

May 22, 1931

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To the Committee on Graduate Study:

I submit herewith a thesis by Mr. Roger P. Matteson, "Private Legislation Affecting Local Governments in Tennessee." I recommend that this thesis be accepted for eighteen quarter hours credit in fulfillment of the requirements for the degree of Master of Science in Agriculture.

E. E. Allred
Major Professor

At the request of the Committee on Graduate Study, I have read this thesis and recommended its acceptance.

Charles P. White

Accepted by the Committee

J. M. Hamer
Chairman

PRIVATE LEGISLATION AFFECTING LOCAL GOVERNMENTS IN

TENNESSEE

A THESIS

Submitted to the Graduate Committee

of the

University of Tennessee

in

Partial Fulfillment of the Requirements

for the degree of

Master of Science in Agriculture

ROGER P. MATTESON

June 1931



PREFACE

This is the third of a series of reports on the subject of Farm Taxation and County Government in Tennessee, which is an Experiment Station Project of the Department of Agricultural Economics. Each of the two preceding reports, by J. C. Powell and A. C. Seymour respectively, has dealt with certain phases of the general topic; and this one takes up an additional phase.¹

The reasons for and methods of this general study which is being undertaken by the department remain the same as those set forth in the preface to Mr. Seymour's thesis.² The area studied, however, has been expanded in some respects. Counties indicated in purple on the accompanying map have been visited by some member of the staff for various special types of information. Intensive work was undertaken in old James County and part of Meigs in connection with county consolidation, a problem outside the scope of this particular report, but a part of project as a whole. Although the plan of work also remains much the same as heretofore, the general outline has been both expended and revised.

Thorough execution of this entire project can scarcely be accomplished unless specific attention is given to each item in the following outline:

Outline for the Study of Farm Taxation and County Government in Tennessee

General Introduction.

Part I. Farm Taxation in Tennessee.

Introduction to Part I

Section A. Machinery of general property taxation in Tennessee counties.

Chapter 1. History of the general property tax in Tennessee counties.

Chapter 2. Assessment of farm real estate.

Chapter 3. Equalization of farm real estate.

Chapter 4. Assessment and equalization of personal property values.

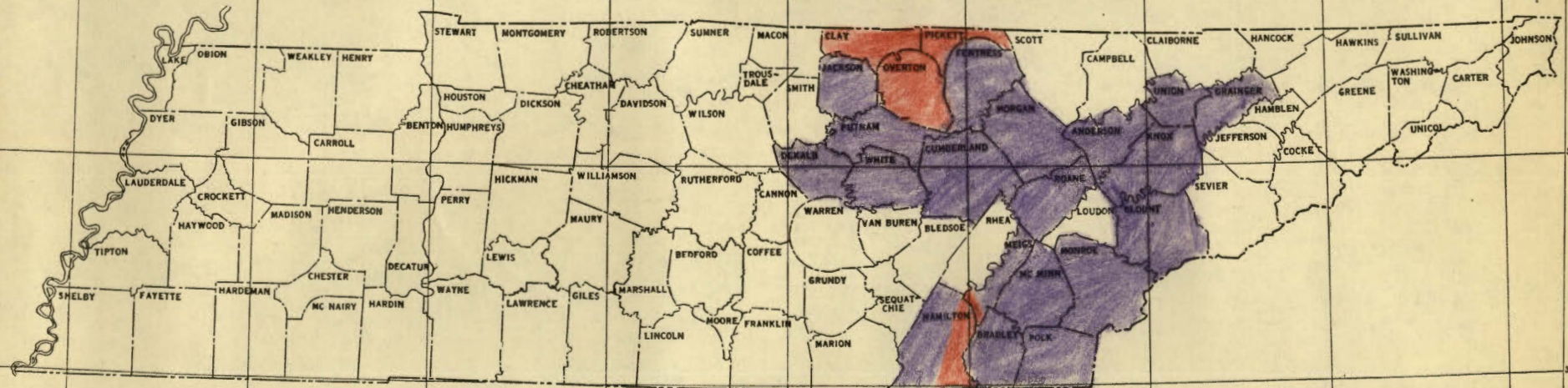
(continued)

1. Antedating these dissertations is a report by Mr. McAlpin, fellow, to the Department of Agricultural Economics of the University of Tennessee.

2. Seymour, A. C., Farm Taxation and County Government in Tennessee, pp. i-iv.

Map A.

Area in Which Field Work Has Been Conducted



Area of intensive field work

Other areas in which field
work has been conducted

RAND McNALLY
LETTER SIZE OUTLINE MAP

TENNESSEE

SCALE

0 5 10 20 30 40 50 60 70 Miles

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Chapter 5. Rates of taxation on the property of Tennessee farmers.

Chapter 6. Collection and safeguarding of general property taxes.

Chapter 7. Use of county credit and the general property tax.

Section B. Consequences of General Property Taxation in Tennessee as Indicated by the Direct Incidence of Such Taxes.

Chapter 8. Exempt or untaxable property.

Chapter 9. Tax burden in relation to "ability to pay".

Chapter 10. Tax burden in relation to "benefit".

Chapter 11. Woodlands a special problem in general tax burdens.

Section C. Other General Taxes Paid by Tennessee Farmers.

Chapter 12. Poll taxes.

Chapter 13. State and county licenses and fees.

Chapter 14. Federal taxes.

Section D. Other Sources of County Revenue in Tennessee and the Possibility of Widening the County Tax Base.

Chapter 15. Privilege taxes - general.

Chapter 16. Special taxes in certain Tennessee counties.

Chapter 17. State, federal, and philanthropic aid.

Chapter 18. Proposals for further changes in county revenue sources.

Section E. Special Taxing Areas and Their Farm Tax Problems.

Chapter 19. Drainage and levee districts.

Chapter 20. Other special districts such as schools.

Chapter 21. Tax experience with consolidated or joint county services.

Part II. County Government in Tennessee and the Expenditure of Farm Taxes.

Introduction to Part II.

Section F. Machinery of County Government in Tennessee.

Chapter 22. Origin, development, nature and functions of Tennessee counties.

Chapter 23. County courts in Tennessee.

Chapter 24. Selection of county officials.

Section G. Public Services Performed in Tennessee Counties.

Chapter 25. Administration of justice and maintenance of peace.

Chapter 26. Keeping of Records of:

a. Governmental activities.

b. Private property.

c. Human relations.

Chapter 27. Public welfare.

a. Dependents

b. Defectives

c. Juvenile delinquents

d. Workmen's compensation

e. Public health.

Chapter 28. Public education.

- a. Juvenile - school system.
- b. Adult - extension system.
- c. General - libraries, fairs.

Chapter 29. Public transportation facilities.

- a. Roads.
- b. Others such as railroads.

Chapter 30. Other services.

- a. Rest rooms and privies.
- b. Recreational facilities.
- c. Drainage and flood control.
- d. Fire fighting.

Section H. Some Proposals for the Improvement of County Government in Tennessee.

Chapter 31. Making county business businesslike.

- a. Systematic care for and planned development of county property and works.
- b. Centralized purchasing.
- c. Accounting and budgetary control of expenditures.
- d. Consolidation of offices with similar duties.

Chapter 32. Making county government more responsible.

- a. County manager.
- b. Short ballot.
- c. Merit civil service.
- d. Significant publicity.

Chapter 33. County consolidation.

- a. Functional
- b. Areal.

Chapter 34. Interrelations of county with the state and the nation.

Chapter 35. Planned development of the resources of counties.

Chapter 36. Citizenry and county attitudes.

Chapter 37. Difficulties encountered in connection with this study and how future studies might be facilitated.

Previous reports have contributed to various portions of this outline, especially to problems of assessment and equalization of real estate, and to the question of exemptions. Information bearing on most of the other portions of the outline has also been secured in connection therewith. Special mention may be made of Mr. Seymour's efforts to secure information on financial defaults of county officials.

This report is a first attack on a mass of information basic to the first two sections in Part II of the outline just proposed. The greatest part of the research represented has been the study by the writer of a very large number of private acts of the legislative assemblies of Tennessee, with the purpose of finding the ways in which local units of government in rural areas in the state have been affected by special legislation.

In addition to the work presented in this dissertation, the writer has done a great deal of work in organizing and interpreting data on the subjects of personal property assessment and tax exemption in Overton County, which is part of the rural area that is being studied intensively in the larger study of the department. These data had been previously gathered by Messrs. Allred, McAlpin, Powell, Atkins, Boyer, Seymour and Stone. This work is to appear in another report of the department. In addition to this some statistical material relating to direct tax incidence was organized. The same may be said with regard to certain miscellaneous items of information, all of which may eventually be utilized in connection with an extended description of the area studied.

Acknowledgements. Grateful acknowledgement is made of assistance from Professor C. E. Allred, head of the department of Agricultural Economics, who has had general supervision of the work; and Mr. P. B. Boyer, assistant agricultural economist, who has made many helpful suggestions and criticisms; also to Miss Mildred Gallaher, office assistant, for excellent work in the preparation and typing of the report.

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PRIVATE LEGISLATION AFFECTING LOCAL GOVERNMENTS

IN TENNESSEE

Volume of Private Legislation Passed

Difference Between Private and Public Acts. The legislature of Tennessee when in session spends much the greatest part of its time and energy in passing acts which are merely of local interest. The great majority of bills passed apply only to some particular county, district, city or town. The important place that local acts occupy in legislative affairs of this state may be seen from proclamations of governors calling the legislature to convene in special sessions. Governor Roberts, in calling an extra session to meet August 9, 1920, explained the reason for making such a call in the following words: "for the purpose of taking action upon the following subjects deemed of sufficient importance to require immediate attention. -----." Of the 142 subjects that he listed, the first was to take action upon the amendment to the Constitution of the United States giving women the right of suffrage, which became the 19th amendment. Following this were 19 other matters of more or less general interest. However, the 21st subject was "to amend Chapter 416 of the Private Acts of 1919, applying to Anderson County". All the remaining proposals for immediate attention were of local application. A similar proclamation of governor Horton calling for the extra session that began Dec. 2, 1929, classified the proposals to be acted upon as general and local bills. There were 34 of the former, and 98 of the latter.

For many years following the adoption of the present state constitution there was no differentiation among the acts passed as to whether they were state-wide or merely local in their application. In the earlier years, although many of the acts were only local in nature, all the acts of the sessions were bound in volumes that were entitled Public Acts of Tennessee. Later the volumes containing all acts were designated simply as Acts of Tennessee. Beginning with the session of the legislature in 1911, and for all succeeding sessions, the acts have been classified as to whether they were local or general in nature. Local acts have been published in volumes called Private Acts of Tennessee, while those of state-wide interest have been published in volumes entitled Public Acts of Tennessee. The legislature in practice thus distinguishes between acts of local and of general nature. Comparison of the two large volumes of private acts of each assembly in recent years with the corresponding modest sized single volume of public acts is enough to convince the observer that the greatest share of the acts passed are private.

Scope of This Chapter. In any attempt to study county or local government in Tennessee one soon meets the question of private legislation. This is because so much of it has been passed that it seems to have been interwoven throughout the fabric of local government. The majority of the county offices in practically every county have been affected by it; questions of bond issues, highways, schools, public buildings and most all other subjects of local interest are legislated upon. One is led to feel that a large part of the function of local government is taken over by the state legislature.

The work that has been done on private legislation that is represented by this chapter has been mainly the study of the private acts of many legislative sessions, and the comparison of them with the general laws and consti-

tution of the state. The subjects that will be treated are as follows:

I. The extent of private legislation in Tennessee.

- a. The amount of private legislation.
- b. The distribution of private acts to the different local units of government throughout the state.
- c. The range of subjects of private acts.

II. Effects of private legislation on county offices and functions.

- a. General legal provisions concerning county offices.
- b. Effects of private acts on county offices and functions.

III. The legal basis of private acts.

IV. Unfavorable aspects of private legislation.

- a. Complexity.
- b. Defective acts.
- c. Peculiar and undesirable provisions of acts.

V. Conclusions and proposals for improving upon the system of private legislation.

Section I and II of the above are being treated as fully as the writer is able. Sections III and IV cannot be done with the same degree of thoroughness because time does not permit. Much information has been gathered, which will be integrated as well as possible, but will be presented more as preliminary information than as an analysis of the situation. As for proposals for improving upon the system of private legislation, it does not seem possible to do more than make some suggestions about further study of the subject.

Number of Private and Public Acts Passed, 1911-1929. As previously stated, since 1911 the private and public acts of the legislative assemblies have been published in separate volumes. This makes it easily possible to compare the relative amounts of each kind passed during the last 20 years. Chart 1 and Table 1 show the numbers of both kinds of acts passed by the different

Chart 1
Percentage of Acts Private and Public, by Acts and Pages, Tennessee,
1911-29
Years

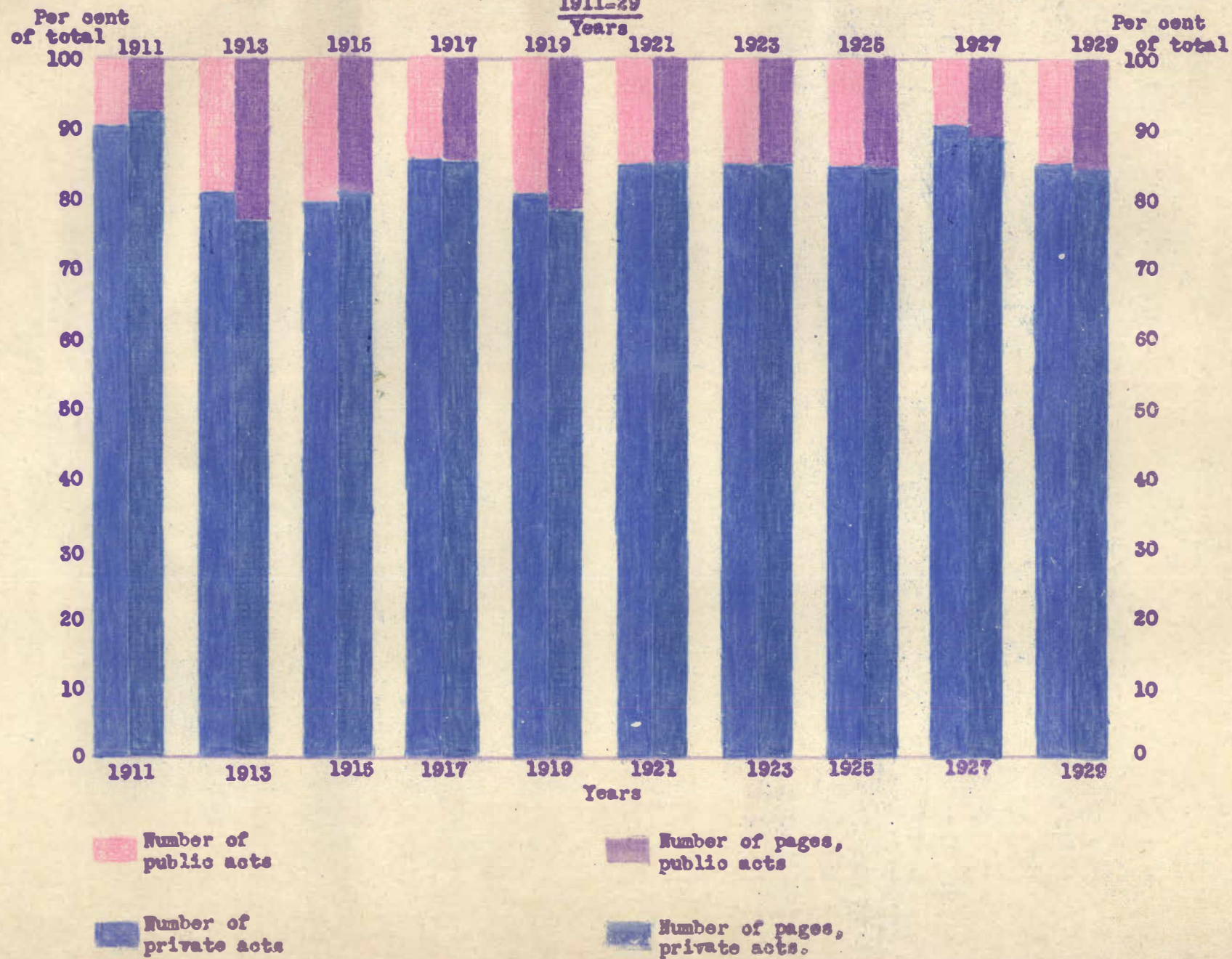


Table 1

Proportion of Private and Public Acts Passed by Legislative Assemblies, Tennessee, 1911-1929

Legislative Assembly	Year	Per Cent of Total Acts		Number of Acts		
		Private Acts	Public Acts	Total	Private Acts	Public Acts
57th	1911	90.2%	9.8%	749	676	73
58 ^a	1913	80.8	19.2	567	458	109
59	1915	79.5	20.5	877	697	180
60	1917	85.2	14.8	968	825	143
61 ^a	1919	80.9	19.1	1147	928	219
62	1921	84.7	15.3	1160	982	178
63	1923	85.4	14.6	833	711	122
64	1925	84.3	15.7	966	814	152
65	1927	90.3	9.7	923	833	90
66 ^a	1929	84.9	15.1	1196	1016	180
Total		84.6	15.4	9386	7940	1446
Total for 1911-19 inc.		83.1	16.8	4308	3584	724
" " 1921-29 "		85.8	14.2	5078	4356	722

a. Including acts of extra session.

Table 2.

Proportion of Pages of Private and Public Acts Passed by Legislative Assemblies, Tennessee,
1911-1929

Legislative Assembly	Year	Per Cent of Total Pages of Acts		Number of Pages of Acts.		
		Private Acts	Public Acts	Total	Private Acts	Public Acts
57th	1911	92.4	7.6	2227	2059	168
58 ^a	1913	76.9	23.1	2069	1592	477
59	1915	80.7	19.3	2760	2230	530
60	1917	85.2	14.8	3036	2582	454
61 ^a	1919	78.2	21.8	3705	2897	808
62	1921	84.8	15.2	3529	2993	536
63	1923	84.9	15.1	2962	2514	448
64	1925	84.3	15.7	3429	2890	539
65	1927	88.4	11.6	3110	2757	353
66 ^a	1929	83.7	16.3	3471	2903	568
Total		83.9	16.1	30,298	25,417	4,881
Total for 1911-19 inc.		82.3	17.7	13,797	11,360	2,437
Total for 1921-29 inc.		85.2	14.8	16,501	14,057	2,444

a. Including acts of extra session.

legislative assemblies from 1911 to 1929 inclusive. A total of 9386 acts were passed in this time, of which 1446, or only 15.4 per cent were public acts. All the rest of the acts, 7940, or 84.6 per cent, were private, or local in nature. The relative number and proportion of the pages in these acts may be seen in Table 25. Of the 30,298 pages containing all the acts, 4881 were devoted to public acts and 25,417 to private acts. The proportion of acts that were private varied somewhat during this time, between 79.5 and 90.3 per cent. The proportion of the number of pages varied more, the extremes being somewhat higher and lower respectively than those of the number of the acts themselves.

The chart does not show clearly a tendency of the private acts to increase in proportion during this time. However if the assembly of 1911 be left out of account there appears to have been somewhat of a tendency that way. For three of the five assemblies during the first decade of this time, this proportion was around 80 per cent. Since 1920 the percentage of acts private for four of the five assemblies has been approximately 85 per cent. For 1927 it was 90.3 per cent, a little higher than that for the highest year of the previous decade, 1911. The proportion fell in 1929 to approximately that of the three assemblies before 1927, with the proportion of pages being a little less, so the high proportion of private acts in 1927 cannot be interpreted as an especially recent tendency of the private acts to increase in proportion. If the first five assemblies of the last 20 years be compared with the last five, the percentage that private acts were of the total was 83.1 for the former, and 85.8 for the latter.¹ If pages be compared, the earlier five assemblies had 82.3 per cent devoted to private acts; the later five, 85.2 per cent. Thus in the decade following 1920 the assemblies passed a somewhat larger proportion of private acts than had been passed by

1. Data in tables 13 and 22.

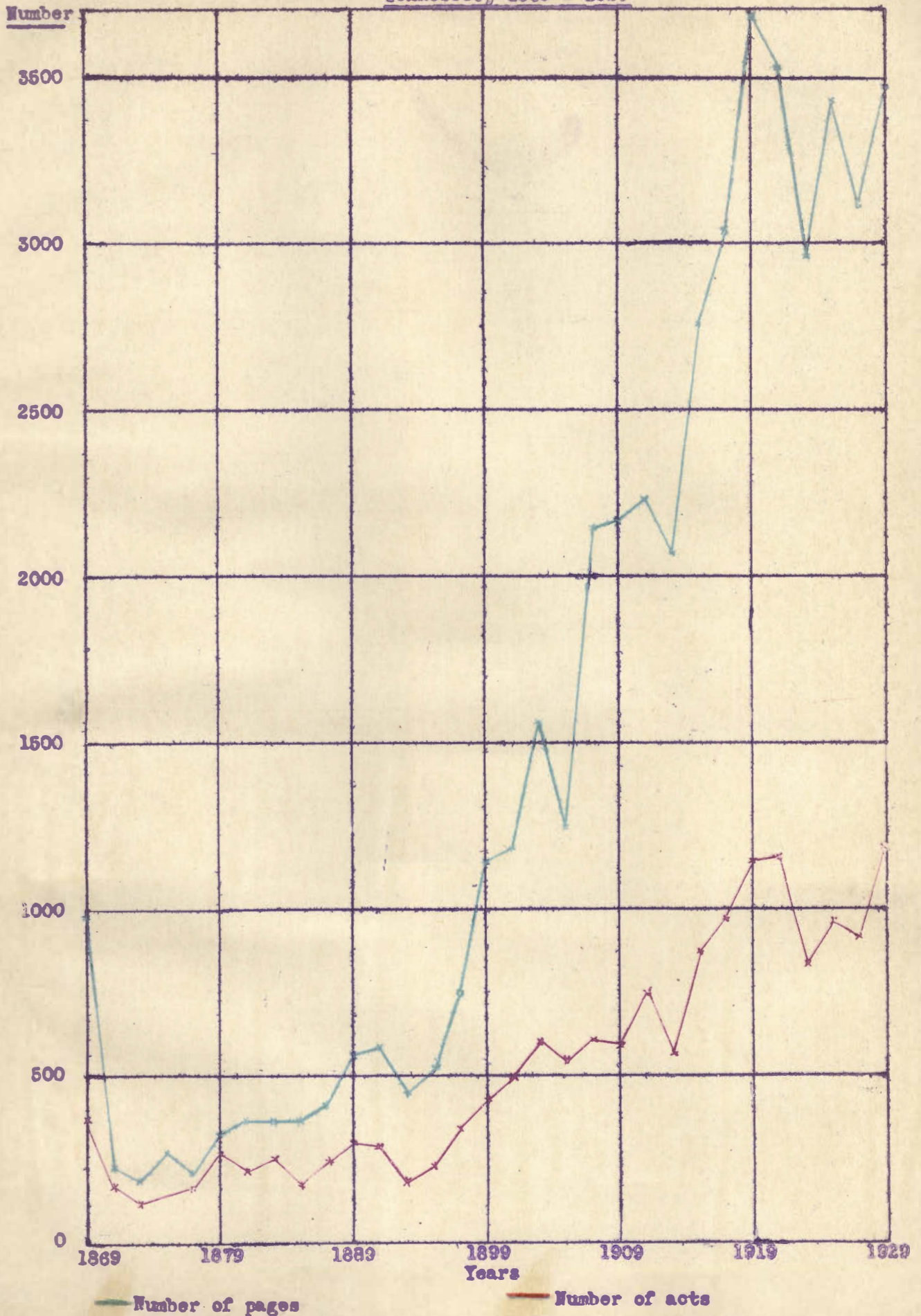
the assemblies of the previous decade.

Growth in Number of Acts, 1870-1929. For the years before 1911 data are not easily available about the proportion of legislation that was of a private character. Study has been made of the volumes of acts of the different assemblies as far back as 1869-70. It is of interest to see the growth of the amount of all legislation since that time. The amount of legislation of all assemblies since 1869 may be seen by reference to Chart 2 and Table 3. The 36th General Assembly, which met in 1869 and 1870, passed a total of 370 acts that occupy 989 pages of printed matter. This was a large amount of legislation for that time, which was occasioned by the adoption of the new state constitution of 1870, and the disturbed conditions following the Civil War. The number of acts was considerably less for several succeeding assemblies after this, and did not equal that amount until 1899. Beginning with 1900, the number of acts passed by assemblies increased considerably up to 1919. In each of the years 1919, 1921 and 1929 there were more than 1100 acts passed. Since 1919 the number of acts by an assembly has fallen below 900 only once, in 1923, when it was 833. The number of pages which the acts occupy has been in excess of 3000 for each assembly, except for the same year, when it was 2962. All these last assemblies, except that of 1923, have passed over three times as many acts as were passed in 1899, in which year the number passed was greater than that of any year previous. The total number of acts passed by the five assemblies of 1921 to 1929, inclusive, was 5078, in comparison with a total of 976 passed by the five assemblies of 1869 to 1877. Thus, during the last ten year period the legislatures have passed 5.2 times as many acts as legislatures did in an equal length of time beginning with 1869. If this comparison be made on the basis of pages of printed matter occupied by the acts, the greater activity of the assemblies of late years stands out in greater contrast. The last five assemblies have published a total of 16,501 pages of acts, while the five successive assem-

Chart 2

Number of Acts and Pages of Acts of Legislative Sessions,
Tennessee, 1869 - 1929

9.



blies of the earlier period used but a total of 1882 pages for all their acts. Judging by the number of pages, the latest assemblies have passed on an average 8.6 times as much legislation. The great increase that has taken place in the volume of legislation is very apparent. The rapid part of the increase occurred

Table 3..

Total Number of Acts, and Pages of Acts, Passed by
Legislative Assemblies, Tennessee, 1870-1929

Legislative Assembly	Year	Total Acts of Assembly		Assem- bly	Acts of Separate Sessions of the Same Assembly	
		Number of Acts	Number of Pages		Number of Acts	Number of Pages
36th	1869-70	370	989	1st	125	653
				2nd	121	189
				3rd	124	147
37th	1871-72	171	223	1st	150	180
				Extra	21	43
38th	1873	121	191			
39th	1875	143	269			
40th	1877	171	210			
41st	1879	266	327	1st	261	310
				2nd	5	17
42nd	1881-82	217	368	1st	172	280
				1st extra	178	19
				2nd extra	30	52
				3rd extra	37	17
43rd	1883	259	363			
44th	1885	178	367	1st extra	158	267
				Extra	20	100
45th	1887	247	411			
46th	1889	304	573	1st	270	497
				Extra	34	75
47th	1891	292	582	1st	265	498
				Extra	27	84
48th	1893	187	449			
49th	1895-96	228	515	1st	221	446
				Extra	7	69
50th	1897-98	347	746	1st	329	691
				Extra	18	55

(continued)

Table 3. (continued)

Legislative Assembly	Year	Total Acts of Assembly		Assem- bly	Acts of Separate Ses- sions of the Same As- sembly	
		Number of Acts	Number of Pages		Number of Acts	Number of Pages
51st	1899	435	1153			
52nd	1901	497	1184			
53rd	1903	601	1564			
54th	1905	543	1245			
55th	1907	604	2144			
56th	1909	591	2165			
57th	1911	749	2227			
58th	1913	567	2069	1st(public (private ex-(public tra(private	58 348 51 110	219 1164 258 428
59th	1915	877	2760			
60th	1917	968	3036			
61st	1919	1147	3705	1st(public (private ex-(public tra(private	196 812 23 116	732 2561 76 336
62nd	1921	1160	3529			
63rd	1923	833	2962			
64th	1925	966	3429			
65th	1927	923	3110			
66th	1929	1196	3471	1st(public (private ex-(public tra(private	146 933 34 83	250 2705 118 198
Total		16158	46336			
First 5 assemblies	1869- 1877	976	1882			
Last 5 assemblies	1921- 1929	5078	16501			

a. Public and private acts of different sessions.

between the latter part of the nineties of the last century and 1919. Since 1919 the amount of legislation has remained in the neighborhood of 1000 acts of each assembly, which occupy 3000 or more pages of printed matter.

