



September 01, 2024

Administration - Historical Notes

Dear Reader:

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

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

Sincerely,

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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 Private Acts of 1933, Chapter 545, repealed Private Acts of 1919, Chapter 521.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.

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