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# Administration - Historical Notes

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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 Attorney**

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 This act is included for historical reference only.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

1. Private Acts of 1931, Chapter 29, created the office of County Attorney, naming P. C. Crowley to serve until September, 1932. At the regular August election of 1932, and every two years thereafter, the office would be filled by popular election. Compensation was set at \$600 per annum, payable monthly, out of the general funds of the county. This Act was repealed by Private Acts of 1935, Chapter 32.

## **County Clerk**

The following act once affected the office of county clerk in DeKalb County. It is included herein for historical purposes. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1919, Chapter 796, made it the duty of the Clerk of the County Court to prepare and publish, twice each year, in a newspaper published in the county, a statement showing the condition of the county's finances as of January 1 and June 1. This Act was repealed by Private Acts of 1921, Chapter 724.

## **County Executive**

The references below are of acts which once applied to the office of county judge, or county executive in DeKalb 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 1871, Chapter 133, created the office of County Judge for DeKalb County and Carroll County. A person, learned in the law, would be elected by the voters for an eight year term. The Quorum Courts were abolished and their jurisdiction was transferred to the County Judge. They would have the same jurisdiction as the Chairman of the County Court over which they would now preside. The County Judge would be the accounting officer and general agent of the county. The compensation was set at \$5 per day during the sitting of the Monthly and Quarterly Courts. The Quarterly Court was authorized to make additional compensation to the Judges out of the county treasuries.
2. Acts of 1872 (Ex. Sess.), Chapter 1, amended Acts of 1871, Chapter 133, by authorizing the County Court to elect a qualified person as a County Judge on a temporary basis until the regular August election of 1872. The County Judge was given the same authority to maintain order that the Circuit Judge possessed.
3. Acts of 1883, Chapter 15, amended Acts of 1871, Chapter 133, to abolish the office of County Judge for DeKalb County.
4. Acts of 1893, Chapter 49, created the office of County Judge in DeKalb County. He would be popularly elected and would serve an 8 year term. He would possess all the jurisdiction of the Chairman of the County Court whose office was abolished. The act set the compensation at \$350 annually.
5. Acts of 1911, Chapter 599, set the compensation of the County Judge for his services as accounting officer and financial agent of the county at \$250 per annum.
6. Private Acts of 1921, Chapter 301, raised the salary of the County Judge to \$1,000 per year. The County Judge was granted concurrent jurisdiction with Chancellors and Circuit Judges to grant fiats in the Circuit and Chancery Courts.
7. Private Acts of 1933, Chapter 201, allowed the County Judge to grant fiats while stating the Judge was not required to have any greater qualifications than required for the office of County Judge.
8. Private Acts of 1949, Chapter 668, amended Private Acts of 1921, Chapter 301, to increase the compensation of the County Judge to \$2,400 per annum. The County Judge would also serve as fiscal and purchasing agent of the county, but would not receive additional compensation for these duties.
9. Private Acts of 1949, Chapter 669, stated that the compensation of the County Judge, for his services as accounting officer and financial agent of the county, would be \$900 per annum.
10. Private Acts of 1953, Chapter 547, amended Private Acts of 1949, Chapter 669, to raise the

compensation from \$900 to \$1,500 per annum.

### **County Legislative Body**

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

1. Acts of 1839-40, Chapter 2, validated the Act passed on December 11, 1837, which was never published, that created DeKalb County. The County Court was established and given the power to nominate locations for the seat of justice. The County Court would appoint five commissioners to purchase the land for the county seat and lay off a town.
2. Acts of 1872 (Ex. Sess.), Chapter 1, ratified all the Acts done by the Quorum Court of DeKalb County. The County Court was empowered to elect a County Judge.
3. Acts of 1875, Chapter 42, authorized \$1.50 per diem for Justices of the Peace attending Quarterly Court.
4. Acts of 1889, Chapter 246, authorized mileage at the rate of five cents a mile to Justices of the Peace attending Quarterly Court. Certain limitations were included.
5. Private Acts of 1917, Chapter 631, amended Acts of 1875, Chapter 42, to increase the per diem to \$2.50, and Acts of 1889, Chapter 246, to allow all Justices to receive the same rate of mileage.
6. Private Acts of 1921, Chapter 341, raised the per diem to \$3, and the mileage to 25 cents per mile for Justices of the Peace.
7. Private Acts of 1923, Chapter 23, amended Private Acts of 1921, Chapter 341, by reducing the per diem to \$2, and the mileage to five cents per mile.
8. Private Acts of 1955, Chapter 245, would have raised the per diem to \$5 and the mileage to ten cents per mile, one way, but this Act was never ratified by the Quarterly County Court.
9. Private Acts of 1961, Chapter 28, would have raised the per diem to \$5 and the mileage to ten cents per mile, one way, but this Act was never ratified by the Quarterly County Court.

### **County Trustee**

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

1. Private Acts of 1945, Chapter 512, required the County Trustee to enter into a bond in a penalty equal in amount to the County taxes to be collected for the ensuing year. The Trustee shall pay the premiums out of the emoluments of his office.

### **Purchasing**

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

1. Private Acts of 1919, Chapter 526, authorized the appointment by the Quarterly County Court of a three member Purchasing Commission, whose duty was to buy all supplies needed by the County. They would hold office for one year and be paid \$25 per annum. This was repealed by Private Acts of 1921, Chapter 327.
2. Private Acts of 1943, Chapter 156, provided that the DeKalb County Judge would act as Purchasing Agent for the county and would have sole authority to purchase all materials, supplies, and equipment used by the County. This Act was repealed by Private Acts of 1971, Chapter 160.
3. Private Acts of 1971, Chapter 161, provided that the County Judge of DeKalb County would serve as the purchasing agent for the county. The Road Supervisor and the Superintendent of Schools had authority to purchase items of \$500 or less, but for all other county departments the County Judge was the sole purchasing agent. This Act was repealed by Private Acts of 1979, Chapter 63.

### **General Reference**

The following private or local acts constitute part of the administrative and political history of DeKalb County but are today no longer operative because they have either been superseded, repealed, or failed to receive local approval. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Acts of 1843-44, Chapter 10, attached the 141st Regiment of Tennessee Militia, in the county of DeKalb, to the 9th Brigade. This Act was repealed by Acts of 1849-50, Chapter 3, and Acts of 1845-46, Chapter 205.
2. Acts of 1849-50, Chapter 3, attached the 141st Regiment of Tennessee Militia, in DeKalb County, to the 8th Brigade.

3. Acts of 1857-58, Chapter 126, abolished the office of Entrytaker, placing his duties with the office of County Surveyor.
4. Acts of 1903, Chapter 371, authorized DeKalb County to become a stockholder in a railroad from Smithville to Watertown or Lebanon or Brush Creek, up to the amount of \$150,000.
5. Private Acts of 1917, Chapter 574, authorized the Quarterly County Court to extend the time within which the Nashville and Eastern Electric Railway Co. could construct and put into operation a railway from Smithville to Lebanon.
6. Private Acts of 1927, Chapter 620, required county officials to make their bonds with a valid bonding company, and set the amount of those bonds. This Act would not apply to incumbents in office.

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