



May 19, 2024

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# Administration - Historical Notes

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

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

Sincerely,

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# Administration - Historical Notes

## **County Clerk**

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

1. Private Acts of 1919, Chapter 146, made women over the age of 21 eligible to hold the offices of deputy register, deputy county court clerk, deputy circuit court clerk, and deputy clerk and master in Gibson County.
2. Private Acts of 1923, Chapter 319, set the salary of the County Court Clerk at all fees, commissions and other revenues collected by the office. This act was repealed by Private Acts of 1925, Chapter 416.
3. Private Acts of 1933, Chapter 776, set the salary of the County Court Clerk at \$3,000 per annum.

## **County Legislative Body**

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

1. Public Acts of 1823, Chapter 41, provided that the county court of Henderson County would meet on the first Mondays in January, April, July and October.
2. Private Acts of 1824, Chapter 102, set the dates for holding county court on the first Mondays in January, April, July and October.
3. Private Acts of 1825, Chapter 318, set the dates for holding county court on the first Mondays in March, June, September and December.
4. Private Acts of 1829, Chapter 20, declared that the Quarterly Courts of the counties of Gibson, Henderson, Carroll, Dyer, Knox, Anderson and Obion, on the first day of the first term in the year, could select three of their number to hold the county courts for the remainder of that year. These Justices were to be paid \$1.50 a day for each day spent holding this Quorum Court, and the county court was given the power to levy a tax of \$1 on each suit filed, if necessary.
5. Public Acts of 1832, Chapter 21, set the dates for holding county court on the third Mondays in March, June and September.
6. There were three private acts setting the compensation of justices of the peace (now county commissioners), which is now set by T.C.A. § 5-5-107. The first of these was Private Acts of 1919, Chapter 115, which set the per diem at \$2.50 per day, plus 5¢ per mile. Private Acts of 1957, Chapter 76, raised the per diem to \$7.50 and the mileage allowance to 10¢ per mile. The per diem was increased to \$15 by Private Acts of 1965, Chapter 31.

## **County Mayor**

The references below are of acts which once applied to the office of county judge, or county executive in Gibson 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 1905, Chapter 432, created the office of County Judge. The County Judge was given all the powers and authority formerly exercised by the Chairman of the County Court, as well as certain powers, jurisdiction and authority conferred upon Circuit Judges and Chancellors. The salary was \$1,000 annually.
2. The office of County Judge was temporarily abolished when Acts of 1905, Chapter 432, was repealed by Private Acts of 1913, Chapter 258. Private Acts of 1915, Chapter 383, purported to amend the then-repealed 1905 act by removing the qualification that the Gibson County Judge be a licensed attorney. Private Acts of 1917, Chapter 412, repealed Private Acts of 1913, Chapter 258, and revived Acts of 1905, Chapter 432, thereby re-creating the office of Gibson County Judge.
3. Private Acts of 1919, Chapter 584, resolved confusion as to qualifications for the office of County Judge by setting the qualifications without any requirement that the candidate be a licensed attorney. This act repealed all conflicting portions of the 1905 act.
4. Private Acts of 1935 (Ex. Sess.), Chapter 34, changed the manner of filling vacancies in the office of County Judge.
5. Private Acts of 1941, Chapter 203, gave the Gibson County Judge a number of additional judicial

powers concurrent with those of the Chancery and Circuit Courts, including divorce and criminal jurisdiction. In Private Acts of 1965, Chapter 231, an attempt was made to repeal this act but the Quarterly County Court failed to ratify the act. These powers were removed from the office of County Judge when this act was repealed by Private Acts of 1967-68, Chapter 374.

6. Private Acts of 1949, Chapter 770, set the salary of the County Judge at \$5,000 annually.
7. Private Acts of 1961, Chapter 380, set the salary of the County Judge at \$7,500 annually.
8. Private Acts of 1965, Chapter 232, attempted to amend Acts of 1905, Chapter 432, by removing all the judicial functions from the office of County Judge, but this act failed to gain local approval.

