



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Chapter I - Administration

Dear Reader:

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

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Chapter I - Administration

Building Permits

Private Acts of 1963 Chapter 57

SECTION 1. That from and after the effective date of this act no building or buildings shall be built, erected, or constructed in Greene County of the value of twenty-five hundred dollars (\$2,500.00) or more without the builder thereof having first obtained from the county court clerk of Greene County a permit for said building, erection, or construction. The said county court clerk shall collect a fee of one dollar (\$1.00) for issuing said permit.

SECTION 2. That if any person shall proceed to build, erect, or construct any building or buildings without having first obtained said permit and paying the fee provided therefor the property shall be taxed in the following manner. The tax assessor shall assess taxes against said property for the year in which said property is entered on the tax rolls of the county and in addition shall tax the property for the two (2) years immediately preceding, plus a twenty per cent (20%) penalty.

SECTION 3. That this Act shall have no effect unless the same shall have been approved by two-thirds vote of the quarterly county court of Greene County on or before the next regular meeting of such quarterly county court occurring more than thirty days after its approval by the Governor of this State, or after its otherwise effecting date. Its approval or nonapproval shall be proclaimed by the presiding officer of the quarterly county court, and shall be certified by him to the Secretary of State.

SECTION 4. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 25, 1963.

County Fairs

Acts of 1797 Chapter 18

That the citizens of the county of Greene shall have the privilege of holding two fairs in each and every year at the town of Greeneville, for the purpose of selling all kind of goods, wares, and merchandize, free to every citizen of the state, subject to such regulations as may hereafter be established by law, and the said fairs shall be held on the third Tuesdays in the months of May and November in each year, and may continue for two days each.

October 27th, 1797.

County Registers

Private Acts of 1925 Chapter 351

SECTION 1. That in every county in this State having a population of not more than 32,826 and not less than 32,822, according to the Federal Census of 1920, or any subsequent Federal Census, that the salary of the Tax Assessor shall be Three Thousand Dollars (\$3,000.00) per annum, payable quarterly, Seven Hundred and Fifty Dollars (\$750.00) per quarter, out of the County Treasury upon a warrant drawn by the Chairman or County Judge of said County for that purpose.

SECTION 2. That the Tax Assessor of said county or counties shall maintain and keep open during business hours an office in the Court House for said county or counties for the transaction of all business relating to his office as Tax Assessor, which shall be in charge of himself or his duly appointed deputy.

SECTION 3. That before any deed or other instrument which conveys or purports to convey the title in fee simple to any real estate shall be recorded it shall be the duty of the County Tax Assessor to examine the same and ascertain if the property described in said deed or instrument has been and is correctly assessed.

SECTION 4. That it shall be the duty of the County Tax Assessor to countersign every such deed or instrument after having recorded the transfer upon the assessment books of the property conveyed by said deed or instrument to the party or parties in whom the title is shown to be vested by such deed or instrument.

SECTION 5. That it shall be unlawful for any County Register or Deputy County Register to record or

enter any deed or instrument coming within the provisions of Section 3, of this Act upon the records of the Register's office or to receive such deed or instrument for the purpose of recording or entering the same upon the records, unless such deed or instrument shall have first been countersigned by the County Tax Assessor or his duly appointed deputy.

SECTION 6. That any County Register or Deputy County Register who shall be convicted of violating the provisions of Section 5, of this Act shall be fined not less than \$5.00 nor more than \$10.00.

SECTION 7. That all laws and parts of laws in conflict with this Act, be, and the same are hereby repealed.

SECTION 8. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 11, 1925.

County Trustee

Acts of 1815 Chapter 48

SECTION 1. That from and after the first day of January next, the Treasurers or Trustees for the counties of Greene and Rutherford, shall keep their respective offices in the towns of Greeneville and Murfreesborough, any law to the contrary notwithstanding.

SECTION 2. That the Treasurers or trustees of the counties of Bedford and Carter, shall keep their offices in the towns of Shelbyville and Elizabethton, after the first day of January as aforesaid; provided that nothing herein contained shall be so construed, as to compel any of said Treasurers or Trustees heretofore appointed, to remove their offices until the expiration of the time for which they may have been appointed.

Oct. 18th, 1815.

