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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 Clerk**

The following act once affected the office of County Clerk in White County. It is included herein for historical purposes.

1. Acts of 1853-54, Chapter 320, provided that the County Court Clerk of Putnam County shall, within three months of his election and qualification, call upon the County Court Clerks of Jackson, Overton, and White Counties who have in their possession the original records of suits and other transactions to deliver the same to him immediately and it shall be the duty of those clerks to do so.

## **County Executive**

The references below are of acts which once applied to the office of county judge, or county executive in White 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, stated that a County Judge, a person learned in the law, would be elected for four year terms in every county in the State by the qualified voters of the county, who would be sworn and commissioned as were other judges in the State. Quorum Courts were abolished and all their responsibilities given to the County Judge who would also preside over the Quarterly County Court and the County Court. The Jurisdictional powers of the Court were authorized in the Act. The County Court Clerk would continue to be the Clerk of the Court. The Judges were not prohibited from practicing except in their own Court. This Act was repealed by the one below.
2. Acts of 1857-58, Chapter 5, repealed the Act above specifically and restored the Quorum Courts to their prior status and revived all the laws which might have been repealed thereby.
3. Acts of 1885, Chapter 71, amended Section 316, of Thompson and Steger Code of Tennessee, so as to provide for a County Judge for White County, Tennessee who would be 30 years of age, elected by the people for a four year term, learned in the law and of good moral character. The Judge would have all the jurisdiction, power, and authority of other County Judges. The office of County Chairman was abolished and all his duties assigned to the County Judge. Section 7 of this Act made the same applicable to Marshall County as well.
4. Private Acts of 1921, Chapter 589, broadened the powers of the County Judge, of White County, by giving him the authority to grant fiats for writs of injunctions, attachment, replevin, certiorari and supersedeas, habeas corpus, and all other writs and process for which a fiat is required. The Judge was also given the authority to conduct hearings on habeas corpus petitions with all the jurisdiction of Chancellors and other Judges so empowered. County Court Clerk shall keep the docket.
5. Private Acts of 1937, Chapter 361, stated that the County Judge of White County (identified by the use of the 1930 Federal Census figures) shall be paid a salary of \$150 per month, payable on the first day of each month, which includes both the salary fixed by law and any compensation allowed by the Quarterly Court for his services as financial agent of the county.
6. Private Acts of 1972, Chapter 327, created the office of county administrator for White County. This act abolished the office of county judge.

## **County Legislative Body**

The following acts once applied to the Quarterly Court or the county legislative body of White County and are included herein for historical purposes.

1. Acts of 1806, Chapter 48, set the starting dates for the terms of the Quarterly County Courts in several of the counties. This Act provided that the Quarterly Court would meet in White County on the second Monday in October, January, April, and July.
2. Acts of 1807, Chapter 53, scheduled the terms of the Quarterly Circuit Courts for all the counties in the Winchester District which at that time contained the counties of Franklin, Warren, Overton, Jackson, Smith, and White whose Court would start the regular terms on the second Monday in February, May, August, and November.
3. Acts of 1809, Chapter 93, scheduled the terms of court for the Court of Pleas and Quarter Sessions for every county in the State. White County's Court would continue to meet on the second Monday in February, May, August, and November.

