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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 Legislative Body**

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

1. Acts of 1835-36, Chapter 33, Section 2, stated that all the courts to be held in newly formed Cannon County would meet at the home of Henry D. McBroom until the county seat was established although the County Court could adjourn to other places whenever necessary in its discretion.
2. Private Acts of 1959, Chapter 372, provided that Justices of the Peace in Cannon County, using the 1950 Federal Census figures, shall receive \$8 per day and ten cents per mile travel allowance between home and the county seat, for each day actually spent in attendance at the County Court. This Act was rejected by the Quarterly County Court and therefore never became a part of the laws of Cannon County under the Home Rule Amendment to the State Constitution.
3. Private Acts of 1972, Chapter 42, provided for the election of the Chairman of the County Court in 1972 for a term of four years. The act provided for both judicial and administrative duties as then provided by general law. This act was superseded in part by Private Acts of 1977, Chapter 84, and later by Public Acts of 1978, Chapter 934.
4. Private Acts of 1973, Chapter 93, established the compensation of Justices of the Peace for attending meetings of the Quarterly County Court (\$15 per day) and for committee meetings (\$7.50 per meeting) not to exceed four committee meetings per year. This act has not been repealed, but has been superseded by the general law providing for compensation of county commissioners (T.C.A. 5-5-107).

## **County Register**

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

1. Private Acts of 1929, Chapter 232, provided that the Register in Cannon County, identified by the use of the 1920 Federal Census figures, shall be allowed and paid, in addition to the fees now allowed and paid by law, ex-officio fees in the amount of \$500 per year to be paid by the county in quarterly payments on the warrant of the Chairman of the County Court.
2. Private Acts of 1949, Chapter 262, amended Chapter 232, Private Acts of 1929, above, by increasing the payment of ex-officio fees to the County Register from \$500 to \$600 per year.

## **General Reference**

The following private or local acts constitute part of the administrative and political history of Cannon 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 157, Section 3, fixed the dates for the County drills and musters of every county unit of the State Militia. The Tenth Brigade was made up of the units in Warren, Franklin, and Cannon Counties. The units in Cannon would hold their annual muster on the Monday and Tuesday following the first Friday and Saturday in September of each year.
2. Acts of 1841-42, Chapter 87, Section 2, declared that any person residing in Cannon County who shall join any Volunteer Company in Rutherford County and muster with the unit, shall be exempt from military duty in Cannon County so long as that person continues to meet with the Volunteer Company.
3. Acts of 1847-48, Chapter 35, stated that a new Director is added in addition to all the others, to the Bank of Tennessee at Nashville who shall reside in Cannon County and who shall be selected and appointed in the same way as are other Directors of the Bank, and who shall have the same powers, authority, and duties as other Directors of the Bank.
4. Acts of 1856, Chapter 253, created the office of County Judge in every county of the State to hold for a term of four years, who shall be learned in the law, and who shall be commissioned as are other Judges. All Quorum Courts were abolished and all their duties vested in the County Judge whose jurisdiction in administrative and judicial functions were spelled out in the Act, including the right to preside over the County and Quarterly Court in place of the Chairman. County Court Clerk shall keep records and act as Clerk to Court. This Act was repealed by Chapter 5, Acts of 1857-58, and all Quorum Courts were restored as well as the Chairman of the Court.

5. Acts of 1875, Chapter 15, amended Section 1792, Code of Tennessee, so as to allow the Counties of Knox, DeKalb, Shelby, Cannon, White, Davidson, and Weakley each to have one additional Notary Public, over and above the number permitted under the general law, who would be appointed by the Justices of the Quarterly County Court.
6. Acts of 1875, Chapter 134, provided for the election by the people of Jackson and Cannon Counties each of a person learned in the law and thirty years of age, or older, to be the County Judge for a term of eight years. The first election thereunder would be on the first Thursday in August, 1876, under the general election laws of the State. The Judges were granted the same powers as had been conferred upon the other County Judges in other Counties. The Judge in Cannon County would be paid \$300.00 per year and the section paying \$5 per day for each day of court was repealed. This Act, as it applied to Cannon County was repealed by Chapter 9, Acts of 1877, below.
7. Acts of 1877, Chapter 9, expressly repealed all the provisions of Chapter 134, Private Acts of 1875, Item 6, above, as the same applied to Cannon County in their entirety.
8. Acts of 1897, Chapter 124, fixed the salaries for several different county officials across the State according to the population of the county in which they served. Conditions were established which had to be met before the salary would be paid one of which was that all fees collected in the office became the property of the County. A sworn, itemized statement of all fees collected must be filed with the County Judge, or Chairman, every month. This Act further specified the maximum number of deputies to be hired in each office and the salary they could be paid. Although this particular Act was declared unconstitutional in Weaver v. Davidson County, 104 Tenn. 315, 59 S.W. 1105 (1900), it nevertheless served as a model for many general salary acts which followed whose legality was upheld.
9. Private Acts of 1935, Chapter 137, removed the disabilities of infancy from Creed Warf whom the index lists as being a resident of Cannon County, but the Act states that Warf is a resident of Hamilton County. In any event he was free to conduct himself in all business matters as an adult.
10. Private Acts of 1935, Chapter 139, was an Act emancipating Mrs. Leola Hoover Davenport from all the disabilities of her minority and granting to her the authority to act and bind herself as an adult.
11. Private Acts of 1935, Chapter 424, removed the bonds of infancy from Louise Turney, granting her the right to conduct her affairs as an adult including all the matters which may exist between herself and her guardian.
12. Private Acts of 1937, Chapter 346, made Magnus Phillips, of Cannon County, an adult in the eyes of the law and his fellow man by removing all the disabilities and protection of minority from him, granting him the right to conduct all affairs as an adult would.
13. Private Acts of 1959, Chapter 320, created the position of County Judge of Cannon County which would be effective on January 1, 1960, and abolished the post of County Chairman. The County Judge must be of good moral character, at least thirty years of age, a good business man and learned in the law, but does not have to be an attorney. The Governor would appoint someone to serve until September 1, 1960, when a Judge would be elected for six years, and in 1966, the term would be for eight years. The Judge's salary would be set by state law, and he would have all the powers of a County Judge, and the Fiscal Agent of the County, plus the powers and jurisdiction of the General Sessions Judge. This Act was rejected by the County Court of Cannon County and consequently never became an effective law.
14. Private Acts of 1972, Chapter 42, provided for the election of the Chairman of the County Court in 1972 for a term of four years. The act provided for both judicial and administrative duties as then provided by general law. This act was superseded in part by Private Acts of 1977, Chapter 84, and later by Public Acts of 1978, Chapter 934.

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