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# Chapter I - Administration

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

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# Chapter I - Administration

## Budget System

### Private Acts of 1937 Chapter 320

**SECTION 1.** That it shall be the duty of the Lincoln County Board of Highway Commissioners on or before the first Monday in May of each year, to prepare and file with the County Court Clerk an itemized statement or budget of the funds which said Commission estimates to be necessary for the construction, maintenance, upkeep, and operation of the roads, bridges and county workhouse in Lincoln County, and expenses incident thereto, for the year commencing on the first day of September following the making of said report: The said budget shall show in detail and separate items the estimated amounts necessary for salaries and the office expenses, new equipment, maintenance or repair of old equipment, bridges, lumber, gravel, maintenance of the County Workhouse, Etc. The said budget shall likewise show in parallel columns the amounts expended the previous year for the respective purposes. That it shall likewise be the duty of the Lincoln Board of School Commissioners on or before the first Monday in May of each year to prepare and file with the County Court Clerk of Lincoln County an itemized statement or budget of the funds which said Board of Commissioners estimates to be necessary for the maintenance and operation of the schools in Lincoln County, and expenses thereto, for the year commencing on the first day of September following the making of said report: The said budget shall show in detail and in separate items the estimated amounts necessary for the office expenses and salaries of the County Superintendent of public instruction, salaries for the different county schools, the aggregate of the salaries for each individual school being shown, for the purchase of new equipment, for the maintenance and repair of old equipment and school buildings, janitor service, bus service, insurance and all other expenses of said department. The said budget shall likewise show in parallel columns the amounts expended the previous year for the respective purposes. That it shall likewise be the duty of the County Judge of Lincoln County on or before the first Monday in May of each year to prepare and file with the County Court Clerk of Lincoln County an itemized statement or budget of the funds which he estimates necessary to be expended from the general county fund during the year commencing on the first day of September following the making of his said report, for the payment of salaries, mothers pensions, maintenance of insane patients, jail bills, improvements and repairs of court house and jail, court costs, jail buildings, and Etc., and all expenses which are properly paid out of the general county fund. It shall also be the duty of the County Judge of Lincoln County at the same time to prepare and file with the Clerk a statement or budget showing the amounts that will be necessary to pay the various county bonds, together with interest thereon, which have been issued by the county which will mature or become due during the ensuing year. The budgets of the County Judge will likewise show in parallel columns the amounts expended the previous year for respective purposes. That it shall be the duty of all other County Agencies and parties nor herein above specifically mentioned, having authority to expend or expending county funds to file with said Clerk each year on or before the first Monday in May an itemized statement of the budget of the funds estimated to be necessary to be expended by said agencies or departments for the year commencing on the first day of September following: That it shall be the duty of the County Trustee on or before the first Monday in May of each year to prepare and file with the County Court Clerk an itemized statement or estimate of all funds, exclusive of the funds to be derived from the county on property, which he has reasonable grounds to believe will be paid into his office during the year commencing on the first of the following September, and which will be available for the purpose of defraying the expenses of the county government during said year: And said statement shall show the source of each fund and said Trustee shall likewise show in a parallel column the amount received for the same purposes from the same sources during the year ending on the preceding August 31, as near as may be practicable, and he shall likewise show in said statement the actual amount collected from the county tax on property during the year ending on the preceding August 31. It shall be the duty of the County Court Clerk to record the budgets herein referred to in a well bound book kept for that purpose and in a manner that shall make a permanent record of the same.

**SECTION 2.** That the present committee composed of Larry L. Groce, Donny Ogle, Howard Capshaw, Mary L. Conger, Hugh D. Dickey, Peggy G. Bevels, G. Stephen Graham and Esther Flemmings, or their successors should a vacancy occur prior to the November, 1989 term, shall continue to be and constitute the Budget Commission of Lincoln County Commissioners or Lincoln County, Tennessee or until their successors are appointed as hereinafter provided. It shall be the duty of the county legislative body of Lincoln County, Tennessee, at its November term 1989, and each odd year thereafter, to appoint a committee of eight (8) persons from the membership of the county legislative body who shall constitute the budget commission of Lincoln County and who shall serve for a term of two (2) years and until their

