



December 21, 2024

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,

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

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County Attorney

The following acts once affected the appointment, election, or office of the county attorney in Anderson County. These acts are included for historical reference only.

1. Private Acts of 1947, Chapter 608, established a popularly elected office of county attorney in Anderson County. The term of office was two years. The annual salary was \$2,400. This act, as amended by subsequent acts noted below, was repealed by Private Acts of 1998, Chapter 161, reproduced herein.
2. Private Acts of 1955, Chapter 258, amended Private Acts of 1947, Chapter 608, to provide the county attorney with a sum of up to \$1,800 per year to defray the expenses of the office.
3. Private Acts of 1965, Chapter 141, amended Private Acts of 1947, Chapter 608, as amended by Private Acts of 1955, Chapter 258, to strike the language added by Private Acts of 1955, Chapter 258 and provide that the county attorney would receive an annual salary of \$4,800 and be reimbursed for actual expenses incurred in discharging the duties of the office and approved by the quarterly county court. Also, the original 1947 act was amended to change the term of office from two years to four years beginning with the person elected in August 1966.
4. Private Acts of 1973, Chapter 75, amended Private Acts of 1947, Chapter 608, as amended by Private Acts of 1955, Chapter 258, to provide that beginning July 1, 1973, the county attorney would receive an annual salary of \$7,500 and be reimbursed for actual expenses incurred in discharging the duties of the office and approved by the quarterly county court.
5. Private Acts of 1978, Chapter 295, amended Private Acts of 1947, Chapter 608, to authorize the quarterly county court to employ special legal counsel when in its sole discretion, counsel other than the county attorney is needed, and such special counsel would be in exclusive control of the matters designated by the quarterly county court and be compensated as prescribed by the quarterly county court.
6. Private Acts of 1990, Chapter 224, was to create the position of a county law director and to repeal Private Acts of 1947, Chapter 608, however, the act was never properly ratified and approved at the local level. It must be noted that *Shepard's Tennessee Citations* lists Private Acts of 1990, Chapter 224, as an act in force, however, after consulting the Anderson County Clerk's Office it was found that the act never was approved at the local level.
7. Private Acts of 1998, Chapter 161, created the office of county attorney. This act was repealed by Private Acts of 2006, Chapter 77.

County Legislative Body

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

1. Acts of 1809, Chapter 93, set up schedules for the terms of the courts of pleas and quarter sessions in every county of the state. In Anderson County the court would meet on the second Monday in January, April, July, and October, with a proviso that all process be made to conform to those dates.
2. Private Acts of 1819, Chapter 145, made it lawful for the quarterly court of Anderson County, a majority of the justices being present, to order and direct that any county monies, not otherwise appropriated, to be applied to the payment of whatever expense would be necessary to finish and complete the new courthouse.
3. Private Acts of 1824 (2nd Sess.), Chapter 99, repealed the former act which allowed the county court to levy a tax to build a courthouse, prison, and stocks in the county.
4. Private Acts of 1826, Chapter 56, allowed the county court of Anderson County to lay a tax, not to exceed the amount of the state tax, to secure the necessary land and erect the essential building to accommodate the poor people of the county. The court could appoint three commissioners to supervise the program and the operation of the facilities once they were completed. The commissioners were to be sworn into office and bonded and the court was authorized to expend whatever funds were available for the benefit of the indigent poor.
5. Public Acts of 1829, Chapter 20, stated that the justices of the peace of the counties of Fentress, Carroll, Gibson, Dyer, Knox, Anderson, Obion, and Henderson could, at their first meeting of the year, on the first day, select three of their number to hold court for the remainder of the year

