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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The following act was never in effect as law; it is included for historical reference only.

1. Private Acts of 1961, Chapter 6, fixed the annual salary of the County Auditor and/or Comptroller at \$5,000 annually, but was rejected at the local governmental level and, therefore, did not become law.

## **County Attorney**

The following act was never in effect as law; it is included for historical reference only.

1. Private Acts of 1957, Chapter 84, created the office of County Attorney who was to be a resident of the county, 21 years old, and a licensed lawyer. The Quarterly County Court would appoint someone until a successor could be elected and qualified. The election would be in August, 1958, and the victor would take office in September, 1958, at a salary of \$3,000 annually. He would render whatever legal services were required to all the officials, departments, agencies, commissions, and boards; and prosecute and defend, as need be, all litigation in which the County was involved. He could not represent any other county or city agency or government and no county official could employ another attorney without first obtaining leave from the Quarterly County Court. This Act was not approved by the local governing body and, therefore, never became effective as law.

## **County Clerk**

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

1. Private Acts of 1823, Chapter 156, authorized the Circuit Court Clerk and the County Court Clerk to build an office on some part of the Public Square in McMinnville, the site to be designated by the Quarterly County Court. Each succeeding Clerk would have the benefit of using the said building or they could use another one by paying the Clerk or his heirs the fair market value of the building.

## **County Executive**

The references below are of acts which once applied to the office of county judge, or county executive in Warren 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 of the County Judge, who would be a person learned in the law, for a four year term. He would be commissioned as other judges were, and take an oath, to faithfully discharge the duties of the office. Quorum Courts were abolished and all their jurisdiction and powers given to the County Judge. He would preside over the County Court at its Quarterly Sessions and exercise all the authority of the Chairman. He would be the accounting officer and general agent and, as such, would possess those powers enumerated therein. Also specified was compensation to the Judge. This act was repealed by Acts of 1857-58, Chapter 5.
2. Private Acts of 1915, Chapter 561, also created the office of County Judge of Warren County. He would be a licensed lawyer, not under 30 years of age, and have been a resident of the county for one year and of the State for five years. He would be commissioned as other Judges, execute a bond for \$1,000 and take oath to support the Constitution. The office of Chairman of the County Court was abolished and those powers and jurisdiction were given to the County Judge. His duties were detailed in the Act and his term set at four years. This Act was repealed by the following act.
3. Private Acts of 1917, Chapter 328, specifically repealed Acts of 1915, Chapter 561, in its entirety.
4. Private Acts of 1921, Chapter 556, provided that the County Judge of Warren County would receive \$250 a year for his services as Financial Agent and Accounting Officer, to be paid quarterly out of the county funds.
5. Private Acts of 1923, Chapter 101, also repealed specifically, and entirely, Chapter 561, Acts of 1915, which created the position of County Judge.
6. Private Acts of 1925, Chapter 510, amended Acts of 1915, Chapter 561, Section 2, by striking out the requirement that he be a licensed lawyer and adding a provision that the County Judge must keep his office open at the Courthouse in McMinnville on a daily basis. This Act amended an act which had previously been repealed.

7. Private Acts of 1927, Chapter 48, amended Private Acts of 1915, Chapter 561, which had already been repealed twice, by conferring the same jurisdiction enjoyed by Justices of the Peace upon the County Judge just as fully as if he were a Justice in all civil and criminal cases. This Act was repealed by Acts of 1937, Chapter 38.
8. Private Acts of 1931, Chapter 162, authorized the County Judge to borrow money for county purposes, from time to time, at an interest rate not to exceed 6% per annum, and to issue warrants therefor; but the aggregate sum of warrants and interest should not exceed the tax levy or the uncollected portion thereof.
9. Private Acts of 1937, Chapter 38, specifically repealed Private Acts of 1927, Chapter 48, which conferred on the County Judge the same jurisdiction as possessed by Justices of the Peace.
10. Private Acts of 1937, Chapter 218, amended Private Acts of 1921, Chapter 556, by increasing the compensation of the County Judge as Financial Agent and Accounting Officer of the county from \$250 to \$700 annually, to be paid monthly rather than quarterly, out of the regular county funds.
11. Private Acts of 1943, Chapter 372, made the Judges of the County Court and the General Sessions Court interchangeable so one could preside in the other's absence.
12. Private Acts of 1945, Chapter 380, set the salary for services as the County Judge, Chairman of the County Court and the Financial Agent at \$1,800 annually, payable in equal monthly installments. All conflicting laws were repealed.
13. Private Acts of 1953, Chapter 489, amended Private Acts of 1951, Chapter 666, (see under Purchasing in Administration), which made the County Judge an ex officio member of the Purchasing Commission and provided him with additional compensation as said member by increasing the pay from \$600 to \$1,200 annually.