successors are duly elected and qualified. The county legislative body in appointing said committee shall appoint one (1) member from each of the eight (8) county legislative districts and said members so appointed shall receive compensation for every day actually required in the performance of their duties; and said commission shall certify to the county legislative body at the time it submits a budget as hereinafter provided for, the number of days said budget commission has been actually engaged in the performance of their duties. The budget commission shall elect one (1) of its members as chairman. Five (5) members of said commission shall constitute a quorum for the transaction of business. That the duties of the Secretary shall be to keep all records of the commission, including a complete record of the proceedings thereof, assist it in the compilation of the data necessary for the commission to prepare the budget herein provided for and to assist in the preparation of said budget, and he shall perform such other duties as shall be prescribed by said budget commission. That the Quarterly Court may in its discretion allow such compensation for the services of said Secretary as said Court may deem right and proper: That each year prior to the meeting of the July term of the Quarterly Court of Lincoln County, it shall be the duty of said budget commission to consider and examine the budgets referred to in Section One hereof and such other records and data as may be necessary, and to prepare on appropriate forms a complete itemized budget covering all of the proposed expenditures of every kind and description to be made by or on behalf of the county of the year beginning September 1, following. And in preparing said budget, said commission is not to be bound by the amounts fixed in the several budgets of the various departments of the county referred to in Section One hereof, but shall make such changes therein as in the opinion of said commission are to the best interest of the county. That immediately upon its organization, said budget commission shall cause to be prepared appropriate printed forms on which the budgets of the various departments of the county referred to in Section One hereof are to be submitted by said commission. That said forms shall be of such a nature as to enable said commission to submit to the Quarterly Court as hereinafter provided a complete itemized budget and financial statement of the county in simple intelligible form, to the end that the Quarterly Court shall have before it in said budget all the data necessary to enable it to intelligently determine the proper amount to be allowed the various departments of the county during the year for which the budget is proposed and the amount of revenue that will be available to pay the amounts so allowed. And in determining the nature and kind of said forms, said budget commission shall seek such expert advise in respect to this matter as will enable it to accomplish the desired end. That such budget, when prepared by said budget commission, shall be filed with the County Court Clerk and by him recorded along with the budgets prepared by the several departments of the county, as hereinabove provided for, in a well bound book and kept as a permanent record in the office of the County Court Clerk: And shall be submitted by the Chairman of the commission each year to the July term of the Quarterly Court of Lincoln County: and it shall be the duty of said court before fixing the tax rate for the current year to fully consider in open court said budget prepared by said budget commission. That said tax rate may be so fixed as to acquire sufficient revenue to provide funds to the amount as allotted by the budget commission to the various departments of the county government. No warrants drawn against county funds after September 1, 1937, shall be binding on the county unless the items or expense for which said warrant is issued shall have been included in a budget adopted by said budget commission as herein provided for: And no warrant shall be valid or binding on the county after the aggregate amount of warrants theretofore drawn during the fiscal year by or on behalf of any department of the county government, shall equal the amount allowed said department in the budget adopted for that year. That in preparing said budget herein provided for, it shall be the duty of said budget commission to take into consideration any unexpended balances that may remain at the end of the year to the credit of any department from the amount allowed such department for the previous year. That as nearly as may be practicable, said commission shall show in its budget the amount of actual expenditures of each department of the county government during the preceding year covering each item or head in the budget, said amounts for such previous year to be shown in a column parallel to that containing the amounts proposed for the ensuing year, so that when completed said budget will show not only the proposed expenditures for the ensuing year, but the actual expenditures under each head for the preceding year. That from the data and information herein required to be prepared and filed by the County Trustee and such other data as it may be necessary to examine, said budget commission shall likewise show in its budgets an itemized statement or estimate of all funds, exclusive of the funds derived from the county tax on property, which said commission has reasonable grounds to believe will be available during the year for the payment of the amount allowed in its said budget for said year, and it shall also show as nearly as may be practicable the amounts of revenue derived from the same sources during the preceding year, together with the amount actually collected from the county tax on property during such preceding year. That said budget commission shall, along with its budget, submit a recommendation to the Court with respect to the tax rate on property for the current year together with its estimate of the amount that will be actually collected during the year beginning on the first day of the following September from the tax so recommended. That at the same time and in the same report said budget commission shall submit to the Quarterly Court a full and complete statement of all outstanding

and unpaid warrants and the outstanding bonded indebtedness of the county, showing the amounts and maturities of all outstanding bonds, the purpose for which issued and any other information relative thereto which said commission shall deem pertinent. That along with its budget and report said commission shall submit to said court such other data, information and recommendations as it may deem advisable and necessary to enable the said Quarterly Court and the public to fully understand the financial condition of the county and the necessity for the amounts fixed in said budget and the tax rate on property recommended by said commission. That the Secretary of said commission shall mail a full and complete copy of the report and budget prepared by said commission to each member of the Quarterly Court at least ten days before the July term of said Court, and shall also cause said report and budget to be published twice in a newspaper published in Lincoln County, said publication to be at least ten days before each July term of said Court.

As amended by: Private Acts of 1939, Chapter 9  
Private Acts of 1943, Chapter 50  
Private Acts of 1981, Chapter 41  
Private Acts of 1989, Chapter 68

**SECTION 3.** That the budget as finally adopted by the budget commission, shall be submitted to the Quarterly Court at its July term each year and said budget shall be adopted by said Quarterly Court at the July term and said budget shall be spread on the minutes of said Court, and from and after September 1, 1937, no warrants shall be drawn against any funds of Lincoln County by any official of said county unless and until a budget has been adopted by said Quarterly Court as herein required: Provided that warrants may be issued prior to September 1, 1937, covering any obligation or indebtedness of said county actually incurred prior to said date.

**SECTION 4.** That it shall be the duty of each department of the county government that disburses public funds, including the Lincoln County Board of School Commissioners, Lincoln County Board of Highway Commissioners and the County Court Clerk, and County Judge in regard to the fund designated as the general county fund, to keep all such books and records as will enable them to fully and specifically comply with the provisions of this Act. Each of said departments and officials shall close the books kept by it or him as of the 31st day of August each year showing the balance to its or his credit, said balance to represent the difference between the amount allowed said department or fund in the budget for the year ending on that date and the aggregate amount of the warrants issued and chargeable against said amount allowed in said budget, regardless of whether said warrants have been paid or not: And it shall likewise be the duty of each of said departments and said officials to open its or his books on the first day of September of each year bringing forward and balance, if any, arrived at in the manner herein provided for, remaining to the credit of said department or fund from the previous year, to which shall be added the amount allowed said department or fund in the budget adopted by the Quarterly Court at its July term next preceding. That said books shall be kept in such a manner as to at all times show the amount allowed that department or fund in said budget adopted at the July term of the Quarterly Court and the amount of all warrants drawn and chargeable against said fund, regardless of whether said warrants have been paid or not, said warrants to be posted in said books as the same are issued. That on the first day of each September hereafter the amount allowed each department or disbursing agency of the county government or county fund in said budget shall also be placed at an appropriate place on the stubs in the several warrant books containing the warrants to be used by said department or county agency in drawing on county funds and said amount shall be added to any balance remaining from the previous year: And at the end of each day it shall be the duty of every official issuing warrants of any kind against any such funds to subtract the aggregate of the warrants issued that day from the previous balance thus arrived at shall be brought forward each day at an appropriate place on the stubs remaining in said warrant books: And at the end of each month it shall be the duty of every official drawing warrants against any fund of Lincoln County to reconcile the balance to the credit of the fund drawn against as shown by the books required to be kept by said official: Provided that for the year beginning the first day of September 1937, the books of each department shall be opened by placing to the credit of each department the amount allowed it in the budget adopted at the July term, 1937, of the Quarterly Court without regard to the number of warrants theretofore issued by said department or the head thereof which have not been paid: And said amount so allowed said department for the year beginning September 1, 1937, shall also be placed at an appropriate place on the stubs of the warrant book used by said department before any warrants are drawn or issued by said department after the beginning of said year, and thereafter the balance from day to day shall be arrived at and carried in said warrant stubs as herein provided for.

