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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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Administration - Historical Notes

County Clerk

The following act once affected the office of county clerk in Jackson County. It is included herein for historical purposes.

1. Acts of 1845-46, Chapter 75, enacted after the demise of the original Putnam County, directed the County Clerk to receive the records and papers of the County Court Clerk of Putnam County.

County Mayor

The references below are of acts which once applied to the office of county judge, or county executive in Jackson 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 1855-56, Chapter 253, created the office of the County Judge for every County in the State who would be a person learned in the law and elected by the people for a four year term. He shall be commissioned and sworn as are other judges in the State. Quorum Courts were abolished and all their authority and jurisdiction were given to the County Judge. The County Judge would preside over the Quarterly Court in place of its Chairman whose duties he would assume. He would be paid \$5.00 per day during the sessions of the monthly and quarterly courts, and he was not precluded from practicing law in courts other than this own. This Act was repealed by Acts of 1857-58, Chapter 5.
2. Acts of 1875, Chapter 134, amended Section 316 of the Tennessee Code so as to provide for the election by the qualified voters of a county judge in Jackson and Cannon Counties who would be a citizen of the county, a person learned in the law, and hold office for an eight year term. He would be elected on the first Thursday in August, 1876, and he would have and exercise all the powers, rights, and jurisdiction as the county judges of Davidson, Knox, Montgomery, Sumner and Williamson Counties. His salary in Jackson County would be \$300 per year. This act was repealed by Acts of 1883, Chapter 127.
3. Acts of 1877, Chapter 146, amended Acts of 1875, Chapter 134, by increasing the salary of the Judge from \$300 to \$500 per year.
4. Acts of 1881, Chapter 153, specifically repealed the second section of Acts of 1877, Chapter 146, making the salary increase effective April 5, 1881, instead of at the next election for County Judge.
5. Acts of 1883, Chapter 127, expressly repealed Acts of 1875, Chapter 134, creating the office of County Judge in Jackson County and providing for his popular election. The County Court would perform all the duties heretofore prescribed by the Code for such Courts

County Legislative Body

The following acts once applied to the quarterly court or the county legislative body of Jackson 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 1801, Chapter 48, which created Jackson County, provided that the Court of Pleas and Quarter Sessions would be held on the second Monday in December, March, June, and September, at the home of John Bowen on Roaring River.
2. Acts of 1803, Chapter 39, scheduled the terms for the county courts in the Mero District, the court for Jackson County to begin on the first Monday in December, March, June, and September.
3. Acts of 1806, Chapter 48, fixed court dates for the county courts in the Winchester and Robertson Districts. Jackson County's Court would meet on the fourth Monday in November, February, May, and August at the home of Benjamin Blackburn, in Jackson County, until the court decides to adjourn to a different location, or until the court house is completed.
4. Acts of 1807, Chapter 53, changed the terms of the county courts of Franklin, Warren, White, Overton, Smith, and Jackson Counties in the Winchester District. Jackson County would convene the court on the fourth Monday in February, May, August, and November.
5. Acts of 1809, Chapter 93, fixed the opening dates for the terms of every Court of Pleas and Quarter Sessions in the state. Jackson County's Court would continue to meet on the fourth Monday in February, May, August, and November. All process would be made to conform to these dates and each county court shall select 13 jurors to serve at the next succeeding term of court.
6. Acts of 1812 (Ex. Sess.), Chapter 68, Section 4, set the times for holding the county courts in

