of Perry County by stating that the people of each Civil District shall elect one member of the Board and one member shall be elected by the county at large, all for two year terms. The Board may refund to any Special School District Boards any or all funds used in building or constructing any of the special school District building.
20. Private Acts of 1933, Chapter 512, repealed Private Acts of 1923, Chapter 623, which created the Cedar Creek Special School District.
21. Private Acts of 1933, Chapter 554, provided that a five member Board of Education was to be elected by the people every two years in Perry County at the general August election. Ross Walker, Ted Pitts, Ed Coleman, Sam Leeper, and S. Y. Conger, shall serve as the first Board until their successors are elected. One member shall be elected in each Civil District and one from the county at large, any vacancy being filled by the Quarterly Court for the unexpired term. Members

must meet the qualifications established by the State. This Act also repeals Private Acts of 1927, Chapter 648, and all other conflicts. See Warren v. Walker, 167 Tenn. 506, 77 S.W.2d 1057 (1934).

22. Private Acts of 1935, Chapter 84, recited in the preamble to the Act that a balance of \$5,000 existed in the Elementary School Fund for Perry County for the year ending July, 1934, and that the High School Fund is depleted and, unless some relief is found and provided, the High School cannot finish the school year, this Act is the authority for the County Elementary School Board to transfer to the High School Fund such sums, not to exceed \$5,000, as may appear to them necessary to enable the work of the High School to continue until the close of the school year.
23. Private Acts of 1941, Chapter 529, amended Chapter 817, Private Acts of 1935, by adding the last paragraph in Section 2 as it appears in the Act.
24. Private Acts of 1947, Chapter 719, amended Private Acts of 1927, Chapter 502, by repealing the last three Sections of that Act which required the Superintendent to be the Truant Officer for the county, which supplemented his salary from the State by \$500 to \$750 per year, and which required the Superintendent to devote his full time to his duties.
25. Private Acts of 1963, Chapter 277, would have created another Lobelville School District embracing the entire Fourth Civil District of Perry County to be administered and controlled by a five member Board of Directors who would be elected for six year terms, staggered initially, to which Willie Hinson, Ray Loveless, Mrs. Cecil Bates, Mrs. Kate Morrison Gimmer, and James Westbrooks, were named as the first Directors to serve until their successors could be elected. Section 5 was an enumeration of the specific powers and duties of the Board. The Board could levy a special school tax in the District of 40 cents per \$100 property valuation. Children in the District could attend school free of charge, but others must pay a tuition as determined by the Board. This Act was rejected by the Quarterly Court of Perry county, and therefore never became an effective law under the provisions of the Home Rule Amendment to the Constitution.
26. Private Acts of 1965, Chapter 64, attempted to increase the compensation of the members of the Board of Education in Perry County to \$25 per day for each day's attendance at the regular meetings of the board and to \$10 per day for their attendance at special, or called, meetings of the Board but no members total compensation could exceed \$255 per year, but this Act was likewise rejected by the Quarterly Court of Perry County and never took effect.
27. Private Acts of 1993, Chapter 58, sought to repeal the Private Acts of 1982, Chapter 264, and to divide Perry County into school districts; and to provide for the number, election, and terms of members of the Perry County Board of Education. This act, however, never received local ratification and is therefore not operative.

Chapter VII - Elections

Districts - Reapportionment

Acts of 1903 Chapter 283

SECTION 1. That all the civil districts of Perry County as now constituted be and the same are hereby abolished.

SECTION 2. That the territory heretofore comprising the First, Second and Eleventh Civil Districts of said county be and the same shall be known and nominated as the First Civil District of said county; that the territory heretofore comprising the Third and Fourth Civil Districts of said county be and the same shall be known and nominated as the Second Civil District of said county; that the territory heretofore comprising the Fifth, Sixth and Ninth Civil Districts be and the same shall be known and nominated as the Third Civil District of said county; that the territory heretofore comprising the Seventh, Eighth and Tenth Civil Districts of said county be and the same shall be known and nominated as the Fourth Civil District of said county.

SECTION 3. That the County Court of Perry County may alter or change the lines of the civil districts of said county so as to suit the convenience of the citizens of said districts, but no civil districts in excess of the four districts hereby established shall be created out of any of the territory of said county unless authorized by an Act of the General Assembly of the State of Tennessee.

SECTION 4. That from and after July 4, 1903, the offices of the Justices of the Peace and all other district officers in the districts heretofore constituted and abolished by this Act shall cease to exist.

SECTION 5. That a special election shall be held on June 20, 1903, for the purpose of electing Justices of the Peace and other civil district officers to fill the offices of the civil districts created by the provisions of this Act, and that the commissions of said officers shall bear date July 4, 1903, and shall expire on the first Thursday in August, 1904.

SECTION 6. That the voting precincts of said county shall remain as heretofore established, unless otherwise provided for by the County Court of said county.

SECTION 7. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act take effect from and after July 4, 1903, the public welfare requiring it.

Passed: April 9, 1903.

Elections - Historical Notes

The following is a listing of acts for Perry County which affected the elective process, but which have been superseded or repealed. They are listed here for historical and reference purposes.

