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Administration - Historical Notes

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,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

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County Mayor

The references below are of acts which once applied to the office of county judge, or county executive in Stewart 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, created the position of county judge in every county, who must be a person learned in the law, and who would serve a four year term. The first election will be on the first Saturday in May, 1856, under the same general election laws. The county judge shall be sworn and commissioned as other judges and operate within the jurisdictional limits expressed in the act. The judge shall also be the accounting officer and general agent of the county and exercise those powers expressly granted to him in Section 8 of this law. The quorum courts are abolished and all their functions placed on the Judge who would convene the county court on the first Monday in each month. The judge's compensation was \$5.00 per day for each day of court, and he was permitted to practice in all courts other than his. This act was repealed by the one below.
2. Acts of 1857-58, Chapter 5, expressly repealed Acts of 1855-56, Chapter 253, above, and restored to active status all those laws which may have been expressly or implicitly repealed by it.
3. Private Acts of 1921, Chapter 2, expressly abolished the office of county chairman in Stewart County.
4. Private Acts of 1921, Chapter 3, as amended by Private Acts of 1921, Chapter 336, Private Acts of 1927, Chapter 404, and Private Acts of 1933, Chapter 454, created and established the office of county judge in Stewart County for a term of eight (8) years and a salary of \$750 a year.
5. Private Acts of 1921, Chapter 225, made it the duty of the county judge in Stewart County to have and exercise all jurisdiction over public roads now established, or which may hereafter be established, and the office of road commissioner is hereby abolished. The remainder of this act concerns the operation of the road department of the county and is reported in that portion of this volume.
6. Private Acts of 1937, Chapter 643, abolished the office of county judge in Stewart County and repealed Private Acts of 1921, Chapter 3, which created the position, in its entirety. This act was declared unconstitutional, and therefore rendered null and void in the case of State, ex rel, v. Link, 172 Tenn. 259, 111 S.W.2d 1024(1938).
7. Private Acts of 1957, Chapter 75, would have amended Private Acts of 1921, Chapter 3 by increasing the salary of the county judge from \$750.00 to \$2400 per annum, but this act was not presented to the quarterly court of Stewart County and therefore never became a law.

County Legislative Body

The following acts once applied to the quarterly court or the county legislative body of Stewart 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, fixed the opening dates for the terms of all the courts of pleas and quarter sessions of all the counties making up the Mero District. Stewart County's Court would meet on the second Monday in March, June, September, and December.
2. Acts of 1806, Second Session, Chapter 48, reset the time for the meeting dates of the courts of pleas and quarter sessions in the Mero District. Hereafter, the court in Stewart County would begin its terms on the third Monday in January, April, July, and October.
3. Acts of 1807, Chapter 53, rescheduled all the opening dates for the terms of court for the quarterly courts of the counties in the Robertson District, which had been formed out of the Mero District. The counties in that district were Montgomery, Dickson, Hickman, Robertson, and Stewart whose courts would convene on the fourth Monday in January, April, July, and October.
4. Acts of 1809, First Session, Chapter 93, established the starting dates for the courts of pleas and quarter sessions for every county in Tennessee. Hereafter, the quarterly court of Stewart County would meet on the first Monday in February, May, August, and November.
5. Acts of 1817, Chapter 138, Section 3, rearranged the opening dates of some of the counties for the quarterly courts but left Stewart County's Court to begin its terms on the first Monday in

February, May, August, and November.

6. Public Acts of 1821, Chapter 32, Section 13, provided that all persons who were appointed and acting as justices of the peace for Stewart County, who live in the bounds of Henry County, newly formed by this act, are continued in office with as many duties, with full power and authority as though they had been appointed by and for Henry County.
7. Public Acts of 1827, Chapter 44, established the quorum courts of the county courts in several different counties. The courts of pleas and quarter sessions for Perry, Humphreys, Stewart, Hickman, and Henry counties, a majority of the court being present, on the first day of the first session of the year, may select by ballot amount themselves three members of their own body to hold the court for the remainder of the year under the same rules and regulations as the full court would be bound to keep.
8. Public Acts of 1835-36, Chapter 6, was one of the organizational acts enacted subsequent to the adoption of the 1835 State Constitution, and provided for a quorum court in the quarterly courts of all the counties, which would meet on the first Monday in every month, and remain open until the business of the court was finished. Three justices of the peace could constitute a court to hear the probates of will, and all other testamentary cases related to that function in the administration of estates. The court could not hear any jury trials, those being disallowed. The quarterly court was permitted to levy taxes on property to produce operating funds including the selection and employment of either 25, or 37, jurors, as the court determined, who would be paid \$1.00 a day for their services.
9. Private Acts of 1955, Chapter 57, set the per diem compensation of justices of the peace in Stewart County at \$5.00 for each day of attendance at the meetings of the quarterly court, and ten cents per mile traveled.

