



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

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# Administration - Historical Notes

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

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

Sincerely,

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# Administration - Historical Notes

## **County Attorney**

The following act once affected the appointment, election, or office of the county attorney in Franklin County. This act is included for historical reference only.

1. Acts of 1901, Chapter 464, created the office of County Attorney of Franklin County. The officer was to be elected by the Quarterly Court for a term of one year. The County Attorney would transact all legal business of the county, and would advise county officials concerning the legal affairs of their offices. No official was permitted to employ any other legal counsel except at his or her personal expenses.

## **County Clerk**

The following acts once affected the office of county clerk in Franklin County. They are included herein for historical purposes.

1. Public Acts of 1825, Chapter 259, authorized the Sheriff and the Clerks of the County Court and Circuit Court of Franklin County to have their respective advertisements and orders published in the Franklin Gazette.
2. Private Acts of 1915, Chapter 311, conferred upon females over the age of twenty-one years and who resided in Franklin County, the eligibility for appointment as Deputy County Court Clerk, Deputy County Register of Deeds, and Deputy Clerk and Master of the Chancery Court. A female accepting an appointment could not then plead coverture as a defense to a suit brought against her on an obligation or on account of a liability incurred by her in her official capacity.
3. Private Acts of 1933, Chapter 141, fixed the compensation of the County Clerk of Franklin County, beginning September 1, 1934, at a sum equal to the total annual fees or other monies collected by the County Clerk, except that any amount in excess of \$2,500 had to be turned into the public treasury.

## **County Executive**

The references below are of acts which once applied to the office of county judge, or county executive in Franklin 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 county in the state, the officer to be elected by the people for four-year terms. The County Judge was to be learned in the law and sworn and commissioned as were other Judges. Quorum Courts were abolished and all the duties of those Courts were assigned to the County Judge who would preside over the quarterly sessions of the County Court. The jurisdiction of the County Court was specifically outlined in the act. The County Judge would be the accounting officer and general agent of the County, discharging the duties enumerated in the act.
2. Public Acts of 1857-58, Chapter 5, expressly repealed Acts of 1855-56, Chapter 253, above, in its entirety, and restored all Quorum Courts to their former status.
3. Public Acts of 1867-68, Chapter 47, created the office of County Judge in Franklin, Lincoln, Hamilton, Lawrence, and Giles Counties, the officer to be elected by the qualified voters for a term of eight years. The County Judge would preside over the County Court at its quarterly sessions and exercise the powers and jurisdiction of the Quorum Court which was abolished. The judge was the accounting officer and general agent of the County being required to perform the duties specified for each.
4. Public Acts 1869-70, Chapter 103, continued the office of County Judge in Franklin County, stating that there would be one County Judge under the Act of February 25, 1868, creating the office of County Judge, and that the qualified person receiving the greatest number of votes in an election set for the fourth Saturday of March, 1870, would hold the office.
5. Private Acts of 1929, Chapter 136, authorized and empowered the County Judge of Franklin County to grant fiats for writs of injunction, attachment, replevin, certiorari and supersedeas, habeas corpus and any and all other writs and processes for the issuance of which an order or fiat is required, in the same way and to the extent that Chancellors and Circuit Judges of the state were authorized to do. The officer was further authorized to hold habeas corpus hearings and the County Court Clerk was to keep a docket and all the records for the County Judge.
6. Private Acts of 1939, Chapter 55, provided that any vacancy in the office of County Judge in Franklin County would be filled in the same manner as vacancies in the offices of Chancellors and

Circuit Judges.

7. Private Acts of 1939, Chapter 56, amended Private Acts of 1869-70, Chapter 103, above, by adding a provision that vacancies in the office of County Judge would be filled in the same manner as vacancies in the office of Chancellors and Circuit Judges.
8. Private Acts of 1951, Chapter 369, repealed Private Acts of 1939, Chapter 56, above, in its entirety.
9. Private Acts of 1951, Chapter 370, amended Private Acts of 1939, Chapter 55, above, by granting authority to the County Court to fill vacancies in the office of County Judge.

