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# Administration - Historical Notes

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Sincerely,

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# Administration - Historical Notes

## **Audit System**

The following private acts were once applicable to Rutherford County but they now have no effect, having been repealed, superseded, or having failed to win local approval.

1. Private Acts of 1919, Chapter 587, created the office of County Auditor in Rutherford County who would be appointed by the Governor for a four year term at an annual salary of \$750, payable in equal monthly installments. Many of the Auditor's duties were catalogued in the Act. The Auditor was given the authority to appoint an Assistant but the assistant's pay would have to come from the auditor's compensation.
2. Private Acts of 1939, Chapter 517, established an audit in Rutherford County at the end of each fiscal year involving all the county officials and offices. The audit would be made by a Certified Public Accountant employed for that purpose by the County Court from competitive bids which cost would be paid from the general funds of the county.

## **Budget System**

The following acts once created a budgeting system for Rutherford County, but they have been specifically repealed or superseded by current law. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1933, Chapter 386, conferred the authority to manage, supervise, and control the county fiscal affairs upon the County Court of Rutherford County. The fiscal year would begin on July 1 of each year and end on August 31 of the following year for which a budget must be adopted. The Chairman or Judge of the Court would appoint one member and the Court would elect two more of its members to the "Committee on Finance, Ways, and Means" who would begin hearings approximately thirty days preceding the July term of each year for all departments and divisions, except the Schools. The Committee would prepare a tentative budget for the Court and recommend a tax levy. This Act was repealed by Private Acts of 1975, Chapter 82. As published, the census figures listed in the Act would appear to make this Act apply only to Roane County.
2. Private Acts of 1935, Chapter 821, was almost an exact duplicate of Private Acts of 1935, Chapter 386, except that all three members of the "Committee on Finance, Ways, and Means" would be elected from the membership of the Quarterly Court by the Quarterly Court. This Act was repealed by Private Acts of 1975, Chapter 82.
3. Private Acts of 1943, Chapter 460, made it the duty of the Board of Workhouse Commissioners to file a budget request, in the form specified by the Act, with the Fiscal Agent of the County by the first Monday in May for the road department; the Board of Education must do likewise for the school system; the County Judge must file for the expenses of the general county fund including those areas of responsibility assigned to him; all other county agencies, departments, etc., must submit requests for their divisions; the County Trustee must file one for his department. The Quarterly Court would appoint a three member Budget Commission, one from outside Murfreesboro, one from inside Murfreesboro, and only one could be a member of the Court, all to be paid \$5 per day for each day spent on the budget process. The Secretary, appointed by the Commission to keep records, would also be paid \$5 per day. The County Judge would be the ex-officio Director of the Budget. The details of budget preparation and a time schedule for submission of departmental budget requests were specified in the Act. The Judge could employ an assistant to help with budget and could draw a minimum of \$100 a month for this purpose, the maximum to be set by the Court. The Commission would file a tentative budget containing their recommendations for adoption by the whole court and for a tax levy which would produce that amount of money. Penalties were provided for the misuse of authority and funds and for failure to comply. Budget appropriations would constitute the limit of expenditures except in emergencies when certain conditions must also be met. This Act was repealed by Private Acts of 1975, Chapter 82.
4. Private Acts of 1949, Chapter 504, amended Private Acts of 1943, Chapter 460, to provide that all three members of the Budget Commission must be members of the County Court and elected by the Court at its April meeting. The residency restrictions were removed. This Act was repealed by Private Acts of 1975, Chapter 82.
5. Private Acts of 1957, Chapter 239, properly ratified by the Court, amended Private Acts of 1943, Chapter 460, thus relieving the County Judge of the task of countersigning school warrants, it being the intention of the General Assembly to make school warrants, properly issued, valid

- without the County Judge's signature. This Act was repealed by Private Acts of 1975, Chapter 82.
6. Private Acts of 1969, Chapter 65, amended Private Acts of 1943, Chapter 460, increasing the membership of the Budget Commission from three to five. This Act was repealed by Private Acts of 1975, Chapter 82.
  7. Private Acts of 1972, Chapter 410, would have enacted the "County Budgeting Law of 1972" had it been approved by the Quarterly County Court. A five member Budget Committee was to have been established consisting of the County Judge and four members of the County Court selected by the County Court. The Budget Committee was empowered to appoint, with the approval of the County Court, a Director of Accounts and Budgets.
  8. Private Acts of 1974, Chapter 184, was to have enacted the "County Budgeting Law of 1974", but it never became effective as it never received local approval. A seven member County Budget and Finance Committee was established to include the County Judge and six members of the County Court. Provision was made for the Committee to appoint a Director of Accounts and Budgets.
  9. Private Acts of 1974, Chapter 355, amended Private Acts of 1974, Chapter 184, as to the compensation of the Director of Accounts and Budgets. This Act was not approved locally and never became effective.
  10. Private Acts of 1975, Chapter 82, known as the County Budgeting Law of 1975, set forth the procedures for budgeting, which included the Highway Commission and the Board of Education. A seven member County Budget and Finance Committee was created who would appoint a Director of Accounts and Budgets. This act was repealed by Private Acts of 1979, Chapter 49.

