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# Administration - Historical Notes

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Sincerely,

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## Administration - Historical Notes

### **Budget System**

The following acts once created a budgeting system for Obion County, but they have been specifically repealed or superseded by current law.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 1929, Chapter 372, created a County Finance and Budget Commission for Obion County, composed of three members with the County Judge or Chairman as the Chairman. The Act named Hugh Smith, Pres Shores and H. L. Hassel as the first Commission who were to serve until their successors were elected in August, 1930, for a four year term. County Court members were declared ineligible as were county residents of less than two years. The Commission would meet on the first Monday in April each year to investigate the financial needs of the County for the current year, to prepare a budget, and to compute the necessary tax levies. The Commission was obligated to investigate the indebtedness of the County and no evidence of county indebtedness would be valid unless it bore the signature of a majority of the Commission. They could employ an attorney to recover county funds but his compensation could not exceed 15% of the recovery. The County Court would consider the proposed budget and tax rate at its July Term. The tax rate must be fixed strictly in conformity with the recommendations of the Commission, subject to the listed exceptions. Commission members, except the Chairman, would receive compensation of \$7.50 per day for each day of service rendered, not exceeding 18 days in a year. This Act was repealed by Private Acts of 1931, Chapter 228.
2. Private Acts of 1929, Chapter 677, amended Private Acts of 1929, Chapter 372, by deleting Pres Shores and substituting therefore the name of J. C. McRee as a member of the first Finance and Budget Commission. This Act was repealed by Private Acts of 1931, Chapter 228.
3. Private Acts of 1937, Chapter 528, established a budget system for Obion County which set up a fiscal year for all divisions of the County government, making it the responsibility of each department head to file budget requests with the County Clerk setting out in detail the estimate for the ensuing fiscal year's expenditures and expected revenue, if any, which would be reviewed and modified, when necessary, by a five member Budget Commission selected by the County Legislative Body. The Act promulgates guidelines and procedures for the further consideration of the Budget leading to its adoption, and subsequent to its adoption the regulations under which the funds will be expended and records of such expenditure kept. This Act was repealed by Private Act of 1979, Chapter 81.
4. Private Act of 1937 (Ex. Sess.), Chapter 6, amended Private Acts of 1937, Chapter 528, by removing the County Workhouse and Poorhouse Commission from being subject to the provisions of the County Budget System. This Act was repealed by Private Acts of 1979, Chapter 81.
5. Private Acts of 1943, Chapter 210, amended Private Acts of 1937, Chapter 528, to allow the investment of budget allotments under some specified circumstances in U.S. bonds by the Obion County Quarterly Court.
6. Private Acts of 1979, Chapter 80, which established a financial management system for Obion County, was found unconstitutional by the Chancery Court of Obion County, Civil Action 9121, Filed March 3, 1980.

### **County Attorney**

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

1. Private Acts of 1967-68, Chapter 297, would have created the office of County Attorney for Obion County who would be appointed by the County Judge, take the oath prescribed in the Act, and discharge the duties enumerated in the statute, records of all of which would be entered upon the minutes of the Court. His regular salary would be not less than \$50 per month plus extra compensation for unusual work loads. This Act was never acted on by the local legislative authorities and therefore never became a law under the requirements of the Home Rule Amendment to the Tennessee Constitution.

### **County Clerk**

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

1. Acts of 1859-60, Chapter 111, Section 4, authorized the County Court Clerk of Obion County to appoint a Deputy Clerk who must reside west of Reelfoot Lake and who would have powers similar to the Clerk.
2. Private Act of 1931, Chapter 44, stated in the preamble that R. H. Bond was elected County Court Clerk of Obion County in 1918 and served until 1926, during which time public laws were passed which required the County Court Clerk to petition the Chancellor in the employment of clerical assistants. Due to a misunderstanding of the law, Bond failed to file the required petition and employed assistants on his own initiative. A suit was filed and prosecuted against him to a final judgment which Bond paid from his personal funds. This Act authorized the Quarterly County Court to refund to Bond any amount of the judgment which they might consider right and proper in the case to reimburse him.
3. Private Acts of 1931 (Ex. Sess.), Chapter 3, was the authority for the County Court Clerk of Obion County to appoint a Deputy Clerk who must take an oath and execute a performance bond whereupon the Deputy Clerk would be empowered to do all things the Clerk could do. The Deputy's annual salary would be \$1500, payable out of the excess fees of the office but, should the fees be insufficient to pay him, the County must pay the difference out of the County general fund.
4. Private Acts of 1933, Chapter 785, provided that the annual salary of the County Court Clerk could not exceed \$3500 in any one year of the term and would only be paid out of the fees of the office but this Act was not to be construed as modifying the special compensation due him as a Trustee or a Receiver. This Act was repealed by Private Acts of 1979, Chapter 81.