1. Acts of 1819, Chapter 69, provided that of the twenty State Senators, the Counties of Stewart, Perry, and Humphreys would elect one jointly and out of the forty Representatives in the General Assembly, Humphreys and Perry Counties would elect one jointly. The polls would be counted in each case at Reynoldsburgh in Humphreys County.
2. Acts of 1822, Chapter 1, divided Tennessee into eight United States Congressional Districts. The 8th U.S. District was made up of the Counties of Wayne, Hardin, Perry, Lawrence, Henry, Carroll, Henderson, Madison and Shelby.
3. Acts of 1823, Chapter 47, organized the State into eleven Presidential Electoral Districts. The Eleventh District comprised the Counties of Wayne, Hardin, Perry, and all the counties west of the Tennessee River. The votes would be counted and certified at Jackson, in Madison County.
4. Acts of 1824, Chapter 1, also set up Presidential Electoral Districts in Tennessee with practically no changes being made in the Act above.
5. Acts of 1826, Chapter 3, apportioned the State for the General Assembly based on population figures furnished by counties. Stewart, Humphreys, Perry, and Henderson Counties would join together to elect one of the 20 State Senators, and the first three counties named would jointly elect one of the 40 Representatives.
6. Acts of 1827, Chapter 17, again set up eleven Presidential Electoral Districts in Tennessee. The 10th District consisted of the Counties of Robertson, Montgomery, Dickson, Stewart, Humphreys, and Perry.
7. Acts of 1832, Chapter 4, divided Tennessee into thirteen U.S. Congressional Districts and the 13th District had in it the Counties of Perry, Henderson, McNairy, Hardeman, Fayette, Shelby, and Tipton.
8. Acts of 1832, Chapter 9, established fifteen Presidential Electoral Districts in the State. Maury, Hickman, Wayne, and Perry Counties composed the 12th District.
9. Acts of 1833, Chapter 71, was the next apportionment of the General Assembly. One of the twenty State Senators would be elected jointly by Stewart, Humphreys, Perry, and Henderson Counties, counting the votes at Reynoldsburgh in Humphreys County. Stewart, Humphreys, and Perry Counties would share one of the forty State Representatives.
10. Acts of 1833, Chapter 76, provided for the election of the sixty delegates to the Constitutional Convention which would be convened in Nashville on the third Monday in May after being elected on the first Thursday and Friday in March. Perry, Hardin, and McNairy Counties would join together to elect two delegates.
11. Acts of 1835-36, Chapter 39, set up fifteen Presidential Electoral Districts in the State with Maury, Hickman, Perry, and Wayne Counties constituting the 12th Electoral District.
12. Acts of 1839-40, Chapter 79, made each one of the United States Congressional Districts in the State into a Presidential Electoral District for the Presidential elections.
13. Acts of 1842, Chapter 1, reapportioned Tennessee for the General Assembly. Perry, Henderson, and McNairy Counties made up the 24th Senatorial District and would elect one of the 25 State Senators. Perry County was awarded one State Representative.
14. Acts of 1842, Chapter 7, established eleven U.S. Congressional Districts assigning the Counties of Perry, Henderson, Madison, Carroll, Gibson, Weakley, and Obion to the 11th District.
15. Acts of 1851-52, Chapter 196, reduced the number of U.S. Congressional Districts in Tennessee to

- ten assigning the Counties of Giles, Lawrence, Wayne, Hardin, McNairy, Perry, Decatur, Benton, Humphreys, Hickman, and Lewis to the 7th District.
16. Acts of 1851-52, Chapter 197, reorganized the General Assembly allotting one of the 50 Representatives to Perry and Decatur Counties jointly, and letting Benton, Humphreys, Perry, Decatur, and Henderson Counties compose one Senatorial District. Polls would be counted at the mouth of Morgan's Creek.
 17. Acts of 1865, Chapter 34, was the first post Civil War Act to apportion the State. Eight U.S. Congressional Districts were organized with Lawrence, Wayne, Hardin, Decatur, Perry, Lewis, Maury, Hickman, Humphreys, Dickson, Montgomery, and Stewart making up the 6th District.
 18. Acts of 1871, Chapter 146, set up the Senatorial and Representative Districts in the General Assembly. The 16th State Senatorial District had in it the Counties of Hickman, Perry, Humphreys, Dickson, Cheatham, and Houston. Hickman, Perry, and Lewis Counties would jointly elect one Representative.
 19. Act of 1872, Chapter 7, separated the State into nine U.S. Congressional Districts. The Seventh District contained the counties of Montgomery, Houston, Stewart, Humphreys, Dickson, Cheatham, and Houston. Hickman, Perry, and Lewis, would jointly elect one Representative.
 20. Acts of 1873, Chapter 27, added one U.S. Congressional District to the State making ten. The 8th District had in it the Counties of Henry, Benton, Carroll, Perry, Decatur, Hardin, McNairy, Henderson, and Madison.
 21. Acts of 1881 (Ex. Sess.), Chapter 5, fixed the number of State Senators at 33 and the number of Representatives at 99 both to be on a permanent basis.
 22. Acts of 1881 (Ex. Sess.), Chapter 6, reapportioned the General Assembly to accommodate the enlarged membership. Lewis, Perry, and Decatur Counties would share one Representative, and Lawrence, Wayne, Hardin, and Perry Counties made up the 23rd State Senatorial District.
 23. Acts of 1882, Chapter 27, reorganized the ten U.S. Congressional Districts according to the 1880 Census. The 8th District was given the Counties of Henry, Benton, Perry, Decatur, Hardin, McNairy, Henderson, Madison, and Carroll.
 24. Acts of 1891 (Ex. Sess.), Chapter 10, set up the General Assembly according to the 1890 Census. Humphreys, Perry, and Wayne Counties would elect one Representative between them and Maury, Perry, and Lewis Counties composed the 19th State Senatorial District which would jointly elect one Senator.
 25. Acts of 1901, Chapter 109, divided the State into ten U.S. Congressional Districts allocating the Counties of Henry, Benton, Perry, Carroll, Decatur, Henderson, Chester, Madison, Hardin, and McNairy to the 8th U.S. Congressional District.
 26. Acts of 1901, Chapter 122, was the last apportionment of the General Assembly until some sixty years had passed. The 20th State Senatorial District contained Maury, Perry, and Lewis Counties, and the Counties of Humphreys and Perry would jointly elect one Representative.
 27. Private Acts of 1949, Chapter 194, fixed the compensation of the officials holding elections, both general, primary, and special, in Perry County, at \$2.00 per day.

