

# WARREN COUNTY GENEALOGICAL ASSOCIATION



## Newsletter



February 2017

201 Locust Street

McMinnville, Tennessee

### Warren County Archives - Guest Speaker at the February WCGA meeting

Jean Hobbs presented several books and research on her family including the Pinegar, Warren, and Brixey lines. Jean's mother, Ruth Pinegar Hall was the daughter of John Douglas Pinegar and Maudie Jane Warren. They came to Warren County from DeKalb County. John ran a mill at Flat Rock until it burned most likely around the 1930's. He also built the first suspension bridge in Warren County. The Pinegar (Banniger) line can be traced back to Switzerland and is most likely German. The family migrated through North Carolina, Illinois, White County, TN and then to DeKalb County after being "run out" of Warren County for establishing a Mormon Church. The Warren line through the Poynton Warrens can be traced back to Sir Edward Knight Warren as proven through DNA. "However, our paper trail stops with Cyrus Warren who came from Kentucky to Coffee County, TN", Jean said.



Ann Brown seated and WCGA members watch as Warren County Archivist Jean Hobbs demonstrates how she cleans the papers, forms, etc... for the Archives.

Jean Hobbs has served as the Archivist for the past 6 years as a volunteer. She was instrumental in the creation of the archive office by obtaining a \$4,467 grant from the TSLA for Warren County to purchase supplies and establish our archive office. Jean has given many hours as a volunteer to gather Tax Books, Probate Records, Wills, Marriage and Divorce Records, Birth and Death Records, as well as many other types of information including the records of James Dillon, past County Historian.

Cheryl Watson Mingle presented some research on the requirements and history of the Warren County Archives, provided through the Tennessee State Library & Archives:

The following guide is intended for use by individuals just getting started in the process of organizing local government records.

#### FIRST THINGS FIRST:

##### Public Record: What's it all about?

A public record is a document in any medium that is used to do the work of government. It belongs to the people, and it is held in trust by a municipal, county, state, or national government.

##### Public records may be

- active or inactive,
- permanent or temporary.

**Active records** are records that are made and used regularly in the course of daily work by government offices. Such records are usually kept in those offices.



**Inactive records** are records that government offices may put in remote storage because they do not need to use them very often, if at all.

- *Government offices decide when records are active or inactive based on their daily needs.*

**Permanent records** are records that must be kept intact, in their original form and medium, as long as possible (for centuries rather than decades) for public inspection.

Inactive permanent records are usually kept in **archives**.

#### **Temporary records**

do not have to be kept beyond the legal and practical need to refer to them.

• *Records disposition schedules, available from the County Technical Assistance Service (CTAS), advise which record should be permanent and which should be temporary.*

• *Records disposition schedules also advise how long temporary records should be kept before they may be destroyed.*

#### **Public records are instruments of government, kept to**

- Protect the rights of citizens
- Assure the continuity of government
- Account for official actions
- Document state and local historical experience.

#### **Public records must be open to the public.**

Tennessee has an open public records law, which applies to county and municipal records as well as to state records.

The law requires state and local governments to make public records open and accessible for public inspection. [Tennessee Code Annotated § 10-7-503]

There are some exceptions to this rule (mostly confidential records of medical and mental conditions, adoptions, or law enforcement investigations). Although they are still “public” records in the sense of being the property of the people, **confidential records cannot be open to the public**. Unless they are specifically excepted by law, however, ALL state, county, and municipal records

- shall be open to inspection
- to any citizen of Tennessee
- during business hours
- . . . and no government official may refuse this right.

**An archives or records office is a cost-effective way to make inactive records open to the public for inspection according to law.**

#### **Every county government must have a county public records commission.**

This is required by Tennessee Code Annotated § 10-7-401.

The public records commission must have at least six (6) members.

- The county clerk, county register, county historian, and county archivist (if there is one) are all members of the public records commission by virtue of their offices (ex officio).
- The county executive, with the approval of the county legislative body must appoint at least three (3) more members, and they must include at least one (1) county commissioner (member of the county legislative body), one (1) judge of a court of record within the county, and one (1) genealogist. He may appoint others as needed to provide additional expertise or support.

The public records commission must meet at least twice annually.

The public records commission authorizes

- retention of permanent records and
- destruction of temporary records when the temporary records reach the end of their useful life.

To do this, it is guided by records disposition schedules

(RDS) prepared by the County Technical Assistance Service (CTAS) of the University of Tennessee’s Institute for Public Service.