### **County Mayor**

The references below are of acts which once applied to the office of county judge, or county executive in Obion 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 for every county in the State. The County Judge must be learned in the law and would be elected for four year terms by popular vote. Quorum Courts were abolished in those counties where they existed and their duties were assigned to the County Judge, who would hold the regular sessions of the court on the first Monday in each month. The County Judge would preside over the Quarterly Court in place of its Chairman whose duties he would assume. The jurisdiction, powers, and authority of the Court and Judge were enumerated and the salary set at \$5 per day while the court was sitting either as a monthly, or quarterly, court. This Act was repealed by Acts of 1857-58, Chapter 5.
2. Acts of 1867-68, Chapter 30, Section 15, created the office of County Judge for Obion County who would be paid \$500 annually. The County Judge would be financial agent for the County and was given all the powers and privileges held by the County Judges of Perry and Decatur counties. This Act was repealed, as to Obion County, by Acts of 1868-69, Chapter 24, Section 4.
3. Acts of 1891, Chapter 136, established the office of County Judge, specified a term of four years with a popular election and transferred jurisdiction formerly exercised by the Chairman of the County Court to the County Judge. This Act was superseded by Chapter 934 of the Public Acts of 1978 which abolished the office of county judge, transferred the judicial duties of the County Judge to other courts, and transferred the administrative duties of the County Judge to the new office of County Executive.
4. Acts of 1905, Chapter 290, amended Acts of 1891, Chapter 136, to give the County Judge the power and the authority to grant fiats, writs of attachment, injunctions, and all the other extraordinary writs which could then be issued by Circuit Court Judges and Chancellors.
5. Private Acts of 1921, Chapter 381, also amended Acts of 1891, Chapter 136, to confer upon the County Judge of Obion County, concurrent jurisdiction with the Chancellor and Circuit Judge, to grant writs of attachment, injunction, certiorari and supersedeas, and all the other extraordinary writs and process, and concurrent jurisdiction with all the other Judges to hear petitions of habeas corpus, and to grant remedies pursuant thereto.
6. Private Acts of 1945, Chapter 234, amended Acts of 1891, Chapter 136, by making the County Judge the ex-officio Purchasing Agent for the County. He would receive additional compensation of \$1,300 per annum for these duties. This Act was repealed by Private Acts of 1979, Chapter 82.
7. Private Acts of 1945, Chapter 235, amended Acts of 1891, Chapter 136, by making the County Judge the ex-officio Director of the Budget. For this additional responsibility, the County Judge would receive \$1,300 per annum as additional compensation. This Act was repealed by Private Acts of 1979, Chapter 82.

8. Private Acts of 1947, Chapter 312, amended Private Acts of 1945, Chapter 234, by increasing the annual compensation of the Obion County Judge from \$1,300 to \$2,000. This Act was repealed by Private Acts of 1979, Chapter 82.
9. Private Acts of 1947, Chapter 313, amended Private Acts of 1945, Chapter 235, by increasing the annual compensation paid to the County Judge for being the Director of the Budget from \$1,300 to \$2,000. This Act was repealed by Private Acts of 1979, Chapter 82, Page 371.
10. Private Acts of 1957, Chapter 108, amended Private Acts of 1945, Chapter 234, by adding a provision that the County Court could exclude any department of the Obion County government from the requirement of having to purchase items through the County Judge so that the Department could purchase its own supplies. The Act states, however, that it would not be presented to the Quarterly County Court for its consideration, and, that being the case, this Act never became effective in Obion County under the provisions of the Home Rule Amendment to the State Constitution.
11. Private Acts of 1979, Chapter 82, amended Private Acts of 1891, Chapter 136, as amended, to provide that the County Judge's compensation would be the same as those provided by the general law.