- under same regulations applicable to the full court. Their compensation was set at \$1.50 per day for each day spent in the discharge of this obligation. The court was permitted to levy a tax of \$1.00 on each suit filed in the court to pay the above compensation, if necessary.
6. Private Acts of 1921, Chapter 821, authorized the justices of the peace of Anderson County to be paid \$3.00 per day for each day of attendance at all regular and called meetings of the quarterly county court and in addition they would be paid such mileage allowance as authorized by law.
 7. Private Acts of 1955, Chapter 416, was not acted on by local authorities according to our information from the secretary of state's office and consequently would never become an effective law. The act gave the quarterly county court of Anderson County the authority to regulate by ordinance, in areas outside of cities having zoning powers, the location, height, and size of buildings, lot occupancy and use, size of yards, courts, and other open spaces and in other areas related to land use and planning. The court could enact, or adopt by reference, any electrical, building, or plumbing code provided the conditions of this act were met. Many detailed requirements and regulations concerning land use, occupancy, and related matters, affecting the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of the counties could be enacted and enforced under the terms and conditions of this act.
 8. Private Acts of 1959, Chapter 359, would have compensated the justices of the peace in Anderson County at the rate of \$25 per day for each day's attendance at the meetings of the quarterly court, and in the amount of \$6.00 per day for attending committee meetings but, only for one day in each month, and, in addition each justice would be paid ten cents per mile travel allowance from home to court and return. This act was rejected by the quarterly court of Anderson County and never became a law.
 9. Private Acts of 1967-68, Chapter 356, authorized that members of the county court to receive \$20 for each days attendance in addition to the mileage provided by law.

County Mayor

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

1. Public Acts of 1868-69, Chapter 35, Sections 15 through 28 created the office of county judge for Anderson County who would be elected by the people for eight year terms, the first election to occur at the next general county election. The judge would be sworn and commissioned as other judges were; was given all the duties and responsibilities of the chairman; and would hold meetings of the court on the first Monday in each month. The business of the quarterly court would proceed the business of the regular court in those months in which the quarterly court would meet. Quorum courts were abolished and their duties transferred to the judge. The county court clerk would do services as the clerk. The county judge would also serve as the general county agent and accounting officer, some of whose duties were specifically described, for all of which a salary of \$200 annually was established with the proviso of the quarterly court increasing that amount, if desired. The governor would appoint a successor if a vacancy occurred. This act was repealed by Public Acts of 1869-70, Chapter 111.
2. Public Acts of 1868-69, Chapter 44, Section 6, amended the act creating the office of county judge in Anderson County so as to increase the annual salary to \$500 and to change the time for the election of the judge from the first Saturday in May, 1869 to the fourth Thursday in May, 1869 so as to conform to the date of the general election in Anderson County.
3. Acts of 1907, Chapter 113, established the office of county judge in Anderson County who must be learned in the law and otherwise legally qualified; which office would be filled by the governor as soon as practicable after the passage of this act. At the first regular election of county officers after the passage of this act the judge would be elected by the people. The judge must be sworn, bonded, and commissioned as all other judges. The position of chairman was abolished and those duties transferred to this office. The annual salary of the judge was \$800, payable in equal monthly installments out of general county revenues, which would constitute the whole salary of the judge. The judge was precluded from practicing law in the court over which he presided. The office of county judge was abolished by Private Acts of 1974, Chapter 237, Section 5.
4. Private Acts of 1911, Chapter 58, amended Private Acts of 1907, Chapter 113, above, so as to give the county judge the power to preside over juries of inquest over the bodies of deceased persons, as a coroner, but he would not be paid anything for this responsibility.

5. Private Acts of 1921, Chapter 663, amended Acts of 1907, Chapter 113, Section 2, by removing therefrom the requirement that the county judge be a licensed attorney and inserted a provision that he be "learned in the law" in its place. The section was further amended by allowing the judge added compensation for his service as an accounting officer and general agent for Anderson County in an amount prescribed by the resolution of the county court.
6. Private Acts of 1929, Chapter 871, amended Acts of 1907, Chapter 113, Section 7, by fixing the annual compensation of the county judge at \$1,500, payable in equal monthly installments out of general county revenues but no compensation would be allowed to the judge for ex-officio services. See *Brown v. Harris*, 180 Tenn. 81, 171 S.W.2d 815 (1943).
7. Private Acts of 1965, Chapter 6, would have amended Acts of 1907, Chapter 113, by deleting Section 6 and adding a provision giving to the county judge all the powers, duties, and responsibilities of the purchasing agent and the fiscal agent of Anderson County in addition to those which were placed upon him as county judge by the general law. The county judge would not have jurisdiction to try any causes of action or conduct any legal proceedings of which either the circuit court, or the chancery court had jurisdiction. Section 2 was amended to prohibit the judge from the practice of law while serving as county judge. This act was rejected by the quarterly court of Anderson County and never became an effective law.
8. Private Acts of 1974, Chapter 237, set up the position of county administrator and abolished the office of county judge in Anderson County. Private Acts of 1974, Chapter 237, was superseded by Public Acts of 1978, Chapter 934.