A county legislative body may also authorize the public records commission to oversee and establish regulations for the operation of a county archives and a county records office or county records center. See Appendix A for more information on basic archival principles.

#### **PROMOTING AN ARCHIVES**

##### **•Sell the idea of an archives.**

If you want an archives, you have to sell the idea to people who really would rather think about other things. You have to convince them it is not just good for you, but good for *them*.

##### **•Here are some reasons why an archives is GOOD for everyone:**

1. An archives saves space in the courthouse and county offices.
2. An archives takes good care of genealogists, historians, and public inquiries so that county officers can pay more attention to current business.
3. An archives is a source of revenue from
  - fees paid for copying documents
  - books published by the archives
  - people from out of state who come to search their family histories
4. A well-managed archives shows the voters and taxpayers that the county government knows what it is doing, and that builds public confidence and helps local officials get re-elected.
5. A well-managed archives can serve the needs of the citizens, professions, and county officials promptly, effectively, and efficiently.
6. An archives is a repository for local history and an important resource for schoolchildren to understand their county’s past.
7. Besides being a source of local pride, an archives is a great place for retired people to volunteer their time providing service to the community.
8. According to Tennessee state law (Tennessee Code Annotated, section 10-7-503), public records must be open to and easily available for public inspection, and a well-managed archives does exactly that.

##### **•Here is a reason why NOT having an archives is BAD for everyone:**

- Messy county records, heaped in damp rooms or attics,
- are not available to the public and make it impossible to find anything,
  - show neglect and suggest that government doesn’t properly manage the public’s business, and
  - endanger an irreplaceable part of local history.

## **Recovering Lost or Stolen Public Records**

Tennessee’s public records are created by state and local governments in conducting the business of the people of Tennessee. They document the work of public agencies and represent the evidence by which citizens may understand the consequences of decisions made by their government. In essence, they allow the governed to hold those who govern accountable. To that end, these documents must always remain available for public inspection.

**Public records are public property.** By law, some records must be maintained permanently by state and county governments. They must remain forever in public custody, and at no time can public records legally be owned, traded, sold, or bought by members of the general public. The government's responsibility towards custodianship of public records is serious and mandated by law.

The private sale of these records is strictly prohibited according to [TCA 39-16-504](#), the so-called replevin law. Replevin provides for the repossession from private hands of all public records removed from state, county, or municipal government offices. Violation of this law is a Class A misdemeanor.

### **Help the State of Tennessee Recover Lost and Stolen Public Records!**

Help to ensure that Tennessee's state and local records (*court records, wills, deeds, etc.*) that have been lost or stolen are returned safely and securely to their appropriate counties, where they can be preserved, indexed, microfilmed, and made available to all citizens.

In some counties, public records were taken from courthouses years ago or were removed from their proper storage location in the county archive. Whenever such records are removed or stolen--sometimes for resale on web auction sites such as eBay--our shared history is lost and accountability in our government is compromised. ***State and county records are public property and cannot legally be owned by private individuals.*** Removing government documents from government custody is [illegal](#).

### **REPORT to Tennessee State Library and Archives**

403 7th Avenue North, Nashville, TN  
37243  
615-741-2764  
[reference.tsla@tn.gov](mailto:reference.tsla@tn.gov)

## **What can you do to avoid buying and selling public records?**

If you are a document collector, dealer, or staff member at an archives, library, historical society, or museum, you can:

- avoid buying, selling, or trading in lost or stolen Tennessee public records.
- identify lost or stolen public records and [report them to the Tennessee State Library and Archives](#).

Tennessee State Library and Archives  
403 7th Avenue North, Nashville, TN 37243  
615-741-2764  
[reference.tsla@tn.gov](mailto:reference.tsla@tn.gov)

## **Why report Tennessee's lost public records?**

Staff members at TSLA's [Archives Development Program](#) will work with you to determine whether items are, indeed, government records that belong in a state or county archive. By avoiding the purchase of stolen records on eBay or through other auctions, you will ultimately save time, the loss of your money, and potential lawsuits. It will also ensure that we, as Tennessee citizens, continue to have access to the records of our own government.