### **County Attorney**

The following acts once affected the appointment, election, or office of the county attorney in Rutherford County. These acts are included for historical reference only.

1. Private Acts of 1955, Chapter 123, created the office of County Attorney for Rutherford County. This act was repealed by Private Acts of 2010, Chapter 56.
2. Private Acts of 1957, Chapter 67, as amended by Private Acts of 1965, Chapter 23, was repealed by Private Acts of 2010, Chapter 56.

### **County Clerk**

The following acts once affected the office of county clerk in Rutherford County. They are included herein for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1919, Chapter 274, permitted females, married or single, over the age of twenty-one years, and residents of the counties appointing them, to serve as a Deputy in the office of the County Court Clerk, granting all the rights and imposing all the obligations of other Deputy Clerks upon them, and specifying that acceptance of the position would constitute a waiver of any defense as a married woman, and work as an estoppel to deny any legal liability peculiar to coverture. This Act was repealed by Private Act of 1979, Chapter 138.
2. Private Acts of 1933, Chapter 876, established the annual salaries for several positions in Rutherford County. The salary of the County Court Clerk was fixed at \$3,000 but would be paid only when the fees collected in the office equaled that amount. Any surplus would be paid into the county treasury and be properly accounted for. The expenses of the office would continue to be paid in the manner provided by law. This Act was repealed by Private Acts of 1979, Chapter 138.

### **County Legislative Body**

The following acts once applied to the quarterly court or the county legislative body of Rutherford County and are included herein for historical purposes.

1. Acts of 1803, Chapter 39, regulated the terms of the Courts of Pleas and Quarter Sessions as they existed in the district of Mero. In the newly formed County of Rutherford, the Court would meet on the first Monday in January, April, July, and October.
2. Acts of 1803, Chapter 70, established the court terms for the Courts of Pleas and Quarter Sessions in Rutherford County to the first Monday in March, June, September, and December. The Courts would meet in the house of Thomas Rucker until a court house was built.
3. Acts of 1809, Chapter 93, fixed the opening dates of the terms of the Courts of Pleas and Quarter Sessions in every County. In Rutherford County the Court would officially convene on the first Monday in January, April, July, and October.
4. Acts of 1813, Chapter 134, changed the meeting dates of the Quarterly Courts in the Counties of