4. Acts of 1812, Chapter 68, established the terms for the Circuit and County Courts in several of the counties in middle Tennessee including White whose courts would convene in Sparta on the first Monday in March, June, September, and December.
5. Acts of 1813, Chapter 134, rescheduled the starting dates for the terms of the Courts of Pleas and Quarter Sessions in several counties. White County would begin the terms of the County Court on the third Monday in January, April, July, and October.
6. Acts of 1817, Chapter 138, rearranged the schedule of opening dates for the County Courts of many of the Tennessee counties and, although White County is listed among them, the dates for the County Court terms remained on the third Monday of January, April, July, and October.
7. Acts of 1819, Chapter 160, reset the opening dates for the terms of the Circuit and County Courts in many of the counties. The County Court would meet on the second Monday in April and October and the third Monday in January and July.
8. Acts of 1825, Chapter 171, changed the opening dates for the terms of the Court of Pleas and Quarter Sessions in many of the counties in middle Tennessee. White County's Court would convene in Sparta on the second Monday in January, April, July, and October.
9. Acts of 1826, Chapter 78, stated that the Justices of the Quarterly County Courts in Maury, Williamson, Lawrence, Sumner, and Madison Counties may, on the first day of the first term in each year, a majority of the Justices being present select three of their number to hold the Court for the remainder of that year. This Court would have and exercise the same powers and jurisdictions as other regular County Courts. Section 2 of this Act extended the same rights and privileges to several other counties among which was White County.
10. Acts of 1835-36, Chapter 6, permitted every county in the State to organize three of their members into a Quorum Court if they so desired.
11. Private Acts of 1955, Chapter 192, amended Private Acts of 1953, Chapter 35, which created the General Sessions Court in White County, and which is published in full herein under that topic, by adding a provision at the end of Section 2 which gave Justices of the Peace full and complete authority to issue both civil and criminal warrants but all such warrants would be returnable to the General Sessions Court. This Act must be approved in a public referendum before becoming effective. Since the Companion Act was approved, it is presumed this one was likewise favored.
12. Private Acts of 1969, Chapter 135, set the per diem payments for the Justices of the Peace in White County at \$25 per day for their attendance at the regular sessions of the quarterly county court but this Act was rejected at the local level by the Quarterly County Court and therefore never became a law under the provisions of Home Rule Amendment to the State Constitution.

### **County Register**

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

1. Acts of 1827, Chapter 4, required that a Register be appointed by the joint ballot of both Houses of the General Assembly, who shall keep his office at Sparta, in White County and be called the "Register of the Mountain District." He would perform the same duties and be paid the same salary as other Registers. All documents from Franklin, Warren, Marion, Bledsoe, White, Overton, Fentress, and Jackson counties, such as plats and certificates of land grants, shall be registered here, for which the same fees will be charged as prevail in other sections of the State.
2. Acts of 1829, Chapter 65, provided for the Register of the Mountain District to issue to one Shadrick Price a grant for seventeen acres of land located in White County which was surveyed officially by Thomas Phillips.

### **County Trustee**

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

1. Acts of 1843-44, Chapter 163, was the authority for the County Trustee, of White County to collect any remaining debts which may be due the school fund of the said County by virtue of the Acts of 1835-36, and the Acts of 1839-40, and appropriate the same accordingly. However, the authority given herein shall not be construed as permitting the division of any portion of the general common school fund.
2. Private Acts of 1913, Chapter 14, directed that the sum of \$114.76 be refunded to J. W. Little, County Trustee, of White County out of any money not otherwise appropriated, the sum being the amount overpaid by the said Little on taxes for the year of 1910 and 1911, and the State Comptroller may issue his warrant pursuant to the directions contained in this act.

## **Purchasing**

The following acts once affected the purchasing procedures of White County, but are no longer operative.

1. Private Acts of 1959, Chapter 336, amended Private Acts of 1953, Chapter 36, by increasing the amount which could be purchased without bid from \$100 to \$500 and by rewriting the fourth paragraph of Section One as it appears in the Act.
2. Private Acts of 1973, Chapter 94, amended Private Acts of 1953, Chapter 36, by adding the last paragraph in Section One which exempted the County Road Commission from observing the requirements for purchase under \$250.
3. Private Acts of 1979, Chapter 17, amended Private Acts of 1953, Chapter 36, by rewriting the last paragraph of Section 1 to exclude the County Road Supervisor, the County Sheriff, and the County School Superintendent from the provisions of this act for all purchases made by them under \$500, increased from \$250. The County Road Commission was the only group exempted prior to this act which was approved by the White County Legislative Body on May 1, 1979.

