



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

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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.

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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 Wilson County. These acts are included for historical reference only.

1. Private Acts of 1972, Chapter 276, created the office of County Attorney in Wilson County, who must be at least 21 years of age, a resident and citizen of Wilson County, and licensed to practice law in both State and Federal Courts. The County Attorney would be appointed by the County Judge and confirmed by the Quarterly Court. The term was for one year at a salary of \$500 per month, payable out of general county funds. The duties of the office were prescribed in the Act. This Act was not approved by the Wilson County Quarterly Court and therefore never became an effective law.
2. Private Acts of 1974, Chapter 162, was essentially a duplicate of Private Acts of 1974, Chapter 183. This Act was rejected by the Wilson County Quarterly Court and never became an operable law under the provisions of the Home Rule Amendment to the Constitution of the State.

## **County Clerk**

The following act once affected the office of county clerk in Wilson County. It is included herein for historical purposes.

1. Private Acts of 1933, Chapter 866, provided that the County Court Clerk of Wilson County would be deprived of all the fees of his office after September 1, 1934. The Clerk would hereafter be paid \$3,000 annually in equal monthly installments in lieu of the fees. The Clerk must keep proper records and pay any fees in excess of his salary into the hands of the Trustee quarterly, but would be allowed credit for office expenses. All the excess fees of the office were declared to be the property of the county and would be paid to the Trustee. All the equipment and supplies necessary to the operation of the office would be furnished by the County. If the Clerk intentionally failed to collect the fees, the fees lost thereby would be charged against the Clerk. If the fees did not equal the salary, then the Clerk would receive only the fees collected.

## **County Legislative Body**

The following acts once applied to the quarterly court or the county legislative body of Wilson 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 1803, Chapter 39, set the time for holding the Courts of Pleas and Quarter Sessions in the Mero District of the State to which Wilson County was assigned. The Mero District also included the counties of Jackson, Smith, Sumner, Rutherford, Williamson, Davidson, Robertson, Montgomery, Stewart, and Dickson. Quarterly Court terms would begin in Wilson County on the fourth Monday in March, June, September, and December.
2. Acts of 1812, Chapter 68, fixed the opening dates of the terms of the County Court of Wilson County on the third Monday in March, June, September, and December.
3. Acts of 1817, Chapter 138, scheduled the terms of the County Court to begin on the first Monday in February, May, August, and November in Wilson County.
4. Private Acts 1821, Chapter 127, declared that the Wilson County Court of Pleas and Quarter Sessions would begin its regular terms on the fourth Monday of March, June, September, and December of each year and continue for a term of two weeks unless the business was completed sooner.
5. Private Acts of 1823, Chapter 197, provided that the Justices of the Court of Pleas and Quarter Sessions of Wilson County could, if they considered it expedient, a majority of the Justices being present and concurring, at their first court in each year, and on the first day of that term, elect by ballot three of their number to hold the Quorum Courts for the remainder of that year. The Justices thus chosen would receive \$1.50 per day for every day they held Court, except the days set apart for county business. These justices would have the same jurisdiction and powers that justices of the county courts possessed.
6. Public Acts of 1835-36, Chapter 6, established a County Court in every county in Tennessee which would meet on the first Monday of every month. The Court would be held by the county's Justices of the Peace. At the first term of each year, the justices would elect a Chairman who would preside over the deliberations of the court. The County Court would select jurors for the next succeeding circuit court and was empowered to levy taxes for county purposes.
7. Public Acts of 1887, Chapter 236, set the minimum compensation of the Justices of the Peace at