The 66th Assembly, in its two sessions in 1929, passed a total of 1016 private acts and 180 public acts. This is a larger number of both total acts and private acts than of any other assembly. However the number of pages of private acts was less than in 1921, and very little more than in 1919 and 1925, so the greater number of private acts of this year does not lead to the conclusion necessarily that there was a greater amount of private legislation than ever before. Acts vary much in length, and the longer one is, the more provisions it contains and the more subjects of local interest it deals with. For this reason it seems that number of pages is a better criterion for judging the amount of private legislation than number of acts.

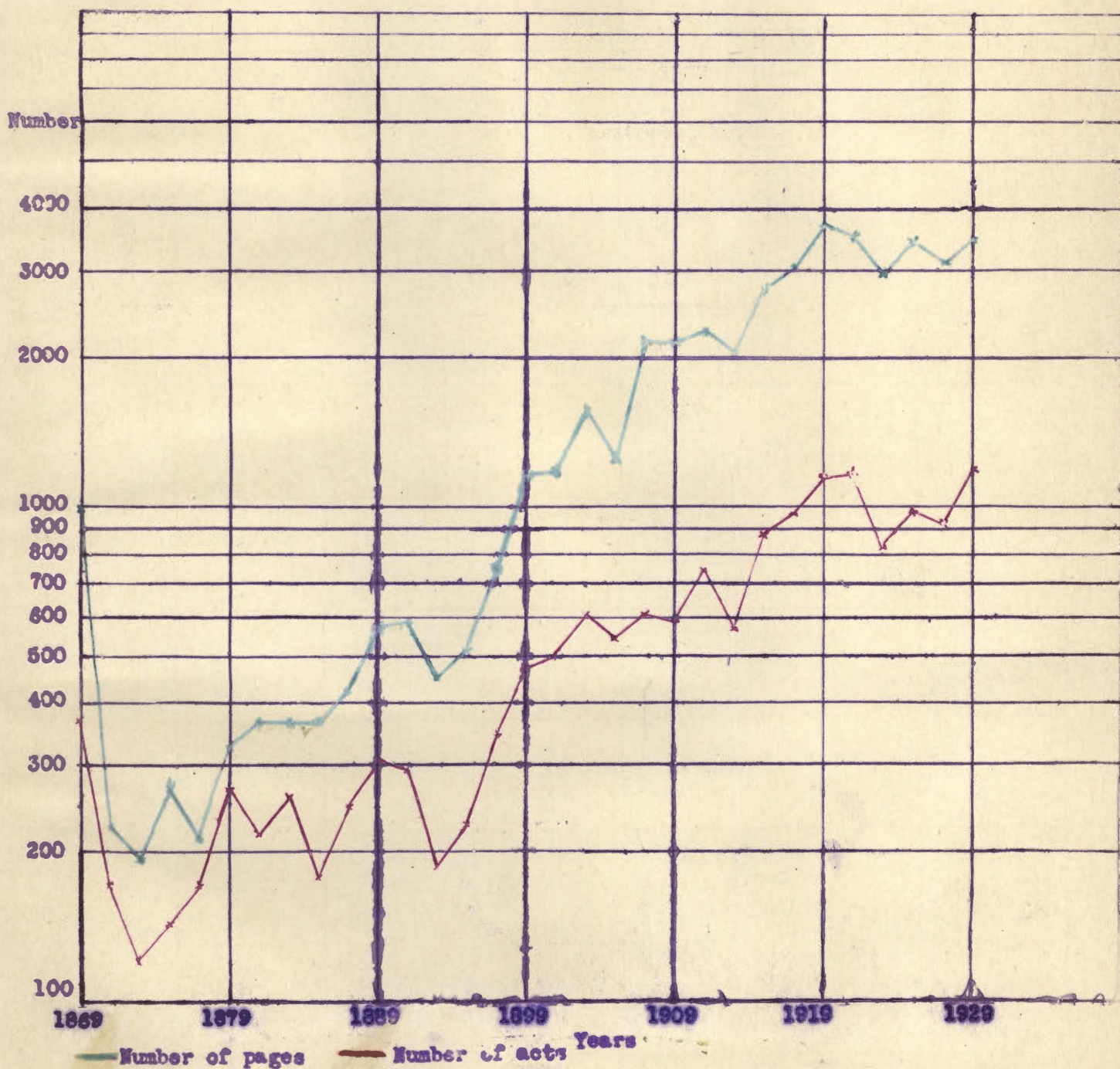
The tendency of legislatures during this time to pass increasingly longer acts may be seen by comparing the number acts with the number of pages during this time. These numbers are plotted on logarithmic or ratio scale in Chart 13. The fact that the curve of number of pages rises more rapidly than the curve of number of acts shows that the number of pages has increased in greater proportion than the number of acts. This means that the acts have become longer, and include more provisions.

These data show that there has been a great increase in the amount of legislation passed by legislative assemblies since the years following the adoption of the constitution of 1870. Since 1917 the assemblies have been passing an average of over 1000 acts each, which occupy volumes of about 3000 pages or more. About five-sixths of all this legislation has been private, and this proportion has increased somewhat since 1911. The meaning of all this private legislation can be comprehended only after a study of the great variety of subjects it touches upon.

Chart 3

Number of Acts and Pages of Acts of Legislative Sessions,
Tennessee, 1869-1929

(Logarithmic Chart)



Distribution and Scope of Private Legislation

Private Acts of Earlier Years. Legislative assemblies in Tennessee have passed private legislation ever since the adoption of the first constitution in 1796. There was an especially large amount of it before 1834, at which time the second constitution put limits to the power of the legislature in this direction. In the years following the adoption of the present state constitution in 1870 there were certain matters that were in an unsettled condition, about which a great many acts were passed. The location of county lines received a great deal of attention; each session passed a good number of acts taking tracts of land from one county and giving them to another. New counties were formed. There were several acts that authorized the formation of counties that never came into existence. There were many acts changing the counties from one judicial district to another and setting the times of holding the circuit and chancery courts. These types of acts have become fewer as the years have passed, although some are still to be found in the volumes of recent assemblies. A great many acts were passed then, as now, about the charters of towns and cities. As is to be expected, some acts were of subjects that were of importance in that time, but of little importance now, such as acts regulating turnpikes. Of historical interest is one act which stipulated that owners of steam propelled vehicles could only use them on certain turnpikes during stated hours of the night, and only after signs had been posted by the owner for some weeks in advance at each crossroad warning people that such a contraption was going to be run over the road. The passing of time has brought the widening of the scope of subjects legislated upon, as well as the increase in number and size of acts. The many laws about the construction and maintenance of highways in recent years are an example of the use of private legislation to

to meet situations arising from changes in our mode of life. It may be said that private acts reflect well the problems that concern local government throughout the state during the period in which they are passed.

Distribution of Acts to Counties, 1929. A partial summary has been made of the subjects of the private acts of the regular session of the 66th Assembly in 1929 in order to give an idea of the variety of subjects treated, and the distribution of the acts over the counties and towns of the state. Although this is in no sense a thorough analysis of the acts of that session, it seems that it should give quite a good picture of the kind of things with which the legislature concerns itself in private legislation. This session of the assembly passed 933 private acts, which occupy 2705 pages, in two volumes. The extra session of the same year passed 83 more private acts, which occupied 198 additional pages. The counties and other political subdivisions of the state to which the acts apply have been determined by reference to the indexes of the volumes of both the regular and extra sessions. The number of acts applying to the different counties is shown in Table 4. Table 5 shows the number of counties receiving different numbers of acts.

Table 4
Number of Private Acts Applying to the Different Counties
Passed by the 66th Assembly, Tennessee, 1929*

County	Regular Session	Extra Session	Total	County	Regular Session	Extra Session	Total
Anderson	5	1	6	Clay	3	1	4
Bedford	5	1	6	Cocke	6	1	7
Benton	8	0	8	Coffee	8	0	8
Bledsoe	3	0	3	Crockett	8	0	8
Blount	11	1	12	Cumberland	3	0	3
Bradley	5	1	6	Davidson	15	0	15
Campbell	2	0	2	Decatur	2	0	2
Cannon	7	2	9	DeKalb	3	0	3
Carroll	12	1	13	Dickson	3	0	3
Carter	14	0	14	Dyer	14	0	14
Cheatham	2	0	2	Fayette	5	0	5
Chester	2	0	2	Fentress	5	0	5
Claiborne	5	0	5	Franklin	10	0	10

* Number of acts listed in index. (continued)

Table 2 (continued)

County	Regular Session	Extra Session	Total	County	Regular Session	Extra Session	Total
Gibson	3	2	5	Monroe	13	0	13
Giles	3	1	4	Montgomery	6	0	6
Grainger	2	0	2	Moore	7	0	7
Greene	8	0	8	Morgan	9	0	9
Grundy	11	0	11	Obion	7	0	7
Hamblen	3	1	4	Overton	1	0	1
Hamilton	32	6	38	Perry	7	0	7
Hancock	3	0	3	Pickett	5	0	5
Hardeman	1	0	1	Polk	12	2	14
Hardin	9	0	9	Putnam	9	2	11
Hawkins	12	2	14	Rhea	6	1	7
Haywood	11	0	11	Roane	10	1	11
Henderson	9	0	9	Robertson	9	2	11
Henry	4	1	5	Rutherford	8	1	9
Hickman	13	0	13	Scott	7	0	7
Houston	3	0	3	Sequatchie	4	0	4
Humphreys	2	0	2	Sevier	3	1	4
Jackson	2	1	3	Shelby	10	0	10
Jefferson	9	1	10	Smith	9	0	9
Johnson	2	0	2	Stewart	4	0	4
Knox	16	0	16	Sullivan	14	0	14
Lake	7	0	7	Sumner	11	0	11
Lauderdale	9	3	12	Tipton	5	1	6
Lawrence	5	1	6	Trousdale	4	0	4
Lewis	7	0	7	Union	2	0	2
Lincoln	11	1	12	Unicoi	4	1	5
Loudon	9	1	10	Van Buren	2	0	2
McMinn	11	1	12	Warren	8	0	8
McNairy	12	0	12	Washington	9	0	9
Macon	2	0	2	Wayne	7	1	8
Madison	7	0	7	Weakley	13	3	16
Marion	18	1	19	White	1	0	1
Marshall	8		8	Williamson	10	0	10
Mauzy	12		12	Wilson	7	0	7
Meigs	2		2	Total	687	48	735

Every county in the state was remembered by this assembly with at least one act, and only three counties received so few. The total number of acts listed for the different counties was 735, of the regular and extra sessions together, which makes an average of 7.7 acts for each county. Most all the counties received between two and twelve acts, the number of counties receiving each number within these limits being pretty evenly distributed. Hamilton County had by far the greatest number. Of the other counties having large cities, Davidson had 15; Knox, 16; and Shelby, 10. This was an abnormally low

number for the latter compared with other years. Counties of smaller population which also received a considerable number of acts were Carter, Dyer, Hawkins,

Table 5.
Number of Counties Receiving Different Numbers of Private Acts,
Tennessee, 1929

Number of Acts	Number of Counties	Number of Acts	Number of Counties
1	3	12	6
2	11	13	3
3	7	14	5
4	7	15	1
5	7	16	2
6	6	17	0
7	10	18	0
8	7	19	1
9	7	20	0
10	5	38	1
11	6	Total 735	95

Marion, Polk, Sullivan and Weakley, all of which had 14 or more. Weakley County had as many acts as Knox, while Marion, with 19 acts, was second only to Hamilton.

This distribution of acts is quite typical in a general way of other years. The four large city counties practically always have a large number of acts. At the same time some of the smaller counties generally have about the same number as these largest ones. Some assemblies have omitted a few counties in distributing their private acts, but practically every county is remembered by every assembly. This distribution, however, is not to be considered typical of that of other assemblies from the standpoint of the individual counties. Counties which receive many acts one time may receive few other times. However one gains the impression that during some periods of years certain counties have drawn exceptionally large numbers of acts from several succeeding assemblies, while others have had relatively few.

The recording of certain types of acts, as far back as 1917, in making this study, has shown that some counties have received many more acts in this time

than others. A number of counties which have had an exceptionally large number of acts in recent years, and some that have had exceptionally few, are shown in Table 6.

Table 6

Counties Receiving Exceptionally Large, and Small, Numbers of
Private Acts, Tennessee, 1917-1929

I. Receiving an Exceptionally Large Number:

Carroll	McMinn
Greene	McNairy
Jefferson	Monroe
Lincoln	Polk
Loudon	Stewart
Marion	Sullivan
Maury	Sumner

II. Receiving an Exceptionally Small Number:

Bledsoe	Hancock
Cheatham	Hardeman
Chester	Houston
Cumberland	White
Hamblen	Williamson

A more complete study of the numbers of acts passed for some of the counties, in connection with the history of their local affairs, would probably yield some illuminating results about the use of this sort of legislation by local political groups.

Subject of County Acts, 1929. The acts affecting counties are on a wide variety of subjects, some of the most common of which are highways, bond issues and county offices. The index lists 121 acts on the subject of county bond issues, and 48 about highways in different counties. There were 103 acts concerning county offices, each one naming some office in a particular county, and specifying something, or a number of things, about the method of selection, term, qualifications, compensation, powers or duties of the office. The offices about which these acts were written are shown in Table 7.

Table 7

County Offices About Which Private Acts Were Passed, Tennessee,
1929

Office	No. Acts	Office	No. Acts
Assessor	22	County attorney	8
Sheriff	19	Justice of the peace	7
Clerk & master	15	County superintendent	4
County judge	15	Trustee	3
County ct. clerk	9	County chairman	1
		Total	103

Acts Passed Affecting Towns and Cities, 1929. Incorporated towns and cities are recipients of another large number of private acts. The index of every volume of private acts contains references to acts passed for a long list of these. There were 103 towns and cities shown in the index which received one or more acts from the regular session of the legislature in 1929.¹ These are shown in Table 8 . The total number of acts passed about these places was 273. There were 235 incorporated places in the state listed in the census of 1920.² The fact that 43.8 per cent of these received such acts from one assembly shows how much the legislature takes upon itself to legislate for them. Chattanooga, Nashville and Memphis had 20, 23 and 28 acts respectively. Knoxville had but six, which is a small number compared with these other cities. Bristol with 14, and Johnson City with 11, are other places which had large numbers of acts.

The assembly in 1929 abolished the charters of three towns, Hollow Rock, Clarksville, and Conasauga, and re-incorporated the first two mentioned. The index lists amendments made to the charters of 56 places. The incorporated limits of three were changed. There were three acts about the power of towns to assess property abutting on streets that are improved. This is a question that has

1. There were a few other acts passed for towns listed in the index only as applying to towns within certain narrow population limits. It has not been attempted to identify the towns that received these acts.

2. 14th Census of the United States, State Compendium, Tennessee, 1920, p. 21, Table 3.

now apparently become relatively settled. A few years before this each volume of private acts had many abutting property laws, each applying to a single municipal corporation. The assembly in 1921 passed 159 such acts.

Table 8 .

Incorporated Towns and Cities in Tennessee Which Received Private
Acts in 1929*

Town or City	No. of Acts	Town or City	No. of Acts
Adamsville	3	Harts Ferry	2
Alton Park	2	Henning	1
Ashland	2	Hollow Rock	2
Athens	4	Humboldt	1
Bells	1	Jackson	3
Bethel Springs	3	Jefferson City	1
Big Sandy	1	Jonesboro	1
Bluff City	1	Johnson City	11
Bristol	14	Kingsport	2
Brownsville	2	Knoxville	6
Bruceton	2	Lawrenceburg	2
Camden	1	Lebanon	2
Centreville	1	Lenoir City	1
Chattanooga	20	Lewisburg	2
Clarksville	1	Livingston	2
Cleveland	2	Lobelville	1
Clinton	1	Lookout Mountain	2
Coal Creek	3	Loudon	1
Columbia	3	Lynchburg	1
Conasauga	1	Madisonville	1
Cookeville	1	Manchester	2
Copper Hill	1	Martin	3
Covington	4	Mason Hall	1
Cross Plains	1	Maryville	1
Dayton	2	McKenzie	1
Dickson	1	McMinnville	2
Dresden	2	Memphis	28
Dyer	2	Milan	2
Dyersburg	6	Missionary Ridge	3
Elizabethton	2	Morristown	5
Erin	1	Mt. Pleasant	1
Erwin	3	Mountain City	2
Etowah	1	Munford	1
Gallatin	2	Murfreesboro	1
Gates	2	Nashville	23
Greenfield	3	Newbern	2
Halls	1	Newport	2

*Regular session only.

(continued)

Table 8 (continued)

Town or City	No. of Acts	Town or City	No. of Acts
N. Chattanooga	4	Selmer	1
Obion	1	Sharon	1
Ocoee	1	Shelbyville	2
Ottway	1	Signal Mountain	1
Paris	4	South Pittsburg	2
Parsons	1	Sparta	3
Portland	1	Springfield	2
Rives	1	St. Elmo	1
Ridgely	3	Sweetwater	1
Ripley	2	Tiptonville	1
Riverview	2	Trenton	1
Rogersville	1	Union City	1
Sardis	1	Wartrace	1
Savannah	1	Waverly	2
		Whiteville	1

These and the many other acts about municipalities were concerned with a large variety of subjects pertaining to the government of them. It is apparent that acts are passed about most all questions of these local government units. This seems to have been the practice of all the different assemblies.

The early assemblies after 1870 had a large number of acts about municipalities, which dealt with such subjects about the towns and cities as the changing of limits, districting into wards, elections, taxes, records, town and city officers, and others. The charters of a great many places were repealed and some received new charters. The year 1879 was one of exceptional activity along this line. That year the assembly in session repealed the charters of a large number of places, including Memphis. These were all made into "taxing districts", which were deprived of all their local governmental functions and made subject directly to the legislature for government. Acts of immediately succeeding sessions were made to carry out this governmental function for these different places. An act of 1871 purported to retire the bonds of the extinct municipality of Memphis and collect taxes in the then existent taxing district. The places that were subjected to such drastic action later became incorporated by means of acts establishing new charters. In late years no assemblies have gone to any

excess of this kind.

Re-Location of County Lines. The question of the location of county lines is not in the unsettled state that it was in the seventies and eighties; yet the end of this process has not been reached after 60 years, and it seems that it will continue indefinitely as long as our present system of legislation does. The assembly of 1929 made nine county line changes, as shown in Table 9.

Table 9

Changes of County Lines by Private Acts, Tennessee, 1929.

Counties affected by acts:

DeKalb and Putnam
 Loudon and McMinn
 Sumner and Trousdale
 Williamson and Rutherford
 Robertson and Rutherford
 Lewis and Maury
 Wayne and Lawrence
 Wilson and Cannon
 Williamson and Rutherford

From the standpoint of area affected by the line changes, these acts are quite insignificant. Chapter 266 stated that all the lands of Cage McGee were to be detached from Wayne County and added to Lawrence. An act concerning Williamson and Rutherford changed 131 acres of W. I. Pate from one county to the other. A similar act about Robertson and Rutherford so changed eight acres of the estate of A. F. Morgan. The other acts involved the lands of but a few property owners. One is impressed with the unimportance of such matters in the affairs of the state, and yet with the fact that they are dignified by the official act of two houses and the governor, and that no question seems to be outside of what the legislature considers its business.

Acts Affecting Civil and School Districts. There were nine acts in 1929 that changed the boundaries of civil districts within seven different counties. One of these acts redistricted Hamilton County. Two other acts changed voting precincts of civil districts. There are fewer acts relating to civil district

lines than formerly. In 1917 there were 22 such acts, which affected districts in 17 counties. Every assembly passed a number of these. Some of these acts reduce the number of civil districts, so are probably desirable changes. However the most of them simply change boundary lines, and a few create new districts. Special school districts are the subject of quite a number of private acts from each assembly. In 1929 there were 25 acts that applied to 24 different districts of this kind. The location of the special school districts receiving these acts is shown in Table 10.

Table 10.
Special School Districts Receiving Private Acts,
Tennessee, 1929

Name of District	No. of Acts	County
Atwood	2	Carroll
Clarksburg	1	"
(a) _____	1	"
(b) _____	1	"
Trezevant	1	"
Huntingdon	1	"
Collinwood	1	Wayne
Cross Plains	1	Robertson
Barren Plain	1	"
Coopertown	1	"
(a) _____	1	DeKalb
9th Civil Dist.	1	Dyer
Cowan	1	Franklin
Monteagle	1	Grundy
Tracy City	1	"
Paris	1	Henry
Whitwell	1	Marion
5th Civil Dist.	1	Monroe
Gleason	1	Weakley
Springfield	1	"
Greenfield	1	"
Mason Hall	1	"
Lynchburg	1	Moore

a. Name of district not given in index.

Miscellaneous Subjects of Private Acts, 1929. There were many other subjects legislated upon in private acts in 1929. In order to give some idea of the great variety of the subjects of acts the provisions of a number of

acts applying to counties are summarized in Table II.

Table II.

Subjects of Some Miscellaneous Private Acts Applying to
Counties, Tennessee, 1929

Subject	No. Acts	Subject	No. Acts
Fish and Game Laws		Others	
Fish laws	14	Enforcing compulsory	
General game laws	9	school law, Hickman	
Fur bearing animals	2	County	1
Minnows	4	Commission of Memphis	
Foxes	2	may establish day-	
Opossums	1	light saving time	1
Quail	2	Billiard halls pro-	
Raccoons	1	hibited, Wilson Co.	1
Rabbits	1	Use of prisoners for	
Trapping	1	work	2
Deer	2	Marion County to pay	
		hospital expenses	
Elections		of peace officers	1
Marking of ballots	1	Authorizing reward for	
Duties of election officers	2	the apprehension of	
Pay of election officers	1	a poultry thief, and	
Registration of voters	2	requiring poultry	
		buyers to keep records	
Domestic Animals		of purchases, Obion	
Dog laws	10	County	1
Stock laws	7	Vehicle taxes for coun-	
Allowing keeping of wild		ties	
animals as pets, Hick-		Changing counties in	
man County	1	Chancery Circuits	2
4 wire fence lawful,		Justices of the Peace	
Marion County	1	allowed to serve as	
		members of boards of	
		education	1

Acts are to be found in every volume that are passed for the sake of some particular person or persons. The commonest subject of these personal acts is the removal of the disabilities of infancy of minors. There were 14 such acts in 1929. There are also other personal acts to be found. These are all listed in Table III.

Table 312.

Private Acts Passed in Favor of Particular Persons, Tennessee,
1929.

Subjects of Acts and Persons Named	Subjects of Acts and Persons Named
I. Removing disabilities of infancy Julia L. St. John Elisha Ray Dorothy and Louise Remine Robert Terry Robert Insley Tom Lee and Paul Murrell Muriel Harris L. A. Hedgecoth Paul Horton J. Barnes Clyde and Clarence Anderson Eunetta Clouse Benjamin Holmes James Haynes	II. Title to land validated Mrs. Jennie Speed Folts III. Hamilton County to pay for car damages W. A. Eaker IV. Appointing to commission of fi- nance and budget McRee V. Allowing an individual to prac- tice veterinary medicine in spite of irregularities of his qualifications W. B. Green

The legislature thus takes upon itself the responsibility of passing laws about the personal problems of particular individuals. Every assembly apparently has followed the same course. In the case of the minor persons relieved of the disabilities of infancy, private legislation has been used to set aside the general laws for the sake of certain favored individuals. This is true also in the case of the man allowed to practice veterinary medicine who lacked the full legal qualifications. The other cases appear to be more or less of this nature, with the exception of the appointment of a man to a county commission, which suggests the use of political influence.

The volume of public acts of 1929 contains duplicates of all the above private acts which remove the disabilities of certain minors. In addition there is an act doing the same for another person, Vera Johnson. This seems to be a peculiar confusion as to what kinds of acts are public or private in nature. The same volume of public acts contained a few other acts which were passed for particular persons. Most of these were allowing compensation for damages incurred from the state. These cases may be considered to be of the concern of the state, as the state is a party. There were two other personal

acts, however, included. One allowed James Turner to redeem certain lots that had been purchased by the state for taxes. The other granted refunds on the penal bonds of E. Shannon and R. S. Hopkins.

Conclusion. The significance of this mass of private legislation, which is being added to so liberally by each succeeding assembly, can be comprehended only by studying into the many volumes. One is soon impressed by the almost unconceivable variety of matters which the legislature takes upon itself to legislate about. A laymen's conception of statutory law as being an orderly, even if complicated, system of regulations made for the common good, which is added to a certain amount at intervals as the need is recognized, receives a rude shock. For here he finds an incomprehensible conglomeration; laws made to apply to only a single county, district or town; general laws contradicted so that they may not apply to favored places or even persons; affairs of individual counties, towns or districts being legislated about in almost every way possible; acts passed about private persons, some appointing them to offices; of the different county offices, the term, method of selection, compensation, qualifications, powers and duties being changed in every way in great numbers of individual cases; appropriations authorized or made mandatory upon counties in amounts of every size, for any number of purposes; amendments, and amendments upon other amendments, the meaning of which can be found only by most diligent search in the different volumes; private acts repealing other private acts, or repealing repealing acts; poorly drawn acts, the meaning of which can be determined with much difficulty, or the constitutionality of which may be in doubt; contradictory acts about the same local matter, of which the valid one is hard to determine.

One sees that if just the general laws of the state were to be made into a code, such a code would be almost meaningless because no one could know whether for any given case in a particular place what laws did or did not apply. A comprehensive code would have to include innumerable reservations and modi-

fications by counties to a great many of the general laws. It would have to be subject to constant and diligent revision, at much expense. All the new laws of each session would have to be included, and those that become inoperative because of defects would have to be stricken out. Up to this time the state has never published such a code.¹ The only codification of laws has been done unofficially by private initiative.

The Effects of Private Legislation on County Offices and Functions

The Relation of Private Acts to General Laws. A large number of the private acts of every legislative assembly concern the different county offices. Many acts state the amount of compensation which an officer in a particular county shall get; some change it from fees to salary, or vice versa; some set up limits to the amount or kind of fees he shall be allowed to keep, or change or remove limits established by previous acts; some state a combination of fees and salary. Many other special acts are passed concerning the duties, qualifications or method of selection of some particular office. In some cases offices are established or abolished by this same means of private legislation. Most of these acts have been made to modify and supersede the general laws of the state which had already established the method of selection, qualifications, duties and compensation about each office. There has been such a volume of such acts passed about the compensation of several of the county offices that the general law has come to be the exception.

This part of the chapter is devoted to the consideration of the effects of private acts on the status of county offices. The private acts that have modified the operation of the general laws in the many counties have been gathered from the volumes of private acts of the legislative sessions in recent years. The work of Shannon² in 1917 has been used as a starting point for

1. The state is now preparing an official code.

2. Shannon, R. T., Annotated Code of Tennessee, 1917.

this study. In codifying the laws of Tennessee at that time, he also collected the private acts that modified the general laws about the county offices, and listed to that date the changes that had been made by counties. Changes that have been made since 1917 have been found by reference to all the volumes of private acts of subsequent years.

