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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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Table of Contents

| | |
|--|----------|
| Administration - Historical Notes | 3 |
|--|----------|

Administration - Historical Notes

Budget System

The following act once created a budgeting system for Montgomery County, but it has been specifically repealed or superseded by current law.

1. Private Acts of 1915, Chapter 167, provided that the County Judge and the Revenue Commissioners of Montgomery County must, each year, prepare a budget which set forth the purpose and estimated amount of expected yearly expenditures. The budget was to be filed with the Quarterly Court and upon review the Court would accept or amend the recommendation of a tax rate.

County Clerk

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

1. Private Acts of 1919, Chapter 274, declared that females, married or unmarried, over the age of twenty-one years, and resident in Montgomery County, were eligible for appointment as deputy County Court Clerk.
2. Private Acts of 1931 (2nd Ex. Sess.), Chapter 3, authorized the County Court Clerk to appoint a Deputy County Clerk who would be empowered to do and perform all acts of the clerk and receive a salary of \$1,500 annually to be paid from the excess fees of the clerk's office. In the event the fees were insufficient to pay the Deputy's salary, the deficit would be paid from County funds.
3. Private Acts of 1933, Chapter 598, fixed the salary of the County Court Clerk of Montgomery County at an amount not to exceed \$3,600 annually if the fees of the office equaled or exceeded that amount. In the event the office did not receive fees equal to or in excess of that amount, then the clerk would receive as compensation the fees the office did receive. The clerk was required to keep accurate records and report to the Quarterly County Court.
4. Private Acts of 1935, Chapter 812, fixed the salary of the Clerk of County Court at \$3,000 annually.

County Legislative Body

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

1. Acts of 1803, Chapter 39, regulated the times for holding the Courts of Pleas and Quarter Sessions in the counties making up the Mero District which were the Counties of Jackson, Smith, Wilson, Rutherford, Williamson, Davidson, Robertson, Montgomery, Stewart, Dickson, and Sumner. The court would meet in Montgomery County on the first Monday in March, June, September, and December.
2. Acts of 1804, Chapter 68, changed the time for County Court meetings in Montgomery County to the fourth Monday in March, June, September and December instead of the first Monday in those months.
3. Acts of 1806 (Ex. Sess.), Chapter 48, rescheduled the court terms for the County Court of the counties in the Mero District. Montgomery County's Court would meet on the second Monday in January, April, July, and October. The court would remain open for six judicial days.
4. Acts of 1807, Chapter 60, required the county court of every county on the second day of each term to determine on what day of the succeeding term the court would transact the county's business, and to direct the clerk of the court to post a notice of the opening date on the courthouse door as well as the day on which the state docket would be called.
5. Acts of 1809, Chapter 93, fixed the schedule of the opening dates for the terms of the Courts of Pleas and Quarter Sessions in most of the state's counties. Montgomery County's Court would continue to meet on the third Monday in January, April, July, and October.
6. Acts of 1817, Chapter 138, changed the opening dates for the terms of the County Court in Montgomery County to the third Monday in January, April, July, and October.
7. Private Acts of 1819, Chapter 154, permitted the County Court to hold its sessions for terms of two weeks.
8. Private of 1823, Chapter 197, was the authority for the Justices of the Peace in the Court of Pleas and Quarter Sessions in Montgomery County, on the first day of the first term of the year, to

select three of its number to hold the Court for the rest of the year under the same rules as if all Justices were meeting.

9. Public Acts of 1827, Chapter 91, provided for the relief of those who had had judgments entered in their favor in the minute books of the County Court of Montgomery County, which books were accidentally burned. They could obtain a writ upon giving sworn testimony of details and obtain judgment for any unpaid amounts of the original judgment.
10. Public of 1835-36, Chapter 6, provided for a court in every county made up of Justices of the Peace to meet once each month and hold open until the business of the court was finished. Three of the Justices constituted a court to hear the probate of wills and related matters but no jury trials were allowed. The County Court had the further responsibility of selecting jurors for the courts and was granted the power to levy taxes in order to pay them, if necessary.
11. Public Acts of 1867-68, Chapter 65, created the Board of Commissioners for Montgomery County which would have three elected members. The Board would have all the powers and duties then vested in the Quarterly Court and the Magistrates then in office were relieved of all duties incident to their offices as members of the Quarterly Court. The Board would hold four sessions annually. The County Court Clerk would be Recorder for the Board.
12. Public Acts of 1869-70, Chapter 49, repealed Public Acts of 1867-68, Chapter 65, above, and thereby abolished all Boards of Commissioners and the act specifically revised all laws that had been repealed by the act of 1867-68, above.
13. Acts of 1909, Chapter 579, provided that the Judge of the Criminal Court and of the County Court would receive the same salary as the Circuit Judges and Chancellors, the County and the State each to pay one-half.
14. Private Acts of 1951, Chapter 283, set the compensation for Justices of the Peace of Montgomery County at \$5 per day, plus the mileage authorized by law, for their attendance at the County Quarterly Court. 15. Private Acts of 1955, Chapter 276, fixed the per diem at \$15 for Justices in attendance at the Quarterly County Court plus the mileage allowance as allowed by law.\