- \$1.50 per day for each day attended at meetings of the Quarterly County Court. The Act further made attendance by the Justices at every session mandatory.
8. Private Acts of 1921, Chapter 87, provided that in Wilson County, the Justices of the Peace would be paid \$2.50 per day and such mileage as was now provided under the law for their attendance at the quarterly sessions of the County Court.
  9. Private Acts of 1947, Chapter 65, fixed the compensation of the Wilson County Justices of the Peace at \$5 per day plus the mileage allowed under the law for each day of their attendance at the quarterly session of the County Court. This Act was repealed by Private Acts of 1972, Chapter 423.
  10. Private Acts of 1947, Chapter 359, provided that the Quarterly County Court would be held at the Courthouse in Lebanon on the second Monday in January, April, July, and October of each year.
  11. Private Acts of 1957, Chapter 101, would have increased the compensation of the Justices of the Peace of Wilson County from \$5 to \$10 for each day of attendance at the sessions of the Quarterly Court, plus such mileage as the law permitted. The increase was to become effective on September 1, 1960, but this Act was rejected by the Quarterly County Court of Wilson County and never became effective under the provisions of the Home Rule Amendment to the Constitution. This Act was repealed by Private Acts of 1972, Chapter 423.
  12. Private Acts of 1970, Chapter 269, set the per diem of the Justices of the Peace at \$25 per day, and their mileage at ten cents per mile for each mile traveled while going to and from a session of the Quarterly Court. This Act was not approved by the Quarterly Court and never took effect.
  13. Private Acts of 1971, Chapter 90, set the per diem of members of the Wilson County Quarterly Court at \$25 for each day of attendance at meetings. This Act was never acted on by the Quarterly Court of Wilson County and never took effect. This Act was repealed by Private Acts of 1972, Chapter 423.
  14. Private Acts of 1972, Chapter 218, set the per diem of members of the Wilson County Quarterly Court at \$25 for each day in attendance plus ten cents per mile for each mile traveled while going to and from sessions of the Court. This Act was not approved by the Quarterly Court and never took effect. This Act was repealed by Private Acts of 1972, Chapter 423.
  15. Private Acts of 1972, Chapter 423, fixed the compensation of members of the Wilson County Quarterly Court at \$25 per day for each day of attendance at the meetings of the Quarterly Court, plus ten cents per mile for each mile traveled between their homes and the location of the meeting.

### **County Mayor**

The references below are of acts which once applied to the office of county judge, or county executive in Wilson 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 1855-56, Chapter 253, established the office of County Judge in every county. The Judge must be learned in law, and would be popularly elected to a four year term. The Judge would be sworn and commissioned as other judges were. All Quorum Courts were abolished as well as the position of Chairman of the County Court, the duties of both being assigned to the County Judge. The County Judge would also be the accounting officer and general agent of the county discharging those duties specified in the Act. The County Judge would hold the County Court with regular sessions beginning on the first Monday of each month. The County Court Clerk would serve as the Clerk and the Judge was allowed to practice law in every court other than the one over which he presided. This Act was repealed by Public Acts of 1857-58, Chapter 5.
2. Public Acts of 1867-68, Chapter 47, created the office of County Judge for Wilson, Lincoln, Hamilton, Franklin, Lawrence and Giles Counties. The Judge would be popularly elected to an eight year term. The Quorum Courts were abolished and the County Judge would exercise all of its jurisdiction and powers. The Judge would preside over the County Court at its regular sessions on the first Monday of each month. Certain property and testamentary matters were transferred from the present County Court to the one now held by the County Judge. The Judge would also serve as accounting officer and general agent of the County.
3. Public Acts of 1869-70, Chapter 14, attempted to repeal Public Acts of 1867-68, Chapter 47, as that Act applied to the office of County Judge. This Act incorrectly cites Public Acts of 1867-68, Chapter 30, which applied to the office of County Judge for Perry, Decatur, Cheatham and Lauderdale counties, as the Act was to be repealed. The Act went on to restore the Quorum Courts in Wilson County and re-vest them with their original powers. 10
4. Private Acts of 1915, Chapter 150, created the office of county judge in Wilson County and

abolished the office of chairman and chairman pro tem of the county court.

5. Private Acts of 1937, Chapter 728, recited in its preamble that the Social Security Act added new duties to the office of the County Judge in Wilson County for which no compensation was provided, therefore this Act required that an additional \$500 per year be attached to the income of the County Judge in order to compensate him for these added duties.
6. Private Acts of 1943, Chapter 75, stated that the Attorney-General had rules that a 1934 Resolution of the County Court which granted an additional \$500 per year to the County Judge's salary for additional duties assigned to him as fiscal agent was unauthorized and void. This Act provided that \$900 per year, payable monthly, would be added to the Judge's salary. The Judge would now receive \$500 yearly for administering the Social Security Laws and \$1,000 annually for his judicial duties, making his total compensation \$2,400 per annum. The new salary would begin with the effective date of this Act.
7. Private Act of 1943, Chapter 105, amended Private Acts of 1915, Chapter 150, by adding a provision giving the County Judge concurrent jurisdiction with the Chancellors and Circuit Judges for granting writs of injunction, attachment, mandamus, habeas corpus, and other extraordinary process. The County Judge was also granted concurrent jurisdiction to try habeas corpus cases.
8. Private Acts of 1945, Chapter 21, amended Private Acts of 1943, Chapter 105, so as to remove the concurrent jurisdiction of the County Judge with reference to the granting of extraordinary writs of process and habeas corpus.
9. Private Acts of 1949, Chapter 175, amended Private Acts of 1915, Chapter 150, by providing that whenever a vacancy occurred in the office of County Judge in Wilson County it would be filled by the appointment of the Governor and the appointee would serve until the next general election. When the Judge could not attend to his duties on a temporary basis due to illness, or some other cause, the Governor could appoint an interim Judge. This Act was repealed by Private Acts of 1953, Chapter 52.