Library Commission

Private Acts of 1913 Chapter 278

COMPILER'S NOTE: Portions of this act are in conflict with the general statutes regulating libraries in counties, cities and towns, found in Tennessee Code Annotated Title 10, Chapter 3.

SECTION 1. That any county having a population of not less than 31,000 nor more than 31,100 according to the Federal census of 1910 or any subsequent Federal census, alone or in conjunction with any municipal corporation existing in such county, and which includes the county seat of such county, shall have the power to establish and maintain a free public library and rest rooms for the use and benefit of the inhabitants of such county, and for this purpose may levy a tax of not more than five cents annually on each one hundred dollars of taxable property of such county, such tax to be levied and collected in like manner with other general taxes of such county, and to be known as the "library fund."

SECTION 2. That at any quarterly session of the County Court in any county coming under the provisions of this Act, such court may by resolution adopted by a majority vote of the Justices composing said court and entered on the minutes of the court, provide for the establishment and maintenance of a library and rest rooms, either alone or in conjunction with any municipal corporation as provided in Section 1 of this Act. After such resolution shall have been adopted, such Quarterly Court shall select five Commissioners, who shall be resident citizens and freeholders of the county and who shall be designated as "Library Commissioners." One shall be elected for five years, one for four years, one for three years, one for two years, and one for one year, and annually thereafter one shall be elected to serve for five years. All vacancies caused by death, resignation, removal, or otherwise shall be filled by the Quarterly County Court. Said Library Commissioners shall serve without compensation, and be subject to removal by the court.

SECTION 3. That said Library Commissioners shall, immediately after their election or appointment, meet and organize by electing one of their number President, and such other officers as they may deem necessary. They shall have complete and final power to appoint a suitable librarian and assistants, fix their compensation, and remove their appointees at pleasure.

SECTION 4. That the said Library Commissioners shall have power to make and adopt such by-laws, rules, and regulations for their own guidance and for the government of the library and rest room as they may deem expedient, not inconsistent with this Act, and shall provide penalties for the violation of the same; provided, the Quarterly County Court shall have power to set aside any by-law, rule, or regulation

so adopted.

SECTION 5. That said Library Commissioners shall have power to purchase, hold or lease grounds; to occupy, lease, or erect an appropriate building or buildings for the use of such library; also to accept any gift or money or property thereto; and all property purchased or otherwise obtained by such Board, and the title thereto, shall vest in such Board and their successors as a body corporate to be held by it in trust for the uses of said library; and said Commissioners shall have the exclusive possession, care, and custody of the grounds, rooms, or buildings constructed, purchased, leased set, apart, or occupied for the purpose of the said library and rest rooms. The said Board shall also have the exclusive control of the expenditure of all moneys collected or donated to the credit of the library fund; provided, all taxes levied or collected for said library fund, or funds donated thereto, shall be kept for the use of said library separate and apart from the other funds of the said county, and shall be disbursed only when drawn upon by the proper officer of said county upon the properly authenticated vouchers of the said Commissioners.

SECTION 6. That every library and rest room established and maintained under this Act shall be forever free to the use of the inhabitants of the county where located, subject to such restrictions, rules, and regulations as the Commissioners may adopt in order to render the use of said library and rest rooms of the greatest benefit to the greatest number. Said Board may extend the privileges and use of such library and rest room to persons residing outside of said county upon such terms and conditions as they may deem proper. Said Board may exclude from said library and rest rooms any and all persons who shall willfully violate the rules prescribed for its government and control.

SECTION 7. That the said Commissioners shall report to the Quarterly County Court at its January term of each year, showing the condition of their trust with itemized statement of the moneys received and expended by them since their last annual report, together with such statistics, information, and suggestions as they may deem proper to so report or as the said Quarterly Court may require, which report shall be verified by the affidavit of the proper officer of said Library Commissioners.

SECTION 8. That if any county coming under the provisions of this Act shall, by resolution adopted as hereinbefore provided, decide to establish and maintain a library and rest rooms jointly with any municipal corporation, then the Library Commissioners selected by said court as hereinbefore provided are authorized to enter into written agreement with the board of directors, or proper officers of such municipal corporation, for the joint establishment and maintenance of such library, not inconsistent with the provisions of this Act; provided, that such agreement shall be submitted to the County Court in quarterly session and be by it approved before the same shall become effective.