### **County Legislative Body**

The following acts once applied to the quarterly court or the county legislative body of Obion 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 1823, Chapter 41, Section 3, specified that the Court of Pleas and Quarter Sessions of Obion County would meet on the third Monday in January, April, July, and October.
2. Acts of 1824 (Ex. Sess.), Chapter 53, stated that the Quarterly County Courts of Weakley, Obion, Dyer, and McNairy Counties were authorized to adjourn to other suitable places in their respective counties as would best suit their convenience, if a majority of the Justices were present and in agreement on the matter. They were also authorized to adjourn to their county towns when they were ready to receive them.
3. Acts of 1824 (Ex. Sess.), Chapter 102, Section 2, directed that the Quarterly County Court of Obion County meet on the third Monday in January, April, July, and October.
4. Acts of 1825, Chapter 318, Section 3, rearranged the schedule of terms for the Obion County Quarterly Court so that they would hereafter convene on the first Monday in January, April, July, and October.
5. Acts of 1826, Chapter 179, legalized and confirmed all the official acts of William Tyrrell, a Justice of the Peace of Obion County, in the same manner as if he had lived in the said county.
6. Acts of 1829, Chapter 20, was the enabling legislation for the Quarterly Courts of the counties of Carroll, Gibson, Dyer, Knox, Anderson, Obion, and Henderson, a majority of the Justices being present and voting, at their first term of the year, to select three of their number to be a Quorum Court for a term of one year, at a per diem rate of pay of \$1.50 for which they could levy a tax of \$1 on each lawsuit filed in the county. If the litigation tax failed to produce enough money to pay the per diem, then a general tax could be levied to provide the funds.
7. Acts of 1829, Chapter 102, Section 3, re-scheduled the holding of the Quarterly Courts in Obion and Dyer Counties. In Obion County the Court would meet on the fourth Monday in June, September, and December.
8. Acts of 1831, Chapter 52, amended Acts of 1829, Chapter 102, by stipulating that the Quarterly Court of Obion County would meet on the first Monday in January, April, July, and October. All process to be made to conform to the change in dates.
9. Acts of 1835-36, Chapter 6, set up a County Court in every County which would meet on the first Monday in every month and stay in session until the business of the Court was completed. Three Justices selected by the Court would hear cases on the probate of wills and related matters of the administration of estates but could conduct no jury trials. The Justices would elect a Chairman for a one year term to preside over the Court. The Justices, however, could select 25 jurors, one from each civil district, if that many, or could choose 37, if that were more convenient. A tax could be levied, if necessary, to meet the funding requirements of the County.
10. Acts of 1859-60, Chapter 111, authorized and required the Quarterly County Court of Obion County to appoint a committee of three citizens who lived west of Reelfoot Lake to draft the plans suitable for a court house and a jail which they could also enter into a contract to build on the previously selected and approved site.

11. Acts of 1905, Chapter 494, divided Obion County into nine divisions, composed of whole Civil Districts, from which one Justice of the Peace would be selected by the Quarterly Court for a term of six years. The Quarterly Court would handle all business which could not be lawfully done by the County Judge at its sessions held on the first Monday of January, April, July and October. This Act was repealed by Acts of 1907, Chapter 99.
12. Private Acts of 1920 (Ex. Sess.), Chapter 76, provided that the Justices of the Peace shall be entitled to receive \$3 daily for their attendance at the meetings of the Quarterly County Court, plus the mileage allowed under the law.
13. Private Acts of 1957, Chapter 338, stated that the Justices of the Peace in Obion County would be paid \$8 per day for attendance at the meetings of the Quarterly County Court and mileage at the rate of five cents per mile if they lived more than five miles from the court house. Mileage payments were limited to two days per term. This act was never presented to the Court for their approval or rejection and consequently never became effective under the Home Rule Amendment to the State Constitution.
14. Private Acts of 1965, Chapter 18, authorized compensation of Justices of the Peace for Obion County of \$60 per year, payable in equal quarterly installments.

