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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

## **Budget System**

The following acts once created a budgeting system for Benton County, but they have been specifically repealed or superseded by current law.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

1. Private Acts of 1937, Chapter 400, was the initial act providing for a Budget System for Benton County. The first section was given over to legal definitions. The Budget Committee, provided for in the Act, would prepare a budget ninety days before the meeting of the County Court in which the tax levy would be set which would show all the details of the items of anticipated expenses and revenues for the coming year. An analysis of the proposed budget must be published in the newspaper, and a public hearing conducted to which all people were invited. The County Court, which was not bound to accept the recommended budget, would fix a tax rate based on the amount of the budget, as adopted, and on an 85% probability of collection, and at least 5% above the budget requests to allow for errors and emergencies. The Budget Committee could force a department head including the school Board, to submit a budget request based on the anticipated need. The County Judge must keep accurate records and no expenditure would be allowed which exceeded the budget allocation. Violations were subject to fines as other misdemeanors were. J. T. Hollingsworth, N. J. Cuff, E. E. McDaniel, L. E. Hatley, and J. O. Cagle were named to the first Budget Committee. They would be paid \$5.00 per day for each day spent on this assignment up to \$45 per year. This Act was repealed by the one below.
2. Private Acts of 1939, Chapter 24, repealed Private Acts of 1937, Chapter 400, above, in its entirety.
3. Private Acts of 1973, Chapter 9, amended Section 4 of the Private Acts of 1939, Chapter 541, to require the budget committee to submit the budget to the quarterly county court at such a time as would allow the court to adopt a budget at or prior to the July term of court.
4. Private Acts of 1999, Chapter 32, repealed Private Acts of 1973, Chapter 9, and extensively amended Private Acts of 1939, Chapter 541 relative to the budget law in Benton County. This version of the Private Acts of 1939, Chapter 541, as substantially amended by the Private Acts of 1999, Chapter 32, is reproduced herein as an act in force.

## **County Legislative Body**

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

1. Private Acts of 1835-36, Chapter 30, stated that the County and Circuit Courts would meet at the house of Samuel H. Burton in Benton County until the building of a courthouse.
2. Private Acts of 1919, Chapter 647, provided that each Justice of the Peace in Benton County, using the 1910 Federal Census Figures, shall be paid \$2.50 per day for each day of attendance at a regular, or called, meeting of the Quarterly County Court, plus five cents per mile for each mile traveled when going to and from their residences and the meeting place but they could be paid for only one round trip per court session.
3. Private Acts of 1949, Chapter 908, stated that in counties having a population of no less than 11,900 and no more than 12,000 according to the Federal Census of 1940, or any subsequent Federal Census, the Justices of the Peace would be paid \$5 per day for each day's attendance at the sessions of the Quarterly County Court of Benton County.

## **County Mayor**

The references below are of acts which once applied to the office of county judge, or county executive in Benton 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 of the State who would be learned in the law and elected by the people to an eight year term. He shall be commissioned and sworn into office as are the other judges. Quorum Courts were abolished and all their duties and functions were assigned to the County Judge, who would also preside over the County court in place of the Chairman who was relieved of this task. The jurisdiction of the Court and the powers and authority of the Judge were enumerated in the act. This act was repealed by the Public Acts of 1857-58, Chapter 5, and Quorum Courts were restored to activity.
2. Public Acts of 1889, Chapter 94, as amended by Private Acts of 1919, Chapters 425 and 613,

Private Acts of 1920 (Ex. Sess.), Chapter 90, and Private Acts of 1925, Chapter 668, created the office of County Judge to be elected on the first Thursday in August, 1890 by the qualified voters of Benton County for a term of eight years. The jurisdiction, powers and authority of the Judge were enumerated in the act. The compensation for his services was \$300 per year, paid quarterly from the county treasury upon the Judge's own warrant and countersigned by the county court clerk.

3. Private Acts of 1927, Chapter 725, set the salary of the County Judge of Benton County, using the 1920 Census figures, at \$1,000 per annum, payable at the rate of \$83.33 per month upon the warrant of the Judge drawn on the County Trustee.
4. Private Acts of 1945, Chapter 582, abolished the office of County Judge in Benton County transferring his duties and obligations to the Chairman Pro Tem of the Quarterly County Court, who would discharge them in his place or, if there were no Chairman Pro Tem, then the Chairman of the County Court would serve until the January term of 1946, at which time both will be selected. These officials when elected were authorized to employ a secretary at an amount not to exceed \$75 per month payable from the general fund of the County. This Act was repealed by the one following.
5. Private Acts of 1947, Chapter 448, specifically repealed Private Acts of 1945, Chapter 582, above, in its entirety, returning the county to the situation existing in this regard prior to the passage of that act.
6. Private Acts of 1949, Chapter 835, amended Private Acts of 1927, Chapter 725, above, by increasing the salary of the County Judge from \$1,000 per year to \$3,600 per year payable \$300 per month out of regular county funds.

### **General Reference**

The following private or local acts constitute part of the administrative and political history of Benton 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 1837-38, Chapter 144, amended an act dated November 16, 1835, which authorized the County Courts of the various counties to order the sale in certain cases of the sites and the improvements thereon of jails and public prisons, and to buy or build others, by including within that authority to sell and buy, county courthouses, also, and the act further stipulated that Humphreys County shall divide equally all proceeds of the sale of the same with Benton County.
2. Acts of 1845-46, Chapter 132, Section 10, required the County Surveyor of Benton County to make an accurate survey of the Tennessee River as it formed the county line of Benton County, and to furnish notes of the same to the Entry Taker who shall make out a correct plan and map according to the survey. The Surveyor shall be paid \$2.50 a day and the two chain carriers shall be paid seventy-five cents a day each for each day spent in this work. Compensation for the services of the Entry Taker would be at the rate of \$1.50 per day.
3. Acts of 1851-52, Chapter 249, Section 5, provided that Benton County would retain its original name in honor of David Benton, an old and highly respected citizen of the county.
4. Public Acts of 1867-68, Chapter 65, Section 6, set up a Board of County Commissioners for Madison County, consisting of three members who would be elected by the people to three year terms. Any vacancy was to be filled by the two remaining members until the next general election. The Board would meet four times a year and exercise all the powers of the old county court which were transferred to the Board plus some new ones incorporated into this act. The Recorder would be the Clerk for the Board and the magistrates were deprived of all their duties and powers as members of the County Court. Section 11 of this act made the same applicable in all respects to Benton County which would pay the Chairman of the Board \$150 a year and the members \$100 a year. This act was repealed by the one below.
5. Public Acts of 1868-69, Chapter 40, Section 17, repealed Sections 11 and 17 of the above act which made the provisions of that act creating a Board of County Commissioners applicable to Benton County.

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