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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 Attorney**

The following acts once affected the appointment, election, or office of the county attorney in Bradley County. These acts are included for historical reference only. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Private Acts of 1935 (Ex. Sess.), Chapter 117, created the office of County Attorney at a salary of \$600 annually, who would be appointed by the Quarterly Court at its first session after the passage of this Act who would serve until the January term of court in 1937 when a successor would be elected for a term of two years. The County Attorney could be paid other fees by the Quarterly Court for extraordinary services in or out of court. The County Attorney would give aid and advice to all the county officials and their deputies, transact all the other legal business of the county, meet with the court at regular, or called, sessions, and with the proper committees of the court. He would represent the County in litigation and hearings when requested to do so by the court. The Quarterly Court could appropriate funds for the County Attorney's stenographic, printing, and office expenses when properly documented.
2. Private Acts of 1941, Chapter 179, created the position of County Attorney in Bradley County who would be appointed by the Quarterly Court for a period of one (1) year at a salary of no less than \$600 and no more than \$1,200 which would not be changed during the term. The County Attorney would transact all the legal business of the County either in court, or otherwise, and advise county officials on legal matters. The Act named Tyler Berry, Jr., as the first County Attorney and confirmed all the prior actions of the Quarterly Court in connection with the same.
3. Private Acts of 1967, Chapter 362, repealed Private Acts of 1941, Chapter 179.

## **County Legislative Body**

The following acts once applied to the quarterly court or the county legislative body of Bradley 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 1835-36, Chapter 6, allowed a Quarterly Court in every County of Tennessee composed of Justices of the Peace who would meet on the first Monday of every month and stay in session until the business of the court was completed. Three of the Justices could form a court to hear the probate of wills and related matters of estate administration, etc. No jury trials were to be heard in this court although one of its functions was to select 25 jurors, one from each civil district, or 37 jurors, whichever number best suited the county's needs. The jurors would be paid \$1.00 each for each day's service as a juror for which a tax could be levied if no other resources were available for this purpose.
2. Private Acts of 1957, Chapter 223, set the compensation of the Justices of the Peace of Bradley County at \$10 per day for each day's regular attendance at any scheduled, or called, meeting of the Quarterly Court, without any additional mileage allowance or travel reimbursement. This Act was repealed by Private Acts of 1973, Chapter 63.
3. Private Acts of 1965, Chapter 262, amended Private Acts of 1957, Chapter 223, by increasing the per diem payments to the Justices of the Peace for their attendance at meetings of the Quarterly Court of Bradley County from \$10 to \$25 but did not change anything further. This Act was properly ratified but was also repealed by Private Acts of 1973, Chapter 63.
4. Private Acts of 1973, Chapter 63, set the per diem allowance for the Justices of the Peace of the Bradley County Court at \$25 per day, unless a Resolution was adopted by the majority of the Court to increase that amount but in any event not to exceed \$50.00. No additional allowance was made for mileage, or travel. This act was repealed by the one following.
5. Private Acts of 1986, Chapter 126, repealed the Private Acts of 1973, Chapter 63 and all amendatory acts thereto.

## **County Mayor**

The references below are of acts which once applied to the office of county judge, or county executive in

Bradley 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 office of County Judge in every county of the State who would be learned in the law and elected by popular vote to a four year term, the first election hereunder to occur on the first Saturday in May, 1856. The County Judge would be commissioned as any other Judge, and sworn into office in the proper manner. Quorum Courts were abolished and all their functions and responsibilities were transferred to the County Judge who would also preside over the Quarterly and County Court and exercise the other duties of the Chairman of the Court. The jurisdiction of the Court and regulations for court procedures were stipulated. The County Court Clerk would serve as the Clerk of the Court. The County Judge would further serve as the accounting officer and the general agent of the County and as such could exercise all the powers enumerated and spelled out in this section of the law. The County Judge was not precluded from the practice of law except in his own Court. This law was repealed by the one below.
2. Acts of 1857-58, Chapter 5, repealed Acts of 1856, Chapter 253, and restored the Quorum Courts and the Chairman to their former status existing before the enactment of this law.
3. Private Acts of 1921, Chapter 816, as amended by Private Acts of 1965, Chapter 170, created the office of county judge in counties having a population of not less than 18,650 and not more than 18,655 according to the Federal Census of 1920.
4. Private Acts of 1943, Chapter 14, amended Private Acts of 1921, Chapter 816, by raising the annual salary of the County Judge of Bradley County from \$1,200 to \$3,000. This Act was repealed by the one following.
5. Private Acts of 1945, Chapter 78, repealed Private Acts of 1943, Chapter 14, which increased the annual salary of the County Judge.

### **County Register**

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

1. Acts of 1837-38, Chapter 27, required the General Assembly of Tennessee to appoint a Register for the Ocoee District's vacant and unappropriated lands who was directed to open and keep his office in Cleveland in Bradley County. The Register must be sworn into office and bonded by the County Judge. The Register would issue grants of land based upon the certificate of the Entry Taker.
2. Private Acts of 1933, Chapter 659, made it the duty of the Quarterly Court of Bradley County (identified by the 1930 Federal Census) to appropriate no less than \$480 nor more than \$600 yearly as the salary of a Deputy who would assist the Register of Deeds. The salary would be paid in equal monthly installments out of general funds on the warrant of the County Judge or Chairman. The Register had the authority to appoint the Deputy, and then notify the County Judge, or Chairman, of the appointment, which would be sufficient authorization for the Judge to issue the salary warrants.