SECTION 9. That at any quarterly session of the County Court in any county coming under the provisions of this Act, such court may, by resolution adopted by a majority vote of the Justices composing said court and entered on the minutes of the court, aid any free public library association and rest rooms established in such county, and for that purpose may levy, from year to year in the manner herein provided for, the tax authorized in Section 1 of this Act, and for the same purpose may expend the tax so collected; provided, it shall be shown to the satisfaction of such Quarterly County Court (1) that said library association is legally incorporated under the laws of Tennessee; (2) that it is already in regular and useful operation under its charter with a lawfully constituted board of officers and directors; (3) that it has available for public use, and in such use, books of the value of not less than three thousand dollars; and provided, further, it shall be shown to the satisfaction of said court that such aid is needed in order to the continued useful public operation of such library and rest rooms.

SECTION 10. That any free library association and rest rooms receiving county aid as provided for in the foregoing Section 9, may continue to select its own directors and control its own management as authorized in its charter; provided, that said Quarterly County Court shall have power at any time while such library association is receiving such aid to appoint three directors on said library board; and provided, further, that the said County Court shall have the same power at any time while such library association is receiving such aid of setting aside by-laws, rules, and regulations of said library association as is granted in the foregoing Section 4 in regard to the libraries to be originally established under this Act; no director of any library association receiving such aid shall receive any pay or compensation for services rendered as such, and the officers and employees of such association shall give such bond as the said County Court shall require.

SECTION 11. That any free public library association receiving county aid as provided for in the foregoing Section 9, shall be subject to the provisions of and vested with the power granted in the foregoing Sections, 6 and 7, and shall have power to receive the aid provided for in this Act and at any time to accept donations of money or property of any kind from any lawful source whatsoever.

SECTION 12. That the moneys collected for the benefit of such library association as provided for in the foregoing Section, 1 and 9, shall be kept separate and apart from the other funds as required in Section 5 of this Act, and disbursed in the manner required in said Section 5.

SECTION 13. That the property and grounds of the libraries established or aided under this Act be exempt from taxation and execution.

SECTION 14. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 11, 1913.

Administration - Historical Notes

County Clerk

The following acts once affected the office of county clerk in Greene County. They are included herein for historical purposes.

1. Public Acts of 1917, Chapter 47, set the salary of the Greene County Clerk to \$2,000 per annum.
2. Private Acts of 1923, Chapter 613, set the salary of the county court clerk at \$3,500, with all the fees of that office to go into the county general fund.
3. Private Acts of 1933, Chapter 829, set the maximum annual compensation of the county court clerk at \$3,000, payable from the fees of the office.

County Legislative Body

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

1. Acts 1793, Chapter 2, set the dates for holding the court of pleas and quarter session in Greene County on the third Mondays in February, May, August and November.
2. Acts of 1794, Chapter 8, changed the date of the court of pleas and quarter sessions in Greene County to the second Monday in February, May, August and November.
3. Acts of 1797, Chapter 6, specified that the court of pleas and quarter sessions would meet in Greene County on the fourth Mondays in January, April, July and October.
4. Acts of 1809, First Session, Chapter 93, specified that the court of pleas and quarter sessions would meet in Greene County on the fourth Mondays in January, April, July and October.
5. Acts of 1815, Chapter 51, provided that Alexander Brown was to receive all the official papers of any justice of the peace who resigned in Greene County, and that such vacancies were to be filled by the county court.
6. Private Acts of 1821, Chapter 127, provided that the court of pleas and quarter sessions in Greene County was to be held for two weeks in January and July, rather than in quarterly terms of one week.
7. Private Acts of 1919, Chapter 419, set the per diem of Greene County Justices of the Peace at \$2.50, plus \$.05 per mile for travel expenses.
8. Private Acts of 1921, Chapter 921, raised the per diem of magistrates in Greene, Washington, Carter, Johnson and Unicoi counties to \$4.00.
9. Private Acts of 1929, Chapter 260, made it unlawful for any justice of the peace of the state to have an office for the transaction of his official business in any other civil district of his county than the one in which he was elected to.

County Mayor

The references below are acts which once applied to the office of county judge, or county executive in Greene County. They are included herein for historical purposes only.

