



November 19, 2024

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 Clerk

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

1. Private Acts of 1919, Chapter 287, declared that women over the age of twenty-one in Smith County would be eligible for the office of Deputy Clerk of the County Court with all the duties and responsibilities imposed by law on that position

County Mayor

The references below are of acts which once applied to the office of county judge, or county executive in Smith 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 all counties in the state. The County Judge would be elected to serve four-year terms and was required to be learned in the law. He would be sworn and commissioned as were other Judges, and he would serve as the accounting officer and general agent of the county. The County Judge would be paid \$5.00 per day during the sitting of the Monthly and Quarterly Courts. Quorum Courts were abolished and all their jurisdiction and functions were conferred upon the County Judge. He was not precluded from the practice of law in the other courts.
2. Public Acts of 1857-58, Chapter 5, repealed Acts of 1855-56, Chapter 253, above, and restored the Quorum Courts to their status prior to the passage of that repealed act.
3. Public Acts of 1867-68, Chapter 30, created the office of County Judge for Perry, Decatur, Cheatham, and Lauderdale Counties. The officer would be elected to eight-year terms and would be sworn and commissioned as other judges of the State. Quorum Courts were abolished and their responsibilities and jurisdiction were transferred to the County Judge, who would also preside over the meetings of the County Court in the place of the former County Chairman. The County Judge would be paid a salary of \$200 per year, and would not be precluded from practicing law in other courts. Section 13 of the act extended the provisions to include Smith County whose Judge would be paid \$500 per year in quarterly payments.
4. Public Acts of 1869-70, Chapter 8, repealed Public Acts of 1867-68, Chapter 30, above, as it applied to Smith County so that the office of County Judge was abolished. The section which had abolished the Quorum Court was repealed, and the Quorum Court was restored to its former status.
5. Private Acts of 1929, Chapter 574, as amended by Private Acts of 1943, Chapter 74, abolished the office of chairman of the county court and created the office of county judge.
6. Private Acts of 1943, Chapter 100, added \$600 per year to the compensation of the County Judge for duties performed in his administrative capacity and for his services as fiscal agent of the County.

County Legislative Body

The following acts once applied to the quarterly court or the county legislative body of Smith 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 1799, Chapter 2, which created Smith County, provided that the County Court would meet at the home of Major Tilman Dixson on the third Monday in December, March, June, and September until the courthouse and county seat were ready.
2. Acts of 1803, Chapter 39, rescheduled the terms of court for the Courts of Pleas and Quarter Sessions for every county in the Mero District of Tennessee. Smith County's Quarterly Court would convene on the second Monday in December, March, June, and September every year.
3. Acts of 1806 (Ex. Sess.), Chapter 48, stated that the opening dates for courts in Smith County would be the first Monday in December, March, June, and September.
4. Acts of 1807, Chapter 53, rearranged opening dates for the Courts of Pleas and Quarter Sessions for the Winchester District, in which were the Counties of Franklin, Warren, White, Overton, Jackson and Smith. The Court in Smith would begin its terms on the first Monday in March, June, September, and December.
5. Acts of 1809 (Sept. Sess.), Chapter 93, fixed the schedule of terms of the County Courts in all

