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Administration - Historical Notes

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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County Attorney

The following acts once affected the appointment, election, or office of the county attorney in Putnam County. These acts are included for historical reference only. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1911, Chapter 586, established the position of County Attorney for Putnam County who would be appointed by the Governor and hold office until the next January term of the Quarterly Court at which time the County Attorney would be elected by the Court for the ensuing year. An annual salary of \$400, which could not be increased or diminished during the term of office, was provided for this official. The County Attorney would transact all the legal business of the County in court, or otherwise, and no county official had the authority to employ another attorney except at his own personal expense. This Act was repealed by Private Acts of 1945, Chapter 426.
2. Private Acts of 1915, Chapter 421, amended Private Acts of 1911, Chapter 586, by providing that the County Attorney would be elected by the Quarterly Court of the county at its January meeting in 1916 for a term to last until the general August election in 1916 when the Attorney's successor would be elected for two years by popular vote. The annual salary was \$400 which could not be changed during the term. This Act was repealed by Private Acts of 1945, Chapter 426.
3. Private Acts of 1929, Chapter 636, amended Private Acts of 1915, Chapter 421, by increasing the term of office for the County Attorney from two years to four years and by raising the annual salary from \$400 to \$1,000. This Act was repealed by Private Acts of 1945, Chapter 426.
4. Private Acts of 1949, Chapter 459, as amended by Private Acts of 1961, Chapter 389, and Private Acts of 1974, Chapter 349, created the office of county attorney, defined duties, set compensation, and named C. A. Cameron to fill the position of county attorney until September 1, 1950. This act was repealed by Private Acts of 1996, Chapter 200.

County Legislative Body

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

1. Private Acts of 1919, Chapter 323, fixed the per diem rate of pay for the Justices of the Peace in Putnam County at \$3 for each day of attendance at any regular, or called, session of the Quarterly Court, plus such mileage, ferriage and tolls as were allowed under the general law.
2. Private Acts of 1941, Chapter 226, provided that the Quarterly Court of Putnam County would hereafter meet in regular session on the second Monday in January, April, July, and October instead of the first Monday as fixed by general law.
3. Private Acts of 1969, Chapter 30, amended Private Acts of 1919, Chapter 323, by increasing the per diem payments for the Justices of the Peace from \$3 to \$25 per day for each day of attendance at regular, or called, meetings of the Court. This Act also repealed the mileage, ferriage and tolls allowances. This Act has been superseded by T.C.A. 5-5-107.

County Mayor

The references below are of acts which once applied to the office of county judge, or county executive in Putnam 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, set up the office of County Judge in every county of the State who would be a person learned in the law and elected by the people for terms of four years. The first election would occur at the general election in 1856 under same regulations as other elections. The Judge must be sworn and commissioned as other Judges were. Quorum Courts were abolished and their responsibilities given to the County Judge who would also preside over the Quarterly Court in place of the Chairman whose duties were also assumed. The Court would meet on the first Monday in every month and the agenda of the Quarterly Court would be disposed of first on the days that Court met. The jurisdiction of the Judge and the Court were spelled out in the Act. The County Judge would also be the accounting officer and general agent of the County and, as such, do and perform the duties enumerated in Section 8 in nine specific assignments. The County Judge was free to practice law in any court except in cases arising from his Court. This Act was repealed by Acts of 1857-58, Chapter 5.
2. Acts of 1875, Chapter 70, abolished the Quorum Courts and vested all their powers and

jurisdiction in the Chairman of the County Court. The Chairman was also vested with all the powers, duties and privileges conferred on County Judges.