- Williamson, Bedford, Lincoln, Hickman, Maury, Giles, Claiborne, Sumner, and Rutherford where the Court would meet on the second Monday in January, April, July, and October.
5. Acts of 1815, Chapter 137, stated that the volume of business in the Courts of Pleas and Quarter Sessions of Rutherford, Maury, and Grainger Counties is such that it cannot be finished in the time allotted to the Courts, therefore the Justices of these Courts could hereafter continue the term from day to day up until two weeks, or to such time as the business of the Court may be completed if less than the two weeks.
  6. Acts of 1817, Chapter 128, was the enabling law for the Counties of Davidson, Smith, Franklin, Rutherford, Maury, Lincoln, Giles, Overton, Bedford, Wilson, Hickman, Sumner, Stewart, Humphreys, Williamson, Jackson, White, Montgomery, Warren, Robertson, and Dickson, at the first meeting of the year of their respective Quarterly Courts, to levy a tax for the purpose of providing additional compensation to the jurors attending the county and circuit courts. The additional compensation could not exceed fifty cents per day.
  7. Acts of 1817, Chapter 138, set the terms of the Quarterly Court of Rutherford County to start on the second Monday in March, June, September, and December, of each year, to continue for two weeks unless the business of the Court was completed earlier.
  8. Acts of 1819, Chapter 136, provided that the Court of Pleas and Quarter Sessions would meet in Rutherford County on the third Monday in March, June, September, and December, for a term of two weeks unless the docket of the Court was cleared sooner than that.
  9. Acts of 1820, Chapter 26, stated that the Rutherford County Court of Pleas and Quarter Sessions would open and hold their March and September Sessions at the Court House in Murfreesboro on the second Monday in each of those months, to continue from day to day for three weeks, unless the Court's business was finished earlier than three weeks. The June and December sessions would meet on the third Mondays.
  10. Acts of 1821, Chapter 127, provided that the Rutherford County Quarterly Court from and after April 1, next, would sit regularly on the third Monday in January, April, July, and October, for a term of two weeks unless the dockets were completed prior to that time.
  11. Acts of 1822 (Ex. Sess.), Chapter 58, vested the presiding Judge of the Fourth Judicial Circuit and the Justices of the Court of Pleas and Quarter Sessions of Rutherford County with the right to adjourn their Courts to any other house in Murfreesboro which they might consider proper, any law to the contrary notwithstanding.
  12. Acts of 1823, Chapter 197, allowed the Justices of the Court of Pleas and Quarter Sessions of Rutherford County, a majority being present and deeming it expedient, on the first day of the first term of each year to select three of their number to hold the Court for the remainder of the year, their names being recorded by the County Court Clerk. Those selected would attend each term of Court and hold the same each day except when county business was to be considered, and proceed with the trial of civil and criminal cases. The Justices chosen would be paid \$1.50 per day except when the Quarterly County Court meets. The Clerk would add \$1.00 to the costs in each case before the Court to finance this program of Quorum Courts.
  13. Acts of 1827, Chapter 89, scheduled after April 1, next, the Court of Pleas and Quarter Sessions of Rutherford County to meet on the third Monday in February, May, August, and November.
  14. Acts of 1835-36, Chapter 6, enacted pursuant to the 1835 State Constitution, established the Court in every county to be held by the Justices of the Peace. The Court would meet on the first Monday of every month and would continue in session until the public business was completed. The Justices would elect a Chairman for a one year term who would preside over the Court. The Court was empowered to levy a tax in accordance with Section 29, Article 2 of the State Constitution.
  15. Acts of 1869-70, Chapter 118, allowed the town of Smyrna in Rutherford County an additional Justice of the Peace over and above the two who were allowed to the Civil District by the general law.
  16. Acts of 1879, Chapter 216, recited in the preamble that at the December term of the Criminal Court in Rutherford County in 1878, W. J. Carney, a Justice of the Peace for the said County, was found guilty of being in an intoxicated state which is a misdemeanor in office, and he was consequently disqualified from holding office under the laws of this state, and, further, all of the good citizens of his neighborhood were now requesting that this disability be removed, this Act accomplishes that fact and restores Carney to all the rights, privileges and immunities of full citizenship.
  17. Private Acts of 1901, Chapter 319, established a Court known as the Common Law, Chancery, and

County Court of Rutherford County, on which was conferred jurisdiction to try all cases arising at law of a criminal, commercial, or civil nature, formerly possessed by the Circuit, Chancery, and County Courts. The Judge would be elected by people and have all the powers of the Circuit and County Judges and the Chancellors of the State with whom he might interchange. Terms were set for all the different jurisdictions of the Court, the County Court division meeting on the first Monday of every month. The Circuit Court Clerk, the Clerk and Master, and the County Court Clerk would continue to serve the Court in their respective areas of authority. The Judge would be ex-officio Chairman of the Quarterly and County Courts. The Judge's salary was set at \$1,800 a year, and the District Attorney also provided for in this law, would be paid \$600 annually. The Governor was required to appoint the first Judge and District Attorney to serve until their successors were elected and qualified.

18. Private Acts of 1931, Chapter 352, abolished the offices of Chairman and Chairman pro tempore of the County Court in Rutherford County from and after the first Monday in January, 1932.
19. Private Acts of 1933, Chapter 279, authorized the Rutherford County Quarterly Court to set the compensation of the standing committees of the Court which were called upon to render special services. The amount would be fixed by Resolution of the Court and would remain thusly until changed by the same method. This Act did not apply to the County Judge, the Trustee, or the County Court Clerk.
20. Private Acts of 1939, Chapter 135, stated that the Quarterly Court of Rutherford County would hereafter convene in regular session on the second Monday of January, April, July, and October.
21. Private Acts of 1951, Chapter 296, declared that the Justices of the Peace shall receive \$5 per day compensation for their services in attending the regular and called meetings of the Quarterly County Court. The per diem payment, specified above, would be in addition to any mileage allowed them under current law. NOTE: Rutherford County did not fall into the population bracket listed in the Act nor did any other county. The House Sponsor of this Act was the Representative for Rutherford County.
22. Private Acts of 1955, Chapter 297, increased the per diem payments for the Justices of the Peace in Rutherford County from \$5 to \$10 and set mileage payments at five cents per mile for each mile traveled in going from their homes to the Court house and return. This Act was not acted on by local authorities and therefore never assumed active status under the provisions of the Home Rule Amendment of the State Constitution.
23. Private Acts of 1957, Chapter 66, set the compensation at \$10 per day and five cents per mile for the Justices of the Peace of Rutherford County but this Act was never approved by the Quarterly Court and never became effective.
24. Private Acts of 1972, Chapter 383, transferred all the judicial functions of the County Judge and all the judicial jurisdiction, duties, and functions heretofore vested in the Quarterly Court to the Chancery Court of Rutherford County and its Clerk and Master. Many of the judicial functions involved were specified in the law, and the title "County Judge" was redesignated as "County Administrator". This Act was not acted on by the Rutherford County Quarterly Court and consequently never took effect under the provisions of the Home Rule Amendment to the State Constitution.