**SECTION 5.** That it shall be unlawful and a misdemeanor in office for any official or employee of Lincoln County to draw, sign, issue, deliver, or to authorize the drawing, signing, issuance or delivery of any warrant against any fund or said county, when the aggregate of the warrants theretofore issued or signed, whether the same have been paid by the Trustee or not, equals the amount allowed in the budget adopted by the Quarterly Court to that department or fund of the county against which said warrant would

otherwise be chargeable, plus the balance, if any, that may have been brought forward to the credit of such department or fund from the previous year, and it shall also be a misdemeanor in office for any official to sign or issue, or authorize the signing or issuance of a warrant or warrants against any county fund, in excess of the amount allowed said fund in the budget adopted by the Quarterly Court plus any balance remaining to the credit of such fund from the previous year. That it shall be the mandatory duty of every official drawing warrants against any county fund to keep advised and know before he signs, issues or delivers any warrant, whether or not the aggregate of the warrants theretofore issued against said fund out of which said warrant is payable equals the amount allowed said fund or department in the budget for that year plus any balance brought forward from the previous year, and it shall be the duty of said budget commission before submitting its annual report to the Quarterly Court to examine the books and records of each department of the county government for the purpose of ascertaining whether or not the warrants issued by or on behalf of any said departments during the year ending on the preceding August 31, have exceeded the amount allowed said departments in the budget adopted for that year, and said commission shall show in its report to be filed with its budget each year the departments, if any, that have issued warrants in excess of the amounts allowed such department in the budget for said year, and it shall be the mandatory duty of the Quarterly Court to certify the facts to the District Attorney General for presentation to the Grand Jury at the next term of the Circuit Court: And it shall be the duty of the District Attorney General to present the facts to the said Grand Jury to institute such other proceedings as may be necessary to give full effect to the provisions of this Act.

**SECTION 6.** That it shall be a misdemeanor in office for any county officer or agent or employee, including the members of the Lincoln County Board of Highway Commissioners. The members of the Lincoln County Board of School Commissioners, the County Superintendent of Education, the County Judge and the County Court Clerk, to violate any provision of this Act or to fail or refuse to do so or perform any of the duties placed upon them or any of them by this Act, and any such officer or officers failing to perform the duties imposed by this Act shall be subject to a fine of \$500.00, and be subject to removal from office, in any appropriate legal proceeding brought for that purpose.

**SECTION 7.** That all laws or 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: February 26, 1937.

## Private Acts of 1937 Chapter 48

**SECTION 1.** As follows:

(a) The term "County Judge or Chairman," when used in this Act, shall mean the County Judge or Chairman for Lincoln County.

(b) The term "County Court Clerk," when used in this Act, shall mean the County Court Clerk of Lincoln County.

(c) The term "Sheriff," when used in this Act, shall mean the Sheriff of Lincoln County.

(d) The term "Trustee," when used in this Act, shall mean the Trustee of Lincoln County.

(e) The term "Circuit Court Clerk," when used in this Act, shall mean the Circuit Court Clerk of Lincoln County.

(f) The term "Register of Deeds," when used in this Act, shall mean the Register of Deeds of Lincoln County.

(g) The term "Highway Commissioner" when used in this Act, shall mean the Commissioner of Highways in Lincoln County.

(h) The term "Tax Assessor," when used in this Act, shall mean the Tax Assessor of Lincoln County.

(i) The term "Commissioner," when used in this Act, shall mean any superintendent, or person or persons appointed and/or elected by the people or by the County Court over any department or institution for Lincoln County.

(j) The term "Quarterly County Court," when used in this Act, shall mean any Justice of the Peace that is a member of the County Court of Lincoln County.

(k) The term "County Superintendent," when used in this Act, shall mean the County Superintendent of Schools for Lincoln County.

(l) The term "School Commissioners," when used in this Act, shall mean the members of the school

board of Lincoln County.

(m) The term "Budget," when used in this Act, shall mean the appropriation of money appropriated by the County Court for each department or activity of Lincoln County for the period shown by the adoption of the budget by the Quarterly County Court, and/or any appropriation authorized by statute.

(n) The term "Official of the County," when used in this Act, shall mean any official authorized by the Quarterly County Court and/or the Statutes of the State of Tennessee to draw from the County Treasury and expend money of Lincoln County.

**SECTION 2.** That in all counties of the State of Tennessee having a population of not less than 25,400, nor more than 24,450, according to the Federal Census of 1930, or any subsequent Federal census it shall be unlawful for any official of Lincoln County, enumerated in this Act, who has the power, right and authority to contract for and/or purchase any materials goods or supplies for his or her department of county government, and/or to contract for, or purchase any materials, supplies, or employ labor or services by contract or on a quantum meruit basis in excess of the amount of money appropriated by the Quarterly County Court, out of the County Treasury, as shown by the County budget adopted, and covering his or her department of the county government, for that certain period of time. That the Board of School Commissioners may, in their discretion issue warrants and perform all other duties as such school board not to exceed the amount set out to them by the Budget Committee, the Board of School Commissioners shall and will have discretionary power to issue warrants or perform all other obligations necessary to the operation of the schools in counties of Tennessee of not less than 25,400 or more than 25,540.

**SECTION 3.** That any official of Lincoln County who has the power, right and authority to expend county funds for county purposes from the treasury of the county, and/or funds coming into the county treasury from the State treasury for county purposes, in excess of the monies or funds then and there actually in the treasury of the county, to the credit of his or her department of county government, and/or in excess of the budget adopted by the Quarterly County Court of Lincoln County covering that certain period of time as shown by the budget, such county official, making any over-drafts on the County treasury for his or her department of county government, shall be personally liable, together with his or her sureties on his or her official bond, to Lincoln County for such overdrafts, and the county shall have a cause of action of debt to recover from such official or officials and their bondsmen the amount of the overdrafts with interest from date.