In searching out these many private acts, every attempt has been made to get the facts as accurately about the position of the offices in each county as could be found in the acts themselves. However, the writer recognizes that there are sources of error in making a compilation of this kind. The indexes of the volumes of the private acts have been used as the guide for finding the acts. These indexes in places are not in exact alphabetical order, and on this account it appears that they were put together with a degree of haste. It is quite possible that some acts were not included under the headings of the counties. No attempt has been made to check up on the completeness of the indexes to see if all the private acts were listed, as the time necessary did not seem to warrant this. Also some private acts have become the subject of litigation which has resulted in their being declared unconstitutional by the courts. The amount of time that would be necessary in searching through court records to find what private acts had been thus declared unconstitutional is considered inconsistent with the purpose of this study, which is simply to present a description of the effect of private legislation on county offices in the state, rather than to furnish an exact guide for reference about each office in each county. Another source of difficulty in compiling the special acts about county offices is that part of the acts are mandatory to the county courts but some are simply authorizations to carry out a course of action. These latter acts may or may not be in force in the counties, according to whether the county court took the action that was authorized or not. To find which acts were not adopted by the county courts would require a great deal

Table 13.

Summary of the Provisions of the General Laws of Tennessee Concerning the Election, Term of
Office, and Compensation of Officers in Counties

Office	Provisions of constitution and statutes concerning selection and term of office*	Years of term	Time of next election	Date that term begins following election	Compensation	Provisions of constitution and statutes concerning compensation
<u>County offices filled by popular election</u>						
County Court Clerk	1150; 1154; 1155; Const. Art. 6, Sec. 13	4	1934	Sept. 1	Fees, special, those for all court clerks. (b)	3768; 6388; 6400
Circuit Court Clerk	1150; 1154; 1155; Const. Art. 6, Sec. 13	4	1934	Sept. 1	From fees, but annual compensation guaranteed in amounts according to classes of counties by population with right to keep fees in excess of the amount guaranteed (b)	6388; 6398; 6398a1
Criminal Court Clerk	1150; 1154; 1155; Const. Art. 6, Sec. 13	4	1934	Jan. 1	Fees (b)	6388; 6398

Notes at bottom of table.

(continued)

Table 13 (continued)

Office	Provisions of constitution and statutes concerning selection and term of office*	Years of term	Time of next election	Date that term begins following election	Compensation	Provisions of constitution and statutes concerning compensation
County Judge	1150; 1154; 1155; Const. Art. 6, Sec.4.	8		Jan. 1	\$5 a day for meetings of quarterly and monthly county court and additional appropriated by quarterly court, which can appropriate also an annual sum in addition for services as financial agent.	6374; 510
Assessor	1150; 761; 1154; 1155	4	1932	Jan. 1 (c)	Fixed by county courts, with the maximum set according to the number of taxpayers assessed, except in counties with population over 70,000	762
Sheriff	1150; 1154; 1155; Const. 7, Sec. 1	2 (No one person can hold office more than 6 yrs. out of any term of 8 yrs., Const.)	1932	Jan. 1	Fees, regular, from duties of office, the granting of an ex-officio fee authorized to county courts. (b)	6402; 6404

Notes at bottom of table.

(continued)

Table 13 (continued)

Office	Provisions of constitution and statutes concerning selection and term of office*	Years of term	Time of next election	Date that term begins following election	Compensation	Provisions of constitution and statutes concerning compensation
Register	1150; 1154; 1155; Const., Art. 7, Sec. 1	4	1934	Jan. 1	Fees (b)	6427
Trustee	1150; 1154; 1155; Const., Art. 7, Sec. 1	2	1932	Jan. 1	Percentage of funds handled (b)	915; 916a2
<u>Officers elected by the civil districts</u>						
Justice of Peace	1150; 1154; 1155; Const., Art. 6, Sec.15	6	1936	Jan. 1	\$1.50 a day for sessions of the county court, and 5¢ a mile for distance traveled to court; also fees for duties as magistrate in both civil and criminal cases	6002; 6385; 6386; 6387
Constable	1150; 1154; 1155; Const., Art. 6, Sec.15	2	1932	Jan. 1	Fees for civil and criminal bases, same as to sheriff, and other special fees	6409; 6410
<u>Officers appointed by vote of the county court</u>						
County Chairman (by quorum of 3/5 of the justices of the court)	6004	1	Jan. session	Upon election	As fixed by the county court	519; 6010

Notes at bottom of table.

(continued)

Table E3 (continued)

Office	Provisions of constitution and statutes concerning selection and term of office*	Years of term	Time of next election	Date that term begins following election	Compensation	Provision of constitution and statutes concerning compensation
Superintendent of Schools	Chap. 119, Acts of 1921; 1410	4	Jan. session		Determined by county court, state to pay an amount equal to that paid by the county, not exceeding \$1200 a year (d)	1410; 1396a8; Chap. 119, Acts of 1921
Coroner	1144; Const., Art. 7, Sec. 1	2			Fees as sheriff, and \$5 for each inquisition	6407; 6408
Ranger	1144; Const., Art. 7, Sec. 1	2			Fees	571; 6428
Surveyor	1144	4	Jan. session		Fees	549; 50; 6415
Poorhouse commissioners Workhouse commissioners Standard keepers of weights and measures Notaries public Public administrators Public guardians (continued)	1144	Appointment, compensation, term of office all determined by county court				

Notes at bottom of table.

(continued)

Table 113 (continued)

Office	Provisions of constitution and statutes concerning selection and term of office*	Years of term	Time of next election	Date that term begins following election	Compensation	Provision of constitution and statutes concerning compensation
Cotton and tobacco weighers Road commissioners Jail physicians and health officers Turnpike superintendents and commissioners	1144	Appointment, compensation, term of office, all determined by county court				
<u>Appointed by the Chancellor of the Judicial District</u> Clerk and Master of Chancery Court	Const., Art. 6, Sec. 13	6		Sept. 1	Fees common to all court clerks (b)	6388; 6399

* Numbers in this table, and hereafter in this chapter, refer to sections in Shannon's Code, editions of 1917 and supplement of 1926. (a) The regular general election, the first Thursday in August for the years specified.

(b) Chap. 101, Public Acts of 1921 makes the basis of compensation a straight salary for the trustee, sheriff, clerk, and master, clerks of circuit, criminal and probate courts, register, and county court clerk, with no fees going to the office holder personally. All counties are included in the three classes set by the act, but the nature of the act makes it operative so far in only the four counties containing the large cities of the state, Shelby, Davidson, Hamilton, and Knox. See Appendix C. (c) Code 761, a law especially pertaining to the election of assessor.

(d) The latest act that can be found by reference to indexes of session laws is Chap. 119, Acts of 1921, which provides for payment from state funds to counties for the superintendent's salary an amount equal to that paid by the county, but not over \$1000. The Annual Report of the Department of Education for 1930 gives figures of the amounts paid to each county for the superintendent's salary, and a large number of counties are receiving \$1200 annually. Apparently there has been a later act passed which is not listed properly in the index of the acts of the session which enacted it.

of correspondence and examination of records. A large number of the acts were of this nature. However it is believed that most of such acts are ratified by the county courts. These authorization acts are listed the same as the mandatory acts in this work. In spite of these possibilities of inaccuracy it is believed that the status of most all the offices shown in the tabulations following is correct, as it was after the close of the extraordinary session of the legislature in 1929.

In order that the private acts about the offices may be compared with the general laws, the provisions of the latter as to election or appointment, term of office and compensation are summarized in Table 13, pages 29-36.

Changes Made by Private Acts on County Offices. In the following pages the changes effected by the many private acts on the county offices in the different counties are presented in summary form. The provisions of the general laws, and the nature of the modifications are considered for each office.

1. County court clerk. The county court clerk is elected by popular vote at the regular election every four years. His compensation, except in the counties over 100,000 population, ^{is} entirely fees, which are specified in three different laws. The law prescribing fees for all court clerk lists 72 different fees for services connected with court cases, ranging from \$.10 to \$2.00. Of these nine are chargeable to the state, ten to the defendant, 17 to the state or to the defendant according to the judgment of the court, and the payer of the other 36 is not stated. Two other laws list over a hundred other fees, which the county court clerk can collect. These are for a variety of legal processes, and some of them are for the issuance of privilege licenses. He may receive a fee of \$5.00 for services to the common schools. He gets a fee of 50¢ for each automobile registration. In addition to all other fees, the county court may vote him an ex-officio fee of \$50. He is also entitled to a commission on property sold under decree of court, the percentage ranging from 4 on the first \$100 to 1 1/2 on all amounts over \$500.

The county court clerk's office is one which has been relatively little affected by private acts. Acts affecting the compensation of the office are to be found operative in 13 counties. The nature of them in the different counties is shown in Table 24.

Table 24.

Annual Salaries of County Court Clerks as Stated in Private Acts

I. Acts naming an annual salary without any fees in addition:

Carroll	\$2250	Weakley	\$2500
Meigs	1900	Overton	1200
Perry	1000	Pickett	600

II. Compensation from fees, with a guarantee of a certain amount yearly to be made up by the county in case of deficit. In case of an excess of fees over the guaranteed amount, the clerk is entitled to keep it.

Fentress	\$900	Unicoi	\$1500
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III. Special ex-officio fee in addition to all other fees

Monroe	\$150	Van Buren	\$50
--------	-------	-----------	------

IV. Amounts to be appropriated for deputy hire

Carroll	\$1200	McMinn	\$1200
Polk	\$1200		

The purpose of the acts of Fentress and Unicoi Counties, which guarantee a certain annual amount and allow the clerk to keep any fees above the same, was to keep his annual salary from being too low. The granting of a larger ex-officio fee, as in Monroe County, and an additional one, as in Van Buren County, is likewise clearly for the purpose of raising the annual compensation. The acts of the three counties which have appropriations for the hire of deputies seem to be indirectly for the purpose of raising the clerk's compensation. The work of the clerks in those counties is apparently too much for a man alone, and provision was made for helping him. However, as the office is on the regular fee basis, this means that there is a good amount of income, because every kind of service rendered brings a fee. This is charged

for all services, whether rendered by the clerk himself or the deputy, so the appropriations for deputy hire most probably go to lighten the work of clerks who are getting a generous income from fees.

Six of the acts, on the other hand, were made apparently for the purpose of limiting the compensation of the clerks, for although they guarantee a certain annual salary, they allow him to keep no fees in excess. It is interesting to note the range of salaries which are considered adequate for this office in these different counties. Weakley County grants \$2500, while in Pickett County \$600 is considered sufficient, or at least there has not been strong enough sentiment to cause the amount to be raised by a further act.

Study of these acts that concern the county court clerk show that in general the regular fees of the office are sufficient for the compensation. Only seven of all the 95 counties in the state have acts that raise the pay, or give an extra appropriation for deputy hire, while six limit the amount of the annual salary.¹ This office stands out in considerable contrast with some others, for which a large number of counties have special acts that increase the pay. It is to be concluded that generally this office has been so remunerative that there has been little agitation for increasing its compensation. There has been more of limiting it than of increasing it by legislation.

2. Circuit court clerk. The clerk of the circuit court, as the county court clerk, is entitled to the fees which are common to all court clerks. These are fees arising from cases in court. A law applying to clerks of both circuit and criminal courts allows them 31 additional fees. These are chargeable to the state, defendant, other officers, or people receiving services, according to the nature of the service performed. There is a general law about compensation which is in the nature of a guarantee to all circuit court clerks that they will receive at least a certain annual compensation, according

1. The county court clerks of Hamilton, Knox and Davidson have a limited salary of \$6000. In Shelby this limit is \$7500. There is also a limit of \$5000 for other counties, but it is doubtful that the fees in any of them equal this amount. See Appendix A, Section III.

to the size of their county. This law says that if the clerk's fees do not equal the stated amount in any year, the county is to make up the deficiency to him. If the fees amount to more than the stated sum, he may keep them. The guaranteed annual salaries of the different sized counties stated in the act, and the counties that come under the act by the 1920 census figures because they do not have private acts are shown in Table 15.

Table 15.

Classes of Counties and Salaries of Circuit Court Clerks
Stated in the General Law, and Counties Coming
Under the Operation of the Law

Population Class Under the Law	Guaranteed Salary	Counties in the Population Class Without Private Acts	
I. 4000 - 15000	\$500	Bledsoe Cumberland Grainger Hancock	Houston Jackson Lake Macon
II. 15,000-20,000	\$750	White	
III. 20,000-30,000	\$1000	Dyer Hawkins	Cocke Putnam

The following counties with population over 30,000 do not come within the provisions of the act and do not have private acts about the compensation of circuit court clerks.

Madison
 Montgomery
 Rutherford

It is to be noted that this general law stating guaranteed salaries is operative in only 13 counties. Three counties are too large in population to come within this law, so the circuit court clerks in them are on purely a fee basis. The four counties of large population are governed by the law that puts most county offices in them on a straight salary basis.¹ All the other 75 counties in the state have private acts which set the compensation of the office. A general law was passed in 1917, which was in the nature of a limitation

1. Appendix A, Section III.

on the fees of office of different officers, including circuit court clerk, in counties above 30,000 in population, which were divided into five groups. However this law was held unconstitutional.¹

The private acts of the 75 counties in operation in 1930 have been summarized and classified in Table 16.

Table 16.
Nature and Amount of the Annual Compensation of Circuit Court
Clerks as Stated in Private Acts.

County	Annual Salary	County	Annual Salary
<u>I. Counties guaran-</u> <u>teeing a stated an-</u> <u>nual sum from fees,</u> <u>making up any deficit,</u> <u>and allowing clerk to</u> <u>keep any excess:</u>		Morgan	\$1200
Bedford	\$1500	Overton	1200
Benton	1000	Perry	750
Bradley	1800	Pickett	600
Campbell	1500	Robertson	1200
Cannon	1000	Stewart	1000
Cheatham	1000	Sumner	1800
Crockett	1350	Unicoi	1200
Decatur	800	Union	900
DeKalb	1000	Van Buren	300
Fayette	1500	Warren	1200
Gibson	1500 (a)	Wayne	1000
" (Humboldt	600	Williamson	2000
law ct.)		Wilson	1800
Giles	2000	a. The following amounts are authorized for hire of deputies: Campbell Co., \$50 a month Gibson Co., \$600 a year.	
Greene	2000	b. Must pay deputy from it.	
Hamblen	700	<u>II. Counties giving a</u> <u>stated salary or ex-</u> <u>officio fee plus the</u> <u>regular fees:</u>	
Hardin	1200	Carroll	\$1200 (d)
Haywood	1500	Franklin	900
Henderson	1200	Grundy	300-600(c)
Henry	2000	Hickman	1000
Humphreys	800 (b)	Jefferson	1080
Johnson	600	Loudon	300
Lewis	750	Marion	1200
Marshall	1800	Moore	250
Maurry	2000	Roane	1500
McMinn	1500		
MaNairy	900		
Meigs	750		
Monroe	1500		

(continued)

1. Shannon, R. T., Index to Annotated Code of Tennessee, 1917, p. 7096.

Table 18.(continued)

County	Annual Salary	County	Annual Salary
Sevier	\$900	Lincoln	\$2000
Smith	100	Obion	2200
Trousdale	240	Polk	2100
Washington	1000 (3)	Rhea	1200 (a)
	(authorized)	Scott	1800 (a)
		Sequatchie	600
		Tipton	1800
		Weakley	1500
c. To be fixed by the county court within limits set.		a. Allowing the clerk to retain a few specified fees without including them in his account with the county.	
d. Conflicting acts in Carroll County.		b. Carter Co., the county court is authorized to appropriate a sum for hiring help.	
III. Counties guaranteeing salary and not allowing the clerk to keep fees in excess of the amount:		c. For Claiborne County, two acts passed April 19 and April 27, 1927. The later one is assumed to be in force.	
Anderson	\$1500	IV. Salary stated without any reference to fees of office:	
Carter	1500 (b)	Hawkins	\$1500
Chester	900	Sullivan	3600
Claiborne	1800	V. Other special acts:	
Coffee	1200	Blount	\$1800, plus criminal court fees not exceeding \$600.
Dickson	1200		
Fentress	1200		
Hardeman	1500		
Lauderdale	1500		
Lawrence	2400 (a)		

It is clear that the compensation from fees for this office has not been satisfactory. Even though a general law states a guaranteed salary for all but a dozen or so counties in the state, 75 counties in the state have resorted to private legislation to increase this. Forty-one counties have established a guaranteed salary larger than that provided by the law, with no limitation on fees.¹ Thirteen others have made a salary payable from the county

1. With the exception of Hamblen, in which the salary in the private act was \$50, less than the general law provides, by the 1920 census figure.

in addition to all fees. In five of these counties¹ the ex-officio fees are smaller than the guaranteed salary of the general law, but with all fees allowed in addition, the compensation is probably increased over that of the general law. There were 18 counties, and probably two more, that put the clerk on a straight salary basis. In these counties there is thus a limit to the possible compensation. However the amount of this stated salary in every county is greater than the guaranteed salary of the general law for the same sized county. The effect of practically all the private acts in operation in 75 out of 95 counties of the state is to increase the pay of the circuit court clerks. It seems probable that with such a large majority of the counties of the state using private legislation to increase the pay of this office, the fees of the office and the guaranteed salaries have not been sufficient. At any rate, it has not been satisfactory to those holding the office, and influence has been brought to bear to have the pay increased by legislative action. The subject of pay for the circuit court clerks appears to have been one of the common subjects for private legislation. Every session of the legislature has had quite a number of bills of this kind. Many of the counties have had several successive acts passed, so the volume of legislation on this point is greater than the above list of counties would indicate. Much of this legislation has probably been done in response to the needs of the clerks. However the doubt arises as to whether this large volume of legislation has been well considered and how well it has served the public interest.

3. Clerk and master of the chancery court. The office of clerk and master of the chancery court has had an amount of legislation about compensation that approaches that just described about the clerk of the circuit court. This office, by the general law, is entirely on the fee basis. The clerk and master is

1. Grundy, Loudon, Moore, Sevier, and Trousdale.

entitled simply to the fees common to all court clerks, which fees are attached to services connected with court procedures. There are commissions for court sales of property. In the four counties of large population the office is on a fixed salary.¹ This office is different from all other county offices in its method of selection. The clerk and master is appointed for a term of six years by the chancellor of the court.² All other county offices are either elective by popular vote, or are filled by appointment of the county court.

The volume of private legislation affecting this office, and the nature of it are to be seen in Table 17.

Table 17.

Nature and Amount of the Annual Compensation of Clerk and Master of
Chancery Court as Stated in Private Acts

County	Annual sum	County	Annual sum
<u>I. Counties guaranteeing a stated sum, paying any deficit when fees do not equal it, and allowing clerk to keep fees in excess:</u>		McNairy	\$900
Bedford	\$2100	Perry	750
Benton	1000	Pickett	600
Blount	1800	Robertson	1200
Cheatham	1000	Stewart	500
Claiborne	1200	Sullivan(Blountville)	1500
Cocke	2000	Tipton	1200
Decatur	750	Unicoi	1200
DeKalb	1000	Union	900
Dyer	2250(a)	Warren	1200
Fayette	1500	Weakley	1200
Grainger	750	Wilson	1000
Hancock	750	<u>a. Dyer Co. - \$75 a month authorized for pay of a deputy.</u>	
Hardeman	900	<u>II. Counties giving ex-officio fee or salary in addition to the regular fees:</u>	
Haywood	1800	Anderson	\$720
Henderson	1200	Carroll	1800(b)
Henry	2400	Dickson	500
Hickman	500	Grundy	250-500(c)
Johnson	600	Hardin	1200
Lewis	750	Loudon	300
Lincoln	1400	Marion	1500
Macon	900	Moore	250
Marshall	1800		

(continued)

1. Appendix A, Section III.

2. 399.

Table 17. (continued)

County	Annual sum	County	Annual sum
Trousdale	\$360	Franklin	\$1800(d)
b. Conflicting acts in Carroll County.		Houston	500(d)
c. Grundy County to be fixed by county court in limits set. Fees also modified in Grundy County by private act.		Lawrence	2400(d)
		Morgan	1800
		Polk	2100
		Rhea	1800(d)
		Sequatchie	600(d)
		Sullivan(Kingsport)	1800
		Sumner	1800(d)
		Washington	2000(d)(e)
		Wayne	1250
III. Counties paying a fixed salary, or making up a deficit when fees do not equal a fixed amount, but allowing no excess to be kept:		d. Allowing certain fees not to be included in the clerk and master's account with the county. These in most cases are those arising from receivership and property sales.	
Bledsoe	\$1000	e. Washington County, special fees allowed for deputy's pay.	
Bradley	1800		
Chester	900		
Coffee	1200		
Crockett	1350(d)		
Fentress	1800(d)		

The fact that 60 counties have had special legislation to modify the regular fee basis indicates that this form of compensation has proved generally unsatisfactory. Thirty-four of the counties have set a guaranteed amount of annual compensation, and allow the clerk and master to keep any fees in excess. Nine counties give substantial ex-officio fees in addition to the regular fees. Seventeen of them, on the other hand, guarantee a salary, but allow nothing to be kept in excess of it. This is about the same number as those that have a like provision about the circuit court clerk's salary. In the case of that office it was seen that the limited salaries were above the amounts guaranteed by the general law. When a salary is set in this way by an act it is generally an attempt to make the pay high enough to be satisfactory but also to prevent the office holder from profiting too much from fees. The purpose of the majority of the acts about this office has been to raise the compensation. It seems probable that the raising of the pay has been justified in a large number of counties. However, as with the circuit court clerk's office, the result has been a haphazard mass of legislation modifying

the general laws about compensation in quite various ways.

4. Tax assessor. The office of assessor has had a greater volume and variety of special legislation than all others except county judge. The assessor is elected by popular vote at the regular election in August, but does not assume the duties of his office until the 1st of January following. The law states that he shall not be a member of the county court. The general law stating the compensation of assessors says that this shall be fixed by the county court, not to exceed a limit which is set according to the number of taxpayers assessed, and the nature of the tax assessed against them. This varies from 5 cents for a person assessed only for poll tax to 25 cents for one paying both real estate and poll tax or personal property and poll tax. Some private acts have established special classes of more populous counties which have fixed salaries for the assessor in them. These classes, with the annual salaries, are as follows:

Counties with population over 150,000	-	\$5000	(Acts 1909, Ch. 507, Sec.1)
" " " between 90,000-	}	\$3000	(Acts 1911, private, Ch.32)
140,000			
" " " between 70,000-	}	\$3500	(Acts 1911, private, Ch.35)
90,000			

The inconsistencies of this classification are apparent, and are the results obtained by having different special acts. These special provisions are at present inoperative because all the counties which have population large enough within these limits, Shelby, Davidson, Hamilton, and Knox, have their own private acts.

The counties having private acts affecting the compensation of assessors are shown in Table 18.

Table 98.

Private Acts Fixing the Annual Compensation of Assessors

County	Annual Salary	County	Annual Salary
<u>I. Salary set, with no mention of fees:</u>		Marion	\$1500
Anderson	\$1000 + 300 ^(a)	Marshall	1200
Benton	800	Mauzy	3500(c)
Blount	3000	McMinn	3000
Bradley	2500	McNairy	1000
Campbell	2800	Meigs	600
Cannon	1000	Monroe	1500
Carter	2400	Moore	400
Cheatham	1000	Montgomery	1800-3500(a)
Claiborne	1200	Morgan	1500
Clay	750	Obion	2500
Cocke	1200(b)	Overton	1800
Coffee	1800	Perry	500
Crockett	600	Polk	2000(d)
Cumberland	1000	Rhea	1500
Davidson	6000	Roane	2500
Decatur	400	Scott	1500
DeKalb	1000(c)(a)	Sequatchie	300
Dickson	800	Sevier	1500
Dyer	2000	Shelby	7200
Fayette	1000-1500	Smith	1500
Franklin	1250	Stewart	700
Gibson	2400(c)	Sullivan	3600
Giles	2400	Sumner	1500-2000(a)
Grainger	1000	Tipton	1500
Grundy	600	Trousdale	300
Hamblen	1500	Unicoi	900
Hamilton	6000	Van Buren	400
Hardin	800	Washington	3000(b)
Haywood	1200	Wayne	900
Hickman	600	Weakley	3000(c)
Houston	300	Williamson	2200
Jackson	1000	a. Authorized to be fixed within limits by county court.	
Jefferson	1500	b. Cocke Co.-\$4 a day in addition for sitting with equalization board.	
Knox	6000	Washington Co.-\$3 a day.	
Lauderdale	1500	c. Must pay assistant from salary by later act. Also special fees for services to school districts.	
Lawrence	2400	d. Polk Co.; minimum to be set by county court.	
Lewis	400	e. Loudon Co.-submitted to a referendum.	
Lincoln	2000		
Loudon	1500(e)		
Macon	1200		
Madison	2500 (c)		

(continued)

Table 18. (continued)

County	Annual Salary	County	Annual Salary
<u>II. Acts stating salary and specifying that there are to be no fees:</u>		Putnam	Compensation 1.25% of all taxes collected by county trustee.
Bedford	\$1200-1800(a)	Robertson	Salary \$3000 a year, but only proportionate to the time served.
Hancock	500	Union	Salary \$300 in addition to the schedule set by law.
a. Authorized to be fixed within limits by the county court.		White	A special schedule of higher amounts per taxpayer assessed.
<u>III. Provisions for compensation in private acts for other counties:</u>		Warren	To receive 1/3 of salary April 1, and balance when work is completed.
Henderson	Salary \$1800, but when assessment is not necessary, \$800.		
(continued above)			

In the great majority of the counties of the state the private acts were made to increase the assessor's compensation. For 73 counties the acts simply state an annual salary which is to be paid by the county. Two other counties have acts which state the salary, and specify that there are to be no fees in addition. It is probable that this was the intention of the other acts, as the assessor does not normally collect fees; the limit of his salary is determined by the number of taxpayers. Some of these acts stated limits within which the county court was authorized to fix the salary. Part of the acts state that the salary named shall be paid, while others just say that the county court can grant the assessor that much salary. Five of the counties have acts that require the assessor to pay his assistants from his salary. In these counties the annual salaries range from \$2000 to \$3500. Two counties allow the assessor additional pay by the day for sitting with the county equalization board. Five other counties have acts that affect the assessor's pay, which are quite different from the general run of acts. However, the effect of them seems to be to set the annual compensation above what it would

be according to the schedule of the regular law. Thus 80 counties, or all ^{the} but 15 in the state, have special laws that fix/assessor's salary. While the acts probably act as a limitation on the compensation in the four counties with large cities, and possibly in a few of the largest of the other counties, it seems that for the most part, these special acts have been passed for the purpose of increasing the compensation of the office.

It is of interest to note the nature of the unusual changes established by some of the acts. Three counties have raised the compensation in ways out of the ordinary. Union County gives \$300 in addition to the regular schedule allowed; White County has a special schedule raising the limit as governed by the number of taxpayers; Putnam County has a provision that is similar to the general way of paying the county trustee, a percentage of all taxes collected. Henderson and Robertson counties have sought to limit the assessor's salary according to the time he actually spends. As the majority of assessors do not spend a great deal of time assessing property on the even years when just personal property assessment is called for, this seems to be not unjust. This kind of legislation could be used as a way to induce assessors to put in full time on their work, especially where the salary is reasonably high, as it seems to be in both these counties.

Ten counties have acts that call for the appropriation of money for the pay of assistants to the assessor, which are as follows:

Table 19.
Acts Concerning the Hire of Deputies by Assessors*

County	Annual Amount	Remarks
Blount	\$1000	For deputies and clerk hire.
Giles	600	For deputies.
Lawrence	600	For deputies.
Monroe	900	For deputies.
Sevier	200	For deputies.
Sullivan	1500	For deputies and expenses.
Washington	1000	For two deputies and maps.
Hamilton	17000	For help.
Shelby	20000	For help.
Knox	15000	For help, subject to approval of county judge.