- counties of the State. The commencement time for the court in Smith County remained the first Monday in March, June, September, and December.
6. Acts of 1812, Chapter 68, stated that the County Courts of Smith County would meet on the fourth Monday in March, June, September, and December.
 7. Acts of 1813, Chapter 134, changed the starting times for the terms of County Courts in several counties, including Smith County, where the Court would begin its terms on the second Monday in February, May, August, and November.
 8. Acts of 1817, Chapter 138, rescheduled the opening dates for the terms of the County Court in Smith County to the second Monday in February, May, August, and November.
 9. Private Acts of 1819, Chapter 6, authorized the County Court to fill vacancies in the Quorum Court of Smith County which were occasioned by the resignations of John Gordon and Arthur S. Hogan.
 10. Private Acts of 1819, Chapter 160, changed the meeting dates of the Quarterly Courts in some counties in Middle Tennessee, but left unchanged the schedule of the Court in Smith County. The Court's terms were to begin on the second Monday in February, May, August, and November.
 11. Private Acts of 1822, Chapter 81, changed the opening dates for the terms of the County Court in Smith County to the first Monday in February, May, August, and November, effective the September 10 next following passage of the act.
 12. Private Acts of 1823, Chapter 101, set the new dates for the convening of the County Court in Smith County as the fourth Monday in February, May, August, and November.
 13. Private Acts of 1823, Chapter 128, declared that all writs, recognizances, summons, and process of every description which had been made returnable to the County Court of Smith County on the second Monday in November next, would be made returnable to the Court on the fourth Monday of November next.
 14. Private Acts of 1823, Chapter 197, declared that the Justices of the Quarterly Court in Smith County could, on the first day of the first Term of each year, select by ballot three of their number to hold the ensuing Courts for that year, to possess the same powers and abide by the same rules and regulations as the similar court in Rutherford County.
 15. Private Acts of 1827, Chapter 65, stated that the Courts of Pleas and Quarter Sessions of the Counties of Dickson, Sullivan, Weakley, Hawkins, Hamilton, Smith, Henry, and Rhea, a majority being present, could, on the first day of the first term of the court in each year, select by ballot three of their number to hold the Courts for the remainder of that year. The Clerk would enter upon the record the names of the Justices so chosen and deliver a copy to the Sheriff who would notify them immediately. They would be entitled to the benefits and be governed by the rules of the regular Court.
 16. Public Acts of 1829, Chapter 9, authorized the Justices of the Quarterly Court in Smith County to select three of their number to serve as a Quorum Court and, in case of a vacancy, to select the successor to fill the vacancy. Members of the Quorum Court would be paid \$1.50 per day while sitting as a court, and the Quarterly Court could levy a tax in an amount sufficient to pay the Quorum Court.
 17. Private Acts of 1941, Chapter 120, provided that the Quarterly Court of Smith County would meet in regular session on the second Monday in January, April, July, and October instead of on the first Monday in those months.
 18. Private Acts of 1949, Chapter 547, set the per diem compensation for Justices of the Peace in Smith County for their attendance at regular, special, or called meetings of the Quarterly County Court at \$5.
 19. Private Acts of 1951, Chapter 577, set the per diem compensation for members of the county court for their attendance at regular and special sessions at \$4.50 plus \$.05 for each mile traveled to and from sessions. This act applied to all counties in the state having a population of not less than 14,070 and not more than 14,080 according to the Federal Census of 1950.
 20. Private Acts of 1970, Chapter 236, amended Private Acts of 1949, Chapter 547, above, by increasing the per diem compensation of the Justices of the Peace in Smith County from \$5 to \$25 for their attendance at the regular, special, and called meetings of the Quarterly Court. The act was not approved locally and did not become effective.
 21. Private Acts of 1972, Chapter 245, established the per diem compensation for the Justices of the Peace at \$25 for each regular, special, or called meeting of the Quarterly County Court and repealed Private Acts of 1949, Chapter 547, above.

County Register

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

1. Private Acts of 1915, Chapter 600, provided that females over the age of twenty-one and residents of the county in which they were to serve would be eligible to be appointed and serve as deputy Registers in the State of Tennessee and in Smith County

County Trustee

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

1. Private Acts of 1927, Chapter 287, required the County Trustee of Smith County to provide a bond to the State of Tennessee, for its own use, which would be in an amount equal to the amount of taxes collected by the Trustee for the State during the year prior to which such bonds were to be executed. It required a second bond to the State for the benefit of the County in the amount of one-third of the amount of all the taxes collected for the County during the year prior to the execution of the bond. All the bonds could be readjusted on this basis after the effective date of the act.
2. Private Acts of 1947, Chapter 323, recited that the Quarterly Court of Smith County had passed a resolution compensating the County Trustee for the receipt and disbursement of funds accruing to the County from the Federal Government on account of military maneuvers in the County, and that the County had no authority to adopt such a resolution. The act confirmed and validated the resolution, as adopted, endowing it with the full faith and credit it would have had if the Court had possessed the proper authority at the time of the adoption.

Purchasing

The following acts once affected the purchasing procedures of Smith County, but are no longer operative. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1943, Chapter 88, created a Purchasing Commission for Smith County the members of which would be the County Clerk, the Superintendent of Education, and the Road Commissioner, with the County Judge serving as ex officio chairman. The act granted the Commission sole and exclusive power and authority to contract for and purchase all materials, supplies, and equipment for the entire operation of Smith County government. All purchases or contracts for the purchase of supplies, equipment, or material exceeding \$100 were to be advertised and secured on a sealed bid basis. Other powers and duties of the Commission were described in the Act.
2. Private Acts of 1967, Chapter 337, amended Private Acts of 1943, Chapter 88, above, by changing the upper limit of the amount of purchases or contracts required to be advertised from \$100 to \$1,000.
3. Private Acts of 1978, Chapter 232, amended Private Acts of 1943, Chapter 88, above, by changing the upper limit of the amount of purchases or contracts required to be advertised from \$1,000 to \$2,500.
4. Private Acts of 1987, Chapter 29, repealed Private Acts of 1943, Chapter 88, above.