- several counties. In Jackson County, court would be held on the third Monday in March, June, September, and December.
7. Acts of 1813, Chapter 134, rescheduled the terms of the quarterly county courts in several of the counties in the mid-state area, including Jackson County whose courts would start on the first Monday in February, May, August, and November.
 8. Acts of 1817, Chapter 138, set the times for holding the county courts in several middle Tennessee counties. In Jackson County, court would meet on the first Monday of February, May, August and November.
 9. Acts of 1819, Chapter 5, authorized and required the county court of Jackson County to adjourn at the end of the November session to any house in Gainesboro which was available for that purpose. The clerk of the court would transfer all records and process and cases would be heard and determined under the same rules and regulations as previously observed.
 10. Acts of 1819, Chapter 160, provided that the quarterly county court of Jackson County would be held at the place designated in Gainesboro for holding courts on the first Monday in February, May, August, and November.
 11. Acts of 1829 (Ex. Sess.), Chapter 50, Section 6, authorized the county court of Jackson County to have the records of the court, or such part of them as might be apt to be lost, or destroyed, to be transcribed under the same regulations set up for Overton County in the preceding sections of this act. These regulations allowed the employment of a capable person to transcribe and index the county records into a well-bound book. Three other persons were to be appointed by the court as a committee to supervise the work. When the work was completed, the transcript was to be turned over to the county court clerk for safe keeping. The county court was allowed to make the scribe and the committee such compensation as they might consider proper.
 12. Acts of 1825, Chapter 171, rescheduled the opening dates for the terms of the quarterly county court in several counties, including Jackson County whose quarterly court would meet on the first Monday in February and August and the second Monday in May and November.
 13. Acts of 1827, Chapter 34, changed the meeting dates again for several counties in the mid-state area. Jackson County's Quarterly Court would convene on the second Monday in February, May, August, and November and sit for one week.
 14. Acts of 1832, Chapter 20, changed the term of court for a few counties mentioned therein. Jackson County's Quarterly Court would meet on the second Monday in February, May, August, and November.
 15. Acts of 1833, Chapter 205, stated that the county court of Jackson County would entertain jurisdiction and, if the court were of the opinion that it was in the best interests of the heirs of William Locke, the court shall order a sale of all the real estate of said Locke excepting one tract of 330 acres on the north side of the Cumberland River, opposite the mouth of the Roaring River, known as the "Home" tract, on such terms as they consider expedient, upon the petition of the Administrator to do so being filed, which cites the reasons for asking for the sale.
 16. Acts of 1835-36, Chapter 6, provided that each county would have a county court, composed of the justices of the peace who shall meet on the first Monday in every month, and one-third, or twelve of whom shall constitute a quorum to do business. This act defines the jurisdiction of the court, especially in the matters of probate, executors and administrators, the procedures for three judge courts and their functions. The county court shall also cause to be summoned 25, or 37, jurors who would serve the circuit and chancery courts. The county court was authorized to levy a tax for county purposes.
 17. Acts of 1868-69, Chapter 25, created the board of county commissioners for Hickman County, composed of five members who would be elected, or appointed, on the first Saturday in March, 1873, for four year terms. Any vacancy would be filled by the remaining members of the board until the next general election when a successor would be chosen by the people. All commissioners must be sworn and bonded up to \$500. All powers of the county court were vested in the commission and all magistrates were released from their duties and responsibilities. The commission would meet on the first Monday of each month to transact all the business of the county, and the appeals from their judicial decisions would go to the circuit court. The commission would also assess property for taxes. The president would be paid \$125 per month, and the members \$75 per month. Section 15 of this act extended all its terms and provisions to Jackson County except the president would be paid \$150 per year and the members \$100 per month. This act was repealed by Acts of 1869-70, Chapter 6, Section 4, as to Jackson County.
 18. Acts of 1869-70, Chapter 6, Section 4, expressly repealed all acts which created a county

commission or boards of county commissioners and restored all the quarterly courts, and the laws creating them, which might have been repealed, to active status.

19. Acts of 1869-70, Chapter 49, specifically repeals an 1869 act which created county commissioners for Madison County but also repealed all other acts establishing county commissioners in this state. All laws in effect before the passage of the act creating county commissioners which may have been repealed by it, are hereby restored and revived.
20. Acts of 1869-70, Chapter 70, authorized the county court to have transcribed to the minutes of the court all the official acts of William Morrow, performed as clerk of the said court under appointment of the governor of this state. Full faith and credit shall be given to the proceedings of the court as kept by the said William Morrow, and certified copies of these shall be as valid as any other copies of any other proceedings.
21. Private Acts of 1919, Chapter 324, stated that in Jackson County, each justice of the peace shall be entitled to receive as compensation for his services the sum of \$2.50 per day for each day's attendance at the meetings of the quarterly court plus all mileage and ferriage, and tolls as are now allowed by law.
22. Private Acts of 1951, Chapter 651, provided that justices of the peace in Jackson County shall be paid \$6 per day for their attendance at regular meetings of the quarterly court, but no justices of the peace would be paid for more than two days per session of the court.
23. Private Acts of 1959, Chapter 195, stated that, after the passage of this act, the justices of the peace in Jackson County shall receive \$10 per day for each day's attendance at the meetings of the quarterly court and ten cents a mile travel allowance for one way to the court. This act was not approved by the quarterly court and therefore never became effective.