* In counties of over 60,000 population the assessor is authorized to hire help, the total expense of which does not exceed his salary more than 50% (762)

All of the counties with this provision for deputy hire have special acts that set the assessor's salary also. Hamilton, Shelby and Knox allow a substantial sum for this purpose, all giving \$15,000 or more annually. This is in response to the needs of an assessment system for the cities.

A number of counties have acts that affect the assessor's office in other ways. Two counties have acts that establish the district system of assessors, which has been discarded by the state as a whole. There are several acts that specify certain duties of assessors. These different acts are shown in Table 20.

Table 20,

Private Acts Changing the System of Assessment, or Affecting
the Duties of Assessors, Tennessee

County	Provisions of Acts
<u>I. Changing the system of assessment (1):</u>	
Carroll	County divided into five separate tax districts, each to elect a district assessor every two years, beginning 1928; salary, \$500 a year.
Warren	County assessor abolished; district assessors elective every even year.
<u>II. Affecting the Duties of Assessors:</u>	
Davidson	Assessor to have duties of county court clerk.
Lincoln	Assessor to hold advertised meetings in each voting precinct for people to report for assessment.
Gibson	Must keep office hours.
Giles(2)	Shall visit all land.
Greene	Must examine every deed, and all new deeds must be countersigned by him.
Hender-son (2)	Must attend meetings of board of equalization.
Monroe	Defining assessment at "actual cash value".
Washing-ton	To keep assessment maps of civil districts.
Weakley	To keep office open, and have books open to inspection.

1. Robertson County established the district assessor system in 1923, and abolished it in 1929.

2. In act stating salary.

These are quite diverse ways of seeking to better the work of assessors. The acts of Giles and Monroe County, which deal with the visiting of all land and assessing at actual cash value, are in effect restatements of the constitutional provisions and general laws. The acts of Greene and Washington Counties appear to be ones which may help to improve assessment. On the other hand, Lincoln County, in inaugurating a system of advertised meetings for assessment, is increasing the dependence of the assessor on the personal statements of the property owners.

The assessor's office presents about the greatest extreme that private legislation has gone in modifying the general laws about a county office. About five-sixths of the counties have changed the annual compensation. Three counties have made changes in the system of assessment that are quite radically different from the general law.

5. The county sheriff. The sheriff's office, according to the general law, is on the fee basis in all counties of the state, except the four counties of large population, where the office has a limited salary.¹ The law that gives the regular sheriff's fees of office lists 53 different kinds of them. These vary in size from five cents to five dollars for different services. A peculiar fee is that for the duty of execution of capital punishment. For this service the person that is executed is liable to the sheriff for the sum of \$30, if that amount is collectible from the person's estate. The sheriff can collect this amount from the state if he cannot get it otherwise. The sheriff is allowed a percentage on forced sales which he administers. This is 4 per cent on the first \$100, 3 per cent on the next \$200, and 2 per cent on all amounts above that. He gets \$2 for each day spent at court sessions. He also gets expenses for certain duties of his office, necessary travel expenses. He is responsible for the boarding of prisoners, and receives 50 cents per day per prisoner. This is not personal income, although it presents an opportunity for profit. There also is a turnkey fee of \$1.00 for both the

1. Appendix A, Section III.

incarceration and the release of each prisoner.

Some of the fees are collectible from the county, and some from the persons whom he arrests or otherwise brings the action of the law.

This office in the different counties has been the subject of many special acts, the majority of which are concerned with the compensation. These are summarized in the Table 21.

Table 21.

Summary of Private Acts Affecting County Sheriffs,

Tennessee

County	Annual Salary	County	Annual Salary
<u>I. Granting a salary in addition to all fees of office:</u>		Sumner	\$300-800(4)(2)
Benton	\$800	Trousdale	800
Cannon	500	Unicoi	500
Claiborne	1200	Union	300
Decatur	500	Van Buren	200
Dickson	1200(1)	1. Dickson Co. - an act of 1909 granted the sheriff an ex-officio fee of \$100 a year for attending circuit and chancery courts. Two amending acts to this have raised this to \$1200.	
Dyer	2400	2. To be fixed by the county court within the limits specified.	
Fentress	600	3. McMinn Co. - No fees from criminal cases.	
Grainger	1200	4. Sumner Co. - Compensation as probation officer.	
Greene	1200	5. Loudon Co. - special fee schedule for sheriff and constable.	
Grundy	400-800(2)	<u>II. Giving a guaranteed salary; county making up any deficit if fees do not equal the amount; fees in excess must be given county. Certain fees connected with the keeping of prisoners do not enter into the account.</u>	
Hardeman	1200	Bledsoe	\$2000
Hardin	1800	Bradley	3000 (1)
Hawkins	600	Carroll	1500
Henderson	840	Chester	1200
Houston	400	Franklin	1500
Jackson	720	Hamblen	1800 (2)
Jefferson	1200	Henry	1200
Lawrence	1200	Lake	1200 (3)
Lewis	500	Monroe	2000 (4)
Loudon	150(5)		
Macon	720		
Marion	100		
Maury	2500		
McMinn	2400(3)		
McNairy	900		
Moore	250		
Obion	2400		
Roane	2000		
Rutherford	600		
Scott	800		
Sequatchie	900		
Sevier	600		
Smith	1000		

(continued)

Table 21.(continued)

County	Annual Salary	County	Annual Salary
Perry	\$1200(5)	<u>V. Other provisions for sheriff's compensation:</u>	
Stewart	1200(5)	Davidson	Change in rate of the fee for executing capias, summons or leading process increased from \$1.00 to \$1.50, and fee of 75¢ granted for serving justices' warrants.
1. Bradley Co. - two deputies to be paid from fees.		<u>VI. Acts authorizing pay of deputy sheriffs:</u>	
2. Hamblen Co. - wording of act questionable as fees are not specifically mentioned.		Carter	\$50 a month each for two deputies.
3. Lake Co. - to be fixed by county court, maximum \$1200. Wording of the act is not conclusive.		Hamblen	\$85 a month for 1st deputy and \$50 a month for 2nd; fees of civil cases to each.
4. Monroe Co. - may keep fees of civil cases and services.		Hawkins	\$100 a month for chief deputy.
5. Must pay deputy from salary.		Lake	\$100 a month for deputies.
<u>III. Giving a guaranteed salary from fees; county to make up any deficit, and sheriff to keep any fees in excess:</u>		Maury	\$2400 a year for deputies
Blount	\$2500	McMinn	\$1800 a year salary for a deputy.
Carter	3000	Washington	\$100 a month for deputies and \$50 a month for sheriff's expenses
Giles	2500(5)		
Hancock	600		
Johnson	750		
Marshall	1600		
Rhea	2000		
Washington	3600		
Wayne	1200(6)		
5. Must pay deputy from it.			
6. Fees having to do with keeping prisoners not in account			
<u>IV. Salary without any fees:</u>			
Meigs	\$ 750		
Polk	3000		
Shelby	10000		

VII. Acts affecting the office in other ways:

Coffee p sheriff and constables to enforce the school attendance laws, with fees as compensation.

Bedford - sheriff to receive one-half of the fines for violations of the prohibition laws.

Carroll - sheriff to receive one-fourth of prohibition law fines.

Dickson - sheriff to receive a share of prohibition law fines.

The degree of dissatisfaction with the regular fee system of compensation may be seen from the fact that 62 counties have modified it. As 4 other counties besides these are governed by acts that remove the office from the fee basis, only 29 counties still adhere to it. The largest number of acts have been made to increase the pay of the office. Thirty-eight counties have granted a salary in addition to all the regular fees. No other office has had any such large number of acts increasing the compensation by adding a liberal ex-officio fee to the other fees. It appears that this is quite a generous grant in some counties. Three counties have given \$2400 as extra salary; one \$2500. Nine of the counties give \$1000 to \$1800 in this way. However this is less than \$500 in five counties, and as low as \$100 in one. Nine counties have established a guaranteed salary, and allow the sheriff to keep fees in excess. There is a wide variety of amounts thus guaranteed, from \$600 in Hancock County to \$3600 in Washington. Eleven counties have acts that set a straight salary, with no fees except those connected with keeping prisoners. These salaries range from \$1200 to \$3000. Three other counties set a salary and allow no fees. It is to be seen that the purpose of the majority of acts in force was to increase the sheriff's pay. It seems that in the case of a good many counties this has been quite generously done. A minority of counties have put a limit to the compensation. In some of these counties the limited salaries do not seem high. Meigs County gives but \$750 a year. Five other counties give just \$1200. There is a great variety in the amounts given by the different acts. In part of the counties the salaries appear quite generous; in others not. The acts giving sheriffs a share in fines arising from violations of prohibition laws appear to have been framed with the purpose of stimulating them to action in law enforcement.

This legislation about the compensation of the sheriff's office is

characterized by both its amount and variety. This has been caused partly by the complexity of the system of the regular fees of the office. It seems that there has not been a very standard way of modifying the general law. The counties have become a law unto themselves.

6. The county trustee. The office of county trustee is elective for a term of two years. The compensation is different from that of any other office in that it is a percentage of tax funds collected and disbursed. The scale of percentage on funds collected is as follows:

Table 22.

Compensation of County Trustee, Tennessee

(a) On taxes collected in the county and expended, or turned over to other authorities:

1st \$10,000	-	6%
2nd \$10,000	-	4%
All above		
\$20,000	-	2%

(b) On money received from other county officers, as excess fees, collections of clerks of courts and other officers, and on the school fund from the state - 1%

The trustee is required to make and publish a complete statement of all funds collected and disbursed by himself on September 1 of each year. At that time he is authorized to draw his own compensation from the county funds. The amount of compensation thus received by trustees has been estimated for the year ending September 1, 1930. This has been done by reference to the reports of the Commissioner of Finance and Taxation and the Department of Education covering taxes collected and state school funds disbursed through the trustees in the different counties during that time.¹ The annual amount of compensation that trustees received is shown in Table 23. The amounts shown do not include any percentage of sums collected by trustees from other county officers which they received as collections or excess fees,

1. Appendix A, Section IV. Complete statement of amounts by counties.

Table 23.

Amount of Annual Compensation of County Trustees from Tax
Funds and State School Funds, by Counties, Tennessee,
1929-1930*

Amount of Annual Compensation	Number of Counties
\$11,000-12,000	2
10,000-11,000	3
9,000-10,000	-
8,000-9,000	2
7,000- 8,000	3
6,000- 7,000	11
5,000- 6,000	11
4,000- 5,000	15
3,000- 4,000	6
2,000- 3,000	22
1,000- 2,000	7
Total	82
1,500- 2,000	5
1,000- 1,500	2

* Income received from other officers as excess fees and collections from court clerks and some other officers are not taken into account because there are no available data.

for which there are no data available. The table includes the 82 counties in which the trustees are on the percentage basis compensation of the general law. The amounts shown in this table show that the trustee's office in general is well paid; in fact the trustees of most counties under this system receive much more than the other county officers. In 47 counties they received ^{much} more than the other county officers. In 47 counties they received over \$4000 a year, in amounts ranging all the way from that figure to more than \$11,000. In all counties but seven the compensation was above \$2000. Of the counties paying less than \$2000, the compensation was above \$1500 in Hancock, Houston, Lewis, Meigs, and Sequatchie. Just two counties gave less than \$1500: Pickett, \$1204, and Van Buren, \$1440. From this it may be concluded that, except for a few counties, the trustee's office is quite a remunerative one where it is on the percentage basis.

The trustee's office has not had a great deal of private legislation on the subject of compensation. Thirteen counties have the trustee's pay provided for in a manner different from that of the general law. Davidson, Hamilton, Knox, and Shelby Counties are governed by the act limiting the pay of several of the county offices.¹ In nine counties the compensation is limited by private acts. The annual amounts set by the private acts, and the amounts that the trustees would have received by the percentage basis are shown in Table 24.

Table 24.

Amount of Annual Compensation of County Trustee as Fixed by Private Acts, and Amounts that Trustees Would Have Received as Percentages of Funds, by Counties, Tennessee, 1929-1930

County	Annual salary stated in act	Compensation allowed by general law as percentage	Amount that trustees' pay was reduced by act
<u>I. Counties with limited salary:</u>			
Blount	\$3,000(a)	\$9,607	\$6,607(d)
Carroll	3,000	6,090	3,090
Carter	2,000(b)	7,495	5,495
Moore	1,500	1,293	— 207
Polk	4,000(c)	6,438	2,438(d)
Warren	2,400	4,271	1,871
Weakley	3,000	6,667	3,667
Wilson	3,250	5,970	2,720
<u>II. Counties with a reduced scale of percentage:</u>			
Hawkins	4,386(e)	5,513	1,129

a. Blount County - \$1200 for help and office expense in addition.

b. Carter County - act states that trustee shall receive no other fees of office except vested rights.

c. Polk County deputy authorized with salary \$150 a month to be appointed by trustee. The act of 1925 made \$4000 the limit of the trustee's compensation. However in 1929 an act was passed which authorized the county court to vote him a sum in addition.

d. The reduction in pay to trustees in counties with acts authorizing the hire of deputies is not as great as the figures would indicate, because the trustee would probably have been obliged to hire and pay help from his own compensation. Thus \$1200 is to be paid for this in Blount, and \$1800 in Polk.

e. The act for Hawkins County specifies the scale of percentages shown below which would yield the figure shown for 1929-1930: 1st \$10,000 - 5%; 2nd \$10,000 - 3%; 3rd \$10,000 - 2%; all above \$30,000 - 1 1/2%.

1. Appendix A, Section III.

Comparison of the eight acts stating a fixed salary with the amounts that the trustees of the counties would have received as the regular percentage shows that the effect of all the acts except one was to reduce the pay of the trustee. The reductions effected were all substantial, with the exception of that in Polk County^a where the salary allowed for/deputy of \$1800 a year used up the greater part of the reduction of \$2438 from the trustee's compensation, leaving a net saving of just \$638. The large saving shown for Blount County should be reduced by the \$1200 authorized for help and office expenses, which however leaves the substantial net saving to the county of \$5,407. For the other counties the amounts saved ranged from \$1871 to \$5495. Hawkins County by having the regular percentage scale lowered in its private act, saved \$1129.

Moore County alone raised the pay of the trustee by \$207. As this would have been only \$1293, it appears that this increase was justified.

Four counties have special acts that increase the pay of trustees by giving them additional percentages on other funds, which are as follows:

Table 25.

Private Acts Giving Trustees a Percentage on Additional Funds,
Tennessee.

County	Percentages on additional funds allowed	Compensation allowed by general law as percentage
<u>III. Counties with acts giving percentages on additional funds to trustees:</u>		
Hardin	1/2% of the proceeds of bond sales	\$3909
Monroe	Incoming trustee to receive 1% on unexpended bond proceeds. If necessary he may draw on the general county funds in order to get this amount.	6524

(continued)

Table 25 (continued)

County	Percentages on additional funds allowed	Compensation allowed by general law as percentage
Stewart (a)	2 1/2% of special highway assessments	2066
Tipton	1 1/2% on the proceeds from the sale of all county bonds sold, and 1/2% for disbursing the funds from the same.	6816

a. Part of a road act.

The object of all these acts is clearly to increase the trustee's pay. The desirability of increasing the pay of trustees in these counties may be judged from the estimated amounts of their compensation which are as shown in Table 99. It appears that in every county except Stewart the pay was liberal and raises of this kind were hardly justified. Especially the 2% commission on funds from bond sales in Tipton County in addition to a salary of \$6,816 was an unwarranted increase in pay. It is of interest to note that these laws giving the trustee a percentage income from the proceeds of bond sales is directly in contradiction to the requirement of the general law that the trustee shall not receive any compensation from that source. The Monroe County act is also contrary to the general law in that it allows the incoming trustee compensation from funds turned over to him by his predecessor in office.

The trustee's office is a very well paid office, except for a very few counties. Compared with other offices, there have been relatively few private acts concerning the compensation. Eight acts reduce the pay of the office and effect material savings, seven ^{by} setting a limited salary and one by a reduced scale of percentages. Five acts increase the compensation, one by fixing a ^{amount} higher, and four by giving percentages on other funds than those allowed by the general law. Of the acts that increase the pay, one seems clearly justified because of the smallness of the amount that the trustee would get other-

wise, but three of the acts, on the other hand, were only for the purpose of adding to salaries that were already large.

The relatively small number of acts affecting the pay of this office compared to those affecting that of other offices seems to be a reflection of the liberal amount of compensation in most all the counties. It is significant that eight of these thirteen acts serve to limit the compensation, whereas the large majority of acts about the pay of most other offices do the opposite.

There are a number of acts that affect the office of trustee in other ways. These are summarized in Table 26..

Table 26..

Private Acts Affecting the Office of County Trustee as to
Duties of Office and Surety Bond,
Tennessee.

<u>County</u>	<u>Provisions of acts</u>
<u>I. Acts concerning the duties of office:</u>	
Hickman	Trustee must keep school funds separate, and not draw on them for other purposes.
Loudon	Trustee to apportion the school tax.
Robertson	Trustee must deposit the county fund at interest.
<u>II. Acts about surety bonds of the office:</u>	
Cannon	Trustee to give bond equal to one-third of all annual taxes.
Wilson	Trustee must give two bonds, one equal to one-third of annual county taxes, and one equal to the annual state taxes.
Maury	Bond to be equal to one-fourth of the annual revenues. County to pay the premiums on a bond of a bonding company.
Polk (in act naming salary)	County court can vote sum to pay premiums on official bonds.

The act of Loudon County adds to the trustee's powers and duties. Those of Hickman and Robertson are plainly for the purpose of regulating financial practices in the interest of the public. The acts of Maury and Polk Counties seek to give greater assurance against loss to the counties by default of the

trustee by making possible the use of the bonds of a bonding company, with the county paying the expense. This seems to be a step in advance, as the county is much surer to be protected by this kind of bonds than by those made by individuals.

An act that also seeks to prevent loss to the county from uncollectible bonds is that of Carroll County. This simply states that county officers shall not sign each others' surety bonds. This act calls attention to a practice that must have existed in the county and caused a loss of county funds. It seems probable that this practice exists in other counties. Newspaper reports indicate that Tennessee counties lose public funds by the defaulting of officers fairly often. These acts about surety bonds are an attempt on the part of individual counties to remedy a situation that needs more attention.

7. The county register. The county register is elected by the voters of the county for a term of four years. The compensation for this office is entirely fees, of which there are 27 different ones. These vary from 10 cents to \$3. They are charged to people who receive services connected with the registration of real property.

There have been relatively few acts passed concerning this office. The nature of those passed may be seen in Table 127.

Table 127.
Private Acts Affecting the Office of County Register,
Tennessee

I. Salary guaranteed from fees; county making up any deficit when fees do not equal the amount; register may keep fees in excess:

Anderson \$1200

II. A salary granted in addition to the regular fees of office:

Cannon	\$500
Marion	1200
Moore	250

III. Salary fixed, with no fees in excess:

Carroll	\$1800
Polk	2100
Weakley	2000

(continued)

Table 127. (continued)

IV. Pay of deputies authorized:

McMinn - 1 deputy, salary \$60 a month
a second deputy may be appointed, to be
paid from fees.

Monroe - \$50 a month is to be for clerk hire.

V. Affecting the duties of the office:

Jefferson - register must keep an index of deeds.

Four of the seven acts that change the compensation of the office are for the purpose of increasing it, especially those ones that give a salary in addition to all the fees. Three acts on the other hand allow no fees above the amount specified, and serve to limit the amount of pay. The fact that there have been so few acts passed about the compensation seems to indicate that county register has been a well paying office. The act of Jefferson County requiring the register to keep an index of deeds is an attempt to make the practice of the register conform to business-like standards.

8. The county judge and chairman.

(a) Counties with judge and with chairman. The laws of Tennessee provide for an officer in each county who is to preside over both the quarterly and monthly sessions of the county court, who may be either county judge or county chairman.¹ The judge or chairman presides over the meeting of justices of the peace in the quarterly county court which carries out certain legislative functions for the county. He also has executive powers and duties to perform for the county.² In addition, the laws confer judicial functions upon the judge or chairman which are the same as those which formerly belonged to the quorum court of the county, now a long extinct body. These are carried out in presiding over the monthly sessions of the county court, which by law is open at all times for the kind of cases which come under it jurisdiction.

1. Sections of Shannon's Code that deal with the powers and duties of county judge and chairman: 5992, 6004, 6006, 6007, 6013, 6022-26.

2. Seymour, A.C., et al.: Farm Taxation and County Government, Pt.II, pp.48ff.

The counties which have a county judge are those which have had special acts passed establishing the office. The other counties have a county chairman instead. The powers and duties of the county judge are defined in the acts which have established the office in the many counties in which it is found. These acts give him a wider jurisdiction as judge than that allowed the county chairman by the general laws, and have, for the most part, specified that he be a qualified attorney, or else learned in the law. The county judge is elected, as other judges, by the qualified voters for a term of eight years. The county chairman is elected by the justices of the peace assembled in the January session of the quarterly county court for a term of one year.

Study of the private acts, and Shannon's Code of Tennessee, 1917, shows that 63 counties have acts in force which have established the office of county judge. The counties which have a county judge, and those which have a county chairman are listed in Table 28.

Table 28.

Counties Having County Judge and County Chairman According to
Private Acts, Tennessee, 1930.

I. Counties with judge:

Anderson	Grainger	Overton
Bedford	Greene(a)	Perry
Benton	Grundy	Pickett(a)
Bledsoe	Hamilton	Polk(a)
Blount	Hardeman	Putnam
Bradley	Hardin	Rhea
Campbell	Henry	Roane
Carroll	Hickman	Robertson
Claiborne	Humphreys	Scott
Clay	Knox	Sequatchie
Crockett	Lauderdale	Smith(a)
Cumberland(a)	Lawrence	Stewart
Davidson	Lincoln	Sullivan
Decatur	Loudon	Tipton
DeKalb	Madison	Union
Dickson	Marion	Warren
Dyer	Maury	Wayne
Fentress	Monroe	Weakley
Franklin	Montgomery	White
Gibson	Morgan	Williamson
Giles	Obion	Wilson

(continued)

Table 29 (continued)

II. Counties having chairman:

Cannon	Haywood	McMinn
Carter	Henderson(b)	McNairy
Cheatham	Houston	Meigs
Chester	Jackson	Moore
Cocke	Jefferson	Rutherford
Coffee	Johnson	Sevier(c)
Fayette	Lake	Shelby(d)
Hamblen	Lewis(b)	Sumner
Hancock	Macon	Trousdale
Hawkins	Marshall	Unicoi
		Van Buren
		Washington

a. Listed in Tennessee Bluebook and Official Directory, 1930, p. 134, as having county chairman. However each of these counties had an act creating the office of county judge passed by the legislature in 1929. The numbers of the chapters of the private acts of that year, by counties, are as follows:

Cumberland	Chapter 285
Greene	" 785
Pickett	" 69
Polk	" 157
Smith	" 574

b. Ibid., listed as having county judge. However the office has been abolished, by private acts listed as follows:

Henderson	Chapter 603, 1929
Lewis	" 731, 1925

c. Ibid., Sevier county listed as having judge. According to Shannon, it had a chairman in 1917 (385). No act can be located that established the office of judge in the county.

d. Shelby County, shown as having county judge in Shannon. Annotated Code of Tennessee, 1917 (385). Private acts, Chap. 970, 1921, and Chap. 261, 1925, both refer to the county chairman.

The office of county judge has not stayed permanently in all counties which have established it. In 1917 there were 19 counties which had had the office created, and which later had abolished it. Two other counties abolished it since that time. These counties are shown in Table 29.

Table 28.

Counties Which Abolished, and Which Established, the Office
of County Judge

I. Counties which had abolished it prior to 1917 (a)

Cheatham	Jefferson	Overton
Claiborne	Lauderdale	Rutherford
Cumberland	McNairy	Smith
Fayette	Marshall(b)	Sullivan
Gibson	Meigs	Sumner
Hancock	Monroe	Van Buren
		Wilson

II. Counties which abolished it since 1917, and which have chairman, 1930

Henderson
Lewis

III. Counties, which had abolished it before 1917, and which have since established it:

Cumberland	Overton
Monroe	Smith
	Sullivan

IV. Counties which abolished it since 1917, and have since re-established it:

Claiborne	Putnam
Grainger	Union

V. Counties which have established it since 1917:

Bedford	Cumberland	Monroe	Rhea
Blount	Greene	Overton	Stewart
Bradley	Grundy	Pickett	Smith
Crockett	Loudon	Polk	Sullivan

a. Shannon 385.

b. Ibid., Marshall County had an act passed abolishing the county judge's office which was unconstitutional insofar as it sought to remove the incumbent in office at the time. The office of chairman has been kept ever since, although Shannon questions the permanent constitutionality of the act.

Two counties had acts which were unsuccessful attempts to change from county judge to county chairman. Lincoln County had an act passed in 1901 which sought to abolish the office of county judge, which had been established a few years previously. However the act was unconstitutional because it did not recite the title or substance of the creating act which it was supposed to amend, and the office of county judge has stood to the present time. It was tried to abolish the office in Warren County (Chap. 101, Private Acts,

1923). However it is apparent that this act did not take effect because two subsequent acts (Chap. 754, Private Acts, 1925, and Chap. 48, Private Acts, 1927) refer to the powers and duties of the county judge in the same county.

While quite a number of counties have abandoned the office of county judge by private act, since 1917 the main trend has been toward the establishment of the office of county judge. There have been 16 counties which have adopted this office during this time, in addition to the four which abolished and re-created it. As two counties abandoned the office during this time, there has been a net increase of 14 counties having a county judge. Nine of the counties which had abolished the office previous to 1917 have re-established it.

(b) Acts affecting county judges. As is the case with several other offices already discussed, there has been a good deal of private legislation concerning compensation. The regular pay of the county judge by the general law is \$5 a day for every day spent in presiding over both the quarterly and monthly sessions of the county court, with such additional as the quarterly court may appropriate. Another law allows the quarterly county court to appropriate an amount as compensation for his services as financial agent for the county.

A great many counties have had special acts changing the pay of the county judge. A summary of these acts is presented in Table 30.

Table 30.

Annual Compensation of County Judges as Specified in Private Acts, Tennessee, 1930.

I. Act stating a salary, and specifying that there is to be no other pay:

County	Annual Salary
Carroll	\$2650
Giles	2000

(continued)

Table 30. (continued)

II. Act stating a salary without any mention of any other form of compensation:

County	Annual Salary	County	Annual Salary
Anderson	\$1500	Knox	\$3600
Bedford	1800	Lawrence	1050
Benton	1000	Loudon	900
Blount	1200	Monroe	1200
Bradley	1200	Morgan	1150
Claiborne	1200	Overton	1200
Cumberland	1500	Pickett	350
Davidson	6300	Polk	2500
DeKalb	1000	Putnam	900(a)
Dickson	1000	Robertson	1800
Dyer	800	Sequatchie	750
Gibson	1000	Smith	1500
Grainger	900	Stewart	750
Greene	2400	Sullivan	1800
Grundy	1000	Union	500
Hamilton	5000	Wayne	1800

a. Putnam-to get \$600 as ex-officio chairman of highway commission.