**SECTION 4.** That each county official enumerated in this Act is hereby placed on actual notice and charged with the duties of knowing at all times of the amount or sums of money appropriated by the Quarterly County Court in the county budget for his or her department, and/or money coming to any department to be expended for county government under State laws for county purposes as the status of the fund in dollars and cents that may be expended for his or her department, and the amount that has been drawn from said fund and the balance subject to be drawn, so that each county official may know when he or she may lawfully draw or not draw warrants on the county treasury under the terms and provisions of this Act.

**SECTION 5.** That every county official who violates or fails to comply with, or who procures, aide or abets in the violation of any provision of this Act, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100.00 nor more than \$500.00, or by imprisonment for a period not exceeding one year, or both, in the discretion of the Court, provided, further that any county official who is convicted under this Act shall be subject to removal from office under the ouster laws of the State of Tennessee, and it shall be the duties of the District Attorney General prosecuting on behalf of the State of Tennessee to institute ouster proceedings against such official and prosecute the case to a final termination.

**SECTION 6.** That the holding of any section or part thereof, or any sub-section, sentence, clause or phrase of this Act, to be void or ineffective for any cause, shall not affect any other section or part thereof of this Act. It is hereby declared, and shall be conclusively presumed, that this Act and each section, subsection, sentence, clause and phrase thereof would have been passed and enacted, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases thereof be declared unconstitutional or void or ineffective for any cause.

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

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

PASSED: January 20, 1937.

## County Attorney

### Private Acts of 1969 Chapter 55

**SECTION 1.** That there is hereby created and established the office of County Attorney for Lincoln County, Tennessee.

**SECTION 2.** That such County Attorney shall be at least twenty-one years (21) of age, a resident and citizen of Lincoln County, Tennessee, and licensed to practice law in all of the Courts of this State.

**SECTION 3.** That the regular term of the office of County Attorney shall be for two years from and after his or her appointment or election by the Quarterly County Court of said County, and the filling of any vacancy in such office shall be by said Quarterly County Court for a period of two years thereafter.

**SECTION 4.** The compensation of the County Attorney shall be a monthly salary in an amount to be fixed from time to time by the county legislative body. In addition to the monthly salary, the County Attorney may also be compensated in an amount to be fixed by the county legislative body for travel and office expense and for matters involving or concerning bond issues, litigated cases or other matters requiring a significant amount of time.

As amended by:

Private Acts of 1993, Chapter 9.

**SECTION 5.** That it shall be the function and duty of the County Attorney to render all legal services to said County and/or any of its officials, departments, offices, branches and boards, and to prosecute and defend all suits instituted by or against said County or any of its departments, branches or boards affecting the public revenues of said County or the conduct of the business of the County.

**SECTION 6.** That no official, agent, department, branch or board of said County shall employ other attorneys to be paid out of the public revenues of said County without the approval of the Quarterly County Court of said County in advance of such employment.

**SECTION 7.** That the County Attorney shall take and subscribe to an oath to well and faithfully perform the duties of such office, to the best of his ability and to support the Constitutions of the United States and the State of Tennessee.

**SECTION 8.** That this Act shall have no effect unless the same shall be submitted to the Quarterly County Court of Lincoln County, Tennessee, and approved by a two-thirds vote of said Quarterly County Court. Its approval or non-approval shall be proclaimed by the Presiding Officer of the Quarterly County Court and shall be certified by him to the Secretary of State of Tennessee.

**SECTION 9.** That this Act shall take effect from and after its passage, the public welfare requiring it.

PASSED: April 8, 1969.

## County Funds

### Private Acts of 1937 Chapter 792

**COMPILER'S NOTE:** See Tennessee Code Annotated Section 11-22-101 for the general law on using county funds to build lakes.

WHEREAS, There has been a measure presented to the General Assembly for passage, enabling the County court to take from the general funds of the counties of the State, at their discretion, funds for the building of lakes:

**SECTION 1.** That it shall be unlawful for the County Court of Lincoln County to take any funds from any source, belonging to the county, without a referendum vote of the people, for the purpose of building any lakes or for any other purposes not specified by law.

**SECTION 2.** That this Act take effect from and after its passage, the public welfare requiring it.

PASSED: May 20, 1937.

## County Legislative Body

### Private Acts of 1911 Chapter 298

**SECTION 1.** That the several Counties of this State having a population of not more than 25,909 nor less



than 25, 809, by the Federal Census, are hereby authorized, acting by and through their County Courts at regular quarterly terms, to borrow money, and to order execution of note or notes therefor, for the purpose of liquidation, settling and adjusting any outstanding and impaired indebtedness that may be hereafter created, provided, such County however, shall not at any time execute, under the provisions of this Act, or have outstanding and unpaid its note or notes for borrowed money for a greater sum than Fifty Thousand (\$50,000.00) Dollars.

As amended by: Private Acts of 1921, Chapter 900.

**SECTION 2.** That the amount authorized to be borrowed by any such court under the provisions of this Act, shall be set out in an entry on its minutes stating the length of time for which the same is to be borrowed and the rate of interest the same is to bear, such rate of interest, however, not to exceed six per cent per annum.

**SECTION 3.** That such note or notes may be executed in the name of the county, the same to be signed by the Judge or Chairman of the County Court, and attested by the clerk of the court under the seal of the court.

**SECTION 4.** That all laws or parts of laws in conflict with the provisions of this Act be, and the same are, hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

PASSED: April 5, 1911.

## County Mayor

### Private Acts of 2008 Chapter 67

**SECTION 1.** Chapter 79 of the Private Acts of 2006 is repealed.

**SECTION 2.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Lincoln County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

**SECTION 3.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.

Passed: February 21, 2008.

## Electric System

### Private Acts of 1941 Chapter 440

**SECTION 1.** That any rural electric membership corporations or any rural electric membership cooperatives heretofore chartered and organized and doing business in Counties having a population of not less than 27,200, nor more than 27,250, according to the Federal Census of 1940, or any subsequent Federal Census, be, and the same are, hereby authorized, permitted and vested with the exclusive right, privilege and franchise of serving, transmitting, distributing, selling and supplying with electric energy and power all territories located within said Counties outside of any incorporated City or Town now being served by other electric membership corporations, cooperatives, or local City electric distribution systems.