County Mayor

The references below are of acts which once applied to the office of county judge, or county executive in Montgomery County. They are included herein for historical purposes only. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Acts of 1855-56, Chapter 253, created the office of County Judge in every county in the state to be filled by popular election for four year terms. The County Judge was to be learned in the law and sworn and commissioned as were other Judges. Quorum Courts were abolished and all the duties of that Court were assigned to the County Judge who would preside over the sessions of the Quarterly Court. The jurisdiction of the County Court was specifically outlined in the Act. The County Judge would be the accounting officer and general agent of the County, discharging the duties enumerated in this law.
2. Public Acts of 1857-58, Chapter 5, repealed Acts of 1855-56, Chapter 253, in its entirety, and restored all Quorum Courts to their former status.
3. Public Acts of 1857-58, Chapter 38, created the office of County Judge, to be filled by popular election for eight year terms. The first election was to take place on the first Saturday in March, 1858, under the same rules and laws as other elections were conducted. The Judge was to be learned in the law, sworn, and commissioned as other Judges and Chancellors. The Judge would preside over the Quarterly Court as the Chairman, and the Quarterly Court would perform the duties of the Quorum Court, which was abolished. The Judge was also the accounting officer and general agent of the county being required to perform the duties specified for each.
4. Public Acts of 1873, Chapter 53, provided that the Judge of the County Court in Montgomery County, who also held the Criminal Court in Montgomery County and the Circuit Court in Houston County, would receive his \$1,800 annual salary out of the State treasury in the same manner as any other Judge.
5. Private Acts of 1973, Chapter 112, as amended by Private Acts of 1974, Chapter 340; Private Acts of 1981, Chapter 106 and Private Acts of 1982, Chapter 190, created the office of county judge to be elected by the qualified voters of Montgomery County for an eight (8) year term.

County Register

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

1. Public Acts of 1897, Chapter 124, established the salaries of several county officials statewide by population groups. The salary of the Register of Montgomery County would be \$1,000 annually. The act was declared unconstitutional in Weaver v. Davidson County 104 Tenn. 315, 59 SW 1105 (1900).
2. Private Acts of 1919, Chapter 274, declared that females, married or single, over the age of twenty-one years, and resident in Montgomery County, were eligible for appointment as deputy in the offices of Register of Deeds, Trustee, and Clerk and Master of Montgomery County.
3. Private Acts of 1935, Chapter 812, set the salary of the Montgomery County Register of Deeds at \$3,000. All fees, costs, and commissions collected by the office of Register would be turned in to the public County treasury, and in the event they amounted to less than \$3,000, then the lesser amount would be the compensation of the Register.
4. Private Acts of 1953, Chapter 77, prohibited the Register of Montgomery County from recording any conveyance of real property, except mortgages and deeds of trust, without a stamp or notation showing that the conveyance documents had been presented to the Tax Assessor.

County Trustee

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

1. Public Acts of 1897, Chapter 124, established the salaries of several county officials statewide by population group. The salary of the Trustee of Montgomery County would be \$1,800 per year.
2. Private Acts of 1919, Chapter 274, declared that females, married or single, over the age of twenty-one years, and resident in Montgomery County, were eligible for appointment as deputy in the offices of Register of Deeds, Trustee, and Clerk and Master of Montgomery County.
3. Private Acts of 1931, Chapter 213, authorized the Trustee of Montgomery County to release and cancel \$200,000 of the assessment for State and County taxes against the personal property of the Dunlop Milling Company, the same being to that extent excessive and erroneous.
4. Private Acts of 1931, Chapter 568, provided that the Trustee of Montgomery County would give one bond to the State for its benefit and another bond to the County for the County's benefit, the bonds to be in an amount equal to twenty-five percent of the taxes collected for the State and County by the Trustee during the preceding year.
5. Private Acts of 1933, Chapter 602, set the salary of the County Trustee at \$3,600 annually. All fees, costs, and commissions would be turned over to the County Treasury and if they amounted to less than \$3,600, then the Trustee's compensation would be equal to the said fees, costs, and commissions.
6. Private Acts of 1935, Chapter 812, fixed the salaries of several County officials in Montgomery County. The Trustee's salary was set at \$3,000 annually. All fees, costs, and commissions would be turned over to the County Treasury and if they amounted to less than \$3,000, then the Trustee's compensation would be equal to the said fees, costs, and commissions.