### **County Mayor**

The references below are of acts which once applied to the office of county judge, or county executive in Rutherford 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 office of County Judge in every Tennessee County, abolishing the Quorum Courts and the post of Chairman of the County Court, both of which would be hereafter filled by the County Judge. The County Judge would be elected by the people for a four year term and would be sworn and commissioned as any other Judge. The Court would hold regular sessions on the first Monday in every month but on those Mondays when the Quarterly Court met, the business of that Court would be disposed of first. The powers and duties of the Judge were specified in Sections Six and Eight both as the Judge and as the accounting officer and general agent of the County. The County Court Clerk would continue to operate in that capacity. The County Judge was not precluded from the practice of law in all other Courts except the one over which he presided. This Act was repealed by Acts of 1857-58, Chapter 5.
2. Private Acts of 1909, Chapter 577, created the office of County Judge in Rutherford County who must be learned in the law and who was to be elected by the people for an eight year term. The Governor would appoint the first Judge who would serve until the next election in August, 1910,

when his successor would be elected. All the duties and responsibilities of the Chairman of the County Court and the Chairman Pro Tem of the County Court were transferred to the Judge. Sections Six and Eight contained the specific grants of jurisdiction and duties to the Judge. The Judge was permitted to practice law in all courts but his own and would conduct the meetings of the Quarterly Court on the first Monday in January, April, July, and October. The County Judge's salary was fixed at \$700 annually payable quarterly. This Act was repealed by Private Acts of 1911, Chapter 219.

3. Private Acts of 1931, Chapter 57, was the enabling act for a referendum to be held in Rutherford County on the question of creating the office of County Judge. The results would be certified to the Representatives in the General Assembly.
4. Private Acts of 1931, Chapter 353, as amended, created the office of county judge in Rutherford County. The governor would appoint a county judge until the regular August election in 1934.
5. Private Acts of 1933, Chapter 280, amended Private Acts of 1931, Chapter 353, so as to alter the method of administering insolvent estates in Rutherford County and by enlarging the jurisdiction of the Court in regard to these estates and those of minors and persons under disability. The power over insolvent estates was transferred from the Chancery Court to the County Court, procedures to be followed being detailed in the Act. The authority for the County Judge to interchange with Chancellors and Circuit judges was granted by inserting a new Section 6-D to that effect. This Act was repealed by Private Acts of 1965, Chapter 24.
6. Private Acts of 1947, Chapter 366, stated in the preamble that the administration of the Social Security Law had greatly increased the duties of the County Judge, and a great number of the Justices of the County has requested the General Assembly to increase the salary accordingly, therefore this Act grants additional compensation of \$1,100 per year to the Judge, payable monthly. This Act was repealed by Private Acts of 1963, Chapter 226, Page 707.
7. Private Acts of 1967-68, Chapter 448, would have replaced the office of County Judge with the office of County Administrator. The individual would have and exercise the powers and duties of the County Judge, except certain judicial functions. All judicial duties of the County Judge were transferred to the Judge of the Court of General Sessions. This Act never received local approval and did not become effective.
8. Private Acts of 1972, Chapter 383, would have transferred all judicial functions exercised by the County Judge to the Chancery Court of Rutherford County. The office of County Judge would be redesignated as the "County Administrator of Rutherford County." This Act never received local approval and did not become effective.
9. Private Acts of 1973, Chapter 1, would have made the office of County Judge exclusively an executive and administrative office, removing all of its judicial functions but retaining the title "County Judge." The County Judge would be elected for a four year term. This Act never received local approval and did not become effective.
10. Private Acts of 1973, Chapter 2, was similar to Private Acts of 1973, Chapter 1, except the compensation of the County Judge was set at \$17,500 per year. This Act never received local approval and did not become effective.
11. Private Acts of 1974, Chapter 187, amended Private Acts of 1931, Chapter 353, as amended by Private Acts of 1933, Chapter 280, and Private Acts of 1965, Chapter 24, by deleting sections 5, 6, 7, 10, 12 and 13. Before June 1, 1974 the county election commissioners held a special election giving voters the opportunity to vote for or against a four (4) year term for the county judge.
12. Private Acts of 1977, Chapter 64, authorized the Rutherford County Judge to administer any oath provided for under the Tennessee Constitution or any other provision of law.