### **County Register**

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

1. Acts of 1913, Chapter 3, authorized the County Register in Obion County to appoint two or more, Deputy Registers, and declared that unmarried females over 21 years of age were eligible for appointment to the positions while they were single with all the rights, duties, and privileges enjoyed by other Deputy Registers. If the female appointee should marry, she would forfeit her office immediately and be disqualified from performing any of her official duties.
2. Private Acts of 1931 (2nd Ex. Sess.), Chapter 2, mentions Registrars in the text, but obviously intends the Act to relate to Registers. This Act allows the appointment of a Deputy Register who, upon making bond, would be authorized and empowered to do and perform all duties imposed upon the Register. The salary specified was \$900 annually, payable out of the excess fees of the Register's office, but, should the fees be insufficient to pay that amount, the County was charged to make up the difference in the pay.
3. Private Acts of 1933, Chapter 779, declared that the Registers of Deeds in Obion County were not entitled to receive any more for their services than \$2500, during any one year of their term which would be payable out of the fees of that office but this Act was not to be construed as modifying in any manner the terms of Section 10728 through 10747, Tennessee Code. This Act was repealed by Private Acts of 1979, Chapter 81.

### **County Trustee**

The following act once affected the office of county trustee in Obion 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 1933, Chapter 783, stated that the Trustee of Obion County would not be entitled to receive more than \$3,500 annual compensation during any one year of his term; the same to be paid out of the fees of the office, and this act was not to be construed as modifying Sections 10728 to 10747 of the Tennessee Code, and was not to interfere with any compensation due the Trustee for special services such as Receiver or Trustee. This Act was repealed by Private Acts of 1979, Chapter 81.

### **Obion and Forked Deer River - Flood Control and Drainage Improvements**

The following acts, which were not codified, once affected flood control and drainage improvements in the Obion and Forked Deer River basin, and are included herein for historical purposes.

1. Public Acts of 1972, Chapter 807, added a new section to Public Acts of 1959, Chapter 129, providing the department of agriculture with concurrent authority and responsibility for maintenance of completed channel improvements for the Obion and Forked Deer Rivers. This act was repealed twice, first by Public Acts of 1973, Chapter 38, and again when the 1973 act was repealed by Public Acts of 1974, Chapter 415.
2. Public Acts of 1973, Chapter 38, amended Public Acts of 1959, Chapter 129, and Public Acts of 1963, Chapter 149, to transfer the authority and responsibility for the flood control and drainage improvements for the Obion and Forked Deer Rivers from the department of highways and public works to the department of agriculture. This act was repealed by Public Acts of 1974, Chapter 415.

### **Flood Control - Drainage**

The acts listed below have been an integral part of this subject in the past years as related to Obion County but all have been superseded or repealed, so that they are no longer in effect.

1. Acts of 1851-52, Chapter 247, authorized the Trustees of Weakley and Obion Counties to withdraw from the Trenton branch of the Bank of Tennessee the unexpended balance of the fund appropriated for the improvement of the Obion rivers within the limits of said counties. The County Court could expend these monies on the improvement or construction of roads, bridges, causeways or public buildings.
2. Acts of 1911, Chapter 528, granted the consent and permission of the State to any reclamation, drainage, or improvement district to make any changes and alterations in the channels of Obion River and its tributaries in Obion County for the purpose of reclaiming the lowlands and lands subject to flooding.

