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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

## **Budget System**

The following act once created a budgeting system for Decatur County, but it has been specifically repealed or superseded by current law.

1. Private Acts of 1935, Chapter 584, established a Budget System for Decatur County. This system required the filing of budgets by the Highway Department, the Board of Education, the County Judge, the County Trustee, and the County Court Clerk, who was also responsible for keeping the same. The County Judge must appoint a Budget Commission of three persons who would select their Chairman, and be served by the County Court Clerk as Secretary. The Commission shall consider the Budgets filed with the Clerk, making such changes as they may deem appropriate. The finished Budgets will be presented to the Quarterly County Court at its July meeting, who can also make any alterations deemed necessary, and who may consider all this data in fixing the tax rates. Penalties are provided for those failing to perform their duty as the same was imposed by this act, which included, in some cases, the forfeiture of office and a five year ban on holding one thereafter. This act was apparently superseded, though not repealed, by the one published herein.

## **County Legislative Body**

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

1. Private Acts of 1921, Chapter 109, stated that the Justices of the Peace in Decatur County, identified by the use of the 1920 Federal Census figures, would receive the sum of \$3.00 as their per diem compensation for their attendance at the regular sessions of the Quarterly County Court, plus such mileage allowances as the law might provide.
2. Private Acts of 1957, Chapter 321, provided that, subject to the successful outcome in a public referendum to be held for that purpose, the Justices of the Peace in Decatur County would be paid \$8.00 per day for each day of actual attendance at the meetings of the Quarterly County Court. This Act was rejected by the Quarterly Court and, therefore, never became an effective law under the Home Rule Amendment to the State Constitution.

## **County Mayor**

The references below are of acts which once applied to the office of county judge, or county executive in Decatur 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 for every county in the state, abolishing the Quorum Courts, and conferring the duties of the Chairman of the County Court upon the Judge provided for herein. The Judge must be learned in the law and would be elected by popular vote to a four year term. He would be the account officer and general agent of the county and would exercise the judicial powers and functions enumerated in the act. The Judge would be paid \$5.00 per day for each day spent in the office during the sitting of the monthly and Quarterly Courts, and he would not be prohibited from practicing law except in his own court. This act was repealed by the one below.
2. Acts of 1857-58, Chapter 5, repealed Acts of 1856, Chapter 253, above, restoring the Quorum Courts as they existed prior to the passage of that act and reviving all laws which might have been repealed by it.
3. Public Acts of 1867-68, Chapter 30, again created the office of County Judge in Perry, Decatur, Cheatham, and Lauderdale Counties. The Judge would be commissioned as other judges were, serve an eight year term, and be paid \$200 per year. The Judge would be the accounting officer and general agent for the county exercising the functions and authority expressed in this law which included the duties of the Chairman of the County Court. Quorum Courts were abolished and the Judge would assume the responsibilities of those courts. The County Court Clerk would act accordingly and keep the dockets of the court. The County Judge was free to practice law in every court except his. This act was repealed by the one following.
4. Public Acts of 1868-69 (2nd Ex. Sess.), Chapter 24, repealed the act in Item 3, above, which created the office of County Judge in those counties named therein, as the same was applied to Decatur County.
5. Public Acts of 1869-70, Chapter 73, stated that so much of an act passed in January, 1868, which

created the office of County Judge in Decatur County, and the same is, hereby reenacted, and the act, passed January 29, 1869, which repealed the above act, as applied to Decatur County, is itself hereby repealed.

6. Acts of 1871, Chapter 8, provided that so much of the act, passed on February 24, 1870, as the same relates to the County Judge in Decatur County, is hereby repealed and the office of County Judge is abolished in Decatur County.
7. Private Acts of 1913, Chapter 254, as amended by Private Acts of 1939, Chapter 322, Private Acts of 1945, Chapter 589, Private Acts of 1973, Chapter 113, Private Acts of 1985, Chapter 42, and Private Acts of 1991, Chapter 123, created the office of county judge in Decatur County. The office of chairman of the county court was abolished and the powers, jurisdiction, and authority exercised by the chairman were conferred by law upon the county judge.
8. Private Acts of 1927, Chapter 129, provided that the County Judge of Decatur County shall receive, in addition to the salary now provided by law for his services as County Judge, the sum of \$700 per year for his services as accounting officer, financial and general agent of the county which shall be paid out of the county treasury on the Judge's own warrant. This act was repealed by Private Acts of 1939, Chapter 323.
9. Private Acts of 1939, Chapter 322, amended Private Acts of 1913, Chapter 254, Section One, by striking the requirement that the County Judge must be a licensed lawyer of at least three years practice in the State.
10. Private Acts of 1939, Chapter 323, repealed Private Acts of 1927, Chapter 129, Item 8, above.
11. Private Acts of 1939, Chapter 389, created a Board of County Commissioners for Decatur County, granting the Chairman the authority to exercise the duties of the County Judge except in the juvenile, probate, and County Courts, and prohibiting the County Judge from being paid anything for acting as financial and purchasing agent for the county.
12. Private Acts of 1943, Chapter 425, amended Private Acts of 1939, Chapter 389, Section 6, by striking that portion of the law which denied the County Judge any compensation for his services as financial, and purchasing agent of the county, and allowed the Quarterly Court to pay the Judge up to \$500.00 per year as additional compensation for serving in the capacity of an administrator.
13. Private Acts of 1945, Chapter 589, as amended by Private Acts of 1973, Chapter 113 and Private Acts of 1985, Chapter 42, added a new section 8 to Private Acts of 1913, Chapter 254, which made the County Judge (now County Executive) the county purchasing agent. This section was deleted in its entirety by Private Acts of 1991, Chapter 123.
14. Private Acts of 1949, Chapter 835, is listed as being applicable to Decatur County but the act which it amends is applicable only to Benton County.
15. Private Acts of 1961, Chapter 197, would have amended Private Acts of 1945, Chapter 589, by striking out a portion of Section One and inserting a new Section which gave the County Judge sole authority to make all purchases for the County and to arrange for the purchase, or rental, or real estate; by incorporating new bid procedures for all purchases over \$500.00 which were required to be strictly observed, but which were optional for purchases under that amount. The Road Supervisor was not included within the purview of this act for purchases under \$100. This act was rejected by the Decatur County Quarterly Court and never became a law.
16. Private Acts of 1961, Chapter 204, amended Private Acts of 1913, Chapter 254, by permitting the County Judge to employ a secretary at an annual salary of up to \$1,800, payable in equal monthly installments. This act was likewise rejected at the local level and did not become an effective law under the Home Rule provision of the Tennessee Constitution.
17. Private Acts of 1961, Chapter 235, had reference to both the County Judge and the General Sessions Court but did not apply to Decatur County, only to Coffee County.