Chapter VIII - Health

Currently, there are no Private Acts.

Chapter IX - Highways and Roads

Road Law

Private Acts of 1977 Chapter 18

SECTION 1. There is hereby established the office of Superintendent of Highways for Perry County which office shall be filled by election of the people every four (4) years at the August general election. The term of office shall begin on September 1 following the August general election.

SECTION 2. The Superintendent of Highways shall have full control and charge of all county maintained roads in Perry County and shall have the qualifications, term of office, duties, powers and authority and minimum compensation as provided by "The County Uniform Road Law" as codified in Tennessee Code

Annotated, 54-1001 through 54-1017, and as the same may be amended and shall be subject to the same limitations, conditions, prohibitions and punishments as provided in the aforesaid County Uniform Road Law.

SECTION 3. The compensation or salary of said Superintendent may be increased by action of the Quarterly Court. All employees of said Department shall be subject to any system of merit service, and/or job description, and pay classification, as may be adopted by the Superintendent of Highways of Perry County.

SECTION 4. The Superintendent of Highways shall order the payment by the County Trustee by written order of all money collected by taxation or otherwise belonging to the road or bridge fund which has become obligated for the construction, improvement, working or repairing or (sic) roads and bridges. Said orders shall be drawn and signed by the Highway Superintendent. Such orders shall plainly specify (1) the amount to be paid, (2) to whom, (3) for what purpose the expenditure is made; and such orders when so signed and drawn shall be the authority to the trustee to make payments out of the road or bridge fund. The Superintendent of Highways shall make, swear to and file with the county court a quarterly statement which lists all checks issued by him, to whom issued and for what purpose. The county judge shall preserve all of said statement as public records of the county.

SECTION 5. A vacancy in the office of Superintendent of Highways shall be filled by the county court until the next regular August election at which time a successor shall be elected by the people to fulfill the unexpired term or a new term as the case may be.

SECTION 6. Chapter 119, Private Acts of 1957; Chapter 257, Private Acts 1959; Chapter 314, Private Acts 1961; Chapter 41, Private Acts of 1965; Chapter 171, Private Acts of 1965; Chapter 163, Private Acts of 1967; Chapter 363, Private Acts of 1968; Chapter 244, Private Acts of 1970; Chapter 270, Private Acts of 1972; and Chapter 261, Private Acts of 1974 are repealed.

SECTION 7. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Perry County. Its approval or non-approval shall be proclaimed by the presiding officer of the court and certified by him to the Secretary of State.

SECTION 8. For the purpose of approving this Act as provided in Section 7 it shall take effect on becoming a law, the public welfare requiring it. For all other purposes, it shall take effect on being approved as provided in Section 7.

Passed: March 30, 1977.

Highways and Roads - Historical Notes

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

1. Acts of 1821, Chapter 6, required the Quarterly Courts of every county to index and classify their public roads into three classes, determined primarily by the width of the road. Higher degrees of maintenance were required on the more widely traveled roads. Third class roads had to be wide enough to pass horses and riders on their way to mill or market. Penalties were established, perhaps for the first time, for obstructing roads and for failing to comply with this Act.
2. Acts of 1825, Chapter 179, was the authority for William Adkinson, of Perryville, to build a bridge across the Beech River near Perryville in Perry County. As long as the bridge was kept in good repair, Adkinson may charge tolls to cross it at the rates specified in this Act but before doing so, he must obtain a certificate from three Justices of the Peace that the bridge is in good and safe condition.
3. Acts of 1837-38, Chapter 40, declared the Buffalo River to be navigable from its mouth to Beardstown in Perry County, and it would therefore be unlawful for any person to build, or erect, any dam across the River or put any sort of obstruction in it which would prevent or impede navigation. This Act was repealed by Acts of 1839-40, Chapter 14..
4. Acts of 1837-38, Chapter 115, authorized and permitted the County Court of Perry County to expend a portion of the internal improvement funds allotted to the county to purchase a horse boat for the use of the public ferry at Perryville. The proceeds derived from the operations of the ferry would go into the common school funds.
5. Acts of 1839-40, Chapter 14, repealed Acts of 1837-38, Chapter 40, which declared the Buffalo River to be navigable along certain portions of its length.
6. Acts of 1901, Chapter 136, was a statewide Road Law which applied to all counties under 70,000

