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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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County Attorney

The following act once affected the appointment, election, or office of the county attorney in Wayne County. This act is included for historical reference only.

1. Private Acts of 1911, Chapter 601, created the office of county attorney for Wayne County. This act was repealed by Private Acts of 2000, Chapter 96.

County :Legislative Body

The following acts once applied to the quarterly court or the county legislative body of Wayne 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 1819, Chapter 19, stated that the Court of Pleas and Quarter Sessions in the newly formed county of Wayne would be held at the home of William Barnett until otherwise provided for by law.
2. Acts of 1819, Chapter 154, fixed the terms for the Courts of Pleas and Quarter Sessions in some of the counties in middle and western Tennessee. Wayne County's Quarterly Courts would meet on the fourth Monday in December, March, June, and September.
3. Acts of 1824 (Ex. Sess.), Chapter 102, scheduled the terms of the Quarterly Courts for some of the counties, including Wayne County whose Court of Pleas and Quarter Session would meet on the fourth Monday in March, June, September, and December.
4. Acts of 1826, Chapter 78, allowed the Justices of the Peace in the County Courts of Maury, Williamson, Lawrence, Sumner, and Madison Counties, of the first day of the first term of each year, a majority being present, to select three of their number to hold the Court for the remainder of the year, under the same rules, regulations, and responsibilities as the regular and full numbered Court. Section 2 of this Act extended the same right to set up these Quorum Courts to several other counties among which was Wayne County.
5. Acts of 1832, Chapter 21, provided that hereafter the Court of Pleas and Quarter Sessions of Wayne County shall be held on the first Monday in March, June, September, and December. All outstanding process will be made to conform to these changes in dates.
6. Acts of 1835-36, Chapter 6, re-organized the County Courts of the State so as to establish a County Court which would meet on the first Monday of every month in each County. It also allowed each county to organize a court of three Justices which would meet on the first Monday of every month to hear the probate of wills and other matters concerning the administration of estates, but no jury trials could be scheduled. The County Court could also select 25 jurors, one from each Civil District if that many, or 37 jurors and 2 constables, whichever was better. The Court was also given the power to tax.
7. Private Acts of 1927, Chapter 353, amended Public Acts of 1875, Chapter 42, and Public Acts of 1899, Chapter 246, as set out in Shannon's Code, Section 6386, by increasing the per diem payments of the Justices of the Peace of Wayne County from \$1.50 to \$3.00 per day for their attendance at the meetings of the Quarterly County Court. This Act was repealed by Private Acts of 1974, Chapter 247.
8. Private Acts of 1965, Chapter 97, as amended by Private Acts of 1974, Chapter 247, entitled the justices of the peace to receive ten cents (10¢) per mile as travel expense to attend quarterly county court meetings with a maximum of two days per term. This act also entitled the justices to receive a \$50 per diem for each regular meeting and \$25 per diem for each special meeting.

County Mayor

The references below are of acts which once applied to the office of county judge, or county executive in Wayne 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 1855-56, Chapter 253, provided for the election by the people of every county in the State a person, learned in the law, to be called the County Judge, for a term of four years. The County Judge would be commissioned and sworn as are other Judges. Quorum Courts were abolished and all their responsibilities transferred to the County Judge, as well as the duty of presiding over the County Court. The jurisdiction of the court was defined and provisions were made for the County Judge to be the accounting officer and general agent of the county whose duties, as such, were enumerated in the statute. The County Court Clerk would serve as the Court's Clerk and the

Judge was not precluded from practicing law except in his own Court. This Act was repealed by Acts of 1857-58, Chapter 5.