**SECTION 2.** That said rural electric membership corporations, or cooperatives, now operating or doing business in said Counties coming under the provisions of this Act, shall have the exclusive right, privilege and franchise to promote, extend, construct, maintain and operate electric transmissions and distribution lines, along, upon, under and across all public thoroughfares, including without limitation all roads, highways, alleys and causeways, and upon, under and across all public owned lands located in said territories outside of any City, Town and Municipal corporation now being served by some other electric membership cooperative or City distribution system; provided, however, that the respective authorities having jurisdiction thereof shall consent thereto.

**SECTION 3.** That any said rural electric membership corporation, cooperative or City electric distribution system now operating in said territory coming under the provisions of this Act is hereby permitted by mutual agreement in writing to permit any other City electric distribution system, rural electric membership corporation or cooperative to encroach upon said territories herein described coming within the provision of this Act and by said mutual agreement in writing permit said other rural electric membership corporation, cooperative, or City electric distribution system to construct electric lines and to serve with electric energy or power any person, firm or corporation located within said territories so

described herein and coming within the provisions of this Act.

**SECTION 4.** That should any section, paragraph, clause, phrase or word of this Act be held unconstitutional, the same shall not affect the constitutionality of any portion of this Act other than the part so held to be unconstitutional.

**SECTION 5.** That all laws, or parts of laws, in conflict with this Act, be, and the same are, hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

PASSED: February 15, 1941.

## Private Acts of 1963 Chapter 8

**SECTION 1.** That it is hereby found and declared that the public interest will be served by the consolidation of the electric distribution system of the City of Fayetteville (hereinafter referred to as "Municipality"), which serves within its corporate limits, with the electric system of the Lincoln County Electric Membership Corporation (hereinafter referred to as "Cooperative"), which serves outside the corporate limits of the Municipality. Accordingly, Municipality, acting by and through its Board of Public Utilities, is hereby expressly authorized to make such arrangements with the Cooperative and any other interested public or private agencies or entities for such consolidation and to stipulate and agree to such covenants, terms and conditions in connection therewith as it may deem appropriate to effect such consolidation, subject, however, to the provisions hereof. Any such arrangements, covenants, terms and conditions heretofore agreed to by Municipality not inconsistent with the provisions hereof or with the Constitution of the State of Tennessee are hereby expressly validated.

**SECTION 2.** That any such consolidation of the aforesaid electric systems shall be effected by the transfer to Municipality of all of the Cooperative's property, assets, liabilities, and obligations of every kind and description in accordance with applicable laws and under voluntary arrangements heretofore or hereafter made among the Cooperative, Municipality and any other interested parties; and that, from and after the effective date of any such transfer, such consolidated electric system shall be owned by the Municipality and shall be known as the "Fayetteville Electric System."

As amended by: Private Acts of 1970, Chapter 300

**SECTION 3.** That the Mayor and Alderman of the Municipality shall create and establish a Board of Public Utilities to supervise and control the management and operation of the consolidated system, which Board shall have all the rights, powers, privileges, duties, and responsibilities with respect to the consolidated system as a Board of Public Utilities has under T.C.A. 6-1501 through 6-1537, as amended, with respect to the electric system under its control and supervision.

**SECTION 4.** That such Board shall consist of seven members appointed by the Mayor of said Municipality and approved by its Board of Aldermen. Two of the appointees shall be residents of Municipality, qualified as provided in T.C.A. 6-1507 et seq. as amended. Four of the appointees shall own property and reside outside the corporate limits of Municipality, shall be electric consumers of the consolidated electric system and otherwise shall be qualified as provided in the aforesaid T.C.A. 6-1507 et seq. as amended. The initial terms of these initial six appointees shall be as follows: Two shall serve for one year; two shall serve for two years; and two shall serve for three years. Succeeding appointees shall serve three year terms. Any appointee may be appointed to successive terms. The seventh member of the Board shall be an alderman of Municipality, whose term of office shall be fixed by the Mayor, but shall not extend beyond his term as alderman.

**SECTION 5.** That except as otherwise provided herein, Municipality shall have all the rights, powers, and responsibilities with respect to the ownership, management, and operation of the aforesaid consolidated system as Municipalities generally have in the State of Tennessee under its general statutes applicable to municipalities, such as T.C.A. 6-1501 through 6-1537, as amended, and T.C.A. 6-1301 through 6-1318 as amended, including the power to assume the indebtedness of the Cooperative to the United States of America and to secure the same, and such other indebtedness to the United States of America as may be incurred for the acquisition, development and expansion of the consolidated system by pledge of any or all of the revenues of the said consolidated system and by mortgage of any or all of the properties included in the said consolidated system.

**SECTION 6.** That nothing herein contained shall be construed as a restriction or limitation upon any authority, power, or right which Municipality may have in the absence hereof; and that this Act shall be construed as cumulative and shall be in addition and supplemental to any power, authority, or right, conferred by any other law.

**SECTION 7.** That this Act is remedial in nature and any power, authority, or right hereby conferred shall be liberally construed, and to this end Municipality shall have the power, authority and right, in addition to those expressly conferred hereby, to do all things necessary or convenient in carrying out the purposes

hereof.

**SECTION 8.** That the Legislature expressly declares that each section, subsection, paragraph, and provision of this Act is severable, and that should any portion of the Act be held unconstitutional or invalid, the same shall not affect the remainder of this Act, but such unconstitutional or invalid portion shall be elided, and the Legislature declared that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

**SECTION 9.** That all laws or parts of laws in conflict herewith be, and the same are repealed.

**SECTION 10.** That this Act shall have no effect unless the same shall have been approved by two-thirds vote of the legislative body of any municipality to which it may apply on or before the next regular meeting of such legislative body of such municipality occurring more than thirty days after its approval by the Chief Executive of this State, or after its otherwise effective date. Its approval or nonapproval shall be proclaimed by the presiding officer of the body having jurisdiction to approve, and shall be certified by him to the Secretary of State.

**SECTION 11.** That this Act shall be effective from and after its passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 10 herein.

PASSED: January 23, 1963.