## **How can TSLA help if you find lost or stolen public records?**

Tennessee has a replevin law that provides for the restoration of alienated public records to their rightful custodians. Law enforcement authorities can reclaim these documents without any compensation to the would-be private owner. [Contact TSLA](#) if you have knowledge of the whereabouts of misplaced public records, or if you would like to report a lost or stolen public record. [We can offer advice on how to proceed](#). We generally advise callers to contact their county attorney, county sheriff, or county archivist, depending on the unique circumstances of each county. Even though it is

up to law enforcement authorities to prosecute theft, we have been able to aid several Tennessee counties in recovering their lost or stolen public records.

## Why are public records stolen?

Sometimes, collectors like to obtain records relating to, for example, Civil War history or African-American slavery.

[In some cases, well-meaning citizens have "saved" their county records from destruction or neglect years ago. In other cases, county archives did not exist, and the records were long stored in private hands. Now, however, most counties have a safe place to store county records](#), and the items need to be returned to their proper location. Please [contact TSLA](#) if you need help getting in touch with the proper state or county official in order to return public records in someone's possession.

## [TSLA Archives Development](#)

### Tennessee Replevin Law

The Law: 39-16-504. Destruction of and tampering with governmental records. —

(a) It is unlawful for any person to:

- (1) Knowingly make a false entry in, or false alteration of, a governmental record;
- (2) Make, present, or use any record, document or thing with knowledge of its falsity and with intent that it will be taken as a genuine governmental record; or
- (3) Intentionally and unlawfully destroy, conceal, remove or otherwise impair the verity, legibility or availability of a governmental record.

(b) A violation of this section is a Class A misdemeanor.

(c)(1) Upon notification from any public official having custody of government records, including those created by municipal, county or state government agencies, that records have been unlawfully removed from a government records office, appropriate legal action may be taken by the city attorney,

county attorney or attorney general, as the case may be, to obtain a warrant for possession of any public records which have been unlawfully transferred or removed in violation of this section.

(2) Such records shall be returned to the office of origin immediately after safeguards are established to prevent further recurrence of unlawful transfer or removal. [Acts 1989, ch. 591, § 1; 1998, ch. 906, § 1.]

Cross-References. Penalty for Class A mis- 39-16-501 – 39-16-507 are referred to in § 40- Demeanor, § 40-35-111. 12-201. Section to Section References.

Sections This section is referred to in § 5-23-107.

The Explanation:

Possession and sale by private individuals of any government record is prohibited in Tennessee according to Tennessee Code Annotated §39-16-504. Called the Replevin law, it prohibits the removal of records from governmental agencies in the state. This law includes all records created by state, county, or municipal government. Section (a)(3) states that it is unlawful to, "Intentionally and unlawfully destroy, conceal, remove or otherwise impair the verity, legibility or availability of a government record." Section (c)(1) and (2) further state that, "Upon notification from any public official having custody of government records, including those created by municipal, county or state government agencies, that records have been unlawfully removed from a government records office, appropriate legal action may be taken by the city attorney, county attorney, or general attorney, as the case may be, to obtain a warrant for possession of any public records which have been unlawfully transferred or removed in violation of this section," and that "such records shall be returned to the office of origin immediately after safeguards are established to prevent further recurrence of unlawful transfer or removal." Violating this law is a Class A misdemeanor.

### **REMEMBER - What is the law?**

**Possession and sale by private individuals of any government record is prohibited in**

Tennessee according to TCA §39-16-504. Called the Replevin law, it prohibits the unauthorized removal of records from governmental agencies in the state. At no time can public records legally be owned, traded, sold or bought by members of the public. Law enforcement authorities can reclaim these documents without any compensation to the would-be private owner.

**Possession or sale of any government record by private individuals is prohibited in Tennessee according to TCA §39-16-504, Tennessee's Replevin law.**

Contact the TSLA at : 615-253-3458 or  
E-mail: [lostrecords.tsla@state.tn.us](mailto:lostrecords.tsla@state.tn.us)  
Tennessee State Library and Archives  
403 Seventh Ave. North  
Nashville, Tennessee 37243

Source: Tennessee State Library & Archives



Jean provided a tour of the local archives to those members who were interested. Pictured above l to r, Larry Boyd, Rachel Scott Hillis, Barbara Bates and Warren County Archivist Jean Hobbs.



Rachel Scott Hillis asking a question to Jean Hobbs, Archivist and Ann Brown checking out the Archives.



Michael Martin checking out an old newspaper at the Warren Archives.

If you would like to learn more about our local Warren County Archives contact Jean Hobbs (Archivist) at 931-668-8916 or 931-474-4227.

Hours of Operation Fridays 10 to 4 p.m. or by appointment.