in population. The County Court must elect one Road Commissioner from each Road District, which were coextensive with the Civil Districts, who would be in charge of the roads in his district for two years. He must be sworn and give receipt for all money and tools given to his care, could be punished for willful negligence or misconduct, and who would be paid \$1.00 for each day worked up to ten days per year. The County Court would assign road hands to the district and fix the number of days they would work on the roads each year which would be not less than five nor more than eight for all males, outside of cities, between the ages of 21 and 45. One could pay a stipulated commutation fee if he chose not to work, but must do one or the other. The County Courts were given the power to levy a special road tax of two cents per \$100 for each day the court required the hands to work on the roads. Prisoners could be worked under certain specific conditions. Some specifications for building roads were incorporated into this Act which also required that the roads be indexed and classified into one of four classes depending on width and surfacing materials. Road work could be contracted if the conditions of doing so were strictly adhered to. Procedures were established to dispose of petitions filed with the Commission to open, close, or change a road. Commissioners would be paid at the same rate as Justices of the Peace not to exceed 12 days per year. A special ad valorem tax of not more than twenty cents per \$100.00 property valuation could also be levied for road purposes. This Act was part of the lawsuit in the case of Carroll v. Griffith, 117 Tennessee 500, 97 S.W. 66 (1906).

7. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, in several minor particulars but principally involved the procedures for handling and disposing of those petitions to open, close, and change roads, especially where the exercise of the power of eminent domain was necessary.
8. Private Acts of 1921, Chapter 363, created a Board of County Road Supervisors, in Perry County, to be appointed by the County Judge and confirmed by the County Court. There would be one from each district for a term of two years beginning in January, 1922, who would be paid from \$200 to \$300 per year, payable quarterly. The Commissioners would be sworn and bonded for \$1,500. They must have a general knowledge of roads and their maintenance, and would be the custodians of, and responsible for, all road machinery, tools, supplies, and equipment in their districts. Road Districts would be coextensive with Civil Districts. The Road Supervisor would appoint the Overseers, or Foremen, in the District, who could serve for two years, if they desired, or longer, who would have direct supervision over sections of road assigned to them, and the road hands who would be males from 21 to 50 years of age, and who would work six, 8 hour days, and could contract for the use of wagons and teams if they owned such. Up to \$1.50 per day was allowed for them to secure a driver for teams, or, they could be paid that amount if they drove themselves. The Supervisors would plan and schedule the road work, could purchase supplies for the district, but could not contract beyond the amount of funds available. The County Court had the power to levy a special road tax of from 30 to 50 cents per \$100 property valuation, and could levy special privilege taxes according to the schedule in the Act. Penalties were set up for violations of this law and procedures written into the Act for handling and disposing of petitions to open, close, or change roads.
9. Private Acts of 1925, Chapter 772, amended Private Acts of 1921, Chapter 363, by deleting Section 2 and incorporating a new Section which provided for a County Road Supervisor who would have charge of the roads, culverts, and bridges in the county, who must meet the qualifications fixed in this amendment, who must be sworn and bonded, and who would be paid an annual salary of \$1,000 to \$1,200. The office of District Road Commissioner was abolished. Section 13 lowered the amount on which purchases could be made without bid procedures being observed from \$250 to \$50. The remainder of this Act made the changes necessary when changing from the four District Road Supervisors to the one County Road Supervisor.
10. Private Acts of 1927, Chapter 728, amended Private Acts of 1921, Chapter 363, to the effect that owners of teams living on State highways shall work on the roads nearest to them which leads to the State roads. The commutation fees for both road hands and teams were reduced and the permissible tax rate was lowered from the minimum of 30 cents to 15 cents per \$100. The Act provided that the privilege tax on autos and trucks, as established in the above amended Act, shall be paid at the same time the State licenses are bought, or the State license shall not be sold to the buyer, and by adding a provision that a Justice of the Peace would henceforth be eligible to serve as County Road Supervisor.
11. Private Acts of 1929, Chapter 641, contained only a general repealing clause but was undoubtedly the next Road Law for Perry County. This Act established a five member Board of Highway Commissioners, one from each of four Road Districts, and the Chairman would be elected from the county at large. Their terms would be for two years beginning September 1, 1929, and until that time, the Act named Fred Howell, Clint A. Daniel, Robert Tucker, Jesse Sweeney, as members

of the Board, and W. H. Bates, as Chairman, all of whom must be sworn and bonded, and their duties are specified in a general way. The Board could employ a County Highway Superintendent to be in immediate charge of the Road Department, who would be between 21 and 60 years of age, be paid \$5.00 per day, who would also be sworn and bonded, and discharge the duties specified in the Act. W. H. Bates would serve as County Highway Superintendent until his term expired. The powers of the Commission are written out in eleven paragraphs in Section 9. The Board would serve as Purchasing Agent, submitting all items over \$500 to bids. The Board would meet once each month and specially, when called. Each of the Civil Districts constituted a Road District. The Commission would appoint Road Overseers to serve at \$2.50, or less, per day, who would be in charge of sections of road as assigned to them. All males between the ages of 21 and 50 must work six days on the road or commute at 60 cents per day. Owners of horses and wagons may be required to furnish both but could be paid up to \$2.00 per day for their use. Purchases and contract could not be made beyond the amount of available funds. A special road tax could be levied up to 20 cents per \$100 property valuation. Each Commissioner was authorized to act as the accredited representative of the County.