General References

The following private or local acts constitute part of the administrative and political history of Smith County but are today no longer operative because they have either been superseded, repealed, or failed to receive local approval.

1. Acts of 1799, Chapter 65, required tobacco to be inspected prior to export from the State. The act established the sites of inspection warehouses and included details of the inspection procedures, the appointment of inspectors, and fees to be charged. The inspection warehouse for Smith County would be in Bledsoeborough.
2. Acts of 1801, Chapter 5, was a comprehensive act which detailed how commodities for public sale should be packaged, labeled, inspected, and shipped, and how they were to be stored in warehouses. The warehouse at Bledsoeborough at the mouth of the Caney Fork River in Smith County would continue as an inspection site, and another warehouse would be established at Fort Blount.
3. Acts of 1803, Chapter 71, appointed James Draper, James Guinne, John Gordon, Joseph Collens, and Henry Tooley as Commissioners to select a place on the Cumberland River, not to be below Bledsoeborough nor above the mouth of the Caney Fork River, for the purpose of erecting a court house, prison, and stocks. The Commissioners would acquire at least forty acres and lay out a town which would be called Livingston, leaving two acres for a public square. They were to sell

- lots and execute deeds of conveyance, applying the proceeds of sale to the cost of the site first, and then to the cost of building the court house, prison, stocks, or other public edifice. The Quarterly Court would levy a tax if the sale of lots did not produce sufficient revenue.
4. Acts of 1804, Chapter 36, authorized the Quarterly Court of Smith County to pay Willie Jones compensation for his public service in laying out and marking the boundary lines of the County and for his necessary expenses incurred in the job.
 5. Acts of 1804, Chapter 40, stated that it appeared to the Legislature that the previous Commissioners, appointed to fix a place to erect a court house, prison, and stocks, had violated the trust reposed in them by disregarding the injunctions placed upon them in the law; therefore, an election would be held in the house of William Walton in Smith County, for the voters to vote on a suitable place to build a court house, prison, and stocks. The site would be either on a tract of land where William Saunders once lived or on the tract on which Colonel William Walton lived. Grant, Allen, Benjamin, John, and Wilson Cage were appointed Commissioners to notify the people of the act and proceed to acquire forty to fifty acres on which to build. The Sheriff was required to hold the election under the general election laws.
 6. Acts of 1806 (Ex. Sess.), Chapter 55, stated that public inspection of commodities intended for public sale would be held at the warehouses named in the act, one of which was at or near the town of Carthage in Smith County.
 7. Acts of 1807, Chapter 52, required the Sheriff of Smith County to hold an election in the town of Carthage to elect five commissioners who would then choose one of their number as chairman. They would appoint a treasurer for the town and employ some person to re-survey and mark the town boundaries and lots. Property would then be assessed and taxed.
 8. Private Acts of 1819, Chapter 4, authorized the Quarterly Court of Smith County, a majority of the Court being present, to sell the northeast corner of the public square in Carthage to the president, directors, and company of the Bank of Tennessee at such sum as might be agreed upon, provided the adjoining landowners would give their consent. If the sale was agreed upon, the Chairman of the County Court would make a deed of conveyance.
 9. Private Acts of 1819, Chapter 29, authorized the Quarterly Court of Smith County to lay an additional tax, when and if it considered the tax expedient, for the purpose of erecting a building in which the office of the County Court Clerk, the Circuit Court Clerk, and the County Register would be located on the Public Square in Carthage. The Court could appoint up to five commissioners to supervise the project. The act specified a schedule of maximum taxes to be levied.
 10. Private Acts of 1827, Chapter 59, appointed Abner Lark, William McClain, James A. Alexander, Robert Moore, John Lancaster, and Thomas Lancaster, as trustees to draft a lottery scheme to raise \$5,000 to build a bridge across the Smith's Fork near Lancaster in Smith County. The trustees were to make a proper bond of twice the amount of the anticipated proceeds to guarantee payment of the lottery prizes.
 11. Public Acts of 1831, Chapter 43, directed the Cashier of the Bank of the State of Tennessee to pay over to several listed counties their respective pro rata shares of the \$60,000 set aside for the Internal Improvement Fund of Middle Tennessee.
 12. Private Acts of 1831, Chapter 93, authorized William Pope to retail goods, wares, and merchandise, except spirituous liquors, in Smith County without the necessity of obtaining a license therefor.
 13. Private Acts of 1831, Chapter 149, directed the Clerk of the County Court of Smith County to refund to John Walters, Hazzard and Green, Barkley and Foster, Thomas G. Lancaster, G. & N. Tubb, and Samuel A. Quarles, the sum of \$50 each, that amount being one-half of the amount collected from each of them for failing to take out other licenses for the year 1830.
 14. Private Acts of 1833, Chapter 3, directed the Treasurer of West Tennessee to refund to William B. Moore of Smith County the sum of \$50, which was one-half of the amount collected from him by the County Court Clerk for selling goods in the County, provided Moore produced a certificate from the Clerk showing that he paid the \$100 alleged to have been collected from him.
 15. Private Acts of 1833, Chapter 149, allowed Lindsay J. Mann and Archibald Cannon to hawk and peddle in Smith and Sumner Counties without a license.
 16. Acts of 1837-38, Chapter 61, appointed Guilford Jones, the Surveyor of Smith County, to ascertain the center of DeKalb County. Jones could employ chain carriers to assist him, and he was required to mark the center of the County when he located it. He was to advertise this news at Liberty and at the house of Bernard Richardson, but could advise the County Court