1. Private Acts of 1929, Chapter 785, as amended by Private Acts of 1933, Chapter 831, created the office of county judge in Greene County. The office of chairman and chairman pro tem of the county court was abolished and all power and duties of that office were conferred to the county judge. The county judge was elected for an eight (8) year term with a salary of \$1,500 per annum.
2. Private Acts of 1955, Chapter 107, vested the county judge of Greene County the jurisdiction to issue fiats for all extraordinary process.

County Register

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

1. Acts of 1805, Chapter 12, provided that all deeds, or certified copies thereof, that had been

registered in the register's office of Greene County be considered in law as legal and to be admitted as evidence in any court of justice in the state.

2. Acts of 1805, Chapter 27, released James Stinson, register of Greene County, Ewen Allison and David Russell from the payment of a judgement recovered against them by the governor of Tennessee, in the superior court of the Hamilton District.
3. Private Acts of 1827, Chapter 116, authorized George Brown, register of Greene County, to keep his office at his own house in the town of Greenville.
4. Private Acts of 1831, Chapter 162, provided that all deeds of conveyance and other instruments of writing registered in Greene County be read in evidence in trials at law or in equity.
5. Public Acts of 1917, Chapter 47, set the salary of the Greene County Register of Deeds to \$2,000 per annum.
6. Private Acts of 1923, Chapter 613, as amended by Private Acts of 1925, Chapter 57, to make it applicable to Greene County, set the salary of the register at \$2,500 per year.
7. Private Acts of 1933, Chapter 828, set the annual salary of the Greene County Register at \$2,500. This act was repealed by Private Acts of 1937, Chapter 778.

County Trustee

The following acts once affected the office of county trustee in Greene County, but are no longer operative.

1. Public Acts of 1917, Chapter 47, set the salary of the Greene County Trustee to \$2,000 per annum.
2. Private Acts of 1923, Chapter 613, set the salary of the Greene County Trustee at \$3,500 per annum.
3. Private Acts of 1933, Chapter 833, lowered this salary to \$3,000 per annum.
4. Private Acts of 1937, Chapter 781, authorized the trustee to appoint a deputy trustee who would be responsible for the collection of delinquent poll taxes.

General Reference

The following private or local acts constitute part of the administrative and political history of Greene County but are today no longer operative because they have either been superseded, repealed, or failed to receive local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1786, Laws of North Carolina, Chapter 23, pardoned and consigned the offenses and misconduct of certain persons in the counties of Greene, Washington, Sullivan and Hawkins for withdrawing their allegiance from the State of North Carolina. This act was amended by Acts of 1787, Laws of North Carolina, Chapter 27 and Acts of 1788, Laws of North Carolina, Chapter 4, which extended the pardons to all persons who may have withdrawn their allegiance from the State of North Carolina.
2. Acts of 1789, Laws of North Carolina, Chapter 7, repealed Acts of 1786, Laws of North Carolina, Chapter 23 and all amendatory acts.
3. Private Acts of 1819, Chapter 100, was an unusual early act, appointing county commissioners for Greene County. The county commissioners, William Dixon, Valentine Sevier, Alexander M. Nelson, George T. Gillispy, John Harmon, Sr. and Alexander Sevier, were given control of the public monies of the county, with authority to collect any monies due from public officers or citizens. This act was amended by Private Acts of 1820, Chapter 131, to authorize these commissioners to loan public monies, provided that two securities were given, and to require an annual report to the county court of the status of the county's finances. These acts were repealed by Private Acts of 1822, Ex. Sess., Chapter 173.
4. Private Acts of 1819, Chapter 143, authorized the county court to sell the old courthouse and to deed any title or interest Greene County had in such property.
5. Private Acts of 1821, Chapter 29, authorized the state treasurer to pay John Williams, the Greene County coroner, \$32 as compensation for conveying Eleanor Woods, "a decrepit woman charged with murder of an infant" from Greene County to Jonesborough and back and for her maintenance for six months.
6. Private Acts of 1825, Chapter 105, authorized Jotham Brown of Greene County to seal and stamp all bushels, half bushels, pecks and half pecks, made or manufactured in his shop, which were agreeable to the proper standard for Greene County, and such measures, when sealed and

branded by Mr. Brown, were considered as good as if branded by the proper standard keeper. This act was repealed by Private Acts of 1931, Chapter 97.