## Public Depositories

### Private Acts of 1933 Chapter 824

**SECTION 1.** That any bank in all counties having a population of not less than 25,415 nor more than 25,430, according to the Federal Census, may become a public depository of money of the county by entering into bond with security approved by the County Judge, the Trustee and the County Finance Committee, which bond shall be payable to counties coming within the provisions of this Act. The said bonds shall be in a sum sufficient to protect the funds deposited therein by the said county regardless of the amount that may be deposited from time to time, but in no event shall the amount of the deposits exceed the combined amount of the capital stock and surplus of said bank, and said bond shall be for the safe keeping and paying over of all county money or public funds received by such bank, and for the payment of interest at the rate of six per cent (6%) per annum only in case of default and for reasonable attorney's fees in case it shall become necessary, and in judgement of said officials to proceed at law against the bond.

**SECTION 2.** That the sureties on said bond shall be a good and solvent surety company, authorized to do business in the State of Tennessee, and/or by personal sureties. In case of personal sureties they shall each be jointly and severally liable on said bonds and in case any surety designates the full amount for which he shall be liable on said bonds his liability shall be limited to said amount. Before accepting any bond with personal surety, the County Judge shall require each surety to file with him a financial statement and /or an affidavit showing that he is worth over and above all liabilities and exemptions a sum equal to the amount for which he is liable on said bond. The false swearing to either the sworn statement or the affidavit shall constitute perjury and the violation thereof shall be prosecuted as such.

Said bonds shall continue in full force and effect from the date of its approval as hereinbefore provided until the full liability is satisfied, provided, however, that any surety may be relieved from future liability by giving ten days written notice to the County Judge, which notice may be established by the written acknowledgement of said County Judge by the Sheriff of the County.

**SECTION 3.** That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act take effect from and after its passage, the Public Welfare requiring it.

PASSED: April 19, 1933.

## Purchasing Agent

### Private Acts of 1943 Chapter 285

**SECTION 1.** That the Quarterly County Court of Lincoln County, in its discretion, is hereby authorized to employ and select a purchasing agent for said County. Said Quarterly County Court shall have the authority to prescribe the duties, fix the compensation, determine the amount of the official bond, and to prescribe for what departments of the county government said purchasing agent shall make purchases. The Quarterly County Court shall have the authority to require that all purchases of all departments of the county government, including the County Board of Education and the County Highway Department, as

well as all other county agencies and offices, be made through the county purchasing agent, or, in its discretion, said Quarterly County Court shall be authorized to require purchases to be made by the county purchasing agent for only a part of the agencies and offices of said County to be designated by said Quarterly County Court.

Said Quarterly County Court of Lincoln County is further authorized and empowered to require all purchases in excess of an amount fixed by said Court to be made by sealed bids, after proper advertisement, and to prescribe the rules and regulations with reference thereto.

**SECTION 2.** That this Act shall take effect from and after its passage, the public welfare requiring it.

PASSED: February 2, 1943.

## Sale of Crushed Rock

### Private Acts of 1961 Chapter 130

**SECTION 1.** That each county of this State having a population of not less than 23,800 nor more than 23,900, according to the Federal Census of 1960 or any subsequent Federal Census, is hereby authorized to negotiate contracts with other counties and with municipalities and with the Federal and State Governments and with private industry for the sale of crushed rock.

**SECTION 2.** That this Act shall have no effect unless the same shall have been approved by two-thirds vote of the Quarterly County Court of any county to which it may apply on or before the next regular meeting of such Quarterly County Court occurring more than thirty days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the presiding officer of the body having jurisdiction to approve or the reverse, and shall be certified by him to the Secretary of State.

**SECTION 3.** That this Act shall take effect from and after its passage, the public welfare requiring it.

PASSED: February 21, 1961.

## Savings Fund

### Private Acts of 1939 Chapter 240

**COMPILER'S NOTE:** Section 6 of Private Acts of 1949, Chapter 270 states that the provisions of the act supersede any provisions that conflict with provisions of Chapter 240, Private Acts of 1939.

**SECTION 1.** That the Quarterly County Court of Lincoln County is hereby authorized to create and establish a fund in said County to be known as the "Lincoln County Savings Fund" and said Court is further authorized from time to time to increase the capital amount of this fund from the dormant funds of said County and all other ways and means as may be desired by said Quarterly County Court. That the capital amount of the Savings Funds is now the sum of \$192,314.92 and the same may be increased up to where the capital amount shall reach the sum of \$200,000.00.

**SECTION 2.** That the Quarterly County Court of Lincoln County is hereby authorized and directed at its April Term, 1939, to establish in said County a Committee to be known as the "Lincoln County Savings Fund Committee" which shall consist of seven (7) members, one of these to be the County Judge of said County during his term as such, one to be the County Court Clerk of said County during his term of office as Clerk, and the other five to be selected and appointed by the County Court from members of its body to serve until September 1, 1940, or until their successors are appointed. That said Committee shall, under the direction of said Court, have complete charge of the fund hereinbefore provided for and created and shall make all disbursements of the interest accruals therefrom, as directed by the County Court upon proper resolution. That the Committee shall be required to make a report of the receipts and disbursements of the Lincoln County Savings Fund to the Quarterly County Court at each of its regular terms and as often as the said Court may direct, which report shall be spread upon its Minutes when adopted.

**SECTION 3.** That the Quarterly County Court of Lincoln County is hereby authorized and directed at its October Term, 1940, to select and appoint five members of said "Lincoln County Savings Fund Committee," all of whom may be, but at least three of whom shall be, from its body; and who shall serve two years or until their successors are appointed. In the event of the death or inability to act or serve of any or either of the members so appointed, the Quarterly County Court shall have the right and are hereby authorized and directed to appoint the successor of such member or members at any regular term of said Court, to serve the unexpired term of said member or members.

**SECTION 4.** That the Quarterly County Court of said County is hereby divested of all right to expend, impound or otherwise intrude upon the capital amount of said fund or any part thereof at any time. But that said County Court shall have full authority, by proper resolution, to expend and/or impound the interest accruals for the capital amount of said Savings Fund, and any surplus from said capital amount, should there be such surplus fund, all of which may be used and expended in and at the discretion of said Court.