3. Acts of 1891, Chapter 206, created and regulated the office of County Judge in Putnam County, who would be elected by the voters of the County on the first Thursday in August, 1892, and every eight years thereafter. The County Judge must be of good moral character, learned in the law, thirty years of age or older, and a resident of the county. The Judge would be sworn and commissioned as were other Judges and would have and exercise all the rights, privileges, powers and jurisdiction formerly held by the Chairman of the County Court. This Act amended Acts of 1875, Chapter 70, to conform to the terms of this Act, and the office of County Chairman was abolished after the first Monday in May, 1891. The County Judge would preside over both the county courts and be paid an annual salary of \$350. This Act was repealed by Private Acts of 1949, Chapter 268.
4. Private Acts of 1909, Chapter 581, amended Acts of 1891, Chapter 206, by raising the annual salary of the County Judge from \$350 to \$600.
5. Private Acts of 1925, Chapter 798, amended Private Acts of 1919, Chapter 482, which did not apply to Putnam County, by adding a new Section after Section Five which provided that the qualifications of the County Judge as required by that act would not be so construed as to require the County Judge to be a legally qualified or practicing attorney. This Act was applicable only to Putnam County. This Act was superseded by Article VII, Section I of the 1978 Amendments to the Tennessee Constitution.
6. Private Acts of 1943, Chapter 143, established the qualifications of the County Judge of Putnam County who must be a resident of at least five years, thirty years of age or older, trained in business and learned in the law. The Judge would also be the general agent and accounting officer of the County who was required to keep the books and records specified in the act. The county judge must issue the warrants for the payment of money and report of the County Court on the financial condition and affairs of the County. The Judge was permitted to deputize a clerk to sign his name but only after that Clerk was sworn and bonded. The Clerk's compensation could not exceed \$720 annually. The Judge would be paid, as fixed by Acts of 1891, Chapter 206, and Private Acts of 1909, Chapter 581, \$600 annually but would be paid \$1,800 a year as additional compensation for his other duties. Nothing in this act would be construed as interfering with the incumbent Judge's tenure of office. This Act was repealed by Private Acts of 1949, Chapter 268.
7. Private Acts of 1945, Chapter 278, amended Private Acts of 1943, Chapter 143, by increasing the maximum annual salary of the clerk from \$720 to \$1,020.
8. Private Acts of 1949, Chapter 458, created the office of County Judge of Putnam County effective September 1, 1950. The Judge would be popularly elected to an eight year term, be paid \$3,000 per annum, and receive \$1,800 per year for clerical and stenographic assistance. He would possess the same qualifications required of Circuit Judges, could sit by interchange with the Judge of the General Sessions Court, and serve as fiscal agent for the County. In addition, he would be the purchasing agent for all county departments except the County Board of Education. This Act was repealed by Private Acts of 1981, Chapter 63.
9. Private Acts of 1959, Chapter 166, amended Private Acts of 1949, Chapter 458, by setting the compensation of the County Judge as provided by general law. The Quarterly County Court was authorized to set the compensation of clerical help appointed by the Judge. This Act was repealed by Private Acts of 1981, Chapter 63.
10. Private Acts of 1972, Chapter 395, created the office of County Manager for Putnam County to be elected to a four year term by the voters of the County. He would exercise the same duties, authority, powers and jurisdiction, except those of a judicial nature, as were exercised by the County Judge. His salary was set at \$15,000 per annum. The office of County Judge was abolished and all of its judicial powers transferred to the Judge of the Probate Court of Putnam County. This Act did not receive local approval and never became effective law.

Purchasing

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

1. Private Acts of 1941, Chapter 373, was the authority for the Putnam County Quarterly Court to elect a competent person to be the purchasing agent of the county for one year at an annual compensation of \$600, payable monthly, who would be responsible for buying all the supplies needed for the proper support and maintenance of any and all institutions operated by the county

except the roads and schools. All purchases over \$50 would be by competitive bids solicited pursuant to the rules to be promulgated by the Purchasing Agent and the Advisory Purchasing Commission. The Advisory Commission would consist of three people appointed by the Quarterly Court for two years who would be paid \$20 a year. The Purchasing Agent could require security from bidders under certain circumstances. The Agent could appoint a clerk to assist him in the performance of his duties and serve as the secretary to the Advisory Purchasing Commission. The Clerk would be paid \$150 a year, payable monthly out of regular county funds. Emergency purchases could be made if certain conditions were met without observing the formalities of this law. This Act was repealed by Private Acts of 1949, Chapter 163.

2. Private Acts of 1943, Chapter 174, amended Private Acts of 1941, Chapter 373, so as to increase the term of office of the Purchasing Agent from one year to four years. The 1941 Act was further amended to give the Purchasing Agent the sole authority to adopt rules and by abolishing the Advisory Purchasing Commission. This Act was repealed by Private Acts of 1949, Chapter 163.
3. Private Acts of 1949, Chapter 458, made the County Judge the Purchasing Agent of the County for all departments except the schools. This Act was repealed by Private Acts of 1981, Chapter 63.