12. Private Acts of 1935, Chapter 527, amended Private Acts of 1929, Chapter 641, by providing for the election of the Highway Superintendent to two year terms; in Section 3, by providing that the Quarterly Court would fill the vacancies, should any occur, on the Board of Highway Commissioners instead of the remaining members of the Board doing so; in Section 13, by adding a provision against nepotism from the County Highway Commissioner's families.
13. Private Acts of 1949, Chapter 927, also amended Private Acts of 1929, Chapter 641, by changing the compensation of members of the Board of Highway Commissioners set up in Section 12 from \$5.00 per meeting, regular and called, to \$25 per month; in Section 6, by striking \$5.00 per day and inserting \$8.00 per day as salary of the Road Supervisor; in Section 17, by increasing the maximum allowable pay for Road Overseers, and assistants, from \$2.50 for each day served to \$6.00 per day provided each day was of ten hours duration.
14. Private Acts of 1957, Chapter 119, was the former road law for Perry County. It was repealed by Private Acts of 1977, Chapter 18.
15. Private Acts of 1959, Chapter 257, amended Private Acts of 1957, Chapter 119, in Section One by deleting the last sentence of the first paragraph which required a person to be out of the office of Road Commissioner for two years after serving three consecutive terms; in Section 3 by raising the hourly wage scale for skilled and unskilled labor from 75 cents to \$1.00 per hour to 75 cents to \$1.25 per hour; and by removing from Section 3 a requirement that the District Road Commissioner shall keep records of receipts and disbursements in itemized form and file monthly reports of the same with the Commission.
16. Private Acts of 1961, Chapter 314, would have amended Private Acts of 1957, Chapter 119 in Section 2, by giving the County Highway Supervisor, in addition to his salary, a monthly expense account of no less than \$50 per month, and no more than \$100 per month, which would have been paid to him by the County Judge at the same time as his salary. This Act was rejected by the Quarterly Court of Perry County and consequently never took effect under the provisions of the Home Rule Amendment to the State Constitution.
17. Private Acts of 1965, Chapter 41, also was an amendment to Private Acts of 1957, Chapter 119, which increased the daily pay rate of the County Road Supervisor to \$12 per day for each day worked, and set his pay at \$1.50 per hour instead of the amount then being paid to skilled workmen. This Act was also rejected by the Quarterly Court which rendered it null and void under the Home Rule Amendment.
18. Private Acts of 1965, Chapter 171, amended Section 3 of the Road Law by increasing the hourly rate for unskilled labor from 75 cents to 95 cents and for skilled labor from \$1.25 to \$1.50.
19. Private Acts of 1967, Chapter 163, amended Section 2 of the Road Law by increasing the daily pay range of the Road Supervisor from \$7.00 to \$10 to a \$12 minimum and \$15 maximum.
20. Private Acts of 1967, Chapter 363, amended Section 3 of the Road Law by raising the hourly pay scale for skilled workers from \$1.50 per hour to \$1.75 per hour but left the rate for unskilled labor at 95 cents per hour.
21. Private Acts of 1970, Chapter 244, amended Section 3 by again increasing the hourly wage rates for skilled and unskilled labor which was 95 cents to \$1.75 per hour to 95 cents to \$2.00 per hour; and by adding a new Section Five as it appears in the Act.
22. Private Acts of 1972, Chapter 270, increased the daily pay range for the Road Supervisor from \$12 to \$15 per day to \$15 to \$20 per day; and the hourly rates for laborers which were fixed from

95 cents to \$2.00 per hour were changed to \$1.60 to \$2.50 per hour.

23. Private Acts of 1974, Chapter 261, increased the daily pay range for the Road Supervisor to \$20 a day minimum and \$24 a day maximum and the hourly pay scale for laborers which was then from \$1.60 to \$2.50 was changed to \$1.75 to \$3.00 per hour.