**SECTION 5.** That the capital amount of the Lincoln County Savings Fund and the interest accruals therefrom and thereof is hereby exempt from payment of any taxes whatsoever on this fund.

**SECTION 6.** That the Lincoln County Savings Fund Committee is hereby authorized and directed to pay from the interest accruals of said fund the outstanding Lincoln County Hospital Bonds together with the interest thereon accrued and to accrue, the Lincoln County Jail and Sheriff's Residence Warrants, and the Petersburg, Blanche, and Bonneshill School Warrants as heretofore issued and to be issued, together with all interest thereon accrued and to accrue, all as in accordance with prior instructions of said County Court, as they have heretofore been authorized and directed so to do by resolution spread upon the Minutes of said Court, all of which is hereby especially ratified, approved and confirmed.

**SECTION 7.** That this Act shall take effect from and after its passage, the public welfare requiring it.

PASSED: February 16, 1939.

## Private Acts of 1949 Chapter 270

**SECTION 1.** That Lincoln County, acting by resolution of its Quarterly County Court, is hereby authorized to borrow up to, but not exceeding the principal sum of \$204,000 on interest-bearing obligations or evidence of indebtedness of said county for the purpose of providing funds to said county for the purpose of providing funds to pay the contribution of the county toward the construction and furnishing of a hospital to be built in Lincoln County. The Quarterly County Court of said county may by resolution direct either the issuance of shortterm bonds, warrants or notes bearing interest at not to exceed 2 1/2% per annum, interest payable semiannually. Said evidences of indebtedness shall be in such form and denominations as the Quarterly County Court shall direct and shall be executed in the name of the county by the County Judge and the County Court and shall mature, not to exceed, as follows:

\$8,000.00 on November 1, 1953,

\$7,000.00 on April 1, 1954,

\$93,000.00 on July 1, 1954,

\$85,000.00 on April 1, 1955,

\$8,000.00 on July 1, 1955,

\$3,000.00 on December 1, 1955,

as provided in said evidence of debt.

The notes, bonds, or warrants, representing the aforesaid amount, shall be sold either at public or private sale by the County Judge and County Court Clerk and shall be executed by them as above provided; and when said obligations are fully paid this Act shall have no further effect.

**SECTION 2.** That when aforesaid obligations are issued and sold they shall by direct obligations of the county for the payment of which well and truly to be made according to the tenor and effect thereof the full faith and credit as well as the taxing power of the county shall be irrevocably pledged; and if it becomes necessary, the Quarterly County Court of the county shall levy and provide for the collection of a tax over and above all other taxes authorized or limited by law sufficient to pay said obligations with interest thereon as provided therein.

**SECTION 3.** That since Lincoln County has what is known as the "Lincoln County Savings Fund" in the form of investment in United States Bonds, as provided by Chapter 240, Private Acts of 1939, sufficient to pay the hospital obligations authorized by this Act, the Quarterly County Court of Lincoln County is hereby authorized by proper resolution to appropriate the said "Lincoln County Savings Fund" or so much thereof as may be necessary, so as to direct its application to the retirement of the hospital obligations authorized by this Act, it being the purpose of this Act to authorize the Quarterly County Court to use said Savings Fund to retire the obligations authorized herein so as to avoid the necessity, if possible, of levying and providing for the collection of an additional tax to provide for the contribution of the county to the erection and furnishing of the hospital.

**SECTION 4.** That the Quarterly County Court of Lincoln County is hereby authorized to designate a committee composed of not to exceed five members, to serve without pay, to co-operate with the proper

authorities in the construction of said hospital and furnishing of same, said committee being clothed with full power and authority to employ architects to prepare plans and to contract for the hospital's construction and furnishing, all of which shall be done in cooperation with the Federal Government and the Department of Health of the State of Tennessee to the end that proper hospital facilities may be afforded the county.

**SECTION 5.** That if, due to unforeseen circumstances, there shall be any unexpended balance of the funds herein authorized to be borrowed, the same shall be subject to appropriation by the County Court to any of the purposes for which the County Court is presently authorized to appropriate money.

**SECTION 6.** That insofar as any provision of Chapter 240, Private Acts of 1939, is in conflict with this Act, the provisions of this Act shall control and shall supersede any conflicting provisions of Chapter 240, Private Acts of 1939.

**SECTION 7.** That the provisions of this Act are hereby declared to be severable. If any of its provisions be held unconstitutional or void, the remainder of this Act shall continue in full force and effect, it being the legislative intent that this Act would have been adopted even if such unconstitutional matter had not been included therein.

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

PASSED: February 25, 1949.

## Administration - Historical Notes

### **Budget System**

The following acts once created a budgeting system for Lincoln County, but they have been specifically repealed or superseded by current law. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1939, Chapter 9, amended Private Acts of 1937, by removing a portion of Section 2, and adding new provisions which raised the membership of the Budget Commission to be appointed by the Quarterly County Court from three to seven members, by removing all of their compensation, and by establishing four as the number of a quorum to transact the business of the Commission. For all apparent purposes, this Act was superseded by the one below which has been incorporated into the published Act.
2. Private Acts of 1943, Chapter 50, amended Private Acts of 1937, Chapter 320, by deleting the sentences inserted in Section 2 by Chapter 9, above, and replacing it so that the seven members would receive \$5.00 per day for each actual day of service.
3. Private Acts of 1981, Chapter 41, which was approved by the Lincoln County Legislative Body on April 20, 1981, amended Private Acts of 1937, Chapter 320, by rewriting the second, third, fourth, and fifth sentences of action as they now appear, and by specifically repealing Private Acts of 1939, Chapter 9, and Private Acts of 1943, Chapter 50, both above, in their entirety.
4. Private Acts of 1988, Chapter 198 amended Private Acts of 1937, Chapter 320 by instructing that the first sentence in Section 2 be deleted and a list of names of individuals who made up the Budget Commission of Lincoln County in 1988 be inserted. No action, however, was taken on this amendment. Private Acts of 1989, Chapter 68 restates the 1988 Private Act verbatim and was subsequently approved. The changes to the 1937 act intended by the 1988 act and made by the 1989 act are included in this compilation.