### **County Register**

The following acts once affected the office of county register in Rutherford County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1820 (Ex. Sess.), Chapter 126, authorized and required the Register of the Land Office for West Tennessee on or before January 1, next, to move all the records, books, and public documents, belonging to his office, to the seat of government (Murfreesboro at that time), where he would keep the office and do and perform all the duties and responsibilities of the Register. The Act requiring the Register to keep his office at Nashville was repealed. The office could be kept by the Register, or a Deputy, but the Register was answerable for the acts of the Deputy.

2. Private Acts of 1919, Chapter 274, allowed females, married or single, over the age of 21 and a resident of the county of appointment, to serve as a Deputy in the office of the Register of Rutherford County, imposing upon them all the obligations and duties of any other Deputy Register, and denying them the right to plead coverture to any action by their acceptance of the job and estopping them to deny liability for their actions on the ground of their being women. This Act was repealed by Private Acts of 1979, Chapter 138.
3. Private Acts of 1933, Chapter 876, set the annual salaries for several officials in Rutherford County. The salary of the Register would be \$2,500 per year if the fees of the office reached that amount. If the fees exceeded that amount, the surplus would be paid into the county treasury. Expenses of the office would continue to be paid as the law now provided.
4. Private Acts of 1959, Chapter 44, directed that in Rutherford County all deeds, mortgages, deeds of trust, subdivision plots, tract maps, and all other instruments vesting or divesting title to or in real property be first presented to the Tax Assessor's office from which the Tax Assessor must extract some specified information and stamp the instrument to that effect, for all of which a fee of fifty cents could be charged, before the Register of the County was permitted to record the same. Unless the above were fully complied with the transfer of property would not become effective, as to the creditors of the bargainor or grantor. This Act was repealed by Private Acts of 1975, Chapter 40.
5. Private Acts of 1973, Chapter 127, was the legislative authority for Rutherford County to adopt an official property identification map which would assign a number, or some other symbol of identification to every piece of property in the County. After the adoption of the Map, the Register could not record any deed unless it contained the identification numbers and a statement of whether it was improved property, or not, and the Post Office address of the property and its owner, or owners. The numbers were not designated as a part of the official description of the property and could be noted in the margins or some other appropriate spot. This Act was repealed by Private Acts of 1975, Chapter 41.

### **County Trustee**

The following acts once affected the office of county trustee in Rutherford County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1815, Chapter 48, required that after January 1, next the Treasurers, or Trustees, of the Counties of Greene and Rutherford, keep their respective offices at the towns of Greeneville and Murfreesborough, any law to the contrary notwithstanding.
2. Acts of 1823, Chapter 232, authorized and directed the Treasurer of West Tennessee to pay over to the Trustee of Rutherford County the sum of \$61.10 the same being so much of the revenue of Rutherford County which was raised and collected by the Sheriff of the County in 1821, and paid by mistake into the State Treasury when the money should have been paid to the County.
3. Private Acts of 1917, Chapter 597, provided that the County Trustee of Rutherford County would give one bond to the State of Tennessee for the State's use and benefit, and another bond for the use and benefit of the County in the sum of one-fourth of the total taxes collected for State and County purposes during the year immediately preceding the year of the bond, as the taxes were reported in the State Comptroller's Office.
4. Private Acts of 1919, Chapter 274, granted to all females, married or single, over the age of 21, and residents of the county appointing them, the right to serve as a Deputy in the County Trustee's office, assuming all the obligations and duties in the same manner as anyone else, and by their acceptance of the position were estopped to plead any defense of coverture or to deny any legal liability because they were women. This Act was repealed by Private Acts of 1979, Chapter 138.
5. Private Acts of 1933, Chapter 876, fixed the salaries of several county officials in Rutherford County among which the sum of \$3,000 was prescribed to be paid to the Trustee each year, but only when the fees collected in the Trustee's office amounted to that much, and the surplus, if any, would be paid into the county treasury, and accounted for. All expenses of the office would continue to be paid by the county as the law permitted.
6. Private Acts of 1935, Chapter 820, authorized the Quarterly County Court to empower the Trustee to stamp a prescribed endorsement on the county warrants issued by the Board of Education when the available funds were not enough to pay the same, which endorsement specified that 6% interest would be paid on the amount of the warrant from the date of endorsement until the date of payment.



7. Private Acts of 1947, Chapter 4, amended Private Acts of 1935, Chapter 820, so as to change the payment of interest on school warrants from an arbitrary 6% to an amount which would be less than and which could not exceed 6% in any circumstances.