7. Public Acts of 1825, Chapter 103, authorized Sind M'Cardle of Greene County to sue and be sued, contract and be contracted, with, in her own name, and in her own behalf, and that she was given full power and authority to sell, dispose of, and convey, all or any part of such property or estate as she may acquire.
8. Private Acts of 1826, Chapter 40, provided for the judge of the first circuit court of Greene County to hear and determine a petition from Thomas G. Watkins to divorce his wife Susan W. Watkins.
9. Private Acts of 1827, Chapter 102, authorized the justices of the peace in Greene County to lay and collect a tax for the purpose of finishing a courthouse.
10. Private Acts of 1831, Chapter 249, Section 2, empowered Amey Harris, wife of William Harris of Greene County, to have, possess and enjoy property, both real and personal, to sue and be sued, plead and be impleaded, and in all respects to enjoy the rights and privileges of an unmarried woman excepting the privilege of intermarrying with another man.
11. Private Acts of 1832, Chapter 2, authorized Henry Ripley of Greene County to emancipate his slave William.
12. Private Acts of 1832, Chapter 35, authorized Sarah Stacy of Greene County to exhibit her petition for a divorce to the judge of the circuit court of said county.
13. Private Acts of 1832, Chapter 65, authorized Alexander Brown, keeper of the justices' records for Greene County, to appoint a deputy keeper of said office.
14. Private Acts of 1832, Chapter 80, required the secretary of state to furnish the keeper of the justices' record of Greene County with the first volume of the Haywood and Cobbs' Revisal.
15. Private Acts of 1832, Chapter 135, authorized the register of East Tennessee at Knoxville to issue a grant to John Rymall of Greene County for sixteen and three fourth acres of land, situated in Greene County on the south side of the Nolichucky River.
16. Private Acts of 1833, Chapter 131, authorized Catharin Hale, of Greene County, to execute a deed of conveyance to Daniel Lowry for eighty acres of land in McMinn County.
17. Private Acts of 1833, Chapter 226, Section 2, authorized John Weems to emancipate his slave, provided, that Mr. Weems gave a bond with approved security that his slave would not become a public charge to any county in this state.
18. Private Acts of 1833, Chapter 252, authorized the register of East Tennessee to issue a grant of three hundred acres in Greene County to John Balch.
19. Private Acts of 1833, Chapter 275, authorized the county court of Greene County to emancipate slaves Charles and Delpha.
20. Private Acts of 1917, Chapter 463, authorized the town of Greenville to appropriate money for the purpose of building and furnishing, jointly with Greene County, a high school building, within the corporate limits of said town, to be used jointly by the town of Greenville and Greene County.
21. Private Acts of 1919, Chapter 66, exempted Greene County from the general law regulating the salaries of county officials.
22. Private Acts of 1919, Chapter 213, made women over twenty-one eligible to serve as deputy register in Greene County, with all the powers, rights and responsibilities of that office.
23. Private Acts of 1919, Chapter 274, provided that women, either single or married, over the age of twenty-one, could serve as a deputy clerk of the chancery, circuit and county courts as well as a deputy register or deputy trustee, in the counties of Greene, Weakley, Rutherford, Montgomery, Giles or Fayette. This act required the women to post bond of \$2,500 before assuming office, and it also abolished the defense of coverture, a common law presumption that a married woman's legal existence was "covered" by that of her husband. Under coverture, she could not be held legally responsible for her actions; her husband was. Acts such as these abolished this defense, and by making a woman responsible for her actions, a barrier to her employment was removed.
24. Private Acts of 1931, Chapter 769, provided that the Greene County Quarterly Court could borrow money to pay premiums on county bonds, and issue interest-bearing notes for the repayment of those borrowed funds.
25. Private Acts of 1933, Chapter 832, set out the procedure by which county officers could employ and pay deputies.
26. Private Acts of 1935, Chapter 738, removed the minority of Jefferson Davis Sluder.

27. Private Acts of 1935, Chapter 739, removed the minority of Anna Murray Monk.
28. Private Acts of 1982, Chapter 212, would have created a finance and budget committee for Greene County, but this act was rejected by the proper authorities of Greene County and therefore never became law.

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