Chapter X - Law Enforcement

Law Enforcement - Historical Notes

Sheriff

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

1. Acts of 1822, Chapter 72, provided that the Sheriff of Perry County shall advertise all lands reported by him and all other lands he may be compelled to sell, and the Ranger shall advertise all strays in some newspaper in Columbia, any law, custom, or usage to the contrary notwithstanding.
2. Acts of 1825, Chapter 136, stated that the Sheriffs of Humphreys, Perry, and Hardin Counties, the Rangers, and other public officers may advertise the sale of lands under execution, and estrays, which the law requires to be advertised in some newspaper, in some public newspaper in Jackson, Tennessee.
3. Private Acts of 1915, Chapter 534, stated that in Perry County, identified by the use of the 1910 Federal Census figures, the Sheriff shall receive the sum of \$750 per annum, payable quarterly, out of the county treasury, provided an accurate sworn, itemized statement showing the total amount of fees collected in the office shall be filed with the County Judge, or Chairman, showing the source, also, from whence the fees come. Fees for boarding prisoners were not to be included in the total. If the fees failed to equal the above salary, the county would pay the difference to the Sheriff, who must also pay his own deputies out of these allowances.
4. Private Acts of 1921, Chapter 903, fixed the annual salary of the Sheriff of Perry County at \$1,200 per year as compensation for his services, payable quarterly, out of the regular county treasury. The Sheriff must file with the County Judge a sworn, itemized account of all the fees collected by his office, excluding the fees for boarding prisoners. The county would pay the Sheriff the difference if the fees fail to equal the salary. The Sheriff was prohibited from giving the fees to anyone, and shall pay their deputies out of the salary herein provided.
5. Private Acts of 1931, Chapter 660, set the salary of the Sheriff of Perry County and the Bledsoe County at \$2,000 per year in addition to amounts received by the Sheriff for the boarding of prisoners and turnkeys which amount would be paid out of the regular county funds on a warrant drawn by the County Judge, or Chairman.
6. Private Acts of 1933, Chapter 547, stated that the salary of the Sheriff of Perry County shall be and is, hereby fixed at \$50 per month, plus the fees collected by the said office under the law, except the fees for summoning veniremen, the said \$50 to be paid out of regular county funds.
7. Private Acts of 1943, Chapter 441, established that the sheriff was to be paid out of the county treasury not less than \$1,000 nor more than \$2,000 per year.

Chapter XI - Taxation

Hotel/Motel Tax

Private Acts of 2002 Chapter 133

SECTION 1. As used in this act unless the context otherwise requires:

- (1) "Clerk" means the county clerk of Perry County, Tennessee.
- (2) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged

when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.

(3) "County" means Perry County, Tennessee.

(4) "Hotel" means any structure or space, or any portion thereof, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist camp, tourist court, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.

(5) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.

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

(7) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, governmental unit other than the United States or any of its agencies, or any other group or combination acting as a unit.

(8) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodations in a hotel for a period of less than thirty (30) continuous days.

SECTION 2. The legislative body of Perry County is authorized to levy a privilege tax upon the privilege of occupancy in any hotel of each transient in an amount of five percent (5%) of the consideration charged by the operator. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided in this act.

SECTION 3. The proceeds received by the county from the tax shall be designated and used for such purposes as designated by the legislative body of the county.

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

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

SECTION 5.

(a) The tax levied shall be remitted by all operators who lease, rent or charge for any rooms, lodgings, spaces or accommodations in hotels within the county to the county clerk or such other officer as may by resolution be charged with the duty of collection thereof, such tax to be remitted to such officer not later than the twentieth (20th) day of each month for the preceding month. The operator is required to collect the tax from the transient at the time of the presentation of the invoice for such occupancy, whether prior to, during, or after occupancy, as may be the custom of the operator, and if credit is granted by the operator to the transient, then the obligation due to the county shall be that of the operator.

(b) For the purpose of compensating the operator for remitting the tax levied by this act, the operator shall be allowed two percent (2%) of the amount of the tax due, accounted for, and remitted to the clerk in the form of a deduction in submitting the report and paying the amount due by such operator, provided the amount due was not delinquent at the time of payment.

SECTION 6. The clerk, or other authorized collector of the tax, shall be responsible for the collection of such tax and shall deposit the proceeds of such tax in accounts for purposes stated herein. A monthly tax return shall be filed under oath with the clerk by the operator with such number of copies thereof as the clerk may reasonably require for the collection of such tax.

The report of the operator shall include such facts and information as may be deemed reasonable for the verification of the tax due. The form of such report shall be developed by the clerk and approved by the county legislative body prior to use. The tax collection official shall audit each operator in the county at least once per year and shall report on the audits made on a quarterly basis to the county legislative body.

The county legislative body is authorized to adopt resolutions to provide reasonable rules and regulations for the implementation of the provisions of this act, including the form for such reports.

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

SECTION 8. Taxes collected by an operator which are not remitted to the county clerk on or before the

due dates are delinquent. An operator is liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and is liable for an additional penalty of one percent (1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Each occurrence of willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is unlawful and shall be punishable by a civil penalty not in excess of fifty dollars (\$50.00).

SECTION 9. It is the duty of every operator liable for the collection and payment to the county of any tax imposed by this act to keep and preserve for a period of three (3) years all records necessary to determine the amount of tax due and payable to the county. The clerk has the right to inspect such records at all reasonable times.

SECTION 10. The county clerk in administering and enforcing the provisions of this act has as additional powers, those powers and duties with respect to collecting taxes as provided in Title 67 of Tennessee Code Annotated or otherwise provided by law for county clerks. For services in administering and enforcing the provisions of this act, the county clerk is entitled to retain as a commission five percent (5%) of the taxes collected.

Upon any claim of illegal assessment and collection, the taxpayer has the remedies provided in Title 67 of Tennessee Code Annotated. It is the intent of this act that the provisions of law which apply to the recovery of state taxes illegally assessed and collected shall also apply to the tax levied under the authority of this act. The provisions of Tennessee Code Annotated, Section 67-1-707, shall be applicable to adjustments and refunds of such tax.

With respect to the adjustment and settlement with taxpayers, all errors of county taxes collected by the county clerk under authority of this act shall be refunded by the county clerk. Notice of any tax paid under protest shall be given to the county clerk and the resolution authorizing levy of the tax shall designate a city officer against whom suit may be brought for recovery.

SECTION 11. The proceeds of the tax authorized by this act shall be allocated to and placed in the general fund (or other fund) of Perry County to be used for the purposes stated in Section 3 of this act.