#### **County Trustee**

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

1. Private Acts of 1923, Chapter 659, set the salary of the Wilson County Trustee at \$3,250 annually. The Trustee must turn over to the general fund all the fees and commissions and all the other funds collected in the office. The Trustee must execute a bond to be approved by the County Judge and keep accurate records of all the transactions of his office.
2. Private Acts of 1929, Chapter 291, required the Trustee of Wilson County to give a bond to the State for its own use in the same amount as the taxes collected the preceding year, and to execute another bond to the State for the use and benefit of the County in an amount equal to one-third of the taxes collected for the County during the prior year.
3. Private Acts of 1933, Chapter 867, fixed the salary of the Trustee at \$3,000 annually, payable at the rate of \$250 per month, which would be in lieu of all other compensation. All excess fees over and above that amount would be paid over to the County. The Trustee must make a final settlement of all the accounts in his office before leaving the position. The Quarterly Court had the authority to employ an auditor to go over all the accounts in the Trustee's office when the court deemed it necessary.

#### **General Reference**

The following private or local acts constitute part of the administrative and political history of Wilson 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, established state regulations for the inspection of pork, beef, hog lard, butter, hemp, flour and kiln dried meal before the same could be exported from the State. Warehouses were to be set up at points specified in the Act to which goods were to be brought for inspection. In Wilson County the warehouse would be located at Morrison's Ferry. The County Court was empowered to enact additional regulations and to appoint the inspectors.
2. Acts of 1801, Chapter 90, exonerated William Donaho and Griffith Rutherford, both of Wilson County, from the payment of a fine and a double tax caused by negligence. Upon paying the costs and the proper taxes, they would be relieved of the judgment against them.
3. Acts of 1803, Chapter 34, recited that Nicholas Conrad, of Wilson County, had been fined \$50 and taxed in a double amount on three tracts of land which resulted from the neglect of a Justice of the Peace. This Act exonerated and released Conrad from the payment of the fines on each tract of land.

4. Acts of 1806, Chapter 26, stated that Edward Mitchell who undertook to build the Courthouse for Wilson County had been greatly injured by his contract in erecting the same. This Act permitted the Court of Wilson County to levy an additional tax according to the several amounts stated in the Act so that Wilson County could make Mitchell an additional compensation as might seem right and proper. This tax would be collected as other taxes by the Sheriff.
5. Acts of 1807, Chapter 98, named Samuel Hogg, Edmund Crutcher, David Marshall, Joseph Johnson, and John Alcorn as Commissioners for the town of Lebanon who would elect a Chairman and appoint a treasurer and a clerk for said town.
6. Acts of 1817, Chapter 117, established the town of Maryville in Wilson County on the land of William Bumpass, naming James Williams, Rezin Byrne and Benjamin Seawell as Commissioners of the town. The lots in the town would still be liable for state and county taxes as were other towns.
7. Acts of 1819, Chapter 34, changed the name of the town of Maryville in Wilson County to that of Statesville. George L. Smith, James Cross, Richard Craddock, William M. Hoskins, Cornelius N. Lewis, and Albert Watson were appointed as Commissioners. The Wilson County Court was authorized to sell any unsold lots in the town of Lebanon and to use the proceeds thereof for county uses or any literary institutions as they in their discretion thought proper. 20
8. Private Acts of 1820, Chapter 44, provided that Samuel Motherrell, of Wilson County, was to receive a duplicate certificate of a land grant from the Commissioners for the adjudication of North Carolina land claims provided he produced evidence that no other grant had been issued for the same land.
9. Private Acts of 1825, Chapter 130, was the authority for the heirs of Alexander Kirkpatrick to apply to Wilson Sewall, of Wilson County, to make out a plat and a certificate of location No. 18, 122 in Wilson County, consisting of 25 acres, and that a grant on that land be issued to these heirs as it would have been had it been filed within the time limits provided by law.
10. Private Acts of 1826, Chapter 20, named Obediah G. Finley, Henry L. Douglass, John Allcorn, Thomas Crutcher, and Joseph Johnson, as Trustees, to whom Samuel Hogg of Lebanon would convey certain real and personal property belonging to him which would be the prizes for a lottery which was to be conducted for Hogg's benefit. The proposed lottery would not destroy any of the rights of Hogg's creditors.
11. Private Acts of 1826, Chapter 105, stated that hereafter Nancy W. Carver, of Wilson County, would have the right to contract and to hold and convey property which she had acquired in her own right, free from any and all claims of debt incurred by her husband. She was further authorized to obtain a divorce from her husband if she so desired.
12. Private Acts of 1826, Chapter 120, allowed Francis Moore of Sumner County, and Robert C. Davis of Wilson County, to hawk and peddle goods in Sumner and Wilson Counties without having to purchase a license.
13. Private Acts of 1827, Chapter 210, permitted Eve Sherill, wife of Samuel Sherill, to have and to hold real property and personal property in her own name as a Feme Sole and to sue and be sued concerning the same. She would not be responsible in any way for the debts of her husband.
14. Private Acts of 1827, Chapter 216, allowed Humphrey Donelson to peddle goods, wares, and merchandise in Wilson County without the necessity of having to obtain a license or paying any tax.
15. Private Acts of 1829, Chapter 15, declared that a town heretofore laid out on the lands of George I. Cain, in Wilson County, would hereafter be known as Cainsville. William Word, Arthur Harris and William Williams were named as the Commissioners who would manage the affairs of the said town.
16. Private Acts of 1829, Chapter 249, authorized the County Court of Wilson County, a majority of the Justices being present and voting, to make an allowance to George Blaze of Wilson County any sum not to exceed \$50 for his attention to Carter Walton, a traveling stranger who was mortally wounded and who died at Blaze's house.
17. Private Acts of 1829, Chapter 299, was the authority for Elbert Williams of Wilson County to hawk and peddle his goods in the Congressional District in which he lived without having to purchase a license, or to pay any charge for doing so, provided, however, that Williams took an oath to sell only goods which belonged to him and to sell only for his benefit and his family's.
18. Public Acts of 1831, Chapter 43, Section 6, directed the Cashier of the Bank of the State of Tennessee to place to the credit of the counties of Montgomery, Dickson, Robertson, Sumner,