2. Acts of 1891, Chapter 149, provided for the election of a person, thirty years old at least, learned in the law, a citizen of Wayne County, and of good moral character, to be the County Judge for a term of eight years. The Judge shall have all the rights and privileges and perform all the duties of other County Judges. The office of Chairman of the County Courts is abolished and all the powers of that office are conferred upon the Judge. The Annual salary was \$300, payable quarterly. This Act was repealed by Acts of 1899, Chapter 185.
3. Acts of 1905, Chapter 470, created the office of County Judge and established the same qualifications as the repealed 1891 law, conferred the same jurisdictional powers, abolished the office of Chairman of the County Court, effective the first Monday in June 1905 and transferred the duties of his office to the Judge. The first election for the Judge would take place on the first Thursday in August, 1906, when the general August election would be held. The annual salary was increased to \$400, payable quarterly. This Act was repealed by Private Acts of 1933, Chapter 681.
4. Private Acts of 1911, Chapter 407, amended Section 5, Acts of 1905, Chapter 470, by increasing the yearly salary of the county Judge from \$400 to \$600, payable quarterly out of the revenue of the county. This Act was repealed by Private Acts of 1933, Chapter 681.
5. Private Acts of 1915, Chapter 44, was an Act allowing the County Judge to issue interest bearing warrants up to \$7,500, at a legal interest rate, to mature in no longer than five years to pay the debts of the county. The Quarterly Court was empowered to levy a tax of ten cents per \$100 to amortize the warrants.
6. Private Acts of 1919, Chapter 718, provided that the County Judge of Wayne County shall receive, in addition to all the other salaries and compensations provided by law, the sum of \$300 per year for his services as the financial agent of the County, to be paid monthly out of the regular county treasury.
7. Private Acts of 1921, Chapter 136, amended Acts of 1905, Chapter 470, by adding at the end of Section 3 a provision which granted the County Judge of Wayne County the authority to grant fiats for writs of injunction and attachment and to grant extraordinary process as did Chancellors and Circuit Judges, and the authority was also given to hear and determine suits to enforce vendor's liens up to \$500 concurrently with the Chancery Court. This Act was repealed by Private Acts of 1933, Chapter 681.
8. Private Acts of 1927, Chapter 631, amended Private Acts of 1919, Chapter 718, by providing that the County Judge of Wayne County shall receive, in addition to all the other salaries and payments provided under the law, the sum of \$750 per annum, for his services performed as fiscal agent and general agent of the County, which would be paid monthly out of the regular county funds.
9. Private Acts of 1929, Chapter 831, stated that hereafter the County Judge of Wayne County would be paid the sum of \$1,800 per year, payable quarterly out of the regular county funds and revenues, which amount shall be in the place and stead of all the other salaries and compensations allowed by law.
10. Private Acts of 1933, Chapter 681, expressly repealed Acts of 1905, Chapter 470, and all its amendatory acts. This Act was in turn repealed by Private Acts of 1935, Chapter 335.
11. Private Acts of 1933, Chapter 884, stated that in Wayne County the salary of the County Judge is fixed at \$1,200 per year, payable in monthly installments, such compensation to cover both the salary as County Judge and as the Financial Agent for the said County.
12. Private Acts of 1951, Chapter 668, empowered the county executive to be the chief financial and fiscal officer for Wayne County with a salary of \$125 per month.

County Register

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

1. Private Acts of 1955, Chapter 224, applied to counties having a population of more than 13,600 but less than 13,900 according to the Federal Census of 1940, provided that no conveyance vesting and divesting title to real estate shall be registered in the office of the county register until such conveyance shall have been first submitted to the county trustee for his information.
2. Private Acts of 1973, Chapter 5, authorized the county register to employ a clerical assistant at a salary not to exceed \$300.

County Trustee

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

1. Acts of 1845-46, Chapter 132, appointed the County Court Clerk, the Sheriff, and the County Trustee of Wayne County, as commissioners to contract with and employ some competent mathematician to make a complete plan of the said county on a scale of 200 poles per inch, for which he shall receive a compensation as may be agreed upon by the commissioners, which shall not exceed \$300. The person hired shall meander the Tennessee River as its course requires.
2. Acts of 1881, Chapter 158, instructed the Comptroller of the State to draw his warrant upon the Treasurer for the sum of \$523.50 in favor of George E. Huckaba, the former Trustee for Wayne County, on account of an error Huckaba made against himself in which he failed to credit himself with that amount which he had paid out in accordance with the law.
3. Private Acts of 1955, Chapter 224, applied to counties having a population of more than 13,600 but less than 13,900 according to the Federal Census of 1940, provided that no conveyance vesting and divesting title to real estate shall be registered in the office of the county register until such conveyance shall have been first submitted to the county trustee for his information.

General Reference

The following private or local acts constitute part of the administrative and political history of Wayne 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 1826, Chapter 123, granted to Wylie Ledbetter, of Maury County, the right to hawk and peddle goods, wares, and merchandise in Maury, Hardin, Lawrence, Wayne, Madison, Henderson, McNairy, Perry, and Hardeman Counties without having to buy a license to do so in any of those counties.
2. Acts of 1831, Chapter 43, directed the Cashier of the Bank of the State of Tennessee to place to the credit of Montgomery, Dickson, Robertson, Sumner, Davidson, Stewart, Humphreys, Perry, Hickman, Williamson, Lawrence, Wayne, Hardin and Wilson Counties their respective pro rata shares of the \$60,000 appropriated for the Internal Improvement of Middle Tennessee.
3. Acts of 1831, Chapter 254, made it the duty of the Sheriff to hold an election in Wayne County to ascertain the wishes of majority of the people on whether to move the county seat from Waynesboro to Carrollsville. If the voters approved the move, the Quarterly County Court shall certify that fact to the Governor who shall then appoint three Commissioners, not citizens of Wayne County, to value all lots and improvements in the town of Waynesboro and deliver a certificate thereof to their owners. The Governor could then declare Carrollsville to be the county seat.
4. Acts of 1832, Chapter 18, gave to William B. Ross and William Dickinson the privilege of entering jointly up to 5000 acres in Wayne, Perry, and Hardin Counties, which land would be situated in the Seventh, Eighth, or Ninth Surveyor Districts, provided however, that a plant to manufacture iron is completed and in operation on said lands within two years. The Act also gave to Rogal Ferguson, George R. Craft, James S. Walker, Evan Young, Adly O. Harris, and James Walker the right to enter on the general plan of the Eighth Surveyor's District any quantity of vacant land in the counties of Hardin or Wayne for the purpose of manufacturing iron.
5. Acts of 1833, Chapter 9, directed the Board of Internal Improvement to pay over to the Commissioners appointed to build a jail in Wayne County all the interest accruing on the Internal Improvement Fund semi-annually. If they fail to do so, the Jail Commissioners may have a judgment against them. The Commissioners of the town of Waynesboro were authorized to sell the old jail and the lot to the highest bidder and apply the proceeds realized to the erection of the new one.
6. Acts of 1833, Chapter 11, was the authority given to William Thornton of Wayne County, to hawk and peddle in the Counties of Giles, Lawrence, Wayne, and Hardin without having to pay any taxes therefor.
7. Acts of 1833, Chapter 39, granted to John J. Williams of Hardin County the right to hawk and peddle his goods, wares and merchandise in Hickman, Lawrence, Wayne, Hardin and McNairy Counties without having to buy a license and to keep a grocery in Savannah without a license, provided, however, that he makes oath that the goods he proposes to sell are his own and will be sold for his benefit and no others.
8. Acts of 1833, Chapter 117, granted to Sameul Garland and Bartlett Huckabee the authority to