General References

The following private or local acts constitute part of the administrative and political history of Stewart 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 1804, Chapter 6, appointed a surveyor to mark the line as run by the Virginia Commissioners from the Cumberland River to the south fork of the Red River, reciting that it appeared that the line, as marked, was marked only for a short distance. Robert Crowell was appointed at a salary of \$2.00 per day, and he may employ a marker at \$1.00 a day, all of which shall be paid by the counties of Stewart and Montgomery.
2. Acts of 1807, Chapter 31, stated that the sheriff, or his deputy, shall hold an election on the second Monday and Tuesday of next April to elect five commissioners who would establish a seat of justice in Stewart County to be the county seat. The commissioners must be sworn and bonded, and may place the county seat at Dover, or at some other place. They were directed to acquire at least 30 acres, lay out the land, and sell the lots thus delineated, and then contract for and supervise the erection of a courthouse, prison, and stocks thereon. If the commissioners should choose a new place, its name shall be Windsor.
3. Acts of 1809, Chapter 71, made it lawful for any person who so desired to erect a warehouse and other proper conveniences fit and necessary for the public inspection and safe keeping of tobacco, in the town of Dover in Stewart County under the prescribed rules and regulations.
4. Acts of 1811, Chapter 27, recited that the commissioners heretofore appointed for that purpose to select a county seat have decided on the city of Dover to be the county seat of Stewart County pursuant to the powers delegated to them, therefore, this law officially designates Dover as the county seat of Stewart County until the same is changed by the law, and the county court, at its next meeting, shall cause the town to be re-surveyed and marked, and a plot to be made and filed.
5. Acts of 1815, Chapter 38, named Robert Cooper, John Allen, James Teggart, John Chambers, Thomas Gray, Robert Walker, and James H. Russell, as Commissioners, to conduct a lottery to raise up to \$4,000 to build a courthouse in Dover, and for other unnamed purposes. The commissioners must execute a collective bond in double that amount to insure the prizes of the lottery.
6. Private Acts of 1819, Chapter 121 appointed notaries public for several different counties, William Williams of Stewart County was appointed as a notary public.
7. 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 shares of the \$60,000 heretofore set apart for internal improvements in Middle Tennessee, which was to be divided as the population of the particular county was in proportion to the total population of all the counties listed.