- verbally or in writing. DeKalb County was directed to pay for his services.
17. Acts of 1837-38, Chapter 83, allowed the County Court of Smith County to lay out and expend the Internal Improvement Board Fund arising from all sources for Smith County in such manner as to them should seem right and proper. All persons possessing any part of these funds would pay it over to the county. Persons refusing to comply with the terms of the act were subject to being fined.
 18. Acts of 1837-38, Chapter 213, authorized the County Court to grant to any person, or persons, the privilege of placing an abutment upon either bank of the Cumberland River for the purpose of erecting a grist mill or other type of mill on the river, provided the mill would not in any way interfere with the navigation of the stream. The one erecting such a mill must be the owner of it.
 19. Acts of 1851-52, Chapter 22, required the Comptroller of the Treasury upon the application of the County Court of Smith County to examine and ascertain the amount of Internal Improvement Funds belonging to Smith County that had been paid over to the Superintendent of Public Instruction. This amount would be certified to the Bank by the Comptroller and the Superintendent, whereupon the Bank was to pay over the balance of said funds to Smith County to be appropriated as the County Court would see fit, two-thirds of the Court being present.
 20. Public Acts of 1871, Chapter 100, stated that the Sheriff of Smith County would hold an election at the regular August election in which the voters would vote on the question of moving the county seat from Carthage, the ballot to be marked simply "For" or "Against." The Sheriff was to compare the votes and, if two-thirds voted in the affirmative to move the county seat, the County Court would notify the Commissioners appointed in the act. The Act named W. G. T. Underwood, E. W. Cornwell, James Haynie, J. H. Burnett, D. A. Witt, Ward Ballow, M. Lancaster, David Smith, James McKinney, William Gann, Edwin Atwood, W. M. Nixon, James G. Wyatt, W. V. R. Hallam, Thos. Crutchfield, William Bridges, H. J. Perkins, John P. Yelten, and D. A. McCathron, as Commissioners to accomplish the purpose of the act.
 21. Private Acts of 1915, Chapter 189, allowed the County Court of Smith County to elect female citizens of the County over the age of 18 to the office of Notary Public. The act required females to execute the same bond, take the same oath, perform the same duties, and be subject to the same penalties as other Notaries Public were.
 22. Private Acts of 1933, Chapter 896, amended Section 6019, 1932 Code of Tennessee, which Section provided for the minimum cash capital of banks, graduated according to place, county, and population, by adding a provision that in Smith County the Superintendent of Banks could issue a permit for the organization of any bank with a minimum paid-up capital of \$5,000 and a paid-up surplus of not less than fifty percent of the capital stock and provided that the Bank, so organized, keep on hand at least twenty-five percent of all cash deposits at all times.
 23. Private Acts of 1937, Chapter 44, removed all the disabilities of infancy from Blanche Gregory of Riddleton in Smith County; therefore, permitting her to conduct herself and contract fully as though she was an adult.
 24. Private Acts of 1937, Chapter 45, removed the minority of James R. Yancey, of Riddleton, Smith County, granting him all the rights and responsibilities of majority.
 25. Private Acts of 1937, Chapter 46, removed all the disabilities of infancy of Shealie Gregory, of Riddleton, Smith County.
 26. Private Acts of 1949, Chapter 858, removed the disabilities of minority of Henry Clay Winkler, nineteen years of age, of Smith County so that he could contract in the same manner as an adult.
 27. Private Acts of 1985, Chapter 41, directed that no Smith County official was to spend or obligate to spend more than one twelfth of his or her annual budget per month in the months of July and August and was not, during July and August of election years, to create new positions or contract for long term leases or agreements, unless the contract had the approval of the county legislative body. The act was not approved locally and did not become effective.

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