### **General Reference**

The following private or local acts constitute part of the administrative and political history of Obion 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 1823, Chapter 206, appointed Abram Maury, William Hall, James Fentress, and Benjamin Reynolds as Commissioners to select a site for the permanent seat of Justice in the Counties of Weakley, Gibson, McNairy, Dyer, Hardeman, Obion, Tipton, and Haywood, the said seat of justice to be as near the center of the County as possible, and authorizing fifty acres to be bought and deeded to the Commissioners on which the County seat was to be developed.
2. Acts of 1824, Chapter 32, appointed Robert Jetton as a Commissioner to take the place of Abram Maury and William Hall, named in Acts of 1823, Chapter 206, who declined to serve as Commissioners to establish the permanent County seat for several counties in West Tennessee, including Obion. Jetton would have and could exercise the same powers as those granted to the original commissioners.
3. Acts of 1824, Chapter 132, Section 3, averred that the Commissioners appointed by the Quarterly County Courts of Gibson, Dyer, Hardeman, Tipton, Fayette, Weakley, Obion, and McNairy counties to lay off and sell the lots in the various county towns, should have and exercise all the powers given to those charged with laying out the county town of Brownsville in Haywood County. The County town in Obion County would be named Troy.
4. Acts of 1827, Chapter 12, set up a Treasury Department for the Western District which would include the Counties of Shelby, Fayette, Hardeman, McNairy, Hardin, Perry, Henderson, Carroll, Henry, Weakley, Obion, Dyer, Tipton, Madison, Haywood, and Gibson. The Treasurer for the Western District would be appointed by both Houses of the General Assembly and have an office in Jackson in Madison County to which the tax money collected in the above referenced Counties would be brought instead of being taken to Nashville.
5. Acts of 1832 (Ex. Sess.), Chapter 14, authorized the Counties of Henry, Carroll, Gibson, Weakley, Obion, and Dyer at any meeting of their respective Quarterly Courts to appoint a Board of Commissioners of Internal Improvement for their Counties.
6. Acts of 1833, Chapter 34, established the Planters Bank of Tennessee at Nashville. In Obion County stock subscriptions would be taken in the City of Troy, and the Supervisors named in the Act were Benjamin Totten, James H. Davis, Andrew Harris, and John B. Hubbard.
7. Acts of 1837-38, Chapter 229, named Henry J. P. Westbrook, James Harper, James M. Hunter, who were all residents of Obion County, and others, who were named, from Weakley County, Gibson County, Dyer County, and Carroll County, all of whom were to compose a Board of Internal Improvement for their combined Counties to improve navigation on the Obion River. The Board would receive a portion of the proceeds of a \$100,000 state bond issue.
8. Acts of 1842 (Ex. Sess.), Chapter 4, appointed various Commissioners to oversee the improvements being made on several West Tennessee rivers. Hiram Partee, Alfred Gardner, Abner Boyd, George W. Merriwether, and Joseph T. Dudley, were appointed a Board of Commissioners to superintend the improvement of navigation on the Obion River.
9. Acts of 1845-46, Chapter 130, Section 9, made it the duty and responsibility of the Board of Commissioners for the improvement of the navigation on the Obion River to examine the lock built by M. L. Lockridge on the north fork of the Obion River, and to draw a check in the amount of \$200 on the State Bank at Trenton for the compensation of Lockridge, if the lock is satisfactory.