III. Act giving the county judge a stated amount as ex-officio fee, or as an addition to other compensation:

County	Annual fee	County	Annual fee
Decatur	\$700	Lauderdale	\$1800
Hardeman	300	Marion	1900
Hardin	300	Roane	1200
Henry	800		

IV. Other counties with acts concerning the county judge's salary:

- Crockett - the county court to fix an annual salary not less than \$1000
- Weakley - a fee authorized for lunacy inquisitions to be conducted by the judge.
- Maury - an act of 1917 grants \$1800 as salary as judge. An act of 1927 gives \$1200 for services as financial agent. His compensation appears to be the sum of these amounts. He is allowed \$900 for clerk hire.

A total of 44 counties out of the 63 which have a county judge, or over two-thirds, have had the regular form of compensation modified by private legislation. Seven of the counties had this effected by giving the judge an ex-officio fee in addition to the regular form of pay. These ex-officio fees vary from \$300 to \$1900 annually. Two counties have acts that state a

salary and say definitely that there is to be no other compensation. The majority of acts, those of 31 counties, simply state an annual salary that is to be paid, and do not mention anything about the form of compensation of the general law. It is somewhat doubtful as to what the exact meaning of all these actx is, but it seems to be the intention of them that the stated salary is to be in place of other compensation. The general purpose of these acts seems to have been to guarantee the judge an adequate salary. No data have been gathered as to the amounts that county courts have appropriated in addition to the judges' daily pay, so it is not possible to know just how much they are receiving. Unless the county courts have been generous in the amounts that they have granted, it does not seem that most judges could have received very large amounts annually, as \$5 a day for the kind of service that is rather intermittent in nature would not yield a large sum during a year. Thus it appears that the general effect of this legislation has been to increase the pay of judges.

The county judge's office has been affected in other ways than as to the compensation, by private acts. Several acts have been passed concerning the judge's duties and powers, which are summarized in Table 31.

Table 31.

Private Acts Concerning Powers, Duties, and Qualifications
of County Judges

I. Concerning judicial powers and duties (a):

Dyer (1927) - giving the county judge the powers of selling land in certain cases as done by the chancery court, and of sentencing those who plead guilty in misdemeanor cases.

Franklin - to grant feats for several kinds of writs, as circuit court judges and chancellors.

Lincoln - can issue extraordinary process; may interchange with judges of criminal, circuit courts and chancellors.

(continued)

Table 31A (continued)

Maury - increasing authority as judge; can interchange with other judges, as in Lincoln County.

Rhea - increasing authority as judge.

Warren - granted powers of justice of the peace.

a. Humphreys County by an act of 1919 had some powers of chancellor conferred upon the county judge. This act, however, was repealed in 1923.

II. Affecting duties as executive officer:

Marion - to be county purchasing agent.

McNairy - can borrow as much as one-half of annual revenue for schools on warrants.

Rhea (same act as above) - to vote in case of a tie in the quarterly court.

Smith - to prepare and submit a budget, which the county court can change only by a majority of two-thirds. School board and county superintendent to submit their own budgets.

Warren - to make and publish quarterly a financial statement of the county.

III. Private acts changing the qualifications of office of original establishing act:

Grundy - changing the qualifications specified in the former act so that it is necessary for the county judge, instead of being a licensed attorney, only to be "learned in the law."

Loudon - striking out from the qualifications the words "a licensed attorney", which makes it possible for one other than a licensed attorney to hold the office.

Putnam - judge does not have to be a qualified attorney.

The acts changing the judicial powers are in the direction of widening them, or making it possible for the county judge to substitute for other judges. These acts can very well have been drawn up in response to local needs. The acts of Smith and Warren Counties have the purpose of making county management of finances systematic. The two-thirds majority necessary in the county court to change the prepared budget of the judge in Smith County may have been a way of taking much of the power of appropriation

from the justices and giving it to the judge. Centralization of responsibility in this way appears to be a desirable step. The act of Warren County requiring a quarterly financial statement to be published by the judge has the appearance of being possibly a method of checking up on a judge in office. It seems that the acts that make the qualifications of the office less strict are a step backward from the goal of getting good service from county officials. One suspects in these acts an attempt to make it possible for some certain individual to be elected to the office.

A peculiar instance of regulating the county judge's powers is in some acts that state that he is not to appoint the chairman of the grand jury. Three adjoining counties, Clay, Overton, and Pickett, had acts to this effect passed in 1929. It would be interesting to find the local situation which resulted in the passing of such acts simultaneously.

(c) Acts affecting county chairman. The office of county chairman is on a different basis from that of county judge in regard to pay. The laws are indefinite on this point. He is not granted the pay of the county judge of \$5 a day for presiding over the quarterly and monthly county courts.¹ The quarterly court may fix an annual sum for his services to the county as financial agent.² Aside from this law there is nothing said directly as to his pay. He is ordinarily a justice of the peace (although the law does not expressly require this) and so entitled to the same daily pay that the other justices are for attending the quarterly court meetings. There is a law³ which says that the chairman shall receive no compensation when he is absent from court meetings, unless the absence is because of sickness or unavoidable accident. The chairman pro tempore, who is one of the justices elected for the same length of term by the court in the January session, is

1. 6314.

2. 519

3. 6010

allowed by law to have an amount appropriated by the court for his pay which is not greater than that of the regular chairman.

In spite of the fact that the general laws have but little in them about the compensation of this office, there are only four counties which have private acts concerning it. It appears that this is a question which has been of little interest to legislators, and probably the compensation of the office has been satisfactory for the kind of service performed. The counties which had acts in force in 1930 are shown in Table B23. There have been no acts affecting the office in other ways.

Table B23.

Annual Compensation of County Chairmen as Specified in
Private Acts

I. Counties with an act stating a salary without mentioning other pay:

Carter	\$1200
Lewis	250
Shelby	4000

II. Counties with an act stating a salary in addition to other pay:

McNairy	\$600
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9. Justices of the Peace. Justices of the peace are elected by the voters of the civil districts for a term of six years. Two justices are elected from each district, except for the district which includes the county seat, which elects three. Justice of the peace is an office which combines judicial and legislative functions in a peculiar way. Each justice is a judicial officer with jurisdiction over minor civil and criminal cases. He is also a member of the quarterly county court, which body has considerable power in dealing with county affairs.¹ Justices of the peace have two schedules of fees for their services as magistrates. For civil actions the justices are allowed by law 35 different fees, ranging from \$.05 to \$1.00, and also the fee of \$5.00 for conducting an inquisition in the place of a coroner.

1. Seymour, A. C., et al: Farm Taxation and County Government, pp.36-42.

There are 20 different fees, from \$.10 to \$1.00 allowed for actions in criminal cases. For attending county court, the general laws allow the following compensation for justices:

- a. For attending quarterly county court, both regular and special sessions - \$1.50 per day.
- b. For each mile traveled to and from court - \$.05.

A justice living within five miles of the courthouse is not entitled to any of this mileage pay. A justice is not allowed mileage for more than two days in each session.

There have been a great many private acts passed raising the daily pay of the justices for attending the county court. The amounts provided by the special acts for the 64 counties which had them in 1930 are shown below. The daily compensation listed is in addition to mileage, unless it is otherwise stated. Some of the acts have modified the mileage provision of the general law. In some cases it is increased. In other cases mileage is allowed to justices living nearer than five miles from the courthouse. These minor modifications have not been recorded. The changes in daily pay allowed justices by private acts are shown in Table 33%.

Table 33%.

Changes by Private Acts in the Daily Compensation of Justices
of the Peace for Attendance at Quarterly County
Court Meetings

County	Daily Compensation	County	Daily Compensation
Anderson	\$3.00	Davidson	(\$2 morning (3)
Benton	2.50		(\$2 afternoon
Campbell	2.00	Decatur	\$3.00
Carroll	3.00 (1)	DeKalb	2.00
Carter	4.00	Dickson	3.00
Chester	3.00	Fayette	3.00 (4)
Claiborne	(2)	Fentress	2.50
Cocke	3.00	Franklin	2.50
Coffee	2.50	Gibson	2.50
Cumberland	3.00	Grainger	4.00

(continued)

Table 133. (continued)

County	Daily Compensation	County	Daily Compensation
Greene	\$4.00	McNairy	\$3.00
Grundy	(\$2.50 1st day (\$2.00 other days	Morgan	3.00
Hamblen	2.50	Obion	3.00
Hancock	2.00	Overton	4.00
Hardeman	3.00	Perry	3.50
Hardin	3.00	Pickett	2.50
Hawkins	2.50	Polk	3.00
Haywood	4.00	Putnam	3.00
Henry	3.00	Roane	5.00
Hickman	2.50	Robertson	3.00
Humphreys	3.50	Scott	2.00
Jackson	2.50	Sevier	2.50
Jefferson	2.50	Shelby	25.00 (6)
Johnson	4.00	Tipton	3.00
Knox	4.00 (3)	Trousdale	2.00 (7)
Lake	3.00	Unicoi	4.00
Lawrence	2.50	Union	2.50
Lewis	2.50	Warren	2.00
Macon	2.00	Washington	4.00
Madison	5.00 (3)	Wayne	3.00
Marion	2.50	Williamson	2.50
Maury	10.00	Wilson	2.50
McMinn	4.00 (5)		

1. Carroll County - pay limited to eight days per year; also no mileage paid to justices living within 10 miles of the courthouse.

2. Claiborne County - act listed in Shannon's Code as Chapter 84, Extra Session 1913, can not be found.

3. No mileage, Davidson, Madison and Knox Counties.

4. Wording of act questionable.

5. McMinn County - not over 10 days pay a year.

6. Shelby County - not over three days pay for a session.

7. Trousdale County - mileage compensation to be fixed by justices in county court.

The number of counties having the different amounts of daily compensation is shown in Table 34. This comparison shows that the majority of counties do not have a very high rate of compensation specified in the acts. The great majority of the acts grant not over \$3.00 per day. Quite a number of counties, 11, give the higher figure of \$4.00. Maury and Shelby Counties, which give \$10 and \$25 respectively, stand out in considerable contrast to the rest. Shelby County, however, limits the compensation to three days per session. Two other counties have limits on the number of days. McMinn

County limits the compensation to 10 days in a year, which would allow each justice but \$40 annually. Carroll County limits it to eight days, which allows a maximum of \$24.

Table 134.

Numbers of Counties Having the Different Increased Amounts of
Daily Compensation for Attending the Quarterly County
Court

Daily Compensation	Number of Counties
\$2.00	8 (a)
2.50	18
3.00	20
3.50	2
4.00	11
5.00	2
10.00	1
25.00	1

a. Including Grundy County, which gives \$2.50 for the first day, and \$2.00 for succeeding days of a session.

From the amounts granted in practically all the counties, one would not conclude that special legislation has been used to give the justices any exorbitant rate of pay. The rate in the general law, \$1.50, is certainly low, and it does not seem that it has been raised unreasonably for most counties. The county court, as an institution, has been criticized as being a highly inefficient body, with members having very little in the way of qualifications for performing public service.¹ It seems that counties are paying a high price for the quality of service that they are getting, even though the rate is low. The remedy does not lie in reducing the pay of county court members back to the law figure of the general law. The situation is to be improved rather by the reduction in numbers of the court, and the bringing about of higher qualifications for members of it.

Some of the special provisions of these acts are worthy of notice. Davidson, Madison and Knox Counties grant no mileage. On the other hand, Trousdale County

1. Seymour, A. C., et al: Farm Taxation and County Government, pp. 42-48.

has an act that allows the justices to fix their own mileage compensation. This certainly gives an opportunity for them to increase their own pay at the expense of the county. Loudon County had the compensation of the justices raised in an unusual way. An act of 1921 changed the scale of fees for civil and criminal actions for justices of the peace, sheriff and constables. Many of the fees were doubled. It appears that this act works more to the advantage of the justices than to the other officers named because of the nature of most of the fees changed. Some acts have affected the office in other ways, which are shown in Table 35.

Table 35.

Modifications of the Office of Justice of the Peace Other
Than Compensation by Private Acts by
Counties

Crockett - justices are to furnish lists of lands and owners for assessment and names of persons liable to road work requirements.

Greene - office to be in justice's own civil district.

Pickett - incorporated towns not to have a justice of the peace.

Roane - to issue all criminal warrants on regular blanks.

Robertson - search warrants must be kept on file, and returned within two days after being issued.

In the Crockett County act the purpose seems to have been to draft the justices into the service of the assessor. In Greene there seems to have been an attempt to change the practice of some justice or justices, the reason for which is not explainable without knowledge of the local situation at the time. The act in Pickett County in not allowing the district containing the county seat its regular number of justices appears to be an attempt of some group to limit the political representation of this district. A student of the affairs of Pickett County states that the purpose of this was to get the

control of the county for one political party away from the other party, which had a greater following of voters in the county.¹ The acts of Roane and Robertson Counties were for the regulation of the procedure of the justices in the issuance of criminal warrants, and it appears that there had been some irregularity in this regard.

10. The county superintendent of public instruction. The office of county superintendent by the regular law is filled by appointment of the quarterly county court for a term of four years. The superintendent must not be a member of the county court at the time. He is subject to removal by the court at any time during his term for misbehavior or inefficiency. Such charges against him must be presented in writing. This office has received a large amount of private legislation in recent years, the main effect of which has been to change the method of selection of the superintendent to popular election. The recent character of this tendency of legislation is shown by the fact that by 1917 only three counties, McNairy, Hardin, and Lewis, had acts making the office elective.² Since that time, however, there have been many acts passed that have made this change, with the result that in 1930, 44 counties elected their superintendent by popular vote. The counties having these acts, with some of the provisions of them, are shown in Table 136.

Comparison of the different provisions of these acts illustrates the lack of uniformity among the counties that results from private legislation. The counties do not all have the same length of term specified: 25 of them have a two-year term, while 19 have a four-year term. One county did not have the length of term stated. Marion County has two different lengths of term established, by different acts of 1917, two and four years, as well as two different election dates. The date of beginning service after election

1. Smith, Charles Galloway, A Social & Economic Survey of Pickett County. Thesis for degree of M.A., Vanderbilt University, p. 28.

2. The constitutionality of the act for Lewis County is questionable because the clause "and any subsequent federal census" was omitted in drawing it up.

is likewise different for the different counties. Twenty-seven counties set this date at January 1, and 14 of them set it at September 1, to begin with the school year. Two counties have it as the first Monday in January. The omissions of some of the acts are apparent. For Benton County the year

Table 38.

Private Acts of Counties Changing the Office of County Superintendent to Make It Elective by Popular Vote

County	Date of first election set in act	Date of beginning of term	Years of term	County	Date of first election set in act	Date of beginning of term	Years of term
Bedford	Aug.'21	Jan.1	4	Knox	Aug.'26	Jan.1	4
Benton	Aug.	Sept.1	2	Lauderdale	Aug.'26	Jan.1	2
Blount	Aug.'30	Jan. 1	2	McNairy(5)	Aug.'14	Jan.1	4
Cannon	(1)		2	Madison	Aug.'24	Sept.1	4
Cheatham	Aug.(2)	Jan. 1		Marion	1st Tues. of Nov.'18	Jan.1	2(3)
Clay	Aug.'24	Jan. 1	4		Aug.'18	Jan. 1	4
Coffee	Aug.'24	Jan. 1	2	Morgan	Aug.'26	Sept.1	2
Crockett	Aug.'22	1st Mon. Jan.	2	Overton	Aug.'18	Jan. 1	4
Decatur	Aug.'22	Jan. 1	4	Perry	Aug.'28	Sept.1	4
Grainger	Aug.'28	Jan. 1	2	Putnam	Aug.'20	Jan. 1	2
Grundy	Aug.'30	Jan. 1	2	Rhea	Aug.'28	Sept. 1	4
Hancock	Aug.'30	Sept. 1	2	Rutherford	Aug.'18	Jan. 1	4
Hardeman	Aug.'20	Sept. 1	4	Scott	Aug.'24	Jan. 1	2
Hardin	Aug.'12	Jan. 1	4	Sevier	Aug.'28	Jan. 1	2
Hawkins	Aug.'30	Jan. 1	2	Smith	Aug.'26	Sept. 1	2
Haywood	Aug.'18	Jan. 1	4	Stewart	Aug.'20	Sept. 1	4
Henry	Aug.'20	Sept. 1	2	Sullivan	Aug.'26	Sept. 1	2
Hickman	Aug.'30	Jan. 1	2	Sumner	Aug.'24	Jan. 1	2
Humphreys	Aug.'26	1st Mon. Jan.	4	Union	Aug.'28	Jan. 1	4
Jackson	Aug.'30	Sept.1	4	Van Buren	Aug.'30	Jan. 1	2
Jefferson	Aug.'30	Sept.1	2	Weakley	Aug.'30	Jan. 1	2
Johnson	(4)	Sept.1	2	White	Aug.'26	Jan. 1	2
				Wilson(7)			

1. Cannon County - act states at the regular election next preceding the expiration of the term of the present holder of the office.

2. Cheatham County - act passed 1923; neither date of first election nor length of term given.

3. Marion County - conflicting acts were passed in 1917, Chapters 136 and 96, which state the different provisions shown above.

4. Johnson County - referendum to be submitted to the voters of the county on the establishment of the office with the provisions of the act.

5. McNairy County - term changed to 4 years (private acts of 1929) so that the next election will be in 1934.

7. Wilson County - the act says nothing about the date of the election, or the time that the term begins.

of the first election was omitted. For Cheatham County both the date of the first election and the length of the term of office were not stated. The Wilson County act omitted both the time of election and of assuming office.

A few counties have acts which made the office appointive after it had been elective for a time. Carroll County changed from popular election of the superintendent back to selection by the county court in 1923. Dickson also had the office elective, and changed back to the system of the general law by an act which also states the term as two years. Another act of the same year grants the superintendent in that county a salary of \$900 a year from county funds for the years 1927 and 1928. Pickett and Davidson Counties also have acts that changed the election of the superintendent to make it appointive by the county court: in the former for four years and in the latter, two years. Two counties, Lake and Monroe, have acts making the selection of the superintendent to be by the county board of education.

Eight of the private acts about the election of the superintendent stated the salary of the office. These salary provisions are shown in Table 137.

Table 137.

Salaries of County Superintendents Stated in Private Acts

County	Annual Salary	Remarks
Humphreys	\$1000	Minimum to be fixed by the county court.
Jackson	2000	
Knox	3000	Amount to be paid by county. \$300 in addition for expenses.
Perry	500-750	Amount within these limits to be fixed by the county court to be paid by county.
Rhea	1500	
Smith	850	Stated amount to be given by the county.
Stewart	650	Stated amount to be given by the county.
Union	600	County to pay at least \$600 a year.

Two of these acts, those of Jackson and Rhea Counties, are of indefinite meaning because they do not say as to whether the amount of salary is to be that part paid by the county, or the total paid by state and county.

The salary of the county superintendent by the general law is determined by the county court. A law passed in 1921 appropriates an amount to be paid the county superintendent annually from state funds equal to the amount paid by the county, but not exceeding \$1000. The Annual Report of the Department of Education of June, 1930, shows that the sum of \$1200 is being given to many counties for the superintendent's salary.¹ Apparently a later act provides for this amount, but it is not to be found in the index of session laws of any subsequent years. The amount of salary received by county superintendents can be estimated from the sums paid to the different counties from the state school funds for this purpose. As the previous acts have provided that the state pay an amount equal to that given by the county, within a certain limit, it seems probable that the later act continues with the same plan. The amounts given by the state to the different counties are shown in Table 38.

Table 38.

Amounts Paid to Counties for the State's Share of the Salaries of
County Superintendents, Tennessee, School Year 1929-30

Amount Paid by State	Number of Counties
\$1200	68
1100-1200	8
1000-1100	6
900-1000	6
700-800	4
600-700	2
500-600	-
400-500	1
Total	95

It is clear that \$1200 is the maximum allowed to be paid by the state. The counties which receive this amount may be paying an amount equal to this, or a larger sum. It appears that, in 68 counties, the superintendents receive at least \$2400 a year. The salary is below \$2000 in 13 counties, and below \$1800 in seven. From these figures it may be judged that the superintendent's salaries in general have been satisfactory, and there has not been

1. Table LVII, p. 166

any large amount of pressure brought to bear to pass private acts fixing the salary.

As the general laws have provided for the setting of the superintendent's salary by the county court, with the state to give an amount to match, one wonders, however, why private legislation has been used at all for this purpose. Most offices, except county superintendent and county judge, have the compensation entirely fixed, as fees or otherwise, by general laws. A special act is necessary in order to change it. In the case of the superintendent's salary, the power to change it was entirely with the county court. It seems that where private acts have been resorted to in order to change the superintendent's pay, this has been done by legislative influence where the same result could not be obtained through the county court.

There have been some private acts about the duties and qualifications of the office, which are shown in Table 139.

Table 139.

Private Acts Concerning Duties and Qualifications of the County Superintendent, Tennessee, 1930

I. Acts affecting powers and duties of the office:

Claiborne - to be truant officer.

Hickman - to enforce the school attendance law with the aid of the sheriff and constables.

II. Acts stating the qualifications of the office:

Benton - must have a college degree, and have had 36 months experience in teaching.

Macon - not to be obliged to take another superintendent's examination for a period of 24 years after the one which he has passed. This act was the second amendment for Macon County to the general law which allows just six years.

Lawrence - must have had five years experience teaching and four years as county superintendent and be a holder of a state county superintendent's certificate; however it is not necessary that the certificate be still in force, as long as it was issued since 1919

(continued)

Table 139. (continued)II. Qualifications (continued):

Monroe - Chap. 118, 1929, declared that the possession of a state certificate with a grade of 90 was sufficient qualification regardless of the date of issuance of it, and whether the holder had been engaged in public school work continuously or not. Chap. 548 of the same year changed the election of the superintendent so that it is to be done by the county board of education. This act also stated that the board could suspend the superintendent if he were proved to have tuberculosis, and appoint another to the position.

1. This provision is the same as that of a general law, Chap. 115, Acts of 1925. This raises the question as to why this should have been re-enacted in a private act.

The acts of Macon, Lawrence and Monroe Counties stating the qualifications of the office suggest strongly the possibility of legislation in favor of particular persons seeking or holding the office. The two acts of Monroe County of the same year appear to have been inspired by contention of rival factions about the office.

11. The county attorney. There is nothing specified in the general laws about the appointment or compensation of the office of county attorney. In some laws the powers and duties of such an officer are set forth in connection with those of attorney generals and their assistants. A number of counties have had the office established by means of private acts. There is a great deal of variation among the different acts as to some of the provisions, as is shown in Table 140. The term of office established by the acts varies from one to six years, and the salary from \$300 to \$1800 a year. In four counties the county attorney is elected by the voters; in seven, by the county court; and in one he is appointed by the county judge or chairman. Acts concerning this office have been found only for the years 1917 to 1929 inclusive, so this is probably not a complete list of counties which have it.

Table 14c.

Provisions of Private Acts Concerning the Office of County Attorney

County	Annual Salary	Length of Term	Method of Selection	Date of Next Election or Appointment	Other Provisions
Campbell	\$480-600 ^a	6 years	Election by voters	1932	Term begins Sept.1
Dickson	600	4 "	Election by voters	1932	
Hamblen	500	2 "	Election by voters	1932	
Hawkins	400 ^b				
Henderson	300	2 "	By county ct. at Jan.session	January session	Expenses and help to be paid
Lake	600-1200 ^a	4 "	By county ct.	Apr.1929	
Madison	1200	2 "	By county ct.	1929	
Marion	600	2 "	By county ct.	Jan.1929	
Maury	1800				Expenses paid
McMinn	(c)	2 "	By county ct.		
Monroe	600	1 "	Appointment by county judge or chairman		
Moore	(c)	1 "	By county ct.		
Putnam	1000				Term begins Sept.1
Roane	1500	4 "	Election by voters	Aug.1930	
Sumner	350	1 "	By county ct.	Jan. session	

a. To be fixed by county court within limits set.

b. Not more than amount stated.

c. To be set by county court.

That the duties of county attorney are not considered as the full time service office-holder may be seen by the amount of salary attached. Eight of the fifteen acts state a salary of less than \$1000 a year, and one authorizes the county court to set the amount between \$600 and \$1200. Most of the acts tell the qualifications and the duties of the office. The provisions of the act for Roane County are pretty typical in this regard of most of the

acts. This act states that the holder of the office shall be a licensed attorney. He is to represent the county in all affairs demanding the services of an attorney. A special provision of this act is the statement that he shall attend all meetings of the county court and of the board of education. The act of Marion County indicates lack of satisfaction with the conduct of the county attorney. This stated that he must represent the county in all litigation without additional pay. Hickman County abolished the office in 1927.

12. Acts concerning other county offices. There have been a large number of acts passed regarding county offices not so important or so generally found in most counties as those considered heretofore. It has not been attempted to get a complete list of the acts about all these offices. However, all the acts found since 1917 about some of them have been recorded in making this study, and the results are presented herewith with the purpose of giving a fuller idea of the scope and variety of acts about county offices.

(a) Delinquent poll tax collector. The office of delinquent poll tax collector has been established since 1917 in the following 13 counties shown in Table 41.

Table 41.
Counties Which Had the Office of Delinquent Poll Tax
Collector Established

Blount	Lewis
Coffee	McMinn
Dickson	McNairy
Dyer	Monroe
Fayette	Montgomery
Lauderdale	Unicoi
	Washington

Greene and Cocke Counties abolished the office during this time.

The acts creating the office all have about the same provisions. The delinquent poll tax collector is appointed by the county court for a specified term. The dates on which the tax is due, and on which it becomes delinquent are set forth in the acts. The collector gets a fee, which is \$.25 in most cases, for each delinquent poll tax which he succeeds in getting for the county. The fee is assessed against the delinquent taxpayer.

(b) County surveyor. The county surveyor is one of the officers appointed by the county court, which fixes the compensation for him and his helper. There is a general law which allows him a schedule of fees for his services, the largest of which is his pay per day for field work, which is \$5. Four counties have private acts which increase this pay, in amounts which are shown as follows:

Table 142.
Daily Compensation of Surveyors Increased by Private
Acts, Tennessee, 1930

Blount	\$7.50	Madison	\$8.00
Loudon	7.50	Monroe	7.50

It is of interest to note that three of these counties, Blount, Loudon, and Monroe, are all adjoining each other. It appears from this that counties at times adopt measures which they learn from their neighbors.

(c) Miscellaneous offices. There have been other acts about quite a number of other offices. For each of the four counties containing the large cities of the state there have been a good many acts about officers not found in the other counties. As this study is concerned primarily with rural county problems, these acts have not been recorded. It is significant that so much special legislation has been passed about these counties also. A study of the problems of city government in this state needs to take into account seriously the question of private legislation, which affects the

cities indirectly by acts pertaining to their counties, and directly by acts that apply to the cities themselves.

Some unusual acts about county offices that are of interest are summarized in Table 43.

Table 43.

Some Uncommon Acts About County Offices

Jefferson - county to employ industrial agent who is to help the county to attract new industries to it; salary \$3600 a year.
Tipton - county authorized to hire an industrial agent, with duties similar to those of like officer in Jefferson County; salary to be fixed by the county court.
Maury - office of county physician with salary of \$75 a month; term four years, appointee named in act; county court to appoint his successor after his term expires.
Rhea - chief probation officer of the juvenile court to receive salary of \$140 a month during school term for work as attendance officer.
Scott - constables to receive \$50 a year for services as truant officers.
Johnson - any licensed physician may be appointed jail physician.
Lawrence - office of county auctioneer established; compensation a percentage of sales.
Madison - pay of officer taking depositions to be \$1.00 for the first 1000 words, and \$.10 per 100 words for any succeeding.