SECTION 12. The privilege tax levied by this act shall be in addition to all other taxes levied or authorized to be levied whether in the form of excise, license, or privilege taxes.

SECTION 13. The tax levied pursuant to the provisions of this act shall only apply in accordance with the provisions of Tennessee Code Annotated, Section 67-4-1425.

SECTION 14. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 15. This act shall have no effect unless it is approved by a two thirds (2/3) vote of the county legislative body of Perry County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and shall be certified by such presiding officer to the secretary of State.

SECTION 16. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect upon being approved as provided in Section 15.

Passed: April 17, 2002

Litigation Tax

Private Acts of 1980 Chapter 191

SECTION 1. There is hereby imposed a litigation tax on the privilege of litigating a civil and criminal action in the amount of five dollars (\$5.00) to be assessed and taxed as part of the costs of the cause of action on all such actions disposed of in the Circuit, Criminal, or Chancery Court of Perry County.

SECTION 2. There is hereby imposed a litigation tax on the privilege of litigating a civil or criminal action in the amount of two dollars and fifty cents (\$2.50) to be assessed and taxed as part of the costs of the cause of action on all such actions disposed of in the Court of General Sessions of Perry County.

SECTION 3. The litigation taxes provided in Section 1 and Section 2 shall be collected by the clerks of the various courts in which the actions are disposed of; and such clerks shall pay over the revenue generated by such litigation taxes to the county trustee every quarter and such revenue to be paid by the tenth (10th) of the month immediately following the end of the quarter in which such collections were made by

the clerks.

SECTION 4. There is hereby created a special fund to be known as the "Courthouse Improvement and Maintenance Fund". The Trustee of Perry County shall deposit the litigation taxes collected under the authority of Section 3 into such fund. Such fund shall be subject to appropriations by the county legislative body for the purpose of improvements and maintenance of the Perry County Courthouse.

SECTION 5. The litigation taxes collected under this Act shall be considered suspended when the court having jurisdiction over the cause of action suspends the costs of such cause of action.

SECTION 6. As used in this Act, unless the context required otherwise: "cause of action" or "action" includes all ex parte hearings, advisory hearings, and contested proceedings in the enumerated courts.

SECTION 7. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to that end the provisions of this Act are declared to be severable.

SECTION 8. This Act shall have no effect unless it is approved by the two-thirds (2/3) vote of the county legislative body of Perry County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Perry County legislative body and certified by him to the Secretary of State.

SECTION 9. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 8.

Passed: February 18, 1980.

Severance Tax

Private Acts of 1980 Chapter 207

SECTION 1. Perry County by resolution of its county legislative body is authorized to levy a tax on all sand, gravel, limestone, phosphate rock, and all other mineral products severed from the ground within its jurisdiction. The tax shall be levied for the use and benefit of Perry County only and all revenues collected from the tax, except deductions for administration and collection provided for herein, shall be allocated to Perry County.

Administration and collection of this tax shall be by the county clerk of Perry County who shall have the power to promulgate all rules and regulations necessary and reasonable for the administration of the provisions of this Act.

SECTION 2. The rate of the tax shall be set by the county legislative body, but shall not exceed ten cents (10¢) per ton of sand, gravel, limestone, phosphate rock, or other mineral products severed from the ground in the county. Every interested owner shall become liable at the time the sand, gravel, limestone, phosphate rock, or other mineral product is severed from the earth and ready for sale, whether before processing or after processing as the case may be. The term "sand, gravel, limestone, phosphate rock, or other mineral product" shall mean sand, gravel, limestone, phosphate rock, or any other mineral severed from the earth in the process of producing a saleable product by whatever means of severance used. It shall not include, however, any mineral taxed under the provisions of Tennessee Code Annotated, Sections 67-5901 through 67-5905 nor Section 60-116. The tax levied upon the entire production in the county regardless of the place of sale or the fact that delivery may be made outside the county. The tax shall accrue at the time the sand, gravel, limestone, phosphate rock, or other mineral product is severed from the earth and in its natural or unprocessed state. The tax levied shall be a lien upon all sand, gravel, limestone, phosphate rock, and other mineral products severed in the county and upon all property from which it is severed, including but not limited to mineral rights of the producer, and such lien shall be entitled to preference over all judgments, encumbrances or liens whatsoever created.

As amended by: Private Acts of 2008, Chapter 84

SECTION 3. The tax levied by this Act shall be due and payable on the first day of the month succeeding the month in which the sand, gravel, limestone, phosphate rock, or other mineral products are severed from the soil. For the purpose of ascertaining the amount of tax payable, it shall be the duty of all operators in Perry County to transmit to the county clerk on or before the fifteenth (15th) day of the month next succeeding the month in which the tax accrues a return upon forms provided by him. The return shall show the month or period covered, the total number of tons of each type of mineral, sand, gravel, limestone, phosphate rock, or other miner product severed from each production unit operated, owned or controlled by the taxpayer during the period covered, the amount of the tax and such information as the county clerk may require. The return shall be accompanied by a remittance covering

the amount of tax due as computed by the taxpayer.