Warren County Administrative Building  
201 Locust Street, Suite 2  
McMinnville, TN 37110



Volunteers Needed at the Warren County Archives. Can you spare an hour or two to clean, file, organize, etc?

## Membership Dues...

Your WCGA membership dues for calendar year 2017 were due January 1, 2017.

Annual dues are \$20 per calendar year for members within the 50 states. Foreign membership is \$28 per year.

Please make your checks payable to the Warren County Genealogical Association and can be brought to our next meeting or mailed to WCGA, P.O. Box 411, McMinnville, TN 37111.

## What will be our next Keepsakes?



**The Courthouse, McMinnville, TN**

(First in a series)

**First Methodist Church, McMinnville, TN**

(Second in a series)

**The Birthing Tree, McMinnville, TN**

(Third in a series)

**Hebe, McMinnville, TN**

(Forth in a series)

*All four available for \$18 each at*

**Southern Museum**

201 E. Main Street, McMinnville

Open Wed., Fri., Sat. 10:00 a.m.-4 p.m. and

**Warren Co. Genealogical Association**

County Administrative Building 201 Locust St.

Open Fridays 1:00-4:00 p.m.



## Turn Your Radio On...

Warren County Archivist Jean Hobbs and Cheryl Watson Mingle are all smiles while appearing on the local radio station 960 AM here in McMinnville. They were guest of the radio show called "Behind the Mike" with host Kelly Marlowe. WCGA members will be guests on a monthly basis appearing on Thursdays before each monthly WCGA meeting. You can tune in for the next appearance at 10:00 a.m. on Thursday, March 16. If you are not able to listen at that time, the show will be re-broadcast at 5:00 p.m. 960 AM is also available on the web and that will allow you to tune in anywhere you are able to get online.

## Attention WCGA Members

Please contact Chris Keathley if you are a charter member of the Association at:

[southernmuseum@frontier.com](mailto:southernmuseum@frontier.com).

Chris has a list of about 17 people who are both charter members and current members but he does not want to leave anyone out of the next Bulletin. He is including a brief biography for each charter member/current member as part of the WCGA's 25th Anniversary Celebration.



**Joshua Robertson**

[j.rob2012@yahoo.com](mailto:j.rob2012@yahoo.com)

208 Keaton St, Lebanon, TN 37087

Researching: Akers, Davenport, Lance, Rigsby, Robertson, Simons



**2017 OFFICERS**

President: Cheryl W. Mingle  
Vice Pres: Marion Speaks  
Secretary: Scarlett Griffith  
Treasurer: Allen Jaco

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Bonita Mangrum.....

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Evelyn Wade, Martha Holt.....

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Christine Bouldin.....

**Webpage Administrator:**

Ann Brown .....

**WCGA is on Facebook!**

Come visit us at:  
<http://www.facebook.com/pages/Warren-County-Genealogical-Association/135126859883450>

**We're also on the web**

[www.tngenweb.org/wcgatn](http://www.tngenweb.org/wcgatn)

The next meeting of the  
Warren County Genealogical Association  
will be

**Saturday, March 18, 2:00 p.m.**

Our office is in the rear of the  
Warren County Administration Building  
201 Locust Street, McMinnville, TN



## WARREN COUNTY GENEALOGICAL ASSOCIATION

Meeting held in the rear of the  
Warren County Administration Building  
201 Locust Street, McMinnville TN 37110

### Membership Renewal & Information Update Form

Annual membership fees for 2017 are due on January 1, 2017

Please make checks payable to **Warren County Genealogical Association (WCGA)** and mail to  
WCGA, P.O. 411, McMinnville, TN 37111

Please **contact us** if you **move** to a **different address**.

**Print Name and Address as desired on Membership Record:**

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**Phone:** \_\_\_\_\_

**E-Mail Address:** \_\_\_\_\_

**Please check one:**

Dues for year \_\_\_\_\_ Individual Member, \$20 year \_\_\_\_

Other Donation \$ \_\_\_\_\_

**Would you like to receive our monthly Newsletter by E-Mail?** \_\_\_\_\_ yes

**Our Bulletin is mailed two times each year**

**FAMILY NAMES I AM RESEARCHING:**

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We may be able to help you with your genealogy, so come by and visit our office. We are open on Friday from 1:00 p.m. – 4:00 p.m. and we're located at the rear of the Warren County Administration Building, 201 Locust St. McMinnville, TN.

*Thank you!*