Private Acts Concerning Functions of County Government. There are numerous acts that concern county government besides the large number already considered that affect just single officers. These are about such subjects as county courts, boards of education, highway commissions and other commissions, public works, bond issues and a number of others. So many of these acts are long, and they specify so many different things that it seems almost an insuperable task to read them all through and present any kind of a thorough summary of them. In this study it has been attempted to read enough of the acts in order to get a fairly accurate impression of the different kinds of provisions that they contain.

1. The quarterly county court.

(a) Time of meeting. The times of meeting of the quarterly county courts have been the subject of a certain amount of private legislation. The general law states that this session of the court, composed of all the justices of the peace of the county, is to convene on the first Monday of January, April, July and October. It is to transact all the county business which can not be done by the county judge or chairman alone. The county judge or chairman can call a special session of the court. If five justices ask for a special session the judge or chairman of the county is required to call one.¹ According to the law the jurisdiction of the monthly session of the county court is wholly judicial, while that of the quarterly court is essentially legislative.²

The private legislation concerning the quarterly county court has had to do mostly with the time of meeting. Those counties that had times of meeting of the court different from the regular time in 1930 are as follows:

Table 443.

Time of Meeting of Quarterly County Courts as Changed
by Private Acts

Cumberland - 2nd Monday of regular months.
Fayette - 1st Tuesday of regular months.
Giles - 2nd Monday of regular months.
Lewis - 2nd " " "
Marion - 1st Monday of January and July.
Maury - 2nd Monday of regular months.
Pickett - 2nd Monday of regular months.

It appears that no large amount of change has been effected along this line. Most of the changes are simply moving the time of convening the court to the second week, instead of the first, of the regular months. Fayette County had the time changed from Monday to Tuesday of the first week. Marion

1. 5997.

2. 511, Supreme Court Decision, Johnson vs. Brice, 4 Cates 59, 70.

County had a rather radical change made, having the court convene only semi-annually. Since 1917 two counties, Hickman and Sequatchie which had a different time of meeting have changed the court time back to make it as the general law provides. Reasons for these modifications of the general law have been purely local in nature.

(b) Change in organization. Lincoln County had an act calculated to regulate the actions of the county court, passed in 1923, which stated that the court must publish all its proceedings within 15 days in the county newspapers. Two years later the powers of the county court were changed radically by an act of 1925 (Chap. 23, Private). This act reduced considerably the size of the county court and provided for the election of a county commission by it. The county, which previous to this had had 25 civil districts, the constitutional limit, was redistricted by the act so that only seven civil districts remained. As two justices of the peace are allowed each district by the constitution, with an extra one for the district of the county seat, the number of justices in the county court was reduced from 51 to 15¹. The act provided also that the court should elect a board of county commissioners of five members, not more than one of whom should reside in any given civil district. The function of this board was to meet at least once a month to transact the business of the county which had formerly been done by the quarterly county court. By this the county court was apparently reduced to a body which simply elected the body which was to have the powers and duties which the county courts normally have in the state. The compensation of the members was stated by the act as to be fixed by the county court at not over \$500 a year per member. The county adopted by this act a system which resembles the commission forms of county government that are being tried some in other states. The peculiar feature of the plan in Lincoln County was that the county court was to continue in existence along

1. Art. 6, Sec. 15.

with the commission which practically took its place. It seems that this was an awkward duplication and that direct election of the commissioners by the voters might have improved the system. However, this seems the one way open under the present state constitution for a county to change and get away from the unwieldy and unbusiness-like character of the county court.¹ The machinery of the justices of the peace and the county court is established by the constitution, and this is so difficult to amend that the keeping of the county court seems to be a necessary part of any attempt to improve the system of county government. This act however was repealed by the next assembly.² According to a communication from the county judge of the county, Mr. A. E. Simms, this change of system was not even put into effect. This experience of Lincoln County shows that a county wishing to have the commission form of government could probably have it established by continuing the quarterly county court as a sort of figure-head organization to appoint the commissioners. However if any experiment of this kind should be tried, it would be in danger always of having another private act being passed that would discontinue it, or so change it as to make its successful operation impossible.

2. Auditors and auditing commissions. The laws of the state provide that counties may appropriate money for the services of an auditor, or employ accountants to audit the books of county officers and employes.³ Some counties have private acts concerning auditors or auditing commissions, or requiring audits, the provisions of which are shown in Table 145.

These acts seek to establish a system of auditing for the counties, which is a much needed improvement in county government throughout the state. The system of appointment for the auditor in Cocke County seems too indirect

1. Seymour, A. C., et al, Farm Taxation and County Government, Pt. III, pp. 42-48.

2. Chapter 685, Private Acts, 1927.

3. 5826, subsections.

Table 45.Private Acts About County Auditors or Auditing Commissions,
Tennessee, 1930

Carroll - an audit of all county officials required.

Davidson - an act of 1919 refers to an audit commission in existence.

Cocke - an auditing commission of three members to be appointed by the county court. Each member is to be paid \$3 a day for his services. The commission is to hire an auditor at the salary of \$2000 a year.

Monroe(a) - auditor's salary to be \$600 a year.

Perry - auditor to be appointed by the county court for a term of two years; pay \$4 a day; audit of all officials required.

Rutherford - an auditor to be appointed by the governor for a term of 4 years; salary \$750 a year.

Sumner - county revenue commission abolished; auditing commission established with two members to be appointed by the county court; pay \$5 a day; to audit books quarterly.

a. The act of Monroe County in 1923 was a correction of the act of 1921, which erroneously stated the salary of the office as \$6000 instead of \$600. The auditor did not collect the larger amount allowed, however.

and cumbersome. One wonders if the county court would not be just as able to choose an auditor as the special commissioners whom it appoints. It seems doubtful that the pay named in some of the other acts would be such as to insure expert auditing service, especially in Perry and Sumner Counties, where four and five dollars a day respectively is granted.¹ The salary of \$600 allowed in Monroe County, and \$750 in Rutherford County are intended for part-time service. It may be that the experience of these counties in setting up a system of auditing can prove valuable in suggesting a system for the general use of counties throughout the state.

One wonders why private legislation has been used to establish the office of auditor or auditing commissions when the general laws already allow the county court to do so. It suggests the possibility of friction existing in the political affairs of the counties, where one faction did not wish to have auditing done, while another did and resorted to a private act to carry out its purpose.

1. To each of the two commissioners in Sumner County.

3. Financial Administration of Counties. A number of private acts have been passed since 1917 about county purchasing, finance and budget making. Most of these have established commissions in counties to carry out these functions. These commissions are shown in Table 46..

Table 46..

County Purchasing, Finance and Budget Commissions
Established by Private Acts, Tennessee

Kind of Commission	County
Purchasing "	Jackson DeKalb (a)
Budget and purchasing	Marshall
Finance and budget " " " " " "	Dickson Lake Obion
Finance commission Board of finance Board of revenue commissioners & Budget commission	Humphreys Robertson Madison (b)

a. DeKalb County established 1919; abolished 1921.

b. Madison County - abolished.

These acts all treat at length the powers and duties of the commissions. The number of members on these different commissions varies from two to five; the annual compensation from \$25 to \$100 a year. Some commissioners are elected by popular vote; others by the county court. The acts establishing such commissions are characterized by the wide variety of their different provisions.

Two counties have acts which were intended to enforce budget making. These are shown as follows:

Table 147.Private Acts Requiring the Making of a Budget

Smith - county judge to prepare and submit an annual budget.

Scott - it is unlawful for county officers to spend in excess of the current revenue for the year, although the county judge may issue warrants on the general fund; budget records required of all officers, failure to keep such is a misdemeanor.

4. Acts about courts. A great deal of private legislation has dealt with the different courts that meet in counties. Much of this has had to do with the changing of districts and setting of times of holding courts in the different counties. The circuit and chancery courts are for the various judicial districts in the state, each one consisting of a number of counties. Criminal or law courts have been set up by private acts in quite a number of counties where the need for a court to try criminal cases was greater than could be supplied by the circuit court. The judges of these courts are elective for a term of eight years in the districts or counties which they serve but they are paid by the state comptroller. Other special courts, probate and juvenile have also been established by acts. As these courts are part of the state government, rather than of county government, no attempt has been made to list the acts and their provisions. Study of this mass of private legislation would yield much information about the effects of it on court procedure in the state. There were a great many changes of court times and districts for several assemblies after 1870. This question is relatively settled, but every volume in late years has some acts changing court times or districts.

Juvenile courts have been created in a few cases in the rural counties. Union County, by a special act had the office of juvenile court judge established, with an annual salary of \$350. Rutherford County had a juvenile judge, but an act repealed the earlier act that created the office, and gave his

authority to the judge of the municipal court of the county seat. These are the only acts found about juvenile courts outside the city counties in the volumes of acts of 1917 or later.

There has been one type of act relating to court procedure that has been passed by a number of counties, with much the same wording. These acts state that on all workhouse bonds there shall be the requirement of 15% in addition to the amount of the bond to be paid in case of default, to be given for attorneys' fees for collection on the bonds. The counties having these acts are Blount, Bradley, Loudon, McMinn, Monroe, and Roane. All these counties are close together, so the passage of the acts in all of them has doubtless been the result of their proximity. Such acts are attempts to correct the abuse of allowing convicted persons to go free without paying their fines, while their bondsmen escape also. This abuse has been noted in other counties.¹ It would be of interest to determine whether such acts serve to prevent losses to counties on this score.

5. Schools. There has been much private legislation passed by all assemblies about the school affairs of counties, towns and special school districts. Many of the acts deal with school boards; about the method of selection, term of office, school tax levies and bonds, school debts, buildings, and attendance laws and their enforcement. Anderson, Fentress, Giles, Knox and Monroe Counties have teachers' pension acts, with quite differing provisions. The act of Fentress is out of the ordinary in specifying a pension for persons who have had 50 years service in the county. Most of the acts concerning school boards are long, and include quite a variety of provisions. The number of members of the boards varies from five to fifteen in the acts establishing them. A number of the acts specify that the members of the boards be elected by popular election with different provisions about the elections and terms of office. Some boards are appointed by the county courts. The powers and duties of the boards are stated in much detail.

1. Seymour, A.C., et al, Farm Taxation and County Government, Pt.II, pp.161-165.

Before the passage of the general compulsory school attendance law in 1913, quite a number of counties had county laws passed for this purpose. There were 12 such acts in 1909 that applied to 18 counties. In 1911, there was the same number of acts for 16 counties. These acts were mostly similar in their requirements to the general act of 1913, which stated that children between the ages of 6 and 14, inclusive, must attend school for 80 consecutive days outside of cities.¹ Where the school term was less it was specified that they attend the full term. The use of private legislation in this connection was for a commendable purpose. By this means counties were enabled to pass a needed law for themselves before the state as a whole was ready for it. Two counties used private acts to modify the general law after it was passed. An act for Jackson County in 1915 changed the number of days compulsory attendance to 90 days out of a term of 120, or three-fourths of the school term where it was shorter. An act for Sevier County² sought to change the law for that county to make the requirement 80 days, which did not have to be consecutive. The purpose of both these acts seems to have been to substitute less rigorous provisions for those of the regular law in order to fit the local sentiment. There have been a number of acts about the machinery of enforcement of the school attendance law.

The state commissioner of education expressed his opinion as to the effect of private legislation on school administration in strong terms.

There is no greater retardation of the growth of the state school system than the more than one thousand school laws. No one can build an efficient and outstanding system if it is to be punctured by a thousand local bullets. To give equal educational opportunity as the State for the past eight years has tried to do is the earnest desire of the State. Why should counties and towns take advantage of this fair effort of the State to do justice toward all its people? Few among many far reaching pieces of local legislation are: First, the different methods of electing the county superintendent; second, the different ways of selecting members of county boards of education;

1. The general act of 1925 made this requirement 180 days; however with exemptions for distance from school, incapacity, and inability to afford proper clothing. 2. Unconstitutional because of omissions from its caption.

and third, the unfair local laws and amendments of bills that affect the State school fund.-----

All county superintendents should be elected in the same way and all members of local boards of education should be elected in the same way. Some of the superintendents and board members are elected by the people, some by the quarterly county court and some of the superintendents by the county boards of education, thus making these important offices political pure and simple." ¹

Study of these many acts about school affairs impresses one that the situation with regard to the schools of the state must be much as the commissioner of education has described. It must indeed be a complicated task to supervise and try to unify the school system of the state when there are so many local laws about superintendents, school boards and school districts modifying selection, procedures, powers, qualifications, salaries and appropriations. There is always the possibility of more laws with unpredictable changes of many kinds.

The movement to change the selection of the superintendent to popular election, which has taken place in practically half the counties in the state, reflects doubtless public opinion that the democratic form of government means the election of as many officials as possible by popular vote. However, it is contrary to the findings of political scientists that the lengthening of the ballot by the addition of more offices defeats the purpose of control of government by the people because the voters cannot possibly be familiar with the fitness of the candidates for a large number of offices.²

1. Annual Report of the Department of Education, Tennessee, June 30, 1930, P. L. Harned, Commissioner, p. 22.

2. Ogg, Frederic A., and Ray, P. Orman: Introduction to American Government, p. 735.

6. Highways and Highway Commissions. The indexes of the volumes of private acts of the sessions of recent years show that a very large amount of legislation has been passed on the subject of roads. There have been many bond issue acts for roads, appropriating a great amount of money. Every session has passed a large number of road laws and amendments to previous road laws which occupy a great many pages. In 1929 the legislature passed 48 separate acts of this kind which concerned 30 different counties. The number of road laws passed by assemblies in recent years is shown in Table 148. The figures represent only those acts that were listed in the indexes as road laws, and leave out of account a number of acts about road bonds and appropriations for each year.

Table 148.

<u>Number of County Road Acts, Tennessee, 1917 - 1929</u>	
<u>Year</u>	<u>Number of Road Laws</u>
1929	28
1927	56
1925	(a)
1923	41
1921	63
1919	67
1917	49

(a) Not listed under the heading of road laws, 1925.

At least half the counties in the state have acts listed in the indexes that establish highway commissioner, highway superintendents, or both. The size of the commissions varies between three and sixteen members. About the same number of counties have the commissioners elected by popular vote as have them selected by the county court. There have been changes of the method of selection from county court to popular vote and vice versa. A few counties have no highway commissions and have all the powers and duties of such centered in the county highway superintendent. In a number of counties the highway commissions appoint the county highway superintendent, who then carries the largest part of the duty of highway administration. The amount of the

superintendent's salary authorized by acts ranges from \$600 a year in Hancock County to \$3000 in Sumner. In many cases he is paid on a monthly basis. In Bledsoe County he receives \$5 a day. Compensation of road commissioners is stated in many of the acts. This is as high as \$250 a year. A common provision is that one member of the commission as secretary receives more than the other road commissioners. The laws are full of statements as to duties and powers of highway officials. An interesting political device for effecting a change in road commissione is in an act for Marion County, which abolished the "Marion County Rural Road Commission" and established the "Marion County Road Commission". Other county officers are brought into the acts. In some counties the county judge is ex-officio member of the commission, or chairman or secretary of it, and pay is granted him for this service. In an act for Stewart County, the trustee was given a percentage on highway assessments. In the road acts that were read, special county autymobile taxes were found for Crockett, Benton, Dyer, Lauderdale, Lincoln and Warren Counties. Hickman, Maury and Perry Counties, on the other hand, abolished special vehicle taxes. There are doubtless more special automobile taxes to be found in other road acts.

If time permitted, it would be desirable to read all the road acts carefully in order to find the many different things taken up in them and to make a more complete analysis of their effects on county government. As they are exceedingly long, a number of acts of 1929 have been selected for a more complete description in order to illustrate something of their nature. Most all the road acts, and especially the original acts of counties, include an exceeding variety of provisions. There were eleven such road acts in 1929 that established highway commissions or commissioners in counties to supervise road building and maintenance. The number of sections in these acts varies from 10 to 41, with an average of 22. The act for Hardin County is an example

of the undesirable side of this kind of legislation. It has 16 sections, so is among the shorter of the acts passed. However, the large number of things treated in it, and the many ways that it affects the operation of county affairs may be seen from the summary in Table 149. It is amended by a shorter act of the same session, which modifies the provisions of some of its sections, and improves upon it somewhat. The changes made by the amending act are also summarized.

Table 149.

Road Laws of Hardin County, Tennessee, Private Acts, 1929

I. Summary of the Original Act, Chap. 113, Private Acts, 1929.

Sec. 1. The Office of County Highway Commissioner to be elected by the County Court, Jan. 1931, for a two year term, salary between \$1800 and \$2400 a year; -- to enter bond; A. M. Patterson named to serve for a term of two years.

Sec. 2. The commissioner to be official agent of the county in all matters with the State Highway Department; his travel expenses outside county to be paid.

Sec. 3. The commissioner to have supervision and control over all bridges and roads under county control, including location of roads; to have power of condemnation of land.

Sec. 4. Board of Supervisors created, with High Commissioner as chairman, and four other members, who are to be district supervisors; highway districts located; supervisors to be appointed, by county court; individuals named to serve terms of 1, 2, 3 and 4 years respectively; provision for meetings; one member to be secretary with compensation not over \$25 a month^a; supervisors to get same pay as justices of the peace for time of meetings^b and \$3 a day for time spent on road business, with limit of 30 days a year except under order of the Highway Commissioner; supervisors to prepare and file complete lists of road hands, equipment, teams, wagons and owners in districts; can hire deputies at \$2 a day; to warn road hands and team owners verbally at least three days in advance of their required service.

Sec. 5. The county to be a unit for the collection and spending of road funds, except for proceeds of bond sales which are for highways at specified places.

Sec. 6. Work of building and maintaining roads and bridges can be done either with contract or without it if supervisors and commissioners agree; if a job is to be let by contract, it must be

a. Changed by amending act.

b. \$3 a day in Hardin County, see p. 274 preceding.

advertised, in the manner specified and contract must be let to lowest bidder, who must give bond.

- Sec. 7. Board of supervisors to be purchasing agency for all road equipment, and accounts must be submitted to them; can advance money to contractor by warrant from county judge on 80% of part of contract completed.^a
- Sec. 8. Compulsory road duty for men between 21 and 50 years of age living not in incorporated towns; to work from 6 to 10 days each year as determined by county court; exemption for physical unfitness; duty can be commuted by paying \$.75 a day.^a
- Sec. 9. Each owner of a team or a wagon and team must furnish four days team labor a year^b; or he may commute this by paying \$2 a day for wagon and team and \$1.50 a day for team; must supply driver, who unless liable for road duty, must be paid wages, otherwise supervisor will appoint a driver from among the road hands.
- Sec. 10. Those not complying with road labor or team labor duty to be guilty of misdemeanor and punishable by a fine of \$10 to \$25; three days notice must be given beforehand of required labor.
- Sec. 11. County court shall levy a wheel tax as follows:^a

Passenger cars	- \$.25 per horse power
Trucks	- 5.00 plus \$.25 per horse power
Trailers	- 3.00
Motorcycles	- 1.00
Tractors or engines) used on) roads)	- 5.00

County court clerk to collect and issue tags; clerk's fee \$.25; failure to get tag is misdemeanor; punishable by fine of \$5 to \$15.

- Sec. 12. County Court to levy rate of 25 to 50 cents on property for roads.
- Sec. 13. Purchasing of equipment can be done by deferred payments, but payments must not aggregate over \$5000 a year.
- Sec. 14. Commissioner and board to have an office in the court house which is to be open for inspection.
- Sec. 15. Each paragraph of act is valid, regardless of any unconstitutionality of any other.

II. Changes in Chap. 113 Made by Its Amending Act, Chap. 807, Private Acts, 1929.

1. County judge to be ex-officio secretary of highway commission, compensation \$25 a month.
2. Highway commissioner to be purchasing agent; to make all purchases and contracts in connection with road machinery and supplies; contracts to be approved by the county judge.

a. Changed by amending act.

3. Road duty can be commuted by the payment of \$1.00 per day, instead of \$.75.
4. Two days of team labor required of owners of teams.
5. Taxes on automobiles and trucks reduced to the following scale:

Automobiles - \$.12 per horsepower
Trucks - \$2.50 plus \$.12 per horsepower.

There are a number of things in the original act that are of more than passing interest in their effects on county business. One is impressed with the fact that this act, although it provides for the appointment of the officers named in a regular manner, it names directly five men to serve the initial terms of the offices established. The highway commissioner is to receive between \$1800 and \$2400 a year, and a man is named to hold this position for two years. The compensation of the supervisors is not of as much consequence; yet there is enough compensation possible for holders of these positions in comparison with the time spent to make the jobs quite attractive to quite a number of men in any town or county. These men have been appointed officially by the legislature, but with little probability that their qualifications have been examined at all by any legislators except the author or authors of the bill. It savors strongly of political plums distributed to local patronage.

Other provisions of the act, although they are not necessarily bad in themselves, certainly leave loopholes of such a nature that the highway commissioner and supervisors are not restrained from doing things that are against the welfare of the public or the county as a whole. They are free to spend the county road funds in any part of the county that they choose, which makes it possible for them to favor some localities at the expense of others. This allows a political device which local politicians can find useful. The allowing of the work of building or maintaining roads and bridges to be let out without formal contract if the commissioner and supervisors all agree is a vital weakness in the act. By this even large construction projects could be awarded without any formal bidding. Because of this there is no guarantee to the county

that any piece of construction work will be done for the lowest price obtainable. There is the opportunity for the commissioner and supervisors, if they should be so minded, to agree among themselves to give out such a project to a contractor at an exorbitant price in return for a share of the profits to themselves personally. The act thus leaves open the chance for the county to lose, either by poor business methods or fraud, thousands of dollars annually. These officers have before them the opportunity and temptation to misuse county funds for their personal gain. No provision is made for a real audit of the accounts of the board of supervisors. Leaving books open for public inspection may be of some good but the value of this seems doubtful. There is no limit on their purchasing except the amount of annual time payments they may contract for \$5000, which is considerable.

The amending act is an improvement over the original in that it makes the highway commissioner responsible for the purchases of road machinery and supplies instead of the board of supervisors. This centralizes the responsibility. Also the commissioners' purchases are subject to the approval of the county judge, which serves as a check. The second act in making the judge ex-officio secretary of the board, gives him an increase of compensation of \$300 a year. It may be that he is the most qualified person to assume this position, and as that amount was appropriated to go to someone anyway, it may be well that he was appointed by the act. There is also the possibility though that such a provision could be the result of an agreement among county officers and legislators.

The wheel tax levied against automobile owners by the first act would take at least \$5 from each one in addition to the state license and other taxes. The amending act reduces this by one-half. However, this still leaves a material increase in automobile taxes for the county. The county court clerk, on the side, is given a 25 cent fee for each county license, which increases his

annual pay two or three hundred dollars a year at least. A substantial road levy is required on all property. Thus taxes are levied against automobile and property owners probably without their having had a voice in the matter. The amending act of the same session may be the reflection of some popular opinion expressed at home about the bill. However it leaves untouched some of the poorest features of the first act, with the result that the citizens of the county have little protection against wasteful, and even fraudulent, use of the funds they must contribute.

Comparison of the Hardin County act with the other original road acts of the same session shows that it contained an unusual number of weak points, so it is not entirely typical of the others in this regard. The others contained about as great a number and variety of provisions, or more. Most of these had elements of weakness also. In order that a comparison may be made, the road acts of the ten other counties of the same year that established road commissions or commissioners are summarized as to some of their provisions in Table 150.

Table 150.

Powers and Duties of County Road Commissioners, as to Letting Contracts, Accounting for Expenditures, and Other Provisions in
Original Road Acts of 1929

County	Letting of Contracts	Check on Expenditures	Other Provisions
<u>I. Acts that Require Advertising of Bids and Award of Contracts to the Lowest Bidder:</u>			
Haywood ^a		Accounts must be kept; expenditures not to exceed funds ^d	
Sevier ^a		Records of expenditures must be kept and reported to the county court	Bond by commission issue not prohibited

Notes at bottom of table.

(continued)

Table 50. (continued)

County	Letting of Contracts	Check on Expenditures	Other Provisions
I. Acts that Require Advertising of Bids and Award of Contracts to the Lowest Bidder: (continued)			
Stewart ^b		County judge to inspect road work	County road commissioner appointed by act of Jan. 29, 1930, until Jan. 1, 1931. Commissioner to have control of all road funds. County trustee to have 2½% on highway assessments
Grundy ^a	Must advertise and let contract to lowest bidder if the project amounts to \$250 or more.	To make quarterly report to county court clerk ^d	County judge ex-officio chairman
II. Acts That Do Not Require Advertising of Bids and Award of Contracts to Lowest Bidder:			
Dyer ^a	"May advertise for bids."	Complete report to be made Jan. 1; office to be left open for inspection	3 members of commission appointed from March to August by act; to select road supervisor salary \$300 a month.
Gibson ^a	"May advertise for bids."	Office to be open for inspection.	
Fentress ^a	"Can contract"		
Lauderdale ^a	"Can let out contracts."	Office to be kept open; cannot spend in excess of funds, but \$10,000 leeway is allowed under certain circumstances ^d	Complete control of road funds. County privilege tax for roads, or excise authorized not in excess of the same for the state
Cannon ^c	Power given to road commissioner in each district to spend funds with the permission of the county chairman		

Notes at bottom of table.

(continued)

Table 50. (continued)

County	Letting of Contracts	Check on Expenditures	Other Provisions
II. Acts That Do Not Require Advertising of Bids and Award of Contracts to Lowest Bidder: (continued)			
Benton ^a	Projects may be done by job, contract or day labor. Contracts must be written.	To await county court action on bridges	County privilege taxes authorized as much as 1/2 as much as those before for county purposes. Additional merchants' ad valorem tax allowed equal to that already going to county

- a. Commission created.
b. One county road commissioner.
c. County divided into road districts, and one commissioner for each.
d. Haywood, Grundy and Lauderdale have the provision that contracts shall not be let to anyone related within the third degree to any road commissioner or supervisor.

The most noticeable defect of the majority of these acts is the lack of the requirement that all construction contracts be advertised and awarded according to the standard procedure. Just three of the ten acts had this, while a fourth required it for projects of a cost of \$250 or more. Four of the acts had such ambiguous statements as that the commissioners "may advertise for bids", or "can contract". The Cannon County act leaves the expenditure of all road funds to the district commissioner subject to the agreement of the county chairman. The act of Benton County goes as far as to say that contracts must be written.

The check that is put upon expenditures seems imperfect in all the acts. In some there is none. Much reliance seems to be put on simply leaving an office open to inspection. It seems to be assumed that this will lead the commissioners to expect that their records will be examined by some person competent to audit them. Just four ^{of} the acts require accounts to be kept; three of these state that they be turned over to other officials or the county

court. Only two acts contain a statement as to a limit on the total amount that can be spent. One act allows the commissioners to issue bonds. Two allow them complete control of road funds. Two allow extra county privilege and other taxes for roads. Two acts appoint individuals temporarily to positions; one for several months; and the other for almost a year. From the nature of these acts it may be judged that a great deal of responsibility is delegated to county road officials, and that it is very questionable that the best regulations are set up about their duties of office to insure that good service is performed.

Although so many unfavorable facts have been brought out about road acts thus far, this legislation should not be condemned in too general terms. With the development of the highway system throughout the state some provision has had to be made for county highway construction, maintenance and supervision. This legislation has been made to a considerable extent in response to this need. It seems to have been the most available way of meeting it. However, such a method of accomplishing this result complicates the system of county government, allows the spending of much tax money without proper safeguards to the public, consults its will very little in the matter, and allows too much opportunity for spoils politics.