General Reference

The following private or local acts constitute part of the administrative and political history of Putnam 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 1842 (Ex. Sess.), Chapter 11, appropriated \$225 with which to purchase 45 copies of the Nicholson and Carruther's Digest of the Statute Laws of Tennessee which were to be distributed to the counties of Polk, Van Buren, and Putnam.
2. Acts of 1843-44, Chapter 206, appointed James Bartlet, James Jackson, William R. Vance, Edward Anderson, and John Bohannan, as Commissioners to locate and establish the seat of justice in Putnam County but in doing so they could not go east of White Plains, nor west of Cheek's old place on the road from Gainsborough to Sparta. An election would be held in the event agreement could not be reached on the county seat. When a site was agreed upon, the streets of the town would be laid off and suitable public buildings erected wherein the Judge of the Circuit Court would hold the terms of the Court. The name of the county town would be Monticello.
3. Acts of 1843-44, Chapter 236, was an Act similar to Acts of 1843-44, Chapter 206, except that it corrected the spelling of James Bartlett, William B. Vance and Check's.
4. Acts of 1845-46, Chapter 75, cited in the preamble the decision of Chancellor Bromfield L. Ridley, in Livingston, that the Act creating Putnam County was unconstitutional because the Act reduced the territorial area of both Jackson County and Overton County to less than the minimum specified in the Constitution of Tennessee, but, during the time of the Act establishing the County and the court decision abrogating it, many acts had been accomplished such as marriages, court decisions, registration of deeds and other instruments, and many others which needed to be validated. This Act ratified, confirmed, validated, and legalized all those deeds. (The style of the subject case was Patrick Pool and William Goodbar v. William H. Carr, but we have no other citation).
5. Acts of 1853-54, Chapter 152, made it the duty of the Quarterly Court of Putnam County to levy and collect a tax sufficient for the purpose of paying for the surveying of the County and to pay the Commissioners appointed by the Act establishing the County a reasonable compensation for their services in the reorganization of the County.
6. Acts of 1867-68, Chapter 65, established a three member Board of County Commissioners who would serve three year terms, the initial terms being staggered so that one would be elected each year. The Commissioners must be sworn and bonded and meet at least four times each year. The remaining members of the Board would fill any vacancy which might occur. The duties and powers of the Quarterly Court were all vested in the Board and Magistrates were stripped of their authority and relieved of all their duties. The Chairman of the Board in Putnam County would be paid \$200 each year and each of the associate members \$150 each year. This Act was repealed as to Putnam County by Acts of 1869-70, Chapter 6.
7. Acts of 1869-70, Chapter 49, repealed Acts of 1867-68, Chapter 65, and revived all laws repealed by Acts establishing County Commissioners.
8. Acts of 1869-70, Chapter 119, was identical to Acts of 1869-70, Chapter 49.
9. Acts of 1897, Chapter 124, set the annual salary for several county officials which was based upon the population of the respective county in which they served. All fees collected in their offices

were declared to be the property of the County and would be paid over to the Trustee and strict accounting rendered. The compensation provided in this Act would be in the place of all other salary and emoluments. This Act was declared unconstitutional in the case of *Weaver v. Davidson County*, 104 Tenn. 315, 59 SW 1105 (1900).

10. Private Acts of 1909, Chapter 570, was the authority for the Quarterly Courts of the Counties of Putnam, Dickson, and Franklin, to adopt a Resolution to contract with a bank, or banks, which would make the highest bid to pay interest on the monthly balances deposited in the bank by the County. The County Judge was given the authority to execute the contract and to carry it out as the Resolution might direct. The County Trustee was instructed and obligated to deposit the county funds to conform to the agreement. The bank which was the successful bidder must submit an itemized statement of the status of the account by the 15th of each month to the Trustee who would pass the information on to the Quarterly Court.
11. Private Acts of 1911, Chapter 653, stated that in Putnam County and in Claiborne County, women who were eighteen years, or more, of age and otherwise possessing the necessary qualifications would be eligible for election to the office of Notary Public.
12. Private Acts of 1933, Chapter 257, removed the disabilities of infancy from Pauline E. Tallman, of Putnam County, and granted to her all the rights and privileges, and all the responsibilities of an adult.
13. Private Acts of 1933, Chapter 896, amended Section 6019, of the Code of Tennessee for the year 1932, to provide that, in Putnam County banks could be granted Chapters and permits issued to them to organize with a minimum paid up capital stock of \$5,000, and a paid up surplus of not less than 50% of the capital stock of the Bank, but at least 25% of all the deposits in the Bank must be kept available at all times.
14. Private Acts of 1935, Chapter 112, removed the infancy status of Inez Burgess, of Putnam County, who could exercise and enjoy all the prerogatives of an adult after the passage of this act including the authority to settle all her affairs with her guardian. Private Acts of 1935, Chapter 444, was identical to this Act.
15. Private Acts of 1935, Chapter 425, dissipated the minority of Robert Carr, of Putnam County, granting to him the authority to conduct himself as an adult in all things including the conveyances of real estate.
16. Private Acts of 1974, Chapter 166, was the enabling legislation for the Putnam County Quarterly Court to appropriate money and direct the payment of compensation to the widow of Charles Olen Maxwell who was killed while engaged in the course of his duties as an employee of Putnam County, said benefits to be limited to those allowed under the Workmen's Compensation Law of Tennessee. This Act was properly ratified by the Quarterly Court of Putnam County.

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