SECTION 4. The tax levied by this Act shall become delinquent on the sixteenth (16th) day of the month next succeeding the month in which such tax accrues. When any operator shall fail to make any return and pay the full amount of the tax levied on or before such date there shall be imposed, in addition to other penalties provided herein, a specific penalty in the amount of ten percent (10%) of the tax due. Whenever a penalty is imposed there shall also be added to the amount of tax and penalty due interest thereon at the rate of eight percent (8%) per annum from the date due until paid. A further penalty of fifty percent (50%) of the amount due may be added if the nonpayment of the tax is due to an intent to evade payment. If the tax is delinquent for a period of sixty (60) days or if the nonpayment of the tax is due to an intent to evade payment, the person liable for such payment may be restrained and enjoined from severing sand, gravel, limestone, phosphate rock, or other mineral products that have been severed and sold and upon which the tax is due. Restraint proceedings shall be instituted in the name of the county by the District Attorney General for the county at the request of the Perry County Clerk.

All such penalties and interest imposed by this Act shall be payable to and collectible by the county clerk in the same manner as if they were a part of the tax imposed and shall be retained by the county clerk's office to help defray the expenses of administration and collection.

Any person required by this Act to make a return, pay a tax, keep records, or furnish information deemed necessary by the county clerk for the computation, assessment, or collection of the tax imposed by this Act, who fails to make the return, pay the tax, keep the records, or furnish the information at the time required by law of regulation is, in addition to other penalties provided by law, guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment for not more than one (1) year or both.

Any person who willfully or fraudulently makes and signs a return which he does not believe to be true and correct as to every material fact is guilty of a felony and subject to the penalties prescribed for perjury under the law of this state. For the purposes of this section the word "person" also includes an officer or employee of a corporation or a member or employee of a partnership who is under duty to perform the act in respect to which the violation occurs.

SECTION 5. When any person shall fail to file any form, statement, report or return required to be filed with the county clerk, after being given written notice of same, the county clerk is authorized to determine the tax liability of such person from whatever source of information may be available to him. An assessment made by the county clerk pursuant to this authority shall be binding as if made upon the sworn statement, report or return of the person liable for the payment of such tax; and any person against whom such an assessment is lawfully made shall thereafter be estopped to dispute the accuracy thereof except upon filing a true and accurate return together with such supporting evidence as the county clerk may require indicating precisely the amount of the alleged inaccuracy.

SECTION 6. All revenues collected from the severance of sand, gravel, limestone, phosphate rock, or other mineral products in Perry County less an amount to cover the expenses of administration and collection and all of the penalties and interest collected, which shall be retained by the office of the county clerk and credited to its current service revenue to cover the expense of administration and collection, shall be remitted quarterly to the county trustee of Perry County, not later than the tenth (10th) day of the month following the end of the calendar quarter. Any present or future revenues shall become part of the highway fund of Perry County.

Any adjustment of taxes, penalties, or interest which is necessary to adjust any error in collection or disbursement may be made at a subsequent collection or disbursement.

As amended by: Private Acts of 2008, Chapter 84

SECTION 7. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Perry County before November 1, 1980. Its approval or nonapproval shall be proclaimed by the presiding officer of the Perry County legislative body and certified by him to the Secretary of State.

SECTION 8. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 7.

Passed: March 3, 1980.

Taxation - Historical Notes

Assessor of Property

The following acts were superseded, repealed or failed to win local ratification, but they are listed here as a reference to laws which once affected the Perry County Assessor.

1. Private Acts of 1915, Chapter 607, fixed the salary of the Tax Assessor in Perry County at \$500 per year, payable quarterly out of the county treasury on the warrant of the County Judge, or Chairman.
2. Private Acts of 1933, Chapter 887, provided that the Tax Assessor of Perry County shall receive as compensation for his services the sum of \$400 per annum to be paid monthly out of regular county funds on the warrant of the County Judge, or Chairman.
3. Private Acts of 1949, Chapter 586, amended Section One, Private Acts of 1933, Chapter 887, by striking the provisions for the compensation of the Tax Assessor written therein and inserting a provision that the Tax Assessor shall receive for his services the amount prescribed by the Quarterly Court of the County which amount shall be paid to him monthly out of the county treasury on the warrant of the County Judge, or Chairman.

Taxation

The following is a listing of acts pertaining to taxation in Perry County which are no longer effective.

1. Acts of 1870-71, Chapter 50, authorized the counties and the cities of the State to impose taxes for county and municipal purposes in the following manner (1) that all taxable property be taxed according to its value and on the principles established for State taxation, and (2) that the credit of no county, or city, may be loaned to any person, firm, or corporation, unless a majority of the Quarterly Court first agrees to submit the question to a referendum vote of the people, and that the people approve the same by a three-fourths vote. Several counties, not including Perry County, exempted themselves from the three-fourths majority requisite for the next ten years, saying a simple majority would be sufficient to comply.
2. Private Acts of 1929, Chapter 462, amended Chapter 363, Private Acts of 1921, by striking Section 30 from the Act in its entirety, which provided for a wheel tax in Perry County. Chapter 363, above, was the Road Law for Perry County at the time. See the Section on Highways and Roads.
3. Private Acts of 2005, Chapter 20, amended Private Acts of 1980, Chapter 207 by increasing the severance tax from five cents (5¢) to ten cents (10¢). This act never received local approval.

Source URL: <https://www.ctas.tennessee.edu/private-acts/perry>