7. Bond Issues. As the bonded indebtedness of counties has increased greatly in the state in later years, the means by which bond issues are authorized is of considerable interest. There are no laws in Tennessee about the procedure of authorizing a bond issue for counties, or limiting the amount of them. Statutes about bonds of municipalities state that such a corporation may issue bonds by an ordinance of its council which has been read on three different days in the council chamber, and which then has been submitted to¹ a referendum of the voters. It is very evident that private acts are a much

1. 2023a54 and following subsections, which state the requirements of tax levy, sinking fund, retirement, use of proceeds, limit of indebtedness, etc.

used method of creating bond issues when one sees whole pages of the indexes of the volumes of private acts devoted to bond issue acts. The number of such bond issue acts of the last six assemblies is shown in Table 151.

Table 151.
Number of Private Acts Passed About Bond Issues of Counties and
Municipalities, Tennessee, 1917-1929

Year	Number of Acts
1929	121
1927	154
1925	132
1923	129
1921	212
1919	119
1917	162

The number of bond issue acts has varied between 119 and 212 during this time. 1929, with 121 acts, had next to the lowest number of these acts. However these figures do not seem to indicate any recent tendency of assemblies to authorize fewer bond issues. This number of bond acts passed in 1929 was certainly large, and the amount of money involved in them was great. The purposes for which these bond issues were authorized are shown in Table 152.

Table 152.
Purposes of Bond Issues Authorized in Private Acts,
Tennessee, 1929

Purpose of Bond Issue	No. of Acts	Purpose of Bond Issue	No. of Acts
Schools	20	Gymnasiums	2
To meet outstanding indebtedness or funding of previous issues	15	Monuments, etc.	2
Highways	6	Fire protection	1
Bridges	6	Armory	1
Waterworks	6	Abutting property owners	1
Streets	6	City Hall	1
Courthouse	4	Park	1
General improvements	4	Lighting	1
School debt	3	Lighting and waterworks	1
Sewers	3	Auditorium and market house	1
Courthouse and jail	3	To interest industries	1
Jail	2	Sidewalks	1
		Purpose not stated in index	29
		Total	121

These bond issues were divided almost evenly between counties and municipalities, with just one for a special school district. The amounts of money involved varied from a few thousand to several hundred thousand dollars for counties. A bond issue for Nashville was \$3,000,000. Twelve of the acts were validating bond issues previously authorized by acts. The rest were authorization acts. The acts have provisions as to the amount, use of proceeds, rate of interest, time of maturity, retirement, and details of bringing out the issue. Some of the acts call for a referendum of voters before the bonds can be issued. However, these are only a small proportion of the total. A few acts are to be found that validate issues that were not previously authorized by the legislature. Such an issue of \$368,000 was validated for Carter County in 1929. Haywood County had an act that allowed the county trustee half his regular percentage commission on a \$500,000 issue. This probably meant 1%, which would give him \$5000.¹

As private acts are very much used for authorizing bond issues, this type of legislation needs to be taken into account in any movement to check the increase of the indebtedness of counties and municipalities. It seems that they are such an easy means of putting through bond issues that it cannot be hoped that they will not be so used promiscuously as long as the system remains as it is.

The Constitutional Basis of Private Legislation in Tennessee

Private Legislation before 1870. Although little mention has been made thus far of any private legislation before 1870, it is significant that it has existed to quite a degree all through the history of Tennessee as a state. The constitution of 1796 contained the Declaration of Rights, of which Section 8 guaranteed every citizen against any taking by the state of his life, liberty, or property, except by the judgment of his peers or the law of the land. This

was in the constitution of 1834 and is in the present constitution as Article I, Section 8, which reads as follows:

That no man shall be taken or imprisoned, or disseized of his freehold, liberties or privileges, or outlawed or exiled, or in any manner destroyed or deprived of his life, liberty or property, but by the judgment of his peers or the law of the land.

This acted to prevent private legislation directed against an individual or individuals. Many acts of private character came before the supreme court that were judged as to whether they constituted the "law of the land", as expressed in this section. In early decisions the court defined this as "a general and public law, equally binding upon every member of the community," although in more important cases this was qualified by the phrase "under similar circumstances".

Many special acts were declared unconstitutional by the courts as being obnoxious to this section.¹ A constitutional provision that no law should be suspended without the consent of the legislature had the effect of enforcing the uniform administration of justice.² However, it also apparently implied the right of the legislature to alter laws at will. The records show that there were many acts passed of private character before 1834. In 1829 there were 107 public acts and 347 private acts; in 1833, 91 public and 305 private. Divorces were granted by the legislature, which are reported to have consumed much of its time and caused much scandal. However, for the six years preceding 1834 but 60 divorces were granted, out of 163 applications for the same, which shows conservative action on these cases.³ It had frequently authorized lotteries for special cases of individual misfortune and for aid in the building of bridges and academies.

The constitution of 1834 limited the power of the legislature to pass some kinds of legislation. Its right to grant divorces and authorize lotteries

1. Caldwell, J. W., *Studies in the Constitutional History of Tennessee*, pp. 176, 333 - *Vanzant vs. Waddel*, 1829; *Wally's Heirs vs. Kennedy*; and *State Bank vs. Cooper*, 1831. Other references abbreviated by using authors name & page number.

2. McClure, W. M., *The Development of the Tennessee Constitution*, p. 302.

3. *Ibid.*, p. 332.

1
was prohibited. It also limited the power of the legislature by Article XI, Section 8, which reads as follows:

The Legislature shall have no power to suspend any general law for the benefit of individuals inconsistent with the general laws of the land; nor to pass any law granting to any individual or individuals, rights, privileges, immunities, or exemptions, other than such as may be, by the same law, extended to any member of the community, who may be able to bring himself within the provisions of such laws.---"

This section prohibits the granting of special benefits to individuals by private legislation. Article I, Section 8, simply prohibited the imposing of burdens or deprivations on them. These sections of the constitution however have been interpreted in such a way as to permit much private legislation.

The Effect of Court Decisions on the Constitutionality of Private Acts.
The constitution of 1870 contains Article XI, Section 8, quoted above, with the same wording, with a sentence added about the powers of the legislature over corporations. The first statement of this section that the legislature cannot suspend any general law for the benefit of individuals inconsistent with the general laws of the land, gives the impression that special legislation is prohibited. The following statement confirms this. However the clause, "who may be able to bring himself within the provisions of such laws", has been the basis of an evolution through acts and court decisions which has made the great amount of private legislation of more recent years possible.

The series of interpretations on this section began not long after the adoption of the constitution of 1834. Caldwell presents a few outstanding decisions of a large number of them that have been based on this provision.

1. Caldwell, p. 208.

In 1842 the supreme court in the case *Budd vs. The State*¹ declared that,

It matters not how few the persons are, if all who are, or may come into the like circumstances and situations, be embraced, the law is a general and not a partial law.

A similar ruling by the supreme court since the adoption of the present constitution in 1890 declares that a statute is the law of the land if it "embraces all persons who are or may come into like situation and circumstances."²

In 1879, after the adoption of the present constitution the supreme court declared of this same section that,

It does not prohibit legislation for the benefit of classes composed of any members of the community who may bring themselves within the class."³

In speaking of this decision Caldwell says that if the constitution had declared that statutes must be equally binding upon every member of the community, this decision would have been a reversal of it, but, with the constitution as it is, it was in harmony with it. In the same year an act was passed in the form of a general law repealing the charters of municipal corporations and causing the territory and inhabitants to be governed directly by the state, which act was so worded as to apply only to Memphis. This was held constitutional, and the effect of the decision was that acts of general form, even if they be so constructed only as to be applicable to all who may bring themselves within the conditions prescribed by it, would be held valid under the constitution.⁴

A statute known as the "Dortch Law" regulating elections, but applying, when passed, only to counties of 70,000 or more, and cities of 9000 and more

1. Caldwell, p. 334.

2. Ibid., *Stratton vs. Morris*.

3. Ibid., pp. 334, 335; *Davis vs. State*.

4. Ibid., p. 337.

inhabitants, was passed in 1890 when only Davidson and Shelby Counties had the designated population. It was declared constitutional by the statement, "all counties and cities that have or may hereafter have the designated population are embraced." This decision upheld a private act for just two counties on a subject which is not local in character.¹

Some other decisions are cited by Caldwell as being important in the history of the development of private legislation. The Knox County road law of 1901 was held constitutional, which, although general in form, it applied when passed to only one county, and only two counties had more than the maximum population prescribed by it. The Supreme Court declared this decision was a logical consequence of the Cook Case. Chapter 23, Acts of 1899, was "An act to prevent stock from running at large in counties of this state having a population of 59,000 or more, according to the federal census of 1890, or to any subsequent federal census." This was also held constitutional mainly upon the authority of the Cook Case.

As the result of the series of decisions, it has come to be accepted that a statute is constitutional, no matter how limited the territory or the number of persons to whom it may actually apply, just so that it "may be extended to any member of the community who may be able to bring himself within its provisions."²

A large number of decisions on this question are quoted by Shannon in his work, Annotated Constitution of Tennessee, 1915, which are of interest to anyone who wishes to study more thoroughly the basis of private legislation.³ He cites a number of requirements to which private acts must conform in order to be considered the "law of the land", as brought out by decisions.

1. Caldwell, pp. 337-338; Cook vs. State.

2. Ibid., p. 339; quoting words of decision, Cole Manufacturing Co. vs. Falls.

3. Notes on Art. I, Sec. 8, p. 79-113. Of especial interest are notes 43, 46, 47, 51, 84, 86, 87, 88, 89, 90, 91, 93, 94, 95, 96, 105, 107, 110, 117, 118, 136. Notes on Art. XI, Sec. 8, p. 528-572. Especially notes 5, 9, 11, 16, 19, 23, 26, 27, 28, 29, 31, 33, 34, 38, 39, 44, 46, 48, 79, 80, 83, 86, 87, 88, 90, 132, 133, 136, 137, 138, 142. In the few pages following, references to these notes are indicated in the text, with the article and section preceding the number of the note abbreviated as follows:

Notes on Article I, Section 8 - (I, 8)

Notes on Article XI, Section 8 - (XI, 8)

The classification of persons used in such acts must be natural, not arbitrary or capricious (I, 8, 105). There must be a valid reason for the classification (I, 8, 107). It must not be mere arbitrary selection, but have some basis which bears a natural and reasonable relation to the object sought to be accomplished, and there must be some good and valid reason why the particular individual or class upon whom the benefit is conferred, or burden imposed, should be preferred or discriminated against (I, 8, 108). All in a class must be subjected to the burden in the classifications. (I, 8, 110). Classification in statutes must not violate any provision of the constitution (I, 8, 117). If legislation arbitrarily confers benefits upon one class, from which others in a like situation are excluded, or imposes a burden upon one class that is not imposed upon others in like circumstances, it is unconstitutional (XI, 8, 5). Reasons for the classification need not appear on the face of the statute (XI, 8, 9).

The layman in matters of law, who reads these requirements and compares them with private acts that he has read, is confounded by such terms as "valid reason for the classification", "not mere arbitrary selection", "natural and reasonable relation to the object sought to be accomplished." It is difficult to reconcile logically in these terms the relation of a classification in an act such as "all counties having a population of not less than 32,325, and not more than 32,332" to what seems to be almost any subject having to do with local government.

However, there have been also limitations put by court decisions on the subjects of private acts. An act prohibiting pigpens, cow stables and dairies within two miles of Memphis and extending all governmental and police powers two miles beyond the limits of the city was declared not the "law of the land (I, 8, 84, 86, 87). This was ruled likewise in the case of a law placing control of all elections in the city council of the same city, because it

was an attempt to "deprive the City of Memphis of all the benefit of the general election laws, applicable to the entire state" (I,8,89). A statute to prevent dams in a certain river in a named county was declared partial and not "the law of the land" (I,8,91). An act was declared unconstitutional which stated in effect that the validity of any sale for the collection of taxes was valid regardless of any error in assessment, tax book, notice, advertisement, book of sale, certificate of purchase, deed paper, etc. An act without proper classification, suspending the liability of a municipal corporation for injuries of persons for its negligent failure to maintain its streets, contrary to a uniform course of decisions, was declared unconstitutional (XI,8,16). A statute of 1868-69 requiring the state taxes paid in a certain year to be refunded to the taxpayers was declared to be invalid because it suspended the general law for the benefit of individual taxpayers of a certain county (XI,8,83). A statute passed in 1867-68 displacing the quarterly county court of certain counties with a board of commissioners, was declared not the law of the land (XI,8,88). An act reducing the pay of justices of the peace was declared unconstitutional in the following words:

The fees and perquisites of the justices of the peace are fixed by general laws, and special legislation (as Acts 1875, ch. 92, Sec. 50), applicable to a certain justice or the justices in a certain city, district or county, cannot diminish them without infringing the spirit of the provision of the organic law which inhibits special legislation" (I,8,98).

These decisions show that there are limits to the subjects of private legislation. It is certainly well that legislative excesses as shown in some of these acts were not upheld. The logic, though, of the last decision quoted of declaring an act unconstitutional which reduces the legal rate of pay of officers, while numerous acts increasing it are allowed to stand, seems inconsistent. It appears that the courts allow a very liberal construction of the constitution when legislation follows local needs. Doubtless

some types of acts are much more apt to be contested than others.¹

A few other acts that have been declared constitutional, and the decisions about which have affected the course of private legislation are as follows:

Empowering a certain county to build a bridge, issue bonds and levy taxes.(1895) (XI,8,26).

Creating the office of county judge for a particular county or counties.(XI,8,27).

Authorizing a county to subscribe to the capital stock of a railroad.(1866-67) (XI,8,28).

Redistricting a certain county.(1903) (XI,8,29).

Authorizing drainage districts for the reclamation of wet and swamp lands, but excepting Reelfoot Lake. (1909) (XI,8,23)

A special legislative act affecting a certain and specified county in its political or governmental capacity or agency is not, for that reason, unconstitutional, but such legislation affecting the citizens composing a certain and specified county, and not the other citizens of the state, is, for that reason, unconstitutional. (XI,8,17)

The relation of the constitution and private legislation about municipal corporations has been much affected by decisions. The last sentence of Article XI, Section 8, of the constitution of 1834, previously quoted as dealing with private legislation, stated the following about the right of the legislature to grant charters of incorporation.

The legislature shall have power to grant such charters of incorporation as they may deem expedient for the public good.

This was changed in the constitution of 1870 to read as follows:

No corporation shall be created or its powers increased or diminished by special laws; but the general assembly shall provide by general laws for the organization of all corporations, hereafter created, which laws may, at any time, be altered or repealed and no such alteration or repeal shall interfere with or divest rights which have become vested.

This says in effect that corporations shall not be created or their powers changed except by general laws. Yet, there was a decision in 1870, soon after

1. Caldwell, p. 339.

the adoption of the constitution, that the powers of a municipal corporation could be increased or diminished by special laws. This is in spite of the unqualified language of the constitution.¹ The reasons for this decision that seems to be contrary to this section of the constitution are hard to comprehend. The legislature is limited in passing special acts about municipal corporations in much the same way that it is about such applying to counties by a decision to the effect that private acts may constitutionally apply to a city in its political and governmental capacity or agency, but not to its citizens, citizens, and not other citizens of the state. (I,8,92). It is hard to understand this distinction made between the "political or governmental capacity or agency" of a city and its citizens, when special legislation can apply to the former constitutionally, and not to the latter.

Some acts about municipal corporations which have been declared constitutional and which are of interest in connection with private legislation are as follows:

(1907) Authorizing a bond issue by a municipality on the vote of the people, and empowering the board of mayor and aldermen to hold any number or successive elections. (XI,8,19).

The legislature may create municipal corporations for all municipal purposes, with the power of taxation and self-government. (XI,132)

The legislative power to grant charters of incorporation for towns cannot be delegated to the courts or other authority. (XI,8,133)

Municipal corporations are subject to the will and control of the legislature by amendment, alteration, or revocation, and have no vested rights in the continuance of their existence. (XI,8,136)

Charters of municipal corporations may be repealed by special laws. (XI,8,137)

The legislative grant of a municipal charter, with privileges, is not a contract, but is subject to repeal by the legislature. (XI,8,138)

The Caption of Classifying Private Acts. The majority of private acts affecting counties are made to apply only to the county intended by means of classification according to population. This is done by wording in both the

title and body of the act which is similar to the following: "that in all counties whose population is, by the federal census of 1920, or any subsequent federal census, not greater than -----, nor less than -----"

The population limits of the acts are made narrow enough that no other county will be included and thereby made subject to it. The difference between these limits for most of the acts is ten or less. The reason for this extensive use of population classification is that it has been declared valid by court decisions to comply with the constitutional requirement that acts must extend their burdens or privileges to everyone "who may be able to bring himself within the provisions of such laws" (Art. XI, Sec. 8)

There are some kinds of acts which do not have the population classifications because they have been recognized by decisions as not being partial legislation. Acts creating the office of county judge simply name the county concerned.¹ This is also true of many acts amending these original county judge acts. Most acts applying to towns, cities and special districts name the particular places to which the acts apply. This is true also about most county bond issue acts, and some other acts applying to county functions. These are considered constitutional because of the decisions that have established the principle that acts may apply to a specified county or municipal corporation in its political or governmental capacity or agency, but not to the citizens of such.² Acts are to be found naming the particular county, valid on this basis, creating highway commissions or road administration, stock and fence laws, game laws, court times and practices. The great number of acts that affect the compensation of county officers are limited by population classification. Many of the acts which could have stated the counties, use the population classification, probably because the framers of them wished to be on the safe side.

1. Above, p. 310.

2. Above, pp. 310, 311.

Shannon cites some decisions which have shaped the course of develop-
ment of the use of classification, which are as follows:

Where a statute provides that the law shall apply only to counties or cities of a given population, according to the federal census of a certain year, or by any subsequent federal census, it is constitutional, because all counties and cities in the state may, when the required conditions occur, have the benefit of the statute. (XI,8,31) p. 535.

A statute made applicable in counties having a population, within designated minimum and maximum limits, according to the last (then existing) or any subsequent federal census, is applicable in all counties coming within its provisions when passed, and remains in force and continues applicable in said counties, notwithstanding any changes that may occur in their population as shown by any future federal census, and until it shall be repealed by proper legislative act; and it applies in all other counties that may come within its provisions by changes in their population as shown by any future federal census. (XI,8,38)

A statute regulating judgment liens (1877) and affecting the citizens of counties of not less than a fixed population by a certain named census (1870) was declared unconstitutional because "it is impossible for the citizens of other counties to bring themselves within the terms of the statute by changes under any subsequent census." (XI,8,79)

The requirements of constitutionality of classification thus established may be summed up by saying that the classification of counties in an act according to population is valid as long as it applies to the figures of a particular federal census and also of subsequent federal censuses. It is not considered partial because other counties can conceivably come within the limits at some future time. The act is considered to apply to that county permanently, unless repealed, regardless of any changes of its population later. Any other county which happens to have population within the limits prescribed at the time of a succeeding census comes under the provisions of the act; and this county always remains subject to the act, also.

Provisions in the Constitution of 1870 That Resemble Private Legislation.

Although the constitutional convention of 1870 included and lengthened from the previous constitution, Article XI, Section 8, which was apparently intended to restrict private legislation, there are sections of the present constitution which are in spirit simply private legislation. Article II, Section 29, states

1. Shannon, R.T., Annotated Constitution of Tennessee, 1915. Numbers refer to Article, Section, and Note, p. 311.

that the question of advancing the credit of a county to individuals or corporations is to be submitted to a referendum in which a majority of three-fourths of the voters is necessary in order to pass it except in 25 then existing counties and one county which was to be formed, where simply a plurality was necessary. Article X, Section 4, established the minimum size which newly - formed counties could be, which is 275 square miles in area. Also it required that they have at least 700 qualified voters, and have their boundaries not approach within 11 miles from the courthouse of any previously established county. The latter part of this section, however, is devoted to special exceptions to this rule. The boundaries of three counties which were to be formed were expressly allowed to be set nearer than this number of miles; two at 10 miles and one at 9 1/2 miles from courthouses of neighboring counties. It was stipulated that no part of Bledsoe County should even be taken to form a new county. In view of the fact that the conception of legislation as something to be utilized for local purposes existed as strongly as it did in 1870, it is not to be wondered that the use of private legislation developed as it has since that time.

Defective Acts.

Acts with Defective Titles. Before 1870 it was possible for the legislature to pass an act which covered a variety of subjects. It was not necessary that these be mentioned in the title of the act. Article II, Section 17, of the constitution of 1834 was amended in such a way by the constitutional convention of 1870 as to make quite rigid requirements about the subject and title of an act. The first sentence of it, that bills may originate in either house, but may be amended, altered or rejected by the other, was the same as in the two preceding constitutions. In 1870 the following was added:

No bill shall become a law which embraces more than one subject, that subject to be expressed in the title. All acts which repeal, revive or amend former laws, shall recite their caption or otherwise, the title or substance of the law repealed, revived or amended.

The purpose of requiring that an act embrace only one subject and that the subject be expressed in the title was to prevent some questionable practices

that had been used previously in the passage of bills. Some acts had had provisions of very diverse character and had been passed without most of the legislators knowing what was really in them. These requirements serve to prevent such being done. When the substance of the entire bill is recited in the caption, the content of the bill can be known by the legislators when simply the title is read before the house of representatives and the senate. This provision has no doubt been of service in curbing fraudulent presentation of bills.¹ The purpose of requiring acts that repeal, amend or revive other laws to recite the substance of these other laws is the same; to prevent changes being made in laws, the nature of which the legislators do not know.

A number of acts have been found that were imperfect because their titles did not recite the substance of the bill, or title of the bill intended to be amended or repealed. These are shown in Table 153.

Table 53.

Acts Unconstitutional Because of the Omission of the Substance of
the Act, or of Substance of the Act To Be Repealed or Amended,
from the Title

Number and Year of Act	County for Which Intended	Subject	Reason for Unconstitutionality
Chap. 112, 1901	Lincoln	Abolishing office of county judge.	It is an express repealing act, and does not recite in its caption or otherwise the title or substance of the law to be repealed.(a)
Chap. 167, Private, 1911	Scott	About office of county judge	It purports to amend Sec. 24, Chap. 35, 1868-69, but does not recite in its caption or body the title of the law it sought to amend.(a)
Chap. 179, Private, 1913	Hardin	Pay of assessor	It was to amend Chap. 411, Private, 1911, but did not recite title, substance nor subject of law it sought to amend. (b)

a. Shannon, Annotated Code of Tennessee, 1917; Section 385. (continued)

b. Ibid., Sec. 762.

1. Shannon, R. T., Annotated Constitution of Tennessee, p. 218-220; Note 10, Article 2, Sec. 17, quoting a number of decisions.

Table 337 (continued)

Number and Year of Act	County for Which Intended	Subject	Reason for Unconstitutionality
Chap. 332, Private, 1913	Smith	Pay of assessor	Made to amend Chap. 411, Private, 1911, but had same defect as the Hardin County act above.
Chap. 380, Private, 1919	Morgan	Pay of county judge	Purports to amend Chap. 370, 1909, but does not name the act to be amended in the caption.

Acts Unconstitutional for Other Reasons. A few acts have been found that were unconstitutional for other reasons than the omission of the substance of the act, or acts amended or repealed in the caption. Some omitted the phrase "and any subsequent federal census", so were considered to be partial laws because they applied to only the counties with population within the given limits by the given census, and could apply to no other counties. One intended for Bledsoe County was drawn up so as to amend a certain section of a former act, when it actually was intended to amend a subsection of another section of it. An act for Marshall County was declared unconstitutional insofar that it removed a county judge from office during his term of office guaranteed by

Table 343.

Acts Unconstitutional for Defects Other Than Shown in Table 337

Number and Year of Act	County to Which It Applied	Subject	Reason for Unconstitutionality
Chap. 394, 1905	Lewis	Making county superintendent elective by popular vote.	"and any subsequent federal census" omitted.
Chap. 24, Private, 1923	Roane	Increasing sheriff's pay	"or any subsequent federal census" omitted. Amended by Chap. 324, Private, 1929, which inserted this into the act
Chap. 310, Private, 1915	Bledsoe	Pay of assessor	Reference made to Sec. 5 or act to be amended, whereas it should have applied to Sec. 9, subsection 5.

(continued)

Table 54 (continued)

Number and Year of Act	County to Which It Applied	Subject	Reason for Unconstitutionality
Chap. 84, 1887	Marshall	Abolishing office of county judge	Unconstitutional insofar that it sought to remove a county judge during his term of office (a)
Chap. 189, Private, 1917	Hawkins(b)	Board of jury commissioners established	Figures of population omitted from caption. Amended by Chap. 786 of the same year, which inserted figures in caption.

a. Shannon, Annotated Code of Tennessee, 1917, Sec. 385.

b. Marginal note of amending act says Greene County.

the constitution. These acts that are shown above in Table 154 are a few that have been noticed in studying over the volumes or that were mentioned in some connection with county offices in Shannon's Code. It is believed that the examination of all the acts for their titles and content would reveal quite a number more acts that were constitutionally defective. Probably some of these have been declared unconstitutional in courts, while others have never been tested.

Acts With Errors in Classification. A number of acts have been found which did not have the classification limits so made that they applied to the counties for which they were intended. Some mistakes were such that the limits set applied to no county. In the case of others the limits were such that they included another county that was not within the intention of the authors of the act. Lincoln and Haywood Counties, by the census of 1910, had a difference of population of two, which caused two acts to apply to both, and another to be incorrectly listed in the index, or possibly to apply to the county not intended. An act listed for Cocke County in the index applied really to Chester. Some of the mistakes in classification seem to be traceable to the errors in printing. However, it seems that some are the result of carelessness on the part of the legislators themselves.

The phrase "all counties with population,----, over 16,524 and under 16,530" legally has been defined as having a meaning not the same as "all counties with population,-----, not less than 16,524, nor more than 16,530." The latter means counties only within the limits established, but the former embraces all counties of any size whatsoever.

Acts having errors in classification are shown in Table 155.

Table 155.

Acts With Defective Classification

Year and Number of Act	Subject	Application of Act, Intended and Actual	Reasons
Chap. 388, Private, 1917	Salary of assessor	Intended for Giles County	Figure given, 32,325-32,335 wrong. Amending act, Chap. 583, same session made it apply by inserting the figures 32,625-32,635
Chap. 201, Private, 1929	Road law	Intended for Sullivan County	Figure 36,000-36,200 applying to no county changed to 36,200-36,265 by Chap. 488, same session.
Chap. 634, Private, 1923	Changing district tax assessor system to that of county assessor.	Intended for Moore County.	Figures 4750-5000 according to the federal census of 1920 applied to no county. Amending act, Chap. 299, Private, 1929, changed this so that the figures were of the census of 1910 (a)
Chap. 236, Private, 1921	Pay of sheriff	Intended for Macon, but applied also to Jackson	Figures given, 14,920-15,000, Chap. 693, same year changed upper limit to 14,950, so eliminated Jackson County
Chap. 411, Private, 1911 (a section of this act)	Pay of assessor	Intended for Hickman County	Population classification said "counties with population over 16,524 and under 16,530--", which was declared not to apply to any county, unless it applies to all.

a. Population of Moore
1920-4491, 1910-4800.