- Davidson, Stewart, Humphreys, Perry, Hickman, Williamson, Lawrence, Wayne, Hardin, and Wilson their respective share of the \$60,000 which was set aside for the internal improvement of Middle Tennessee. The county's share would be pro-rated according to the ratio of the county's white population to the combined population of all the counties in the 21 Middle Tennessee District. Section 7 provided that Wilson County's share of these funds would be paid over to the Common School Commissioners.
19. Private Acts of 1832, Chapter 89, provided that the interest arising from the Internal Improvement Fund for Wilson County that was set apart for common school purposes by Public Acts of 1831, Chapter 43, be used for the common schools in Wilson County.
  20. Public Acts of 1833, Chapter 34, established the Planter's Bank of Tennessee at Nashville which would have branch banks at several specified locations across the State. At Lebanon in Wilson County, the sale of stock would be supervised by George W. Mabry, Joseph Johnson, Pauldin Anderson, George H. Bullard, Robert L. Caruthers, and John S. Topp.
  21. Private Acts of 1833, Chapter 117, authorized James Cross and Simpson Organ to hawk and peddle their goods in Wilson County without having to buy a license.
  22. Private Acts of 1833, Chapter 144, was the legislative authorization for Benjamin Graves to lay off up to fifty acres of land on which he now lives on the waters of Stoner's Lick Creek in Wilson County, into lots, streets, and alleys so as to establish a town to be called Bartonsville. The town would be subject to all the rules and regulations governing other towns.
  23. Private Acts of 1833, Chapter 182, allowed James W. Herron to hawk and peddle goods, wares, and merchandise in Wilson County without having to obtain a license, but Herron was obligated to take an oath not to dispose of any goods other than his own.
  24. Private Acts of 1833, Chapter 245, was the enabling legislation for the Commissioners of the Poor House in Wilson County to contract for the management of the said Poor House at their discretion and repealed the law which allowed the Justices of the Peace to select a keeper. The Commissioners were required to keep accurate accounts of all the receipts expenditures of the Poor House and to report this annually to the commissioners of the revenue.
  25. Acts of 1859-60, Chapter 87, Section 8, incorporated P. Anderson, Decon F. Underwood, J. R. Ashworth, J. T. Cox, the Deacons of the Baptist Church at Lebanon, and their successors in office, as the Baptist Church of Lebanon, and granted certain powers to them to sustain the corporation.
  26. Private Acts of 1868-69, Chapter 46, incorporated 65 citizens of Wilson County, all of whom were named in the Act, to be the Wilson County Agricultural and Mechanical Association for the advancement, improvement and encouragement of agricultural, horticultural and scientific endeavors in the county.
  27. Private Acts of 1868-69, Chapter 60, incorporated Samuel T. Mottley, D. C. Kelly, B. D. Pendleton, and I. M. Goodbor, and their successors as the Lebanon Woolen Mills, which would manufacture wool and cotton.
  28. Public Acts of 1879, Chapter 46, allowed all the counties in the State which desired to do so to elect an Entry Taker by their Quarterly Court at the April term, a majority of the Justices being present and voting favorably on the matter. The Entry Taker would serve a 4 year term and would receive the fees listed in the Act. The county could also impose the duties of the Entry Taker on the County Surveyor or the County Register.
  29. Public Acts of 1897, Chapter 124, fixed the annual salaries of several county officials according to the population of the county in which the officials worked. This Act deprived the county officials of their fees which became the property of the county and 22 compensated them only through this annual salary. A sworn, itemized statement would be filed monthly with the County Judge, or Chairman, showing the amount of fees collected in each office. Stationery and office supplies were to be furnished to the county officials by the county free of charge. Salaries, however, were not to exceed the payments into the county treasury. This Act was declared unconstitutional in *Weaver v. Davidson County*, 104 Tenn. 315, 59 SW 1105 (1900).
  30. Private Acts of 1901, Chapter 203, abolished the Taxing District of Lebanon in Wilson County and restored all the inhabitants to their former status under the State and County tax laws. The three present Commissioners of the Tax District were declared the Receivers of the Tax District who would wind up the business of the same.
  31. Private Acts of 1907, Chapter 239, gave the Quarterly Court of Wilson County the authority by their Resolution to contract with a Bank making the highest and best bid to pay interest on the daily balance of county funds. The Court would appoint three of its members to join the County Judge and the County Trustee as the County Finance Committee, who would carry out the will of