Port Authority

The following summary is included for historical purposes.

1. Private Acts of 1967-68, Chapter 175, would have created the Port Authority for Montgomery County with substantially similar provisions as those contained in the Act published herein, Private Acts of 1967-68, Chapter 415, above. This Act was not acted on by the local authorities and consequently did not become a law.\

General Reference

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

1. Acts of 1797, Chapter 15, authorized the citizens of Robertson and Montgomery Counties who had claims granted to them by Tennessee County prior to the division of that County into Robertson and Montgomery to use the claims to pay taxes in their respective Counties.
2. Acts of 1801, Chapter 5, provided that no pork, beef, hog's lard, butter, hemp, flour, or kiln dried meal, could be exported from the State unless it had been inspected in the manner set forth in the act and all the regulations promulgated therein complied with. Inspection places in Montgomery County were at Clarksville, Port Royal, and Palmyra.
3. Acts of 1806 (Ex. Sess.), Chapter 43, appointed five commissioners, namely, James Elder, Hugh

Bell, John Shelby, Henry Small, and Charles Stewart, and authorized them to fix a site in the town of Clarksville for the purpose of erecting a courthouse and prison. The County Court of Montgomery County was directed to levy a tax to pay for the building.

4. Acts of 1809 (Sept. Sess.), Chapter 66, permitted Montgomery County to levy a tax for the purpose of paying the expense of erecting a courthouse at Clarksville. The tax would not be less than the state tax nor more than double the state tax imposed in any one year on taxable property.
5. Acts of 1811, Chapter 42, authorized the building of two warehouses in which to keep tobacco and food produce safely pending their inspection. One building would be on the north side of the river at Weakley's Ferry in Montgomery County and the other on the south side of the river near Weakley's Ferry in Dickson County.
6. Acts of 1815, Chapter 44, required the public inspection of tobacco, hemp, flour, lard, butter, and other marketable articles to be held in warehouses. One of the warehouses for the keeping of inspected goods was in Montgomery County was to be at Smith's Ferry on the north side of the Red River.
7. Public Acts of 1821, Chapter 20, provided that the affidavits authorized in a 1796 Act to supply the substance of records which were destroyed by a fire in the Chancery Court office for the Mero District could also be used to satisfy the requirements of recording deeds and other evidences of land titles in the county register's office.
8. Public Acts of 1831, Chapter 43, provided that the cashier of the Bank of the State of Tennessee would place to the credit of various counties their pro rata share of the \$60,000 set aside for internal improvements in Middle Tennessee. The money was to be lent for the use and benefit of the Counties until the next meeting at the General Assembly. The Counties were Montgomery, Dickson, Robertson, Sumner, Davidson, Stewart, Humphreys, Perry, Hickman, Williamson, Lawrence, Wayne, Hardin, and Wilson.
9. Private Acts of 1831, Chapter 86, granted the same relief to Wilson Sanderlin, Ezekiel Sanderlin, and John Ferguson of Montgomery County as others enjoyed who had entered lands ceded to Kentucky.
10. Private Acts of 1832, Chapter 58, authorized Joseph P. Thomas and James B. Reynolds to build a bridge over the Red River at or near the location of the existing bridge. Before building, the men were required to obtain the consent of the commissioners of the existing bridge. When completed, the bridge had to meet the specifications for carrying weight and had to be accepted by the County Court before tolls could be charged.
11. Private Acts of 1832, Chapter 97, appointed John H. Poston, James Ramsey, John Niblett, James B. Reynolds, and James Wheatley as a Board for Internal Improvements in Montgomery County. They would select a clerk and a treasurer and then could collect the money on deposit for the County in the Internal Improvement Fund. The money would be used to purchase stock in roads, bridges, and other projects which could be expected to return a reasonable profit or would be lent at interest not exceeding ten per cent.
12. Acts of 1853-54, Chapter 180, granted to Montgomery County and other counties the authority to subscribe to the stock of any railroad running through the respective counties and to issue bonds of the counties to pay for the stock.
13. Private Acts of 1867-68, Chapter 37, created the corporation of the "Clarksville Middle Bridge Company" to erect, use and maintain a bridge across the Red River, at or near the mouth of the West Fork of Red River. S. F. Beaumont, A. Kellogg, T. B. Matthat, J. Peterson, William N. Daniel, T. J. Mumford, and R. W. Humphreys were appointed as the Board of Commissioners to organize the company. The act set forth a schedule of tolls to be charged when completed.
14. Private Acts of 1868-69, Chapter 43, authorized the County Court of Montgomery County to appoint an additional Notary Public who would reside in New Providence.
15. Private Acts of 1869-70, Chapter 119, relieved Michael Sullivan and Mark Parlan, both of Montgomery County, from the obligation to pay a forfeiture on a \$2,000 appearance bond, the same being payable to the State.
16. Public Acts of 1875, Chapter 15, allowed the County Court of Montgomery County to appoint an additional Notary Public who would be able to speak and write French and German.
17. Public Acts of 1879, Chapter 80, declared the Red River to be navigable from its mouth to Port Royal in Montgomery County and repealed all laws which declared the river to be unnavigable.
18. Public Acts of 1893, Chapter 179, stated that if any surplus remained in the railroad fund of