### **County Legislative Body**

The following acts once applied to the quarterly court or the county legislative body of Franklin County and are included herein for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1807, Chapter 53, directed that the County Courts in the Winchester District would be held on certain dates, the Franklin County Court to meet on the fourth Monday in January, April, July and October.
2. Acts of 1807, Chapter 72, established Franklin County and provided that a County Court be held in the County Justices of the Peace at the home of William Russell on the fourth Monday in January, April, July, and October, in each year. The County Court had the same power and jurisdiction and was to be held under the same laws, rules, and regulations as other county courts in the state,
3. Acts of 1809, Chapter 93, provided that the Franklin County Court of Pleas and Quarter Sessions would be held on the fourth Monday of January, April, July and October.
4. Acts of 1812, Chapter 68, scheduled the County Court of Franklin County to be held on the third Monday of February, May, August and November.
5. Acts of 1813, Chapter 134, changed the meeting dates of the County Court to the first Monday in January, April and October.
6. Acts of 1815, Chapter 186, stated that because it was impractical to transact the business of the County Court within the time allowed by law, the term of the County Court would begin on the last Monday in June and December, and continue for two weeks, but the April and October terms were to continue without change.
7. Acts of 1817, Chapter 138, set the County Court terms in Franklin County to begin on the fourth Monday in February, May, August and November. They were to be held for two weeks unless the business of the court was finished sooner.
8. Private Acts of 1822, Chapter 123, authorized the Court of Pleas and Quarter Sessions to hold its term for three weeks if the business of the Court so required.
9. Private Acts of 1826, Chapter 78, regulated the terms of the County Courts in Franklin and other counties.
10. Public Acts of 1831, Chapter 17, Section II, provided that the Boards of Commissioners of School Lands in Franklin and other counties may apply to any two Justices of the Peace in writing signed by at least three members of the said Board for a subpoena. It was then the duty of the Justices, or either of them, to issue the subpoena directed to the agent of the Treasurer of Middle Tennessee who was appointed by the said Treasurer to lease the school lands of the county and receive the rents and profits thereof. The agent must then appear within ten days before the Justices and answer any question asked of him by the Justices of Commissioners concerning the agent's receipt of such rent and profit and the agent would have to give an accounting of the management of the land.
11. Public Acts of 1835-36, Chapter 6, provided for a court in every county made up of Justices of the Peace to meet once a month and hold open until the business of the court was finished. Three of the Justices were a quorum to hear the probate of wills and related matters. No jury trial was allowed. The County Courts had the further responsibility of selecting jurors for the courts. It could levy and collect taxes for county purposes.
12. Acts of 1855-56, Chapter 246, incorporated the town of Alisionia in Franklin County and empowered the qualified voters of the town to elect an additional Justice of the Peace.
13. Public Acts of 1875, Chapter 42, set the per diem for the Justices of the Peace at \$1.50 for court attendance.

14. Private Acts of 1911, Chapter 544, provided that every magistrate for the service rendered in attendance at the Quarterly Court was entitled to \$2.50 per day in addition to a mileage allowance.
15. Private Acts of 1957, Chapter 235, set the per diem for Franklin County Justices of the Peace attending Quarterly Courts at \$7.50 and set the mileage allowance, payable for no more than two days at any one time, for those Justices residing more than five miles from the Courthouse at five cents per mile. This Act was rejected by Franklin County and did not become effective.
16. Private Acts of 1959, Chapter 115, set the per diem for Franklin County Justices of the Peace attending Quarterly Court at \$10 and set the mileage allowance, payable for no more than two days at any one time, for those Justices residing more than five miles from the Courthouse at five cents per mile.
17. Private Acts of 1970, Chapter 281, repealed Private Acts of 1959, Chapter 115, and set the per diem at \$10 for Franklin County Justices of the Peace in attendance at any regular or called meeting of the Quarterly County Court of its committees, and set the mileage payment for all justices at five cents per mile.
18. Private Acts of 1973, Chapter 14, repealed Private Acts of 1970, Chapter 281, above, and set the per diem at \$25 for the Franklin County Justices of the Peace in attendance at any regular or called meeting of the Quarterly County Court or its committees, and set the mileage payment for all Justices at five cents per mile.
19. Private Acts of 1973, Chapter 51, amended Private Acts of 1973, Chapter 14, above, provided for a per diem of \$10 for Justices of the Peace for committee meetings of the Quarterly County Court.
20. Private Acts of 1974, Chapter 249, set the per diem at \$10 and the mileage allowance at five cents per mile for those members of committees of the Quarterly County Court not eligible for allowance under Private acts of 1970, Chapter 281.