8. Acts of 1837-38, Chapter 276, repealed so much of the act establishing internal improvement boards which directs the cashier of the Bank of the State of Tennessee to pay over to the common school commissioners of Stewart County that portion of the \$60,000 appropriated for internal improvement in Middle Tennessee to which the county of Stewart may be entitled. The funds shall be placed at the disposal of the Stewart County Quarterly Court and disbursed as the court may decide.
9. Acts of 1855-56, Chapter 126, declared that Lizzy, Bob, Susan, Violet, Reynolds, Jacob and Alexander Crouse, of Stewart County, all free persons of color, are exempt from provisions of the 1854 Act of the general assembly which stated that all slaves with the right to freedom but not yet emancipated by order of the county court are subject to all the terms and conditions of that act. Upon the above named persons producing a record of their emancipation to the county court of Stewart County, it was the duty of the chancellor to award them all the funds, less expenses, which has accrued to their favor.
10. Acts of 1865-66, Chapter 45, incorporated Joshua Cobb, George C. Dortch, George H. Warfield, Dorsey H. White, D. W. Kennedy, S. B. Brown, and their associates, as one of the early corporations in Stewart County, the "La Grange Iron Works." The corporation may organize for business when \$25,000 in stock is subscribed.
11. Acts of 1867-68, Chapter 65, was written for Madison County but was made to apply to Stewart County in Section 12. This act created a board of county commissioners with three members, having staggered initial terms, appointed first by the governor and then elected by the people at the first general August election thereafter. Vacancies would be filled for the unexpired portion of the term by the remaining two members. The commissioners would be sworn, bonded, and meet at the times prescribed by law for the quarterly court. The county court clerk is to serve as the secretary for the commission. The commission would have and could exercise all the powers and jurisdiction of the county court plus the powers specifically granted in the act. All justices of the peace and magistrates were relieved of all their functions. The president, chosen by the members, would be paid \$500.00 and the other commissioners would be paid \$400.00 per year, as compensation.
12. Acts of 1869-70, Chapter 46, incorporated David Theobald, A. Guckenheimer, S. Werthumer, E. Werthumer, Isaac Werthumer, Julius Alder, and Leopold Pappenheimer, ad the "Rough and Ready Iron Works" in Stewart County, granting a succession period of 25 years.
13. Acts of 1869-70, Chapter 49, emphatically repealed all laws heretofore enacted which may have created county commissions in any county of the state, which set up a county commission for Stewart County. All the laws which may have been repealed, or nullified, by those laws, were restored and revived.
14. Public Acts of 1883, Chapter 245, released C. C. Satterfield, a citizen and resident of Stewart County, from the payment of \$250.00 adjudged against him in the circuit court for Stewart County at its August, 1882, Term, which cam because Satterfield was the surety upon a forfeited recognizance bond for one William Goode, who was under arrest and indictment for carrying a pistol.
15. Private Acts of 1925, Chapter 332, declared it to be unlawful in Stewart County for any county official, elected or appointed, to sign any notes, any bonds of any sort, or any other evidence of debt, as a surety or guarantor, whether such signing is done either for accommodation, or for compensation. The violation of these requirements would be a misdemeanor and the violator could be fined from \$25.00 to \$100.00, plus any forfeiture of office which might be proper. The grand jury was given inquisitorial powers over the question.
16. Private Acts of 1931, Chapter 19, declared that all the county officials in Stewart County deposit all funds collected by them within the scope of their authority, or, which might come into their hands otherwise, in good and solvent banks located in the said county for which indemnity bonds may be demanded if the same is desired. Any official doing otherwise, contrary to the terms of this act, may be fined from \$25.00 to \$50.00 for each violation.
17. Private Acts of 1933, Chapter 180, created a three member purchasing commission for Stewart County whose members would be elected to staggered terms by the quarterly county court, who must be residents and citizens of the county, of lawful age, and hold no other office in the county. The commission shall purchase supplies, materials, equipment, machinery, etc. for nearly all the

departments of the county, including the road department and the school system, and shall keep all the required records to document the same. The commission shall also procure fuel and cause any repairs necessary to be made to the courthouse, jail, poor house, schools, or to any other building owned and operated by the county. Commissioners would be paid \$5.00 for each day devoted to the discharge of their responsibilities under this act but not to exceed 15 days a year. The secretary would be paid \$1.00 per day for keeping the record but not over \$50.00 in any one year. Every item over \$10.00 must be bid competitively, and any member may be removed by the court for neglect, misconduct, or inefficiency. This act was repealed by the one following.

18. Private Acts of 1935, Chapter 606, expressly repealed Private Acts of 1933, Chapter 180, above, which created a purchasing commission for Stewart County, as it was written and passed.
19. Private Acts of 1935, Chapter 826, stated that the quarterly court of Stewart County, identified by the use of the 1930 Federal Census, shall refuse to employ, or appropriate the money to do so, any county agricultural agent, or county home demonstrator, until the people of the county have voted on the issue. The county election commission shall have the proposition printed for the ballots which are to be used in the August general election in 1936. If the vote is favorable, the quarterly court shall make the necessary contracts and employ the above named people under the terms of this act.
20. Private Acts of 1939, Chapter 176, gave the authority to the county committee of the agricultural adjustment administration in Stewart County to make all the appointments of the assistants, or helpers, in the office of the county agent and fix their salaries, but this act did not apply to the assistant county agent. The committee also had the right to dismiss and discharge any of the above authorized helpers when their work was unsatisfactory.

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