### **General Reference**

The following private or local acts constitute part of the administrative and political history of Bradley 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 1837-38, Chapter 2, directed the General Assembly to select Entry Takers to receive entries on the vacant and unappropriated land in the Ocoee District. The Entry Taker would keep his office at Cleveland in Bradley County and have it open for business at reasonable hours.
2. Acts of 1837-38, Chapter 189, established the city of Cleveland as the county seat of Bradley

County, appointing Levi TrewHITE, Nicholas Spring, P. J. G. Lea, James Berry, Robert Swan, John C. Kennedy, John Hardwick, Robert S. Bashears, and Burrow Buckner as Commissioners, who must organize themselves, and be incorporated as a body politic, and as such would have and exercise all powers and privileges of municipal corporations. Each must be sworn to office and bonded to do their duty in the amount of \$15,000. They would lay off and sell at public auction all unsold lots in the City and use the proceeds to assist in the building of a courthouse and jail. Any deficiency in funds may be made up by the levy of a tax on the property in the city according to its value. The sum of \$1,000 was to be paid to the Entry Taker of the Ocoee District for some of the land in the city. The mechanics of sale and title transfer were written into the Act. If commissioners of the city and county cannot agree on these matters, the Act named William Champion, Ezekiel Spriggs, George Real, Isacc Brazelton, and John Hammonds as other commissioners to settle these affairs.

3. Acts of 1837-38, Chapter 302, declared that the Ocoee River was navigable in Bradley County from its mouth to the property of Samuel Pharris. This Act was repealed by the Acts of 1841-42, Chapter 104.
4. Acts of 1839-40, Chapter 31, directed the Branch Bank of the Bank of Tennessee located at Athens in McMinn County to refund \$75 to Erby Boyd, of Bradley County, which was the amount overpaid by him to the Entry Taker of the Ocoee District in an entry of the Northwest fractional quarter of Section 13 of Township Two.
5. Acts of 1839-40, Chapter 44, declared the Ocoee River to be navigable in Bradley County from its mouth to a place known as Standing Rock in the said river. Every person erecting a dam across the river hereafter would be compelled to make and to keep in repair a slope, or gate, in the said dam at least 40 feet wide so that boats and crafts plying the river could pass up or down. This Act was repealed by Chapter 104, Acts of 1841-42.
6. Acts of 1839-40, Chapter 81, authorized the county courts of Bradley County and Polk County to appoint surveyors for their counties under the same rules and regulations as affected other surveyors.
7. Acts of 1841-42, Chapter 104, expressly repealed all laws heretofore passed which declared any portion of the Ocoee River navigable in Bradley County, in their entirety. The appropriation heretofore made to improve the navigation of the Ocoee River would hereafter be applied to the improvement of the Hiwassee River.
8. Acts of 1841-42, Chapter 183, incorporated the citizens of Cleveland with a charter containing a grant of several specific corporate powers and responsibilities. The Bradley County Sheriff was directed to hold an election at the courthouse in the City on the first Monday in April, 1842, to elect a mayor and six aldermen, and a constable for the city, all of whom would serve a one year term. The act required that a Recorder and a Treasurer be appointed in accordance with the instructions of the act.
9. Acts of 1867-68, Chapter 43, incorporated all the area of the Sixth Civil District, as the same was described by metes and bounds in the Act, as the City of Cleveland in Bradley County, under the Mayor-Alderman form of government. Specific powers were granted to the Mayor and Alderman, one of whom was to be elected from each of the six wards of the city, and of whom a majority could transact business at proper times. A Recorder, a Constable, and a Treasurer would all be elected likewise, for one year terms. This Act was repealed by the one following.
10. Acts of 1879, Chapter 105, repealed Acts of 1867-68, Chapter 43, which incorporated the City of Cleveland.
11. Acts of 1893, Chapter 184, was the Charter of the City of Cleveland in Bradley County, which

described the area embraced by the corporation providing for three Wards and a Mayor-Alderman type of government. The Mayor's salary was set at \$150 a year among many other explicit provisions of this lengthy and detailed charter of that city.

12. Acts of 1897, Chapter 124, apparently was the first of many acts to follow which fixed the annual salary of most county officials according to the population of the particular county in which they served. According to this Act, in Bradley County, the Clerk and Master, the Trustee, the Sheriff, and the County Court Clerk would be paid \$1,800 a year each and the Clerks of the Circuit, Criminal and Special courts would be paid \$1,500 annually, and the Register, \$1,000. All the fees collected in the offices were declared to be the property of the county for which each official was accountable. This Act was very detailed about records and duties, and, although it was declared unconstitutional in Weaver v. Davidson County , 104 Tenn. 315, 59 S.W. 1105 (1900), nevertheless, it and many following it, combined to become the salary laws under which the state now operates.
13. Private Acts of 1951, Chapter 663, required the County Judge, or Chairman, in Bradley County (identified by the 1950 Census), after passage of this Act, to advertise each week for four consecutive weeks in a newspaper in the county notifying all the holders of county warrants issued prior to September 1, 1950, to register the same with the Trustee within 90 days after publication of notice. No warrant filling these terms would be paid after the 90 days unless registered accordingly. The Trustee must register the warrants in a special book provided for that purpose and was barred from accepting, or paying, any warrant issued prior to the above date unless registered.

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