### **Parking Commission**

1. Private Acts of 1949, Chapter 777, authorized the Quarterly Court of Rutherford County to elect a Parking Committee of three of their members to serve for a two year period, to regulate and control parking on county property connected with or adjacent to the Court House and Square, to erect and manage parking meters, if and when installed, and to remove any parking meters which may be situated on the above mentioned area, or to contract with those who have installed the existing meters, whichever seems to be the most expedient. This Act was repealed by Private Acts of 1959, Chapter 173. This Act was discussed in Rutherford County v. City of Murfreesboro, 309 S.W. 2d 778 (1958).

### **Purchasing**

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

1. Private Acts of 1933, Chapter 281, vested the authority in the Quarterly Court of Rutherford County to set up a purchasing agency composed of not more than three County Officials whose duty it was to purchase supplies and equipment and to enter into contracts for labor or services which are chargeable to counties under the law. The Court was enabled by Resolution, properly adopted, to designate the county officials, one of whom would be the County Judge, or Chairman, who would serve as the agency and to prescribe in the same manner such rules and regulations as might be necessary. All conflicts were repealed except that this Act would in no way affect Private Acts of 1931, Chapter 353, which regulated the County Judge's office.
2. Private Acts of 1972, Chapter 410, enacted a system of accounting, budgeting, and set up purchasing procedures for Rutherford County which would have repealed several earlier acts on these same subjects but this act was not acted on by the Quarterly Court being thus nullified. A seven member County Purchasing Committee was created who would appoint a County Purchasing Agent.
3. Private Acts of 1974, Chapter 184, created a County Purchasing Committee of seven members, one of whom would be the County Judge. The Committee would appoint a County Purchasing Agent whose duties were specified in the Act. This Act was not approved by the Quarterly Court thereby failing to become operative.
4. Private Acts of 1974, Chapter 355, amended Private Acts of 1974, Chapter 184, rewriting the paragraph on the salary of the Director of Budgets and Accounts so that the salary would be set by the Quarterly Court upon the recommendation of the Budget and Finance Committee, but the salary could not exceed the salary of the County Trustee. This Act was also rejected by the Quarterly Court as was the Act it purported to amend.
5. Private Acts of 1975, Chapter 39, provided for a Purchasing Agent to be appointed by the Purchasing Committee, who must be bonded, and qualified in the field of purchasing. The salary would be set annually by the Quarterly Court who must furnish the Purchasing Agent an office which the agent must keep open during regular hours. Several specific powers and duties are mentioned in the Act. A purchasing committee of seven members was devised, one of whom would be the County Judge, one would come from the School Board, one from the Highway Commission, and four from the Quarterly Court. The Committee, with the agent, would promulgate the rules and regulations in accordance with the general restrictions laid down in the Act as they were specified in regard to the information of contracts and procedures to be followed in the solicitation and award of bids. Nothing could be bought unless the funds were available to pay for it except under the conditions formulated in the act. All personal interest in contracts, rebates, and gifts was prohibited and forbidden under penalty. This Act was rejected by the Quarterly Court of Rutherford County.
6. Public Acts of 1977, Chapter 87, increased the minimum dollar amount from \$500 to \$1,500 for which advertised sealed bids were required. The official records from the Secretary of State's office show that no action was ever taken by the County Commissioners on this act.
7. Private Acts of 2017, Chapter 17, deleted and replaced Private Acts of 1943, Chapter 421, as amended, the Rutherford County Purchasing Act. The Private Acts of 2017, Chapter 17, enacted the "Rutherford County Purchasing Act of 2017."