10. Acts of 1847-48, Chapter 192, provided that the Counties of Obion and Henderson would each have a Director in the Branch of the Bank of Tennessee located at Trenton in Gibson County.
11. Acts of 1853-54, Chapter 173, repealed all laws declaring the Rutherford's fork of Obion River to be navigable above A. Keatley's mill and which required Keatley and other owning mills above that point to keep in good repair all the locks and dams situated in the river.
12. Acts of 1857-58, Chapter 168, Section 2, required the Secretary of State of Tennessee to furnish two additional copies of the Acts of the present session and of the Tennessee Revised Code to Obion County.
13. Acts of 1866-67, Resolution No. 73, stated that certain murders and outrages had been committed in Obion County believed to be an attempt to drive out the "Radical Union Men" of the County. This resolution directed that a special committee be appointed to investigate and report back to the General Assembly.
14. Acts of 1869-70, Chapter 51, required that the Revenue Collector of Obion County should also make his report for the non-payment of taxes to the Circuit Court Clerk at Troy.
15. Acts of 1889, Chapter 3, stated that the county seat of Obion County could be removed from Troy to Union City, provided that a majority of the people vote affirmatively for the move.
16. Acts of 1897, Chapter 124, set the salary for county officials according to the population of the County in which they held office. All officials would be deprived of their fees which would be paid over to the County and a sworn, itemized statement must be filed with the County Judge, or chairman, each month accounting for the fees collected in the office. This Act was declared unconstitutional in *Weaver v. Davidson County*, 104 Tn. 315, 59 S.W. 1105 (1900).
17. Private Acts of 1915, Chapter 53, was the authority for the Quarterly County Court of Obion County to adopt a Resolution to contract with the Bank making the highest and best bid to pay interest on the monthly balances on deposit therein, said bid to be contained in a sealed envelope only to be opened in open Court. The County Trustee was then authorized to deposit County funds therein.
18. Private Acts of 1917, Chapter 453, permitted the Quarterly County Court of Obion County to provide for an audit of the books and accounts of the various county officials entrusted with County funds. The Court must appoint from among its members a three man finance committee who would audit the said books in July and August, 1918, and every two years thereafter. The committee could employ an expert accountant to audit the books of the officials, and, should anyone come up short, he and his bondsman would pay the expense of the audit.
19. Private Acts of 1917, Chapter 454, amended Private Acts of 1915, Chapter 53, Section 6, by requiring the Trustee to credit the County general fund with any interest earned on the deposit of County funds in the Bank, rather than credit it to the fund specifically on deposit.
20. Private Acts of 1923, Chapter 103, provided that the Quarterly County Court of Obion County could borrow money evidenced by the time warrants of the County, with legal interest, signed by the County Judge, or the Chairman, and the County Court Clerk, to pay any current indebtedness, or expenses when the County funds in the treasury were not sufficient to meet and pay the same. The warrants would be made due and payable out of tax funds. This Act was tested in the Courts and found to be Constitutional, in the case of the *Nashville, Chattanooga and St. Louis R.R. v Obion County*, 162 Tenn. 604, 39 SW2d 747 (1931).
21. Private Acts of 1929, Chapter 161, provided for the salary of each member of the County Board of Equalizers in Obion County to be \$4 per day but not for more than 15 days in any year. This was repealed by Private Acts of 1979, Chapter 81.
22. Private Acts of 1931, Chapter 260, was the authority for Obion County to expend up to \$60,000 of the funds received from the Department of Highways and Public Works under the State Reimbursement Act which would be used to remodel and repair the County Court house. This Act was repealed by Private Acts of 1933, Chapter 107.
23. 23. Private Acts of 1935, Chapter 348, erased all the disabilities of infancy from Miss Ruth Lynn Hassell, of Obion County, which action would allow her to conduct business as an adult, to execute warranty deeds and deeds of trust and to receive all moneys which may be due her in Probate Court.
24. Private Acts of 1937, Chapter 335, removed all the disabilities of his minority from Marvin D. Miller, son of D. M. Miller.
25. Private Acts of 1937, Chapter 363, made an adult in a legal sense out of Joseph A. Wood, of Obion County, by removing the infirmities of his minority thus rendering him competent and legally

responsible for all the actions taken in business and personal transactions.

26. Private Acts of 1951, Chapter 144, authorized the County Judge of Obion County to appoint a Committee of four citizens to administer and control the Tom Stewart Airport in the County. The County Judge would chair the Committee whose appointed members would serve ten years. Any vacancy occurring would be filled by the County Judge. Among the powers vested in the Committee were the authority to supervise and manage the Airport, to lease to the United States Government, or to any Agency thereof, or to any other person, firm, or corporation, upon such terms as may be agreed upon, all the buildings, lands, or improvements located on the Airport. This Act was repealed by Private Acts of 1953, Chapter 400.
27. Private Acts of 1975, Chapter 100, provided that any person building a new structure or remodeling an existing one in Obion County was required to obtain a building permit which would be issued by the Tax Assessor without a charge. Violators could be fined \$10. This Act was rejected by the Quarterly Court of Obion County and never became an effective law.

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