### **County Register**

The following acts once affected the office of county register in Decatur County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1970, Chapter 245, stated that no conveyance in writing, deeds of trust, or other lien instruments, shall be received for registration by the County Register unless the same bears a stamp, or notation, that such conveyance has been presented to the Assessor of Property, or his Deputy with the information set out in Section 2 of this Act. The report from Secretary of State's office in this Act was not acted on by local authorities, and, if true, the law would be nullified.

2. Private Acts of 1973, Chapter 13, authorized the County Register of Decatur County to employ a suitable person as a clerical assistant at a salary not to exceed the sum of \$300 per month which was to be paid out of the general funds of the County. This Act was not acted on in any way by the Quarterly Court and consequently did not become a law.

**General Reference**

The following private or local acts constitute part of the administrative and political history of Decatur 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 1847-48, Chapter 52, stated that Perry and Decatur County shall have a Director in the Branch of the Bank of Tennessee at Trenton who would be appointed in the same way and have the same rights and privileges as the other Directors of the said Bank.
2. Acts of 1849-50, Chapter 55, Section 13, incorporated the city of Decaturville conferring upon it all the rights and authority and making it subject to the same obligations and liabilities as the town of Linden in Perry County.
3. Public Acts of 1857-58, Chapter 126, abolished the post of Entry Taker in Lawrence, Dekalb, White, Macon, Decatur, Grundy, Humphreys and Wilson Counties. The Surveyors of the above counties would assume all the duties and responsibilities of the office of Entry Taker and be paid the same fees and emoluments as were provided under the law.
4. Acts of 1897, Chapter 124, provided for and regulated the salaries of the Clerk and Master, the Clerks of the various County, Circuit, Special, and Criminal Courts, Trustees, Registers, Sheriffs, and the Supreme Court Clerks according to the population of the county in which they served. The fees of the various offices were declared to be the property of the counties. The office holders involved were required to file sworn, itemized statements with the County Judge, or Chairman, showing the amount of fees collected. Parts of this Act were declared unconstitutional by the Supreme Court in Weaver v. Davidson County (1900), 104 Tenn. 315, 59 S.W. 1105, but many of its features have been carried over into the current salary statutes.
5. Private Acts of 1939, Chapter 389, established a three member Board of County Commissioners in Decatur County, who were to be elected by popular vote in the August general elections, taking office for two years on the following September 1. The Commissioners must be at least thirty years old, a resident of the County for ten years, and could hold no county office or be a member of the Quarterly Court. The Chairman, chosen by other members, would be paid \$40.00 per month, and the other members \$5.00 per day for each day actually spent discharging the duties of the Board, and the responsibilities of the Chairman were enumerated in several paragraphs of the Act. The Commission could appoint a Secretary at a salary not to exceed \$30.00 per month. The Chairman would exercise the duties of the County Judge except in the Juvenile, Probate, and County Courts. The County Judge would continue to draw \$300.00 per annum but would receive no pay for performing the duties of financial agent, or purchasing agent. This Act was repealed by the one below.
6. Private Acts of 1945, Chapter 586, repealed Private Acts of 1939, Chapter 389, which is Item 5, above.
7. Private Acts of 1947, Chapter 99, also repealed Private Acts of 1939, Chapter 389, which created a Board of County Commissioners in Decatur County.
8. Private Acts of 1961, Chapter 116, created the Industrial Port Authority which was calculated to facilitate transportation and fully utilize the regional resources around Decatur County by exercising the power and authority granted to the Authority in the body of the Act. A seven member Port Authority Commission was established which would supervise and promote the construction, acquisition, ownership, maintenance, and operation of publicly owned ports, airports, storage, transfer, and transportation facilities by Decatur County. The authority was conferred upon the Authority to issue bonds of a general obligation nature under the limitations expressed in the Act. The Act named Harold White, Fred Alexander, A. B. White, Jr., Paul Strigel, H. D. Pevahouse, N. H. Boggie, and J. L. Tinker, as the members of the first commission. This Act was rejected by the Quarterly County Court and therefore never became a law under the provisions of the Home Rule Amendment to the Constitution.
9. Private Acts of 1972, Chapter 375, was the legislative authority for the Decatur County Quarterly Court to establish a ferry service in accordance with the provisions of Section 54-2101, and following, Tennessee Code Annotated, and to charge fees, as provided therein, for the sole purpose of maintaining the said ferry. Our information is that this Act was never acted upon by the Decatur County Quarterly Court.

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