### **General References**

The following private or local acts constitute part of the administrative and political history of Rutherford 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 1803, Chapter 43, stated that Robert Weakley and Thomas Bedford had laid off a town in the forks of the Stones' River in Rutherford County and had sold a number of lots located therein, which would be called by the name of Jefferson. This Act further appointed Thomas Bedford, James Sharp, Mark Mitchell, Joseph Herndon, and Alexander McCulloch, as Commissioners, to regulate the said town.
2. Acts of 1804 (Ex. Sess.), Chapter 23, commissioned John Hill, Frederick Barfield, Mark Mitchell, Alexander McKnight and Fred LeGrande, with full authority to select a site for the County Seat for Rutherford County, having regard for water and the center point of the County, and to contract for the erection of the Court House, prison, and stocks. The Commissioners could pass good and valid title to any of the lots sold.
3. Acts of 1811, Chapter 33, recited that it appeared to the General Assembly that the town of Jefferson is not near the center of Rutherford County and the courts ought to be held in some other place. This Act appointed Charles Readye, Hugh Robinson, Hans Hamilton, James Armstrong, Owen Edwards, Jesse Brasher, and John Thompson, Sr., to fix on a place near the center of the County and purchase 60 acres of land, reserving two acres for the Public Square, which town would be called Cannonsburgh. The Commissioner were empowered to sell lots, and to build, or cause to be built, a Court House, prison, and stocks in said town. All offices and courts would be moved to the new town. See *Rutherford County v. City of Murfreesboro*, 309 S.W.2d 778 (1958).
4. Acts of 1811, Chapter 35, stated that the Surveyor's office of the Second Surveyor's District had been kept at Jefferson which was inconvenient for the greater part of the District, therefore, after January 1, next, the principal surveyor would maintain his office at Shelbyville to which all the records and documents must be moved. The move, however, had to be publicly advertised in Rutherford County and in Nashville before taking place.
5. Acts of 1811, Chapter 104, repealed so much of Acts of 1811, Chapter 33, directing Commissioners to select a County Seat for Rutherford County which would name the county seat Cannonsburg, and from hereafter the name of the town would be called Murfreesborough. See *Rutherford County v. Murfreesboro*, 43 Tenn App. 489, 309 S.W.2d 788 (1958).
6. Acts of 1813, Chapter 13, commissioned Joel Childress, Joel Dyer, John M. Telford, Abraham Thompson, Alexander Carmichael, Burwell Ganaway, and Blackman Coleman, with full power and authority to regulate the town of Murfreesborough.
7. Acts of 1813, Chapter 84, directed the County Court of Rutherford County to pay the balance of money arising out of the sale of lots in Murfreesborough, after settling up with the Commissioners appointed to establish the town, to the present Commissioners for the use and benefit of the said town.
8. Acts of 1815, Chapter 27, declared it lawful to inspect tobacco, flour, hogs, lard, butter, hemp, kiln dried corn meal, and other articles in the town of Jefferson in Rutherford County. Any person desiring to do so could erect a warehouse in which to do the inspecting, after petitioning the County Court for an order.
9. Acts of 1815, Chapter 72, repealed four sections of the Acts of 1813, Chapter 13, regulating the town of Murfreesborough and substituted a different set of rules and laws in their place. See *Rutherford County v. Murfreesboro*, 43 Tenn. App. 489, 309 S.W.2d 778 (1958).
10. Acts of 1817, Chapter 10, stated that it appeared to the General Assembly that the Commissioners heretofore appointed by a previous Act to regulate the town of Murfreesborough had completed their duties and the Rutherford County Court had made an allowance to them for their services, but the present Commissioner had commenced an action against them to obtain the said allowances, this law repealed all Acts which would prohibit the payment of these allowances to the first Commissioners, and required the present Commissioners to dismiss their suit and pay the costs incurred.
11. Acts of 1817, Chapter 30, incorporated the City of Murfreesboro.
12. Acts of 1819, Chapter 121, appointed Benjamin Deckard as a Notary Public in Rutherford County.
13. Acts of 1820, Chapter 59, stated a representation had been made to the General Assembly that the public convenience would be promoted by the establishment of a town on the lands of Gideon Thompson, in Rutherford County. This Act permitted a town to be laid off into proper streets,