County Register

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

1. Acts of 1827, Chapter 4, Section 4, stated that, after the passage of this act, all land entered, or hereafter to be entered, in Franklin, Warren, Marion, Bledsoe, White, Overton, Fentress, and Jackson counties, and the plats and certificates not returned to any other Register's office, shall be returned to the Register's Office of the Mountain District. This act created the Register's Office at Sparta in White county and named it the "Register of the Mountain District".

Purchasing The following acts once affected the purchasing procedures of Jackson County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1923, Chapter 32, established a three member Purchasing Commission for Jackson County, provided for advertising and competitive bidding on purchases exceeding \$100. This act was repealed by Private Acts of 1984, Chapter 213.
2. Private Acts of 1945, Chapter 95, amended the Private Acts of 1923, Chapter 32, to increase the terms of members of the Purchasing Commission from one to three years. The act was repealed by the Private Acts of 1984, Chapter 213.
3. Private Acts of 1955, Chapter 167, amended the Private Acts of 1923, Chapter 32, by increasing the maximum compensation of members of the Purchasing Commission for attending meetings from \$3.50 per day to \$6 per day. The act was repealed by the Private Acts of 1984, Chapter 213.
4. Private Acts of 1961, Chapter 82, amended the Private Acts of 1923, Chapter 32, by striking "public road supply" and adding at the end of the first sentence in Section 2 the following, "except supplies, equipment, and materials to be used for the maintenance and construction of county roads." This act was rejected by the Quarterly County Court of Jackson County and consequently, never became a law under the provisions of the Home Rule Amendment to the State Constitution. The act was also expressly repealed by Private Acts of 1984, Chapter 213.

General Reference

The following private or local acts constitute part of the administrative and political history of Jackson County but are today no longer operative because 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 1801, Chapter 5, provided for warehouses for the inspection of commodities to be established as directed by the terms of this act. This act was designed to prevent the exportation of unmerchandise commodities and foodstuffs from one county to another and to other states. The warehouses in Jackson County would be located at the mouth of the Obed and Roaring