Montgomery County after the payment of principal and interest on the debt, the surplus may be applied to the extinguishment of any just claim against the County for which an appropriation had been made by the County Court.

19. Public Acts of 1899, Chapter 113, authorized Montgomery County, through its County Court, to purchase any or all of the ferries operating on the Cumberland River within the boundaries of the County. The Court would have control and management of the ferries and operate them either as free or toll ferries. No more than \$8,000 was to be spent in the purchase and the Court could make whatever disposition of them it deemed proper.
20. Private Acts of 1913 (1st Ex. Sess.), Chapter 76, provided the form and content of the corporate charter to be used by gas, electric light, and power companies choosing to operate under a single charter and under one management in Montgomery County. A major feature of the act was that no such combined operation company could do business in any municipality until it obtained the consent of that municipality.
21. Private Acts of 1915, Chapter 184, authorized the establishment of Community Centers for social, educational and industrial advancement. A Community Center meeting certain criteria enumerated in the Act would be a combination school and meeting place with agricultural demonstration facilities. A managing board of five citizens would be chosen for one year terms who would also have charge of the highways in the community. Funds would be drawn from both education and road funding sources.
22. Private Acts of 1915, Chapter 677, amended Public Acts of 1875, Chapter 116, to give landlords in Montgomery County an additional lien on growing crops for money which had been furnished to their tenants to enable the tenants to make the crop. The lien could be enforced in the same manner as other liens were enforced. This act was held to be unconstitutional in Wofford v. Hooper, 149 Tenn. 250, 259 S.W. 549 (1924).
23. Private Acts of 1919, Chapter 274, provided that in Montgomery County females, married or single, over 21 years of age, and residents of the County, would be eligible for appointed as deputy to the Clerk and Master, Clerk of the Circuit Court, County Court Clerk, Register, and County Trustee, with all the powers, rights, obligations, and liabilities of other deputies to the said officers.
24. Private Acts of 1921, Chapter 862, amended the Abutting Property Law, Public Acts of 1913, Chapter 18, as the same applied to Montgomery County, by making the paving of the intersections of the streets paved under the act the responsibility of the city or town, and not the obligation of the abutting property owners, or the railroad, if its tracks traversed the corner.
25. Private Acts of 1933, Chapter 92, removed the disabilities of infancy from John Dunn Sadler, Jr., of Montgomery County and permitted him to do all things and perform all acts as though he was twenty-one years of age.
26. Private Acts of 1933, Chapter 796, removed the disabilities of infancy from Elizabeth Louise McKeage, and permitted her to do all things and perform all acts as though she was twenty-one years of age.
27. Private Acts of 1971, Chapter 30, authorized the County Court of Montgomery County to adopt by reference in a resolution the provisions of the housing, building, electrical, plumbing, and gas codes prepared by technical trade associations and model code organizations. The act did not receive approval of local authorities and did not become law.

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