County Register

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

1. Private Acts of 1927, Chapter 26, fixed the salary of the county register of Anderson County (identified by the use of the 1920 Federal Census) at \$100 per month, provided the county register would file with the county judge, or chairman, a sworn, itemized statement showing all the fees collected in the office for that month. If the fees were less than the salary, the county would pay the difference to the county register; if the fees were more than the salary, the county register was allowed to keep the excess.
2. Private Acts of 1947, Chapter 394, provided that counties having a population of not less than 26,500 and not more than 26,510 (1940 census figures) required deeds for the conveyance of land to be presented to county and city tax assessor offices prior to being registered with the register's office. This act was repealed by Private Acts of 2010, Chapter 37.
3. Public Acts of 1981, Chapter 57, provided for a \$6.00 fee for the register to record each and every instrument or assignment of an instrument mentioned on a regular size page instead of just one fee for the entire page; Chapter 221 increases the fees to be charged by the county registers under the provisions of the Uniform Commercial Code; and Chapter 398 made the preparer of an instrument responsible for the citation to the immediately preceding recording if the information is available to him.
4. Public Acts of 1981, Chapter 405, was the legal authority for the county register of Anderson County (1970 census figures) to refuse to record any writing eligible for registration if the writing, in the discretion of the county register, is not legible or suitable for reproduction. If the illegible writing is accompanied by an affidavit stating it is the best copy available, or the original, the county register shall accept such writing for recordation notwithstanding.

County Service Officer

The following acts once affected the office of county service officer in Anderson County, but are no longer operative.

1. Private Acts of 1947, Chapter 396, created the position of county service officer. This act was repealed by Private Acts of 2023, Chapter 13.

County Trustee

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

1. Private Acts of 1933, Chapter 507, stated that the county trustee of Anderson County would be entitled to receive an annual salary of \$3,000 maximum, payable out of the fees of the office, and

provided further that the terms of the 1932 Code with reference to the payment of clerical help would not be affected.

2. Private Acts of 1939, Chapter 376, recited in the preamble that the general assembly enacted a law in Private Acts of 1933, Chapter 507, above, which reduced the compensation of the county trustee of Anderson County, and which was declared to be unconstitutional by the chancery court of Anderson County. It was the intention of this act to authorize the quarterly county court to recompense its preceding trustee, Jerome Robbins, for the amount of compensation of which the unconstitutional act deprived him. The further authority to appropriate the money and to pay the same to Robbins was specified in the law.