### **County Register**

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

1. Public Acts of 1827, Chapter 4, provided for the appointment by joint ballot of both Houses of the General Assembly of a Register of the Land Office for the Mountain District of Tennessee who was to keep his office in Sparta, in White County, for the benefit of Franklin, Warren, Marion, Bledsoe, White, Overton, Fentress, and Jackson Counties.
2. Public Acts of 1829, Chapter 13, provided that the registrations of all deeds and other instruments which had been properly proved and admitted to registration in the Register's Office of Franklin County by John Keeton or a Deputy, would be confirmed and rendered valid as though such registrations had been made by a legally authorized person.

### **County Trustee**

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

1. Private Acts of 1933, Chapter 142, set the salary of the County Trustee of Franklin County at \$2,500 annually, provided the fees of the office amounted to that much; otherwise, the salary would be the same as the fees collected. If the fees exceeded the sum, the excess would be paid into the county treasury.

### **Purchasing**

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

1. Private Acts of 1994, Chapter 115, expressly repealed Private Acts of 1933, Chapter 82, as amended by Private Acts of 1943, Chapter 225, relative to purchasing in Franklin County.

### **General Reference**

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

1. Private Acts of 1826, Chapter 34, directed the Entry Taker of Franklin County to permit William Collins to enter such quantity of vacant and unappropriated land as \$8.75 would allow under the laws authorizing entry north and east of the congressional reservation line, and to permit John Fletcher in like manner to enter a quantity of land as \$12.50 would allow.
2. Private Acts of 1829, Chapter 20, authorized the Court of Pleas and Quarter Sessions to condemn

and set aside a plot of up to two acres on Elk River to establish a boatyard, to have a survey made, and to have a plat drawn and registered. A jury composed of five people would view the premises, determine the value of the property taken, and the Court would then pay that amount to the owner of the said property. The boatyard was not to be established on land of a private individual without his consent.

3. Public Acts of 1831, Chapter 45, Section 7, appointed Elijah D. Robbins, John Daugherty, Thomas Pharis, Dudley Johnson, William Knox, and John R. Patrick as a Board of Commissioners of Internal Improvement for Franklin County. The Board was empowered to draw that portion of the internal improvement fund set aside for Middle Tennessee to which Franklin County would be entitled under the percentage ratios established in the Act. The funds were to be used for removing the obstructions in and improving the navigation of the Elk River.
4. Acts of 1837-38, Chapter 157, Section 3, was part of the military law of the state at that time which required a drill for every brigade in every county seat in September of every year. Franklin County was in the Tenth Brigade and would drill in Winchester on the second Friday and Saturday of September. (The military law was chiefly administrative in nature, one being passed at virtually every convening of the legislature, and all of the details of those laws, more public than private, are not included in this report.)
5. Acts of 1837-38, Chapter 280, expanded the corporate limits of the Town of Salem to embrace George Hudspeth's below, extend to the pond between Salem and Mrs. Triggs above, and for one-quarter of a mile on each side of the road running through Salem.
6. Acts of 1839-40, Chapter 34, incorporated Hugh Francis, W. Estell, and W. B. Wagner, owners of land in Franklin County on which there were located several chalybeate and other mineral springs, as the Bloomingdale Medicinal Springs, and set forth the terms and conditions under which the corporation was to operate.
7. Public Acts of 1870-71, Chapter 8, detached Franklin County from the Eastern Land District and attached it to the Middle Tennessee Land District.
8. Private Acts of 1933, Chapter 40, removed all the disabilities of infancy from John Lee Shasteen to allow him to receive all the monies coming to him from an estate, to settle with the administrator thereof, and to perform all things in the way and manner as he might do if twenty-one years old.
9. Private Acts of 1935, Chapter 99, removed the disabilities of infancy of Ferdinand Powell, Jr., George Frederick Biehl, George Sellers Graham, Jr., and Benjamin Phillips, Jr., so that each could perform all acts as if he were twenty-one years of age, and removed the disabilities of infancy of all infant successors to the named individuals in their capacities in the Phi Gamma Delta fraternity at the University of the South in Franklin County insofar as membership and official duties in the fraternity would necessitate and require.
10. Private Acts of 1937, Chapter 49, removed all the disabilities of infancy from Benjamin Patrick Lynch so that he could perform all acts as if he were twenty-one years of age.

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