### **County Legislative Body**

The following acts once applied to the quarterly court or the county legislative body of Warren 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 1807, Chapter 28, provided that the first County Court of Warren County would meet on the first Monday in February, May, August, and November at the home of Joseph Westmoreland on the east side of Barren Fork of Collins River, near a big spring.
2. Acts of 1807, Chapter 53, set the times for the various county courts to meet in all the counties of the Winchester District to which Warren County was assigned. Court days in this case remained as stated in Item One for Warren County. Franklin, Warren, White, Jackson, Smith, and Overton Counties composed the Winchester District.
3. Acts of 1809, Chapter 93, established Court Day for County Courts of Pleas and Quarter Sessions. Warren County's Court would meet on the first Monday in February, May, August and November.
4. Acts of 1812, Chapter 71, Section 4, set the dates for the County Court of Warren County to meet on the fourth Monday of February, May, August, and November.
5. Acts of 1813, Chapter 133, set the Quarterly County Court meeting times on the second Monday of January, April, July, and October.
6. Acts of 1817, Chapter 139, dealt with Circuit Court and further changed the meeting dates for the County Court of Warren to the first Monday of January, April, July, and October.
7. Acts of 1819, Chapter 55, gave the County Court of Warren County the authority to permit John Guest to prove the signature on a deed to fifty acres of land, said signer being unable to appear in person to prove it, and, when the court had approved the signature, the said John Guest may register the conveyance as any other one would be.
8. Acts of 1819, Chapter 160, provided, inter alia, that the Quarterly County Court would continue to meet on the first Monday in January, April, July, and October but the January and July terms would be for two weeks, or longer, if necessary.
9. Acts of 1825, Chapter 171, retained the same meeting days for the court but provided that all of the four meetings would last for one week.
10. Acts of 1829, Chapter 292, Section 2 authorized the County Courts of Warren and Franklin Counties to make an allowance to the Commissioners of school lands for all expenses incurred in prosecuting or defending suits involving school lands, which expenses would be paid out of the rents received from the leases of the lands as supervised by the commissioners.
11. Acts of 1867-68, Chapter 19, established a Board of County Commissioners for Sumner County

but all the provisions were made applicable to Warren County also by Section 11 of the Act. The Board would consist of three members, appointed by the Governor until an election could be held, wherein their successors would be chosen for three year terms. The commissioners would meet at least four times a year; were vested with all the power, authority, and responsibilities previously held by the Quarterly County Court; and, in addition, were granted several other powers enumerated in the Act. The Magistrates of the county were relieved from all further duties and obligations incident to their office. This Act was expressly repealed by Acts of 1869-70, Chapter 49.