(continued)

Table 15S. (continued)

Year and Number of Act	Subject	Application of Act, Intended and Actual	Reasons
Chap. 60, 1909	Road law	Intended for Sevier County	Population figures wrong, so applies to no county.
Chap. 587, Private, 1917	Pay of circuit court clerk	Intended for Chester County	Marginal note, and index both list it as applying to Cocke. It is questionable whether it was put in force or not, although it legally applied to Chester in spite of the mistake.
Chap. 781, Private, 1917	Pay of assessor	Intended for Lincoln but applied also to Haywood	Population limits given, 25,906-25,910. Chap. 88, Private, 1919, reduced the upper limit to 25,909. The population of the two counties in 1910 was: Lincoln-25,908 Haywood-25,910. Thus, changing the limit by one eliminated Haywood.
Chap. 969(c), Private, 1919	Pay of assessor	Intended for Lincoln, but applied also to Haywood.	Population limits given 25,908-25,925, which included Lincoln and Haywood. Amended by Chap. 459, Private, 1921 to have limits of 25,785-25,790 by the 1920 census, which eliminated Haywood.
Chap. 638, Private, 1915	Pay of circuit court clerk	Intended for Haywood County, according to the index, but the amending act makes it apply to Lincoln	Figures 29,910-29,906, applying to no county changed to 25,909-25,907 by Chap. 58, 1917

c. Erroneous number of act to be amended given in Chap. 459, 1921. There were but 816 private acts of the session of 1919. It appears that this act is meaningless because it amends no act. Otherwise Lincoln County would have had conflicting acts on the same subject.

Other Undesirable Features of Private Legislation

This chapter has dealt at much length with the many ways that private legislation has affected local government throughout the state, and undesirable features of the system have been shown at many points. Before concluding this work, it is desirable to present a few other things of importance which have not received much emphasis thus far.

Difficulty or Understanding Many Acts. One who tries to find the meaning of very many private acts is soon impressed with the fact that a considerable number of them are hard to understand. Some acts have such wording that it is difficult to tell just what they mean. Whether this is the fault of the authors of the bills, or of the printer, cannot be well determined, but the fact remains that a bill is recorded on the statute books which does not have a clear meaning. A large source of difficulty is the great number of acts which refer back to previous acts and amend, repeal, or revise them. Most amending acts, although they recite the title of the act amended, modify it in such a way that it is not possible to tell the nature of the change effected without reading the former act and making a diligent comparison. Most amendments are made by stating a few words to be inserted or struck out or changed in the former act. An example of a common practice is a statement like the following:

----- Chapter _____ of the Private Acts of the Legislature of _____ being entitled "An Act to create and regulate the office of County Judge for _____ County, Tennessee; to fix his salary and define his duties and jurisdiction; and to abolish the office of Chairman of the County Court of said county; to provide a judge and the election of his successor" is amended by striking out the word "fifteen" in line two of Section 14 and inserting in its place the word "eight".

The difficulty of understanding such acts is increased greatly in many cases by the fact that many amending acts are amendments of previous amendments. There may be a chain of amendments of an original act. A somewhat extreme

example of this, and yet not so greatly different from quite a number of acts, is Chapter 66, Private, 1923, which shows that it is the sixth of a series of amendments on an original act passed in 1873 about the examination of county superintendents.

In order to show something of the difficulty of extracting the meaning from a series of acts, the case of an act repealing an amending act is shown, in Chapter 634, Private, 1917. The difficulty of knowing the meaning of this act is quite typical of that of a good many amending and repealing acts. This act reads as follows:

Chapter No. 634
House Bill No. 450
By Mr. Miller

(Caption)

AN ACT to repeal an act entitled, "An Act to amend an Act entitled 'An Act to create and regulate the office of County Judge of Dickson County, Tennessee; to fix his salary and define his duties and jurisdiction; being Chapter 404 of the Acts of the General Assembly of the State of Tennessee, passed March 14, 1901, and approved March 16, 1901' the same being Chapter 90, Senate Bill No. 218 of the Acts of the General Assembly of 1911.

(Body of act)

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That Chapter 90, Senate Bill No. 218, of the Act of the General Assembly of 1911, be and the same is hereby repealed.

Section 2. Be it further enacted, That all laws and parts of laws in conflict with this act be repealed and that this Act take effect September 1, 1918, the public welfare requiring it.

Passed March 29, 1917.

(Signatures of Speakers of the House
of Representatives, Senate, and Governor,
with date approved)

This act gives very little idea as to the nature of any change brought about by its passage. One only knows that it repeals another act about the office in question. To find the meaning of the act, one must turn to the act which has been repealed. When Chapter 90 is located in the acts of 1911 its meaning is found in Section 1, which reads as follows:

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That Section 16 of Chapter 404 of the Acts of the General Assembly of the State of Tennessee, passed March 14, 1901,

and approved March 16, 1901, be, and the same is hereby, amended so as to strike out all of lines four, five and six of said Section 16 after the word "for" in line four, and insert the following in place thereof: "In addition to his salary, the said County Judge shall be entitled to and receive the sum of \$350 per annum to pay for clerical assistance in keeping up the work of the office as County Judge and as financial agent of said county, to be paid at the same time and in the same manner as his said salary is paid. Said sums of \$400 and \$350 to be in lieu of all other compensation as Judge and financial agent of said county."

After reading this, one can deduce pretty well that the payment of \$350 a year for clerical assistance is authorized in addition to the \$400 annual salary which he was already receiving. The later act of 1917 in question repealed this act so as to leave the original act of 1901 standing as it was written. However, in order that it be made certain about the real status of the county judge's salary in 1917, it is necessary to refer back to Chapter 404, Acts of 1901, and find Section 16 before coming to a final conclusion about it.

Anyone who wishes to know a particular point about the special laws concerning his own county must have all the volumes of legislative acts at his disposal, and be prepared to do a great deal of searching and comparing. As the indexes of many of the volumes do not list all the acts perfectly, he stands a chance of not finding acts that have been passed and are legally in force.

2. Retroactive Acts. In studying the volumes of acts as far back as 1917 primarily to find the effects of private legislation on county offices and functions, acts have been found with different kinds of undesirable provisions. Those that are listed hereafter have been found more by chance than by a purposeful search for them. It is believed that they represent a larger number of somewhat similar acts.

A number of acts have been found with provisions that are retroactive. These are shown in Table 56.

Table 58.Private Acts with Retroactive Provisions

Cocke - (1927) To pay teachers who did not have regular certificates in the school term, 1925-1926.

Morgan - (1929) Validating a levy of \$.15 on property by the county court in 1928 for purchasing rights of way for roads.

Rhea - (1929) Validating a levy of \$.13 on property to pay salaries of county officials, which had been previously appropriated the same year.

Sequatchie - () County court authorized to give the present and former county judges additional pay for previous services, in an act raising the pay of county judge.

It may be said after further examination of the local situation that any or all of these acts were passed in response to a real local need. However, these acts impress one as having been done in an irregular way. County courts ordinarily levy taxes, so there is a question why such levies should need to be validated unless there was something faulty about the particular levies. The paying of the present and past county judge a retroactive increase may have been in the line of justice, yet one is led to wonder whether it was zeal for justice or friendship that prompted the author of the bill.

3. Duplicate and Conflicting Acts. It appears that occasionally the same act is passed twice, or acts with practically the same provisions are passed in a session of the legislature. While there is no real harm done by such an error of the legislature, except the wasting of time, this is an indication of the lack of care that is exercised in the passage of private legislation generally. Chester County had duplicate acts about the pay of justices of the peace in 1921; Marion, in 1921 about the salary of the county judge; Rhea, in 1927 about giving the duties of the attendance officer to the probation officer of the juvenile court.

Of more importance are acts with conflicting provisions. In 1917 Marion County had two acts passed about the election of the county super-

intendent by popular vote. One act stated that he was to be elected the first Tuesday of November for two years; the other, that he was to be elected in the regular August election for four years. The latter act applied to Marion, Rutherford and Overton Counties. According to the statement of a former county superintendent of Overton County, there was a later act about this office in that county, and it is doubtful which act is really in force. The other act cannot be located in the index of any volume of acts since 1917. Claiborne County had two acts with different provisions about the salary of the circuit court clerk, both passed in April 1927, eight days apart.¹ Probably the later one is in force because of the clause which is in many acts which repeals all previous acts or parts of acts that are in conflict with it. Carroll County has conflicting acts about the office of clerk and master.²

Acts That Suggest Poor Political Practices. As one looks through the volumes of private acts, he receives the impression that a great many of the acts were inspired by motives no higher than the granting of some special favor to some local officer, or for the carrying out of some political practice of questionable character. Study of local political history of some counties in connection with some of these private acts that they have received, would probably show quite an amount of local spoils politics. However, it is not warranted to make such a sweeping conclusion without more concrete evidence than just the acts themselves. It is not to be assumed that all acts which appear to have loopholes for dishonest practices were intended for that purpose. They may have been drawn up innocently and may not be taken advantage of. On the other hand, it seems possible that other acts are cleverly drawn up so as to appear perfectly above board, and yet are designed for personal ends.

There are some kinds of acts that seem fairly likely to have been prompted by ulterior motives. Some acts are to be found that grant very special favors

1. Above, p. 239.

2. Above, p. 242.

to individuals, as was already mentioned in connection with the acts of 1929. Every assembly passes quite a number of redistricting acts. These may be for a real reason, such as reducing the size of the county court. However, many of them do not do this. There is the possibility that redistricting is often done for the purpose of controlling votes in the county court. There were two acts that deprived the county seat of counties of their extra justice of the peace, one of Coffee County in 1923, and one of Pickett County, 1927. The latter has been declared to be part of a political scheme to give one political party control of the county court.¹ An act of Gibson County of 1923 put the offices of register, trustee, county court clerk, clerk and master and sheriff on the basis of fees. As this is one of the more populous of the rural counties of the state, it is very probable that the fees of the offices returned a greater income than the salaries. This act, however, was repealed in 1925. Three acts that increased the trustee's pay, when it was already large appear to have been unwarranted favors to the office-holders.² An act of Rutherford County in 1929 says that county workhouse prisoners may be used to aid and assist new enterprises in the county to become established.

Acts about special qualifications of offices in certain counties seem to bear the stamp of personal favoritism. Grundy, Loudon and Putnam Counties all have had acts in recent years that reduced the requirements of former acts that the county judge be a licensed attorney.³ Macon, Lawrence and Monroe Counties have acts that alter the qualifications of county superintendent, all of which have provisions that appear to have been made in favor of some particular individual.⁴ The two acts of Monroe County of 1929 show the scheming of rival factions in the county about this office. Chapter 118 of that year alters the general requirements about certificates for the office as follows:

1. Above, p. 275.

2. Above, p. 255.

3. Above, p. 255.

4. Above, p. 277.

provided, the possession of a certificate of qualification, issued by the state board of education, with an average of 90, shall be sufficient regardless of when issued, and whether the holder may have been engaged in public school work continuously.

Another section of this act is apparently for the purpose of validating the election of the person in office, the validity of whose certificate was open to question. Chapter 548 is ostensibly for the purpose of creating a county board of education, and most of its sections are about the powers and duties of this. However, Section 3 has provisions which are summarized as follows:

It shall be unlawful for anyone who has tuberculosis, or any other communicable disease to serve as County Superintendent. The board can order the Superintendent to be examined for this by physicians, and if he has it he shall be suspended from office by the Board until it be certified by physicians that he is cured. The Board can fill the vacancy thus caused by his suspension from office.

It seems that the main purpose of this act was to remove the superintendent from office. Even the creation of the board of education may have been a means to this end.

Putnam County has two acts in 1929 about bond issues that indicate doubtful procedures in county finances. Chapter 464 validates \$75,000 of funding warrants, regardless of defects, errors or omissions in them, or lack of legislative authority for them. Chapter 648 authorizes an issue of \$50,000 for the purpose of meeting outstanding indebtedness. Section 5 of this act suggests some unfortunate experience in financial affairs in the county. It is as follows:

Be it further enacted, That the purchaser of said bonds shall not be required to see that the funds derived from the sale or the same are expended as required by this Act, but the receipt of the Trustee of Putnam County, Tennessee, for the purchase price of said bonds shall be a full acquittal of said purchaser.

Quite a number of counties have acts that make it unnecessary for voters to be registered in order to vote in elections. Some of the acts apply

to the districts outside of the towns only. It may be that purity of elections can be maintained in rural districts without the requirement of registration of voters, but this does not appear to be a step in the right direction toward that end. An act for Polk County in 1929, Chapter 360, about election of officers says that it shall not be lawful to require any voter to register as a prerequisite to voting in any election. To do so is a misdemeanor on the part of the officer, punishable by the liability to \$100 damages to the person suing who was deprived of his vote. This is a case of a special law nullifying the general law. The specific provisions about not enforcing the state law indicate a controversy in the county about the conduct of elections.

Conclusion

The nature of a great number of acts, as has been shown in this chapter, is purely local. In fact, the great majority of them are about affairs that are of little importance to the state as a whole. The pay of the different county officers in each county is a question that could, with good organization of local government, be settled in the county instead of at the state capitol. This also seems to be the case with other affairs of county business, such as the construction and maintenance of county buildings and institutions, schools, and roads other than state highways, the issuance of bonds. Of course such matters should be subject to a certain amount of regulation on the part of the state as a preventative of excesses of local action. Another type of legislation that could well be delegated to local units of government is that contained in acts which are in the nature of county ordinances. Some acts of this type deal with such subjects as allowing different kinds of livestock to run at large, the ownership of dogs, lawful fences, time that polls are to be open on election days. These seem to be questions that are practically confined to the local areas, and could well be determined by local action.

It may be said of private legislation that it is the regulation of local affairs from the state capitol. This system seems to have grown out of the needs of the state because of limitations of the state constitution, which does not give counties enough power to administer their own affairs. There needs to be more study of this relation between the constitution and powers of counties. Probably the constitution needs changing in such a way that local units of government be allowed to carry on their own business independently, without having to go to the legislature for authorization for every change made necessary by new conditions. This practically means that a new constitution is necessary. However, before local units of government can be trusted to have more authority, it seems that radical changes in the form of county government are necessary. Especially the county court system of administration needs to be made over so as to make this body a more responsible one. There are plans of giving counties and other local units authority to conduct their own affairs under charters with a minimum amount of regulation from the state. Study of these is pertinent to the question of improving local government in Tennessee.

With the establishing of improved local government organization and increased local authority, it would be necessary to change the constitution so that the new system inaugurated would be proof against the continual meddling of private legislation. The habit of employing private acts seems so ingrained in the political thought of Tennessee, that unless it were effectually prohibited, it would continue to be used, even though the need for it were passed.

The most serious defect of private legislation is that every conceivable kind of local business, no matter how trivial or important, is legislated about at the state capitol, where those who are affected have very little voice in the matter. The legislature as a whole knows very little about the way that the public welfare^{is} concerned in the many local bills that come before it. It takes little trouble to determine this, as the custom of legislative courtesy is

to pass all bills submitted by each member. Caldwell comments on this as
1
follows:

It has come to be understood that local acts, of all kinds, introduced in the General Assembly, will pass as a matter of course, as a mark of proper courtesy to the members presenting them. This is not true invariably, but generally. The result is that local legislation, as a rule, is controlled entirely by the member or members representing the locality to be affected, and the method must be condemned, because statutes thus enacted do not express the intelligent purpose of any considerable part of the Assembly, any more than they represent the will of the people on whom they are imposed.

The people of the State ought not to submit longer to this autocracy of the sitting member in local legislation. They should amend the Constitution so as to provide for genuine local self-government.

Representative G. T. Gaines, of Knox County, who with others is sponsoring a bill in the present assembly for the purpose of curbing private legislation
2
is quoted on this subject as follows:

...A bill to increase a county official's salary is presented by the delegation from that county. The other legislators say: It doesn't cost the state anything; it doesn't cost the people of my county anything. I'll support it if you will support my local bills in return. By this log-rolling, under guise of legislative courtesy, salary grabs and other special privilege bills are passed which could not get through if subjected to real examination by the Legislature as a whole in a disinterested manner.

1. Caldwell, p. 340.

2. Knoxville News-Sentinel, April 3, 1931.

APPENDIX A

APPENDIX A

Section I

Summary of Laws Governing the Selection of County

Officers, Tennessee*

1150 - County officers elected by the vote of the people:

Clerks of the circuit, criminal and county courts.
Justices of the peace.
Sheriff.
Trustee.
Register.
Assessor.
Constables.

1154 - Elections of all civil and judicial officers to be held on the first Thursday in August next preceding the expiration of their respective terms. The terms of office specified are as follows:

Justices of the peace - 6 years.
Clerks of circuit, county - 4 years.
 and other courts
Register - 4 years.
Assessor - 4 years.
Sheriff - 2 years.
Trustee - 2 years.
Constable - 2 years.

The dates of election are determined for all officers except assessor by reckoning from August, 1870. For the assessor this is counted from August, 1904.

1155 - The term of each elected officer is computed from the first of September following his election. No election or appointment to fill a vacancy shall extend beyond the unexpired term.

1144 - County officers appointed by vote of the quarterly county court.

Coroner.
Ranger.
Surveyor.
Poorhouse and workhouse commissioners.
County standard keeper and sealer.
Notaries public.

(continued)

* Sections as listed in Shannon, R. T., Annotated Code of Tennessee, Edition of 1917, and Supplement of 1926.

1144 (continued)

Public administrators, guardians.
 Cotton and tobacco weighers.
 Road commissioners.
 County revenue commissioners.
 Jail physician.
 Health officers.
 Turnpike superintendent and commissioners.

761 -The county assessor is elected by popular vote in the regular election in August, and takes office on January 1. He may not be a member of the county court.

1410 -A county superintendent is to be elected, in each county, by the county court biennially in January. His pay is to be determined by the county court. He "shall be a person of literary and scientific attainments, and of skill in the theory and practice of teaching." No member of the county court is eligible to hold the office. He is subject to removal by the county court at any time for misbehavior or inefficiency; but causes for such removal must be communicated to him in writing.

Section II

Provisions in the Constitution About the Election of County Officers

Article 7, Section 1.

Officers to be elected by the voters of the counties:

Office	Years of Term
Sheriff	2
Trustee	2
Register	4

No one person can hold the office of sheriff more than 6 years in any term of 8 years.

Officers to be elected by the justices of the peace:

Office	Years of Term
Coroner	2
Ranger	2

Article 6, Section 13 - Clerks and masters, Other court clerks.

Chancellors shall appoint their clerks and masters, who shall hold office for 6 years.

Clerks of inferior courts, holden in the respective counties or districts, shall be elected by the qualified voters for a term of four years.

Article 6, Section 15.

The counties in the state shall be laid off, as the general assembly may direct, into districts of convenient size, so that the whole number in each county shall not be more than twenty-five or four for every one hundred square miles. Two justices of the peace and one constable shall be elected in each district by the qualified voters. Districts including county towns shall elect three justices of the peace and two constables. The jurisdiction of said officers shall be coextensive with the county. Terms - Justice of the peace, 6 years - Constables, 2 years.

Article 6, Section 4.

Judges of the circuit, chancery and other inferior courts to be elected by the qualified voters of the district or circuit for a term of eight years. Every judge shall be thirty years of age, a resident of the state for five years, and of the circuit or district, one year.

Section III

Act About the Compensation of County Officers in Counties of Greatest Population

Chapter 101, Public Acts of 1921, changes the basis of compensation for the county offices listed below, and divides the counties of the state into three classes, which are as follows:

Class I - Counties with population 200,000 and over; Shelby.

Class II - Counties with population from 100,000 to 199,999; Davidson, Knox, and Hamilton.

Class III - Counties with population less than 100,000.

The compensation for all offices included in this act is changed to a straight salary basis. The fees of office are all to be turned over to the counties, with the exception of fees for services as receiver or trustee. The annual salaries to be paid the different offices are as follows:

	Class I Counties	Class II Counties	Class III Counties
Trustee	\$7500	\$6000	\$5000
Sheriff	\$7500	"	"
Clerk & Master	6000	"	"
Clerk of County or Probate Court	7500	"	"
Clerk of Circuit Court	6000	"	"
Register	6000	"	"
Clerk of Criminal Court	6000	"	"

This act operates as a limitation on the former fee incomes of officers in counties of Classes I and II, the four counties with large cities. The provisions of Class III have had little meaning because the salary stated is to be paid only where the fees of office amount to at least

the \$5000 (6428a54). Most all the counties have a population that is but a small fraction of that of the four large counties. In 1920 but two other counties had population over 40,000; 12 over 30,000. There is little likelihood that fees in these counties amount to as much as the stated salary. It is not a guarantee, and probably does not act as a limit, so is practically meaningless.

Section IV.

Lawful Compensation of County Trustees, by Counties, Tennessee, 1929-1930*

County	Compensation			Taxes Col- lected in County, 1929 ^a	State School Funds Paid Through Trustee ^b
	Total from county and state funds	From county funds	From state funds ^b		
Anderson	\$5,125	\$4,681	\$444	\$204,072	\$44,355
Bedford	4,910	4,568	342	198,403	34,198
Benton	2,884	2,504	380	90,185	37,981
Bledsoe	2,306	2,046	260	72,322	25,967
Blount ^d	9,607	9,139	468	426,955	46,762
Bradley	5,968	5,482	486	244,123	48,629
Campbell	7,350	6,571	779	298,551	77,888
Cannon	2,110	1,662	448	53,118	44,796
Carroll ^d	6,090	5,302	788	235,117	78,818
Carter ^d	7,495	6,920	575	296,021	57,475
Cheatham	2,347	2,043	304	72,193	30,401
Chester	2,418	2,094	324	74,716	32,447
Claiborne	4,912	4,216	696	180,816	69,616
Clay	2,148	1,850	298	62,498	29,846
Cocke	5,697	5,217	480	230,831	48,038
Coffee	2,097	3,537	560	146,866	56,004
Crockett	3,568	3,061	507	123,075	50,729
Cumberland	2,836	2,540	296	96,998	29,642
Davidson	67,062	65,087	1,975	3,224,345	197,526
Decatur	2,426	1,875	571	63,728	57,076
DeKalb	2,174	1,548	626	47,422	62,636
Dickson	3,326	3,123	503	126,126	50,275
Dyer	3,277	5,801	476	460,066	47,632
Fayette	5,245	4,861	393	213,040	39,305

(continued)

* The trustee's percentage compensation from tax funds collected and disbursed for each county is figured from the total of county and state taxes for the year 1929, the largest part of which were not paid until early in the following year. The amounts of state school funds distributed to each county, from which the trustee receives 1%, are those reported for the school year, 1929-1930. The trustees file reports of the funds passing through their hands during the previous year on September 1. These sets of figures represent quite well the amounts that the trustees were entitled to receive by law, September 1, 1930. However, funds received from other county officers as collections, or excess fees in counties having special acts requiring such are not taken into account.

(Notes a, b, c, d, e, and f found at end of the table on the following page)

Lawful Compensation of County Trustees (continued)

County	Compensation			Taxes Collected in County, 1929 ^a	State School Funds Paid Through Trustee ^b
	Total from county and state funds	From county funds	From state funds ^b		
Fentress	\$2,231	\$1,813	\$418	\$60,655	\$41,829
Franklin	5,245	4,892	353	214,595	35,323
Gibson	10,386	9,562	824	448,085	82,363
Giles	6,465	6,003	462	270,142	46,223
Grainger	2,817	2,497	320	94,861	31,954
Greene	10,546	9,965	581	468,239	58,089
Grundy	2,601	2,240	361	82,010	36,106
Hamblen	4,276	3,949	327	167,430	32,745
Hamilton	53,598	51,589	2,009	2,549,447	200,883
Hancock	1,766	1,423	343	41,158	34,324
Hardeman	5,457	4,933	524	216,674	52,430
Hardin ^f	3,909	3,281	628	134,040	62,751
Hawkins ^e	5,513	4,915	598	215,767	59,792
Haywood	4,494	4,096	398	174,800	39,769
Henderson	4,161	3,552	609	147,616	60,865
Henry	6,665	6,202	463	280,101	46,261
Hickman	4,130	3,616	514	150,815	51,354
Houston	1,675	1,520	155	45,958	15,456
Humphreys	3,948	3,549	399	147,463	39,908
Jackson	2,776	2,321	455	86,034	45,501
Jefferson	5,232	4,851	381	212,572	38,144
Johnson	2,749	2,303	446	85,170	44,569
Knox ^c	45,357	43,542	1,815	2,147,129	181,499
Lake	2,714	2,518	196	95,876	19,639
Lauderdale	5,806	5,367	439	238,349	43,866
Lawrence	5,565	4,843	722	212,172	72,196
Lewis	1,807	1,602	205	50,099	20,490
Lincoln	6,073	5,698	375	254,882	37,502
Loudon	4,346	4,008	338	170,422	33,802
McMinn	6,899	5,908	993	265,323	99,295
McNairy	4,746	3,940	806	167,019	80,627
Macon	2,272	1,922	350	66,106	35,040
Madison	11,906	11,225	681	531,267	68,071
Marion	6,062	5,764	298	258,201	29,777
Marshall	5,170	4,926	244	216,314	24,438
Maury	7,781	7,250	531	332,513	53,054
Meigs	1,799	1,557	242	47,832	24,222

(continued)

- Report of the Commissioner of Finance and Taxation, Tennessee, 1931. Table 1, p. 10. The state and county tax figures are added.
- Annual Report of the Department of Education, Tennessee, June 30, 1930. Table LVII, p. 168. Distribution of School Funds for the Scholastic Year July 1, 1929-June 30, 1930. The amounts from special funds which are not paid through the county trustees were subtracted from the grand totals of state school funds distributed to the respective counties.
- The compensation for the four counties of largest population is a limited salary.
- Blount, Carroll, Carter, Moore, Polk, Warren, Weakley and Wilson Counties have private acts fixing the compensation of the trustee.

(Notes e and f at bottom of table on the following page)

Lawful Compensation of County Trustees (continued)

County	Compensation			Taxes Col- lected in County, 1929 ^a	State School Funds Paid Through Trustee ^b
	Total from county and state funds	From county funds	From state funds ^b		
Monroe ^f	\$6,524	\$6,003	\$521	\$270,135	\$52,093
Montgomery	6,484	5,978	506	368,881	50,601
Moore ^d	1,293	1,159	134	27,947	13,432
Morgan	4,938	4,644	294	202,183	29,389
Obion	8,968	8,520	448	395,998	44,831
Overton	2,962	2,365	597	88,227	59,689
Perry	2,167	1,865	302	63,226	30,221
Pickett	1,204	1,043	161	22,137	16,122
Polk ^d	6,438	6,147	291	277,364	29,064
Putnam	4,439	3,815	624	160,749	62,356
Rhea	4,451	4,095	356	174,769	35,581
Roane	7,813	7,235	578	331,774	57,826
Robertson	6,192	5,735	457	256,769	45,653
Rutherford	8,900	8,361	539	388,029	53,922
Scott	4,563	4,248	315	182,421	31,504
Sequatchie	1,594	1,444	150	42,191	15,003
Sevier	4,656	3,959	697	167,932	69,738
Shelby ^c	81,737	79,043	2,694	3,922,143	269,388
Smith	4,491	4,072	419	173,612	41,936
Stewart ^f	2,066	1,758	308	57,895	30,838
Sullivan	10,553	9,747	806	457,361	80,676
Sumner ^f	6,417	5,918	499	265,890	49,926
Tipton ^f	6,816	6,381	435	289,050	43,524
Trousdale	2,224	2,067	157	73,328	15,731
Unicoi	3,980	3,673	307	153,667	30,705
Union	2,282	1,986	296	69,291	29,571
Van Buren	1,440	1,303	137	35,158	13,650
Warren ^d	4,271	3,786	485	159,290	48,492
Washington	11,413	10,732	681	506,606	68,142
Wayne	2,522	2,063	459	73,159	45,898
Weakley ^d	6,667	6,157	510	277,855	51,047
White	3,353	2,943	410	117,172	40,996
Williamson	5,575	5,294	281	234,690	28,145
Wilson ^d	5,970	5,562	408	248,112	40,775

e. Hawkins County has a reduced scale of percentage by a private act.

f. Special acts give additional percentages on other funds for Hardin,
Monroe, Stewart and Tipton Counties.

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