## **General Reference**

The following private or local acts constitute part of the administrative and political history of White 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 1809, Chapter 22, provided that the Sheriff would hold an election in White County to choose seven Commissioners whose duty it would be to establish the permanent seat of Justice in the County. When these Commissioners had been elected, they were to obtain a tract of land of not less than forty acres, make a map or plot of the same and mark on it the streets and alleys and lots of the town. Advertising must be done in the Carthage Gazette. The lots would be sold and the proceeds used to erect the public buildings. The name of the town would be Sparta and the Courts of the County will meet there.
2. Acts of 1809, Chapter 67, stated that the Quarterly Court of White County shall cause a warehouse and other facilities suitable for the reception, safe keeping, and inspection of tobacco, flour, and other commodities, to be erected in the town of Petersburg which is laid off under the provisions of this Act. The Court may levy a tax in order to build the said facilities and to keep it in operation, the intention being to encourage and to stimulate business in White County.
3. Acts of 1820, Chapter 97, required the Surveyor General of the Third District to be removed from his office in Sparta at the Courthouse to an office in the Courthouse of the County seat of Marion County which move would be accomplished by next September 1, and the office opened in Marion County as soon as possible after that date.
4. Acts of 1821, Chapter 100, provided that a town be laid off and established on the lands of Jose C. Dew, and James K. Eason, on the Falling Water branch of the Caney Fork River, which town would consist of no more than 20 acres with the proper streets and alleys marked, all of which would be done under the direction of Zachariah Sullens, John B. Garrett, Jose C. Dew, and James K. Eason, which town would be called Milledgeville.
5. Acts of 1823, Chapter 84, declared that Thomas Little, an alien and resident of White County, is entitled to the privileges and benefits of the Act passed at Murfreesborough on November 13, 1819, for the relief of certain aliens, provided, however, that Little complies with all the requisites of that Act within 12 months from next January 1.
6. Acts of 1824, Chapter 27, stated that the 71st Regiment of the Tennessee Militia would cease and desist from the collection of a judgment against John Payne, rendered as a fine against him for his non-attendance as a Captain in the said Regiment in White County.
7. Acts of 1825, Chapter 69, was a new Militia Law for the State delving into every facet of that organization. Every county was identified by the regimental unit. White County's military units were the 34th and the 71st Regiments of the 8th Brigade. The 34th Regiment would hold its annual county muster on the fourth Saturday in September, and the 71st Regiment would conduct its muster on the third Thursday in September.
8. Acts of 1826, Chapter 4, made it lawful for any person to enter any vacant land which was unappropriated and lying within five miles of the old Stone Fort south and east of the Congressional reservation line, by paying into the Entry Taker's Office one cent per acre for every acre entered plus the fees of the office. Any land within five miles of the falls of the Caney Fork River in White and Warren County may be entered on the same terms and conditions.