12. Acts of 1867-68, Chapter 65, Section 22, and others. Section 19 of this Act abolished all Quorum Courts and vested all their power and jurisdiction in the Board of County Commissioners created by this Act. Section 20 transferred all the power and authority of the Chairman of the County Court to the same Board. Section 21 relieved all the Magistrates of their duties and obligations incident to them as members of the Quorum or the County Court and made all these the duties and obligations of the same Board of County Commissioners. Section 22 made all the provisions of this Act applicable to Warren County and repealed all conflicting laws.
13. Acts of 1868-69, Chapter 24, Section 3, repealed all laws and parts of laws establishing a Commissioner's Court for Warren County.
14. Acts of 1869-70, Chapter 49, expressly repealed in their entirety all laws which set up Boards of County Commissioners in this State and restored to full force and effect all laws and parts of laws which had been repealed by them, restoring the county courts and the quorum courts.
15. Private Acts of 1919, Chapter 176, specified that all Justices should receive \$2.00 per day for each day's regular attendance at meetings of the Quarterly County Court, provided that the mileage payments remained as the law provided.
16. Private Acts of 1941, Chapter 90, provided that the Quarterly County Court of Warren County would meet in regular session on the second Monday in January, April, July, and October.
17. Private Acts of 1949, Chapter 124, created a Board of County Commissioners consisting of three members who must be residents of the county for not less than five years, 30 years of age, and who would be elected by popular vote for a term of two years. Members of the County Court were not eligible, and no two could come from the same Civil District of the county. E. W. Walling, Robert E. Bonner, and J. S. Simmons were named to the Board until September 1, 1950, when their elected successors would take office. The Board would meet on the first Monday of each month. At its first meeting, the Board would elect one of its members as Chairman, and another as Secretary, whose duty would be to keep the minutes of all the meetings. They could not be interested in any contract or project and could not receive any pay other than the \$5.00 per day specified in the law. Among its powers were all the administrative powers of the county, the supervision and control over roads, schools, public health, and other county functions. It was to prepare a budget for the county annually and publish all revenue and expenditure figures. Any vacancy would be filled by the remaining commissioners. This Act was specifically and entirely repealed by Private Acts of 1951, Chapter 13.
18. Private Acts of 1949, Chapter 491, came only a few weeks later than Chapter 124 in Item 17, above. It set forth all those provisions previously stated in said Chapter 124 in a more detailed form and added many specific provisions of an administrative nature of its own. Three governmental departments, Highways and Public Works, Purchasing and Finance, and Welfare and Institutions, were created and one of the three commissioners would be the immediate supervisor of one of the department. This act was repealed in 1951.
19. Private Acts of 1949, Chapter 549, raised the payments to all Justices of the Peace for their attendance at the County Court meetings to \$4.00 per day, and would pay four cents per mile each way as travel allowance if the Justices lived more than ten miles from the courthouse.
20. Private Acts of 1951, Chapter 13, specifically repealed Private Acts of 1949, Chapter 124, above.
21. Private Acts of 1951, Chapter 14, specifically repealed Private Acts of 1949, Chapter 491, above, in its entirety.
22. Private Acts of 1955, Chapter 128, provided that the Justices of the Peace in Warren County would get \$10 per diem for attendance at the meetings of the Quarterly County Court and a travel allowance of ten cents per mile one way. This Act was properly ratified by the County Court.
23. Private Acts of 1967-68, Chapter 396, repealed, Acts of 1955, Chapter 128, above, and set the per diem for Justices at \$10 a day for attendance at meetings of the Quarterly County Court and mileage at 10 cents a mile traveled for the round trip from home to the courthouse.
24. Private Acts of 1969, Chapter 111, amended Acts of 1955, Chapter 128, Section 1, by deleting it

and substituting another paragraph, which set forth payment to the Justices of the Peace of \$25 a day for attendance at meetings of the Quarterly County Court.

### **County Register**

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

1. Acts of 1827, Chapter 4, stated that the General Assembly of the State would appoint an additional Register of the Land Office who shall hold office during good behavior and keep his office at Sparta as a Register of the Mountain District. All land required to be entered from Franklin, Warren, Marion, Bledsoe, White, Overton, Fentress, and Jackson counties would be brought to this office to be registered.

### **County Trustee**

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

1. Private Acts of 1927, Chapter 801, provided that the Trustee and Tax Collector of Warren County was deprived of all fees, commissions, emoluments and perquisites and was to be given a salary of \$2,400 annually. He was to pay himself \$200 a month from the fees first coming into his hands, and all excess fees were to be held in the various accounts under his supervision.