- alleys, and lots on the land mentioned above, which would be called by the name of Milton.
14. Acts of 1823, Chapter 262, emancipated Mary Alley, wife of William Alley, of Rutherford County, who would have all the rights and privileges of a feme sole, to sue and be sued, to contract and to hold property in her own name.
  15. Acts of 1825, Chapter 187, made it lawful for the heirs and representatives of John Sharp, deceased, to execute a deed of conveyance to Abraham W. Cannon, and his wife, Mary, for 150 acres of land in Rutherford County, which deed must be duly registered.
  16. Acts of 1826, Chapter 194, was the authority for William B. Clayton to peddle merchandise in Rutherford County if he applied to the County Court Clerk and made oath that he would not sell at retail any goods except his own, whereupon the Clerk would issue him a license.
  17. Acts of 1833, Chapter 160, permitted Hartwell Miles, of Williamson County, to hawk and peddle goods, wares, and merchandise in both Williamson and Rutherford Counties without having to obtain a license.
  18. Acts of 1833, Chapter 164, permitted Eli A. Seay, of Williamson County, to hawk and peddle in Rutherford and Williamson Counties, without having to obtain a license.
  19. Acts of 1869-70, Chapter 23, incorporated Smyrna in Rutherford County under the Mayor-Aldermen form of Charter, naming as officers, the Mayor, five aldermen, a Town Constable, and a Town Treasurer. The Mayor would act as Recorder. All would be elected to one year terms.
  20. Acts of 1887, Chapter 107, authorized and empowered the Funding Board of Tennessee, composed of the Governor, the Comptroller, and the Treasurer, to fund for the benefit of Henry Gregory, of Rutherford County, the mutilated \$500 Bill of Tennessee money belonging to Mr. Gregory, which was numbered 243.
  21. Acts of 1897, Chapter 124, was a statewide salary Act which fixed the annual salary of county officials according to the population of the county in which they served. All fees and other income of the offices were declared to be the property of the County for which they would be held accountable. The office holders were required to file a sworn, itemized statement on the first Monday in each month showing the total amount of fees and income collected in the office for that month. This Act was declared unconstitutional in *Weaver v. Davidson County*, 104 Tenn. 315, 59 SW 1105, (1900).
  22. Private Acts of 1927, Chapter 106, was the legal power and authority for the Quarterly Court of Rutherford County to make appropriations of money and bind the credit of the County for sites and buildings to encourage the development of enterprises and industry for the manufacture of the County's agricultural products. A Resolution could be considered and adopted by the Quarterly Court which would relate all the essential details.
  23. Private Acts of 1927, Chapter 577, allowed the Quarterly Court of Rutherford County to appropriate and spend up to \$5,000 each year to advertise through the press, or otherwise, with a view to inducing persons and capital to locate in the County. Section 2 specified that all proper records be kept so that a strict accounting of the appropriation could be had at any time.
  24. Private Acts of 1927, Chapter 580, amended Private Acts of 1927, Chapter 106, by adding a provision that the appropriations authorized therein would be paid out of the fines and forfeitures paid into the County Treasury for the use of the Counties by the Circuit Court Clerks and Magistrates, which must be kept in a separate account by the Trustee.
  25. Private Acts of 1929, Chapter 767, amended part of the County Road Law, Private Acts of 1927, Chapter 313, by permitting the use of the prisoners at the Workhouse and the county road equipment to aid and assist enterprises coming into Rutherford County get established.
  26. Private Acts of 1929, Chapter 920, was the authority to use all the funds on hand in the Rutherford County Treasury, which were collected for special purposes, for which special tax levies might have been made, which now had been assumed by the State. The Quarterly Court could transfer these funds into other lawful funds to be used for other purposes.
  27. Private Acts of 1931, Chapter 788, restored W. H. Garrett, a citizen of Rutherford County, to full citizenship, which included the right to hold office under the laws and Constitution of the State.
  28. Private Acts of 1933, Chapter 32, vested Rutherford County with all the rights, powers, and privileges which an individual citizen would have in a like position under the Constitution and law in connection with liens on real estate. The Quarterly Court could by proper Resolution designate two county officials, or the County Judge, or Chairman, or the County Court Clerk in order that all the above might be accomplished.
  29. Private Acts of 1933, Chapter 60, removed all the disabilities of minority from Edmund B. Allen,

- Jr., of Rutherford County.
30. Private Acts of 1933, Chapter 272, removed the minority of Ralph Kelton, of Rutherford County, who is now in his 21st year and soon to be a graduate of the Lebanon School of Law, and desiring to take the next Bar Examination in the State of Tennessee, and begin law practice as soon as possible.
  31. Private Acts of 1933, Chapter 274, emancipated Lucy Connell from all the disabilities of her minority, conferring upon her all the rights and privileges of adulthood.
  32. Private Acts of 1933, Chapter 278, authorized the Quarterly Court of Rutherford County to borrow money to pay current expenses of any and all departments of the said County under the limitations in the Act.
  33. Private Acts of 1933, Chapter 802, moved Willie Clyde Gilbert, of Rutherford County, from his minority into all the rights, privileges, and obligations of being an adult. No special circumstances were cited.
  34. Private Acts of 1933, Chapter 838, was the authority for the Quarterly Court of Rutherford County to protect their public buildings by accumulating a reserve account out of which might be paid the cost of reconstruction of any public building destroyed by fire, or otherwise. This reserve account could be created by a tax levy and preserved by investment in safe securities which could be readily realized if the need arose. Schools might be included within the purview of this Act. Any matter connected herewith which needed to be made public could be published in a newspaper.
  35. Private Acts of 1937, Chapter 27, removed the disabilities of minority from Sam B. Sherrill, Jr., of Rutherford County.
  36. Private Acts of 1939, Chapter 359, created a five member Board of Fair Commissioners consisting of the County Judge and four members elected by the Quarterly Court. The County Court was authorized to levy a property tax of one cent per \$100 assessed valuation for the Fair Fund for the purpose of maintaining and operating a divisional fair. This Act was repealed by Private Acts of 1979, Chapter 138.
  37. Private Acts of 1971, Chapter 186, which was not acted on by the Rutherford County Quarterly Court and was thus nullified, was the authority for the Quarterly Court to acquire from the United States Government, the State Government, or any other governmental agency or authority, any real or personal property which has been declared surplus, including a portion of Sewart Air Force Base and the Wherry and Capehart housing areas. The purchase could be financed by any method available. The Act further authorized the Court to dispose of, improve, or encumber, any property acquired, and to enter into any contracts in connection with it

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