



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Administration - Historical Notes

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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 Cumberland County. It is included herein for historical purposes.

1. Private Acts of 1943, Chapter 364, authorized the Quarterly County Court of Cumberland County to settle with Powell D. Garrison, a former County Court Clerk, for his ex-officio fees arising during his term of office from September 1, 1934 to January 1, 1943, at an amount not to exceed \$50 per quarter retroactive to the first date. The Act states that the County Court Clerk before Garrison was paid these fees, but Garrison did not apply for them and so was not paid any ex-officio fees although it was common practice in the State to do this.

County Executive

The references below are of acts which once applied to the office of county judge, or county executive in Cumberland 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, who would be learned in the law and elected by the people to four year terms. Quorum courts were abolished and all their powers, authority, and responsibility were transferred to the County Judge. He was further given the duties of the Chairman to preside over the meetings of the Quarterly County Court. He would hold the County Court, monthly, on the first Monday. The Act prescribed the jurisdiction of the County Court and set the salary of the Judge at \$5 per day for every day the Court met, but the Quarterly County Court could pay more, if it desired. The County Judge would also serve as the accounting officer and general agent of the County. This Act was repealed by Acts of 1857-58, Chapter 5.
2. Acts of 1889, Chapter 132, created the office of County Judge for Cumberland County who would be at least thirty years old, learned in the law, a citizen of Cumberland County and a person of good moral character who would be elected by the people for a term of eight years. The first election would take place when the next regular election for county officials was held in August, 1890. He would have all the power and jurisdiction and perform all the obligations conferred upon other County Judges. He would likewise be vested with all the powers and duties of the Chairman of the County Court for which he would be paid a salary of \$250 per year. The office of Chairman of the Cumberland County Court was abolished. This Act was repealed by Acts of 1893, Chapter 152.
3. Acts of 1897, Chapter 273, created the office of County Judge for Cumberland County and abolished the position of Chairman of the County Court whose responsibilities and powers were transferred to the County Judge. He would be thirty years of age, or older, a person of good moral character, learned in the law and he would serve for a term of eight years. He would have all the powers and responsibilities of other county judges. His salary would be \$300 a year, payable quarterly out of the general funds of the county. This Act was repealed by Private Acts of 1915, Chapter 210.
4. Private Acts of 1911, Chapter 92, gave the County Judges of Cumberland and Bledsoe Counties the additional duty of keeping the County Warrants Paid Book, the School Warrants Paid Book, and the Road Warrants Paid Book, in each of which would be entered the number, date, to whom issued, and amount of the warrants in each category in the order in which they were issued. All county officials who disbursed funds were required to submit reports monthly, quarterly, and annually as required by statute.
5. Private Acts of 1929, Chapter 285, created the County Judge position in Cumberland County for an eight year term at \$1,500 annual salary, payable monthly, out of regular county funds, who would be elected by the people. E. G. Tollett, Crossville, was named to the post until the election for judicial officers in 1934. He would have all the prerogatives of other county judges, be commissioned as other judges, and enter into a \$10,000 bond. The Chairman, and Chairman Pro Tem posts of the County Court were abolished because the Judge would discharge their duties. The Judges duties as accounting officer were specified and itemized in Section 8, and among them was the keeping of a warrant book. He was granted concurrent jurisdiction with the Chancellors and Circuit Judges to perform the duties enumerated in the Act. He would preside over meetings of the County Court and could practice law in all courts except his own. This Act was repealed by Private Acts of 1933, Chapter 346, effective on September 1, 1934.
6. Private Acts of 1933, Chapter 347, created the office of Chairman of the County Court of

Cumberland County. Three-fifths of the Justices composing the County Court could elect a Chairman either from their number or who could be some other local resident and citizen who would hold office for a year or until his successor was elected. He would take over on September 1, 1934, and serve for the ensuing year. His compensation would be set by the County Court.

7. Private Acts of 1943, Chapter 365, purports to amend Private Acts of 1929, Chapter 285, Section 13, by changing the meeting date for the Quarterly County Court from the second Monday to the first Monday in January, April, July, and October of each year, however, the 1929 act was entirely repealed by Private Acts of 1933, Chapter 346.
8. Private Acts of 1953, Chapter 397, which amended Private Acts of 1935, Chapter 214, granted to the County Judge concurrent jurisdiction with Criminal, Circuit and Chancery Judges to grant writs of attachment, injunction, certiorari, supersedeas, and to hear and determine divorce cases. This Act was repealed by Private Acts of 1974, Chapter 227.
9. Private Acts of 1967-68, Chapter 494, removed the jurisdiction from the County Judge to hear and determine divorce cases. This Act was repealed by Private Acts of 1974, Chapter 227.
10. Private Acts of 1969, Chapter 45, authorized the County Judge of Cumberland County to hear and determine divorce cases. This Act was repealed by Private Acts of 1974, Chapter 227.

County Legislative Body

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

1. Acts of 1837-38, Chapter 8, Section 16, provided that the County Court of the newly established Cumberland County would meet on the first Monday in February, 1838.
2. Acts of 1855-56, Chapter 6, which created Cumberland County in its present location also provided that the County Court would meet on the first Monday in April, 1856.
3. Acts of 1907, Chapter 168 changed the time for the Quarterly County Court of Cumberland County to meet to the second Monday in January, April, July, and October.
4. Private Acts of 1915, Chapter 654, provided that every Justice of the Peace in Cumberland County would be paid \$2 for each day's attendance at the Quarterly County Court and such mileage, tolls and ferriage fees as were then allowed by law.
5. Private Acts of 1927, Chapter 150, amended Private Acts of 1915, Chapter 654, so as to increase the per diem of Justices of the Peace to \$3 per day.
6. Private Acts of 1967-68, Chapter 320, sets the per diem of the Justices of the Peace in Cumberland County at \$15 per day for each day's attendance at the regular meetings of the County Court. This Act was properly ratified by the County Court.

General Reference

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

1. Acts of 1861 (1st Ex. Sess.), Chapter 9, provided that Cumberland County would form one regiment of Militia to assume the place of the 160th Regiment and be attached to the 14th Brigade. The officers would meet at the home of Littleton J. Perdue on the first Saturday in March, 1861 and divide the regiment into battalions.
2. Acts of 1881, Chapter 15, amended Section 1792 of the Tennessee Code so as to permit the County Courts of McMinn and Cumberland Counties to each to elect a Notary Public.
3. Acts of 1907, Chapter 169, changed the meeting date of the Cumberland County Revenue Commissioners to the Tuesday before the second Monday in January, April, July, and October of each year.
4. Private Acts of 1921, Chapter 398, authorized the County Court to appropriate the sum of \$300 per year for five years to the American Missionary Association to be used by the Association for their school at Pleasant Hill in Cumberland County.
5. Private Acts of 1937, Chapter 389, validated the actions of the County Court of Cumberland County in making an award to J. A. Norris of \$600.00 because of the loss of his eye while working at his regular duties under the Road Commission and directed the Road Commission to proceed to pay such award to Norris for which the act granted them the power and authority.
6. Private Acts of 1970, Chapter 346, authorized the Quarterly County Court to create a County Planning Commission consisting of a representative from each civil or magisterial district plus the Chairman of the County Court and a member of the Quarterly County Court. The Commission

was charged with adopting a master plan for the County, to approve subsequent changes by property owners, and to formulate zoning ordinances for adoption by the Quarterly Court. This Act also established a Board of Zoning Appeals consisting of from three to five members. This Act was not approved by the local authorities and never became effective.

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