### **General Reference**

The following private or local acts constitute part of the administrative and political history of Warren 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 1819, Chapter 193, appointed several persons to be notaries public in the state, including Benjamin Hancocke for Warren County.
2. Acts of 1819, Chapter 214, authorized and allowed any persons living in a bottom of Caney Fork, called the Narrows, in Warren County, to vote at elections, do and perform militia duty, and be competent jurors in White County, as if they were citizens of same, and exempted them from any of those duties in Warren County.
3. Acts of 1826 (Ex. Sess.), Chapter 4, established the position of Entry-Taker for Warren County and further provided that any vacant land within five miles of the falls on the Caney Fork River in Warren and White County may be entered and possessed at the rate of one cent per acre as the other vacant lands were being developed.
4. Acts of 1826 (Ex. Sess.), Chapter 32, validated all previous grants of land issued by the State within five miles of the falls of the Caney Fork River in Warren and White Counties subsequent to the Act of 1823, and the grantees were given good and marketable title thereto.
5. Acts of 1826 (Ex. Sess.), Chapter 152, permitted Reuben Ross to enter in the entry-takers office a 3,000-acres tract at one cent per acre which was heretofore laid off and entered upon by him for his salt works.
6. Acts of 1831, Chapter 43, named Harold Bias and John B. Perkins as incorporators of an organization to clean out the obstructions to navigation in the Caney Fork River after they had executed a good and solvent performance bond with the County Judge.
7. Acts of 1832, Chapter 73, appointed Archibald Hicks, Isaac Hill, and Andrew Robertson, Sen. of Warren County, and Samuel A. Moore, Henry Lyda, and James Young of White County, to examine the books of and to settle with the Internal Improvement Boards for the counties of Warren and White. They shall also examine those portions of the Caney Fork River alleged to have been improved in its navigation and report on the conditions of the stream as they find them and the expenses therefor to their respective Quarterly County Courts.
8. Acts of 1832, Chapter 106, authorized Isaac and Melchisedeck Hill of Warren County to execute a bond to Jesse Savage, with said bond to be void on condition that the Hills would pay all damage, satisfy and perform according to a decree that might issue from the Chancery Court in a suit pending where Savage was the complainant against the Hills, enjoining them from erecting a mill on Collins' river in said county. Upon execution of the bond, the Hills were allowed to proceed with construction of the mill without being in contempt of court. The chancellor was to have the power at the next term of court to renew the injunction and prevent the erection of the dam or have the dam removed if constructed, provided it was proven that the dam was the cause of irreparable damage.
9. Private Acts of 1923, Chapter 202, (made applicable to Warren County by the 1920 Federal Census figures), made it a misdemeanor for any official or officials having the authority to expend

and disburse county or public funds for any purpose to contract for or draw and deliver any warrant or order for the disbursement of same without sufficient sum in the hands of the County Trustee to pay such warrant, order or contract. The Act was not made applicable to contracts and disbursements made on behalf of what was known as the general county fund for operation of the poorhouse, jail, courts, etc.

10. Private Acts of 1931, Chapter 104, repealed Private Acts of 1923, Chapter 202, in its entirety.
11. Private Acts of 1941, Chapter 218, was in effect, the same as Private Acts of 1923, Chapter 202, with an added provision: the County Judge or Chairman was to countersign all warrants, orders and contracts of the Superintendent of Roads, Superintendent of Public Schools, or any and all other warrants by each and every department of the county.
12. Private Acts of 1945, Chapter 508, repealed Private Acts of 1941, Chapter 218, in its entirety.
13. Private Acts of 1947, Chapter 447, made it unlawful for any official or officials of Warren County (as designated by the 1930 Federal Census figure) charged with the expenditures and disbursement of public or County funds, to issue or draw any warrant or order for the disbursement of the funds without the amount to be expended or disbursed actually being in the hands of the County Trustee at the time of the warrant or order, unless specifically authorized by resolution of the Quarterly County Court.

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