- the Quarterly Court in this regard. The Trustee was further obligated to respond to the directives of the Court.
32. Private Acts of 1911, Chapter 27, amended Private Acts of 1907, by adding the population figures from the 1910 Federal Census to cause the Act to be still applicable to Wilson County.
  33. Private Acts of 1933, Chapter 88, removed all disabilities of minority from Carmack Harvey, of Wilson County, which allowed him to contract and convey real estate, as well as to perform all other acts which an adult could.
  34. Private Acts of 1933, Chapter 240, removed all disabilities of minority from John Jetton Caldwell of Wilson County in order for him to take the State Bar Examination and to practice law in the same capacity as any other adult.
  35. Private Acts of 1933, Chapter 387, removed the disabilities of infancy from Ben Haralson Northern of Wilson County.
  36. Private Acts of 1933, Chapter 804, removed all the disabilities of minority from James J. Askew of Lebanon in Wilson County, in order that he might make valid contracts and engage in the practice of any profession as an adult.
  37. Private Acts of 1935, Chapter 49, recited in its preamble that Forest Elmo Boone, Jr. was 18 years old, a senior student at Castle Heights Military Academy, the husband of Dorothy Odom, and that he desired to go into business with his father-in-law, which would be decidedly advantageous to him since the whereabouts of his father was unknown and his mother was deceased. This Act removed Boone's minority and raised him to status of an adult.
  38. Private Acts of 1935, Chapter 115, took John D. Hare, of Wilson County, out from under all the disabilities of being a minor and conferred upon him all the rights and privileges of an adult to conduct his business affairs.
  39. Private Acts of 1937, Chapter 205, removed the disabilities of minority from Mrs. Nettie Jackson Tubb, of Wilson County, the wife of Preston Tubb, Jr.
  40. Private Acts of 1937, Chapter 628, released Mrs. Mattie Bell Vandagriff Vantrease from all the limitations imposed upon her from being a minor and granted her the right to conduct herself as an adult. 23
  41. Private Acts of 1937, Chapter 629, removed the disabilities of infancy from John Paul Vandagriff of Wilson County.
  42. Private Acts of 1975, Chapter 184, required certain electrical utilities to procure written verification from the office of the Wilson County Building Inspector that the construction taking place on any site was in compliance with the Wilson County Zoning Ordinance and Subdivisions Regulations before the electrical utility would furnish power to the building site. Fines for non-compliance would range from \$50 to \$250 when one was convicted in General Sessions Court. Extraordinary remedies, such as injunctions, mandamus, abatements were available upon proper petition duly filed. This Act was not approved by the Wilson County Quarterly Court and never took effect under the Home Rule Amendment to the State Constitution.

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