9. Acts of 1827, Chapter 38, stated that the Entry Taker of White County, shall call upon the representatives of the late Surveyor General of the Third Surveyor District for all the documents and plots in that office and he is authorized and required to furnish copies of the same to persons entitled thereto. The Entry Taker was empowered to certify the said documents, as necessary. When the entries had been made and the land was yet unsurveyed and unmarked, then the certification shall be for the entry only and it will be the duty of the County Surveyor in which the land lies to run and mark it so as to complete the same.
10. Acts of 1827, Chapter 110, appointed William Glen, Waymon Leftwich, Madison Fisk, John B. McCormack, John W. Ford, Jesse Lincoln, and Nicholas W. Oldham as Commissioners to regulate the town of Sparta.
11. Acts of 1831, Chapter 43, incorporated Harold Dias and John B. Perkins, both of Warren County, and Daniel Walling and Joseph Anderson, both of White County, for the purpose of clearing out the obstructions in the Caney Fork River. The incorporators would receive \$4,548, if that sum be the basis for the free white population count. They may contract for this work on a bid basis, and the President and Director of the Bank of Tennessee shall pay to the County Court of White and Warren County the above sum which will be used only for the purpose stipulated herein.
12. Acts of 1832, Chapter 73, appointed Archibald Hicks, Isaac Hill, and Andrew Robertson, Senior, all of Warren County, and Samuel A Moore, Henry Lyda, and James Young, all of White County, to examine and settle with the Board of Internal Improvement Commissioners for Warren and White Counties. As soon as the waters of the Caney Fork will permit, they will examine the condition of the river on that portion of the river which was intended to be cleared and worked. \$30,000 was to be divided equally between the two counties regardless of the population size.
13. Acts of 1833, Chapter 31, was the authority for Washington Isham, of White County, to hawk and peddle in the county in which he resides without the necessity of having to obtain a license to do so.
14. Acts of 1833, Chapter 70, released John Jett, John Chism, and Thomas Bounds, securities for John Mitchell, late Entry Taker for White County from the payment of interest on a decree entered against them in the Chancery Court at McMinnville for \$1,300, but nothing in this Act shall be construed to release them from the payment of principal and interest from the time the decree was entered.
15. Acts of 1833, Chapter 104, was the authority for Jackson Wharry of Warren County, and John L. Smith, of White County, to hawk and peddle goods, wares, and merchandise in White, Warren, Franklin, and Fentress Counties without having to obtain a license therefor or to pay a tax but they cannot perform these services for another person.
16. Acts of 1833, Chapter 117, allowed Allen L. Mitchell and John Taylor, of White County, to sell at retail in the county without the necessity of a license, provided the goods they sell are theirs, and are sold for their personal benefit.
17. Acts of 1835-36, Chapter 21, was an entirely new militia law for Tennessee enacted subsequent to the adoption of the new State Constitution, and involved all the aspects of the management and operation of the military units of the State. White County's units were numbered the 44th and 45th Regiments, and, along with Fentress, Overton, and Jackson Counties, these units would form the 8th Brigade.
18. Acts of 1837-38, Chapter 157, was supplemental to the militia law, setting up the schedules for the countywide drills of all the state units. In the 8th Brigade, White County would have their annual muster and drill on the Thursday and Friday following the first Monday and Tuesday after the first Friday and Saturday in September.
19. Acts of 1839-40, Chapter 69, established a Branch of the Bank of Tennessee in Sparta, for the counties of Van Buren, Warren, DeKalb, Jackson, Overton, Fentress, Bledsoe, and White, which would be operated under the same rules and regulations as are other branch banks. The initial capital would be taken from the other branches of the Bank plus a proportionate share from the mother bank.
20. Acts of 1843-44, Chapter 95, gave the Quarterly County Court of White County the power and authority to define the corporate limits of the town of Sparta at any time.
21. Acts of 1857-58, Chapter 126, abolished the office of Entry Taker in Lawrence, DeKalb, White, Macon, Decatur, Grundy, Humphreys, and Wilson Counties. The Surveyors in these counties will hereafter perform all the duties of the Entry Taker and receive all the fees and emoluments of the office.
22. Acts of 1865-66, Chapter 7, stated that the land offices at Knoxville, Athens, Sparta, and Jackson

are hereby consolidated with the Entry Taker's office in the county in which they are located. The Entry Taker shall give bond and security in the amount of \$20,000, and may issue certified copies of land grants which shall be as good and valid as though issued by the Register. All books and papers pertinent thereto shall be delivered to the proper office as soon as possible.

23. Acts of 1867-68, Chapter 65, created a Board of County Commissioners in Madison County, composed of three members who would be appointed by the Governor until their successors could be elected by the people. Vacancies on the Board would be filled by the remaining members, the oldest in service to be the President. All must be sworn and bonded and would meet on the dates the Quarterly County Court would have met. The County Court Clerk would serve as recorder of the meetings. All the powers and responsibilities of the County Court are transferred to the Board plus the grant of specific powers enumerated in the law. Magistrates were relieved of all the duties they had and the Board would discharge them likewise. The president would be paid \$500, and the members \$400, a year. Section 15 extended the law to White and Putnam Counties except that the salary of the president would be \$200 per year, and the other members would be paid \$150. This Act was repealed by the one following.
24. Acts of 1869-70, Chapter 6, repeals specifically all laws and parts of laws which may have created Boards of County Commissioners in the State, and especially for Jackson, Putnam, and White Counties, restoring all Magistrates to their former stations and reviving all laws which may have been repealed by the laws creating the Boards.

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