General Reference

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

1. Acts of 1801, Chapter 5, provided for the inspection of certain commodities held out for public sale by inspectors who were to be employed and trained for that purpose. Among the commodities to bear inspection before sale were pork, beef, lard, butter, hemp, and a host of others. Inspection points and warehouses for storage were named in each county. In Anderson County the warehouse would be located at the mouth of Powell's River at Grantsborough.
2. Private Acts of 1819, Chapter 145, made it lawful for the quarterly court of Anderson County, a majority of the justices being present, to order and direct that any county monies, not otherwise appropriated, to be applied to the payment of whatever expense would be necessary to finish and complete the new courthouse.
3. Private Acts of 1826, Chapter 125, was the legal authority for Charles McCormick, of Anderson County, to hawk and peddle goods, wares, and merchandise in Anderson County without having to obtain a license to do so.
4. Private Acts of 1827, Chapter 90, allowed Isaac Miller and Lewis Miller to build a mill on the Clinch River in Anderson County on the south side of the river immediately below Cloud's Ford and near the place where William Nelson now lives, provided that the mill did not obstruct the navigation of the river. If the mill did interfere with the navigation of the river, a civil suit for remedy would lie.
5. Private Acts of 1827, Chapter 112, revived and restored the act which authorized the court of pleas and quarter sessions of Anderson County to build a house for the accommodation of the poor and to levy a tax for that purpose to the same active status as if it had never been out and the provisions of the act were made permanent. It was the duty of the court to appoint a commission of three people to supervise the building and the operations. Vacancies on the commission would be filled by the court, and the commission was empowered to change the regulations as need might arise. The superintendent of the facility could draw from the treasury such monies as had been appropriated for that purpose as the need for them occurred.
6. Private Acts of 1831, Chapter 191, released and discharged Larkin H. Bowling of Anderson County, from the payment of \$125 which was the amount of a judgement rendered against him as an appearance bondsman for a certain Edward Williams. The judgement was rendered against him by the circuit court of Anderson County, provided, however, that Bowling made oath he had not received anything of value from Williams for making the bond.
7. Private Acts of 1831, Chapter 223, declared that it had been represented to the general assembly that Thomas Butler, William Butler, James Gilreath, and Merriman Rector were dredging for salt in Morgan County, therefore, to encourage such activities, the above named people were given the authority to enter upon lands in the vicinity of the salt wells in the three counties of Morgan, Roane, and Anderson. Land thus entered and used was exempted from taxation for the next fifteen years.
8. Private Acts of 1833, Chapter 69, granted the divorce of Elizabeth Roberts and Thomas Roberts and gave Elizabeth Roberts all the rights and privileges of a *feme sole*.
9. Private Acts of 1833, Chapter 143, dissolved the marriage between Phebe Cox and John Cox of Anderson County.
10. Private Acts of 1833, Chapter 208, was the authority for John O'Neal, of Anderson County, to hawk and peddle goods in Anderson County without a license provided he made oath that the goods sold were his own and that they were being sold for the benefit of himself and his family.
11. Private Acts of 1833, Chapter 255, granted the divorce of William M'Linn from his wife Ann M'Linn

of Anderson County.

12. Acts of 1847-48, Chapter 109, was the enabling law for Richard Oliver, of Anderson County, to sell at public sale that portion of a tract of land held by the state which was taken in payment of a debt due the state by Moses Winter with full authority to execute a deed for the same since all the required notices had been given.
13. Acts of 1853-54, Chapter 180, was the legal authority for the counties of Claiborne, Campbell, Anderson, Knox, Montgomery, Stewart, Henry, Gibson, Tipton, Shelby, and Madison to subscribe to stock in railroad companies and to issue their bonds to pay for it. This act validated all the prior actions of those counties in connection with their buying shares of stock and voting them in company affairs.
14. Acts of 1853-54, Chapter 323, Section 13, extended the benefits of the rights and privileges conferred by this act upon other counties and the power to subscribe to the stock of any railroad running through the county to the counties of Claiborne, Anderson, Campbell, Grainger, and Jefferson.
15. Private Acts of 1923, Chapter 232, made it unlawful for any official of Anderson County, having the expenditure and disbursement of county, or public, funds for any purpose, to contract for, or draw and deliver any warrant, or order, for the disbursement of the same unless there shall be in the hands of the county trustee, or some other custodian of funds, a sum sufficient to pay the said amount set out in the warrant. Violators of these conditions could be fined from \$100 to \$500 and, in addition, would forfeit their office. The grand jury of the county was specifically granted inquisitorial powers in these matters.
16. Private Acts of 1925, Chapter 677, amended Private Acts of 1923, Chapter 232, above, so as to include school funds also within the provisions of that act.
17. Private Acts of 1963, Chapter 293, stated in the preamble that the presence of auto junkyards which were located beside and encroached upon the highways of the county materially detracted from the beauty and the utility of the roads and highways, and therefore, no person could operate a junkyard within 1,000 feet of the center line of a highway without a permit from the sheriff to do so. To operate one without a permit would constitute a public nuisance to be dealt with as such. All permits were to be issued in accordance with rules and regulations promulgated by the sheriff, would be in force for two years, and would cost \$50.00 each, to be paid to the county trustee and placed in the road funds. The sheriff could, if deemed necessary, require the applicant to make a bond before issuing the permit. The powers of the sheriff to act under this law which were enunciated in Section 7 were broad and sweeping as were the definitions of terms found in this law. This act was rejected at the local level and, therefore, did not take effect.

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