hawk and peddle in the Tenth U. S. Congressional District composed of the Counties of Lincoln, Giles, Lawrence, Wayne and Hardin without paying for a license, but the selling must be for their own personal benefit.

9. Acts of 1833, Chapter 174, appropriated the Internal Improvement Fund of Wayne County to the use of the common schools and the Board of Commissioners of Internal Improvement shall pay the same over to the Board of Common School Commissioners. This Act, however, shall not affect or modify Acts of 1833, Chapter 9, concerning the jail for Wayne County.
10. Acts of 1835-36, Chapter 69, made it lawful for the Quarterly Court of Wayne County, two-thirds of the Justices being present and voting to lay off and to sell so much of the west and south sides of the Public Square in Waynesboro as they may think proper being careful not to reduce the square below a convenient and reasonable size, preference being given to the adjacent property owners to buy but, otherwise, selling the same at a public sale to the highest bidder. They were authorized to execute all instruments of conveyance essential to the accomplishment of the above stated object.
11. Acts of 1841-42, Chapter 34, provided that the Entry Takers of Lawrence, Hickman, Wayne, Giles and Maury Counties, shall account for all moneys received by them in payment for the vacant lands entered upon in their areas. They shall account to the Comptroller of the State at Nashville on the first Monday in September of every year, and this action shall compromise and settle all their debts to that date. The Comptroller will certify the amount due to the Treasurer to whom the Entry Takers will pay the money and thus perfect the titles to the said lands to the ones entering upon them. This Act is general and refers to all the counties south and west of the Congressional Reservation line.
12. Acts of 1843-44, Chapter 89, amended Acts of 1841-42, Chapter 34, so as to make it the duty of Clerks of the Circuit Courts in the Counties of Lawrence, Hickman, Wayne, Giles, and Maury to examine the books of the Entry Takers in their counties on the first Monday in September annually and make a report to the Comptroller of the State on or before the 15th day of September, and to perform the other duties in this connection specified in the 13th Section of the Act. The Entry Takers must them account to the Comptroller by the 20th of September each year or be subject to the penalties stated in the Act.
13. Acts of 1849-50, Chapter 93, attached Wayne County to the Nashville Bank District and the County shall have a Director in the Bank of Tennessee who shall be treated as all other Directors and have the same rights and privileges.
14. Acts of 1865-66, Chapter 19, stated that the Sheriff of Wayne County would give a 30 day notice of an election to decide whether the County Seat would be moved from Waynesboro to a place on Indian Creek called Harbour Cave Spring. The people would vote by writing the name of the place they preferred on their ballots. If the move was approved in the election, the Act named John J. Porter, John Turneau, James M. Dickerson, James A. Lawson, Joseph Holt, John H. Grimes, King Prater, E. B. Huckeba, James Hinton, and A. F. Phillips, as Commissioners to lay off the new town which shall not be more than three-fourths of a mile from the Spring.
15. Acts of 1897, Chapter 124, fixed the salaries of the various County Officials according to the population class of the county in which they served. The fees of the various offices which collected them were to become the property of the County and the salary assigned in this Act would be the total pay of the official. The officials named herein must file each month a sworn, itemized statement with the County Judge, or Chairman, showing all the fees collected in the preceding month. If the fees do not equal the salary provided, the County will pay the difference to the officer. This Act was declared unconstitutional in the case of Weaver v. Davidson County, 104 Tennessee 315, 59 SW 1105 (1900).
16. Acts of 1905, Chapter 274, granted to the Governor the right to appoint Notaries Public in Wayne County but not over two in the same Civil District. This Act would not affect the right of the Quarterly County Court to elect Notaries Public as now provided by law.

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