- Rivers,, and at Flint Creek. The justices of the peace were to appoint an inspector or inspectors to inspect the designated commodities.
2. Acts of 1806, Chapter 9, authorized James Armstrong to complete the mill he had begun on the Obeds River in Jackson County, and to raise and complete the dam which went with it, but he must furnish a passageway for fish to negotiate the dam. All who wish to build mills or dams must apply to the County Court of the county wherein they would be located, and the project be approved by a two-thirds vote of the court. A \$2,000 performance bond must be executed and a covenant entered into that the navigation of the stream involved would not be impeded and the dam would be completed.
 3. Acts of 1827, Chapter 141, granted to one Abigail Nettles, of Jackson County, wife of Joseph Nettles, the privilege of making contracts in her own name and further enabling her to have and enjoy all the benefits of a feme sole.
 4. Acts of 1829, Chapter 297, authorized Augustine Shephard to lay off a town on his land in Jackson County and when the town was thus laid off, it would be called by the name of Granville.
 5. Acts of 1831, Chapter 43, named James W. Smith and Bailey Butler, Senior, of Jackson County; Alvin Cullom and William Dale, of Overton County, to constitute a Board of Internal Improvement for these two counties. They would have, exercise, and enjoy all the powers given to other Boards of Internal Improvement in this Act. They were required to invest \$1,479 out of the \$3,233 available in the improvement of the navigation of the Obed's River in Overton County and the remainder of that sum in such improvements in Jackson County as their County Court may determine and direct. These funds may be drawn from the office of the President of the Bank of the State of Tennessee.
 6. Acts of 1831, Chapter 62, named Isham Perkins and John Cain of Warren County; William Simpson, Isaac Taylor, and Samuel Johnson of White County; and Richard F. Cook, and David Apple of Jackson County to examine the center of Overton County as soon as it was determined, and if it was a suitable place for a town to so notify the Overton County Court. If no, they were to select another location as near the center as practical.
 7. Acts of 1832, Chapter 21, appointed Bailey Butler and Henry Sadler as a Board of Internal Improvement in Jackson County. The County Court was given the power to direct the Board of Internal Improvement to pay over to the School Commissioners, for the benefit of the schools in the county, all the funds which were appropriated for purposes of internal improvement. This act amended Acts of 1831, Chapter 43.
 8. Acts of 1833, Chapter 177, stated in the preamble that it appeared that John Wilson was appointed Entry Taker for Jackson County, and William Scandland, John Graham, Amos Kirkpatrick, and David Rose became his securities, and that when the Entry Taker received most of the money wherewith he stands charged, there was no agent for the said county to receive the same, and the parties named have been sued on their bond without any fault of their own. This act stated that no court could render judgment against them for interest but they would be liable for the principal and their note to the school officials of the county will be treated as good and valid security for the principal.
 9. Acts of 1833, Chapter 234, was the authority for Alfred Pursel of Jackson County, to hawk and peddle in that county without paying any tax therefor, provided he make an affidavit before some Justice of the Peace, stating that the goods, wares, and merchandise he proposes to sell belong to him and the same are being sold solely for his benefit.
 10. Acts of 1837-38, Chapter 77, incorporates the citizens of the town of Granville, heretofore laid off by Augustus Shepard, under the same rules and regulations as were passed for Rogersville.
 11. Acts of 1837-38, Chapter 81, authorized the County Court, a majority of the Justices being present and voting in the affirmative, to expend the funds of the Internal Improvement Board derived from every source as the court might consider to be right. Anyone having these funds were directed to pay them to the county upon demand.
 12. Acts of 1843-44, Chapter 148, required the Sheriff of Jackson County to hold an election on the first Saturday in March, 1844, to ascertain if the majority of the people wanted to move the county seat. If the vote were in the affirmative, the Sheriff would notify Alexander Keith, Thomas Maury, David Myers, Henry Crowder, and Broadis Gaines who would proceed to select a site, and then the people would choose in another election whether to move there or not.
 13. Acts of 1845-46, Chapter 75, recited that Putnam County, after being created, had held court at White Plains, according to the requirements of the law, and judgments had been rendered in cases heard, and, the Honorable Bromfield L. Ridley, Chancellor, at Livingston had issued a decree

quashing the creation of the said county because it reduced Jackson and Overton counties below the Constitutional limits of 625 square miles, therefore, all court records of the County and Circuit Courts, generated by the above litigation, are to be transferred to the clerks of those courts in Jackson County.

14. Acts of 1897, Chapter 124, was an act which fixed the salaries of most county officials according to the population of the county in which they worked. All fees were declared to be the property of the counties. The officials being compensated under this act were required to furnish certain reports under specified conditions. It was tested and declared unconstitutional in the case of Weaver v. Davidson County, 104 Tenn. 315, 59 SW 1105 (1900).
15. Private Acts of 1933, Chapter 847, released Mrs. Lena Davidson, of Jackson County, from any and all further liability for a secured fine of \$50 assessed against her and payable to the State of Tennessee at the November, 1932, term. The said fine is hereby canceled and released. The act does not state the reason for the fine being levied.
16. Private Acts of 1975, Chapter 90, was the authority for Jackson County to adopt by reference the provisions of any code, or portions of any code, and to provide for the administration and enforcement of the same. The codes were housing, electrical, building, plumbing, and gas codes. The manner in which such action could be accomplished by Resolution is specified in the act along with some administrative details. This Act did not receive local approval and consequently never became operative law.
17. Private Acts of 1988, Chapter 192, which amended the Private Acts of 1974, Chapter 320, was repealed by the Private Acts of 1992, Chapter 206.

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