### **County Register**

The following acts once affected the office of county register in Gibson County, but are no longer operative. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1919, Chapter 146, made women over the age of 21 eligible to hold the office of deputy register, deputy county court clerk, deputy circuit court clerk, and deputy clerk and master in Gibson County.
2. Private Acts of 1923, Chapter 319, set the compensation of Gibson County Register at all fees, commissions and other amounts received by the office. This act was repealed by Private Acts of 1925, Chapter 416.
3. Private Acts of 1933, Chapter 775, set the compensation of County Register at no more than \$3,000 per year, payable only out of the fees collected by the office.

### **County Trustee**

The following acts once affected the office of county trustee in Gibson County, but are no longer operative. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1923, Chapter 319, set the compensation of Gibson County Trustee at all fees, commissions and other amounts received by the office. This act was repealed by Private Acts of 1925, Chapter 416.
2. Private Acts of 1933, Chapter 774, set the compensation of County Trustee at no more than \$3,000 per year, payable only out of the fees collected by the office.

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

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

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

### **General Reference**

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

1. Public Acts of 1823, Chapter 11, created the 16th Solicitorial District, to be composed of the counties of Obion, Gibson, Weakley and Dyer.
2. Private Acts of 1823, Chapter 111, established Gibson County.
3. Private Acts of 1824, Chapter 53, required the surveyor-general of the 13th District to move his office to the place of holding court in Gibson County.
4. Private Acts of 1824, Chapter 128, authorized the County Court to levy a tax of not more than 12½¢ per 100 acres, for five years, to improve navigable streams in the Western District,

including Gibson County.

5. Public Acts of 1832, Chapter 14, authorized the County Court of Gibson County to appoint a Board of Commissioners of Internal Improvement.
6. Public Acts of 1835-36, Chapter 48, directed the county court in each county to appoint a surveyor and an entry taker for the county, and directed the present surveyor for the 13th district to deliver all existing records to the entry taker in Gibson County.
7. Acts of 1853-54, Chapter 180, authorized Gibson County to take stock in railroads and issue bonds.
8. Acts of 1855-56, Chapter 140, authorized the Gibson County Court to subscribe to stock in the Memphis and Ohio Railway Company.
9. Acts of 1855-56, Chapter 182, created the Trenton Building & Loan Association, "to enable the working men of Trenton to become their own landlords."
10. Acts of 1855-56, Chapter 251, authorized the Gibson County Court to sell the State's interest in the Forked Deer Turnpike Company and turn over the proceeds from that sale to the State Treasury.
11. Private Acts of 1859-60, Chapter 97, authorized the Entry Taker to give certified copies of land grants in the 13th District certified by the North Carolina Secretary of State to be read as prima facie evidence in state courts.
12. Private Acts of 1869-70, Chapter 57, created the "Gibson County Agricultural, Mechanical and Blooded Stock Association," a body corporate and politic to have succession for ninety-nine years, for the encouragement of agriculture and the mechanical arts and the growth of blooded stock.
13. Public Acts of 1871, Chapter 53, authorized the Gibson County Court to appoint a notary public in the 13th Civil District, in the new town of Milan.
14. Public Acts of 1875, Chapter 35, allowed an additional notary public for the 14th Civil District of Gibson County. This Act was repealed by Private Acts of 1978, Chapter 171.
15. Private Acts of 1933, Chapter 61, removed the disabilities of infancy and minority from Richard D. Holmes of Trenton.
16. Private Acts of 1935, Chapter 51, removed the disabilities of infancy from William Harwood Pounds.
17. Private Acts of 1935, Chapter 278, removed the disabilities of infancy from Eva Geraldine Norris of Memphis, to enable her to make settlement with the Gibson County Clerk and Master.
18. Private Acts of 1935, Chapter 283, removed the disabilities of infancy from Mrs. Pearl Oliver.
19. Private Acts of 1935, Chapter 284, removed the disabilities of infancy from Adron Hicks Wesson.
20. Private Acts of 1935, Chapter 629, removed the disabilities of infancy from James Reagor.
21. Private Acts of 1937, Chapter 75, removed the disabilities of infancy from R. G. Poyner.

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