### **County Clerk**

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

1. Private Acts of 1919, Chapter 121, declared that women over the age of 21, and residents of the counties appointing them, and otherwise qualified, are eligible in Lincoln County to be appointed as Deputy County Court Clerks with all the rights, powers, obligations, and liabilities as any other Deputy County Court Clerk.
2. Private Acts of 1933, Chapter 760, amended Section 10726, Code of Tennessee, by creating a Class 3-B in the population groupings of county officials, and fixing salaries in that group which related to Lincoln County. The annual salary of the County Court Clerk was set at \$2500. The mere seeking of the office was sufficient to constitute an acceptance of that amount as the salary.
3. Private Acts of 1937, Chapter 254, established salaries for a group of County Officials in Lincoln County, among whom was the County Court Clerk at \$3,000 per year. The officials must keep

account of the total amount of fees collected in their offices and make quarterly reports to the County Judge, or Chairman. If the fees were less than the salary the County must supply the difference, but, if the fees exceeded the salary, the excess became the property of the County.

4. Private Acts of 1939, Chapter 5, stated that the compensation of the County officers whose salaries were specified in Section 10727 Code of Tennessee, shall be regulated and controlled in Lincoln County by the State law rather than by a private, or special, act.

### **County Legislative Body**

The following acts once applied to the quarterly court or the county legislative body of Lincoln County and are included herein for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1809, Chapter 48, provided in the creation of Lincoln County that the Court of Pleas and Quarter Sessions would be held on the fourth Monday in February, May, August, and November at the home of Brice M. Garner, until a better place is found to which the court would adjourn.
2. Acts of 1809, Chapter 93, set the schedules for the meetings of the Quarterly County Courts in every county of the State. Lincoln County's Quarterly County Court was scheduled to meet on the fourth Monday of February, May, August, and November.
3. Acts of 1813, Chapter 16, provided that the Commissioners of the town which were appointed to lay out and regulate Fayetteville also have the power to pass and enforce ordinances which they may deem essential thereto, and if the Sheriff of Lincoln County should neglect to hold elections as provided by law on the first Saturday in January of each year, the Court may direct that the elections be held on the second Saturday in January instead.
4. Private Acts of 1813, Chapter 134, changed the court terms for the Courts of Pleas and Quarter Sessions for several counties including Lincoln whose Court would meet on the first Monday of February, May, August, and November.
5. Private Acts of 1817, Chapter 138, set the terms for the Quarterly Court of Lincoln County to begin on the third Monday in January, April, July, and October, court to stay in session for two weeks if necessary.
6. Acts of 1825, Chapter 9, set the time for holding the Quarterly County Court of Lincoln County on the first Monday in January, April, July, and October.
7. Acts of 1826, Chapter 7, reset the opening dates for the terms off the Quarterly Court in Lincoln County on the third Monday in January, April, July, and October providing further, that all process be made to conform with those dates.
8. Acts of 1829, Chapter 102, stated that the Justices of the Quarterly Court of Lincoln County, nine, or a majority being present, if they think it expedient, at their first court in January of each year may select by ballot three of their own number to hold the said quorum courts for that year, who would have the same powers and be under the same rules and regulations as are the other Quorum Courts of the State.
9. Acts of 1835-36, Chapter 6, created in every County of the State a county court to meet on the first Monday of every month and to continue in session until the business of the Court is completed. Three Justices of the Peace may be a court to hear the probate of Wills and related matters. There would be no jury trials in the court, but the court would select 25 jurors, one from each Civil District of the County if there were that many districts, or they may select 37 jurors, whichever might suit the County better. The Jurors would be paid \$1.00 per day and a tax could be levied to provide the money with which to pay them.
10. Private Acts of 1843-44, Chapter 180, provided that the qualified voters of the Tenth Civil District in Lincoln County may elect an additional Justice of the Peace who shall reside in the town of Petersburg and who shall be commissioned in the same manner and to the same extent as are other Justices of the Peace.
11. Private Acts of 1853-54, Chapter 93, provided that the qualified voters of the First Civil District, including the town of Lynchburg, in Lincoln County, shall, after the passage of this Act, elect three Justices of the Peace for that District, which election shall be in accordance with the law governing elections.
12. Private Acts of 1923, Chapter 100, declared that all the proceedings of the Quarterly County Court of Lincoln County in regular, or special, session shall be published once in all newspapers in the county having over 500 circulations, same to include a statement of the financial condition of the county. The purpose was to help the people informed of the public business. The County Court Clerk would furnish the copy to be published at least 15 days ahead of time, and the rate to be

- paid him for the service would not exceed ten cents per 100 words, and the rate for newspapers would not be more than forty cents per inch of column copy.
13. Private Acts of 1933, Chapter 819, authorized the Quarterly County Court of Lincoln County in its discretion to supplement the salary of county officers when compensation is specified in Section 10- 727, Code of Tennessee, but the supplement shall not bring the salary of the officer to a higher amount than that specified as the maximum in the Code. The purpose of this Act is to supplement the compensation of those named officials only when the fees of the office are not sufficient to earn the salary stated in the general law. The provisions of this Act have been superseded by Tennessee Code Annotated Section 8-24-107.
  14. Private Acts of 1937, Chapter 114, stated that in Lincoln County, identified by the use of the 1930 Federal Census figures, the Justices of the Peace were required to file with the County Judge and the Trustee within five days prior to the regular meeting of the Quarterly County Court, a written, itemized, sworn report of all fines, forfeitures, and other revenues collected by them during the preceding quarter, regardless of whether they had collected anything or not. Failure to do so could result in fines from \$10.090 to \$50.00 plus an additional \$5.00 penalty paid to the Revenue Agent of the county and another penalty of 25% of the amount due the County which was not paid. The County Judge would furnish proper forms to the Justices on which they could comply with the requirements of this Act.
  15. Private Acts of 1961, Chapter 303, amended Private Acts of 1951, Chapter 34, which created the General Sessions Court for Lincoln County, by inserting a new section 2 into that Act which transferred all the authority and jurisdiction possessed by Justices of the Peace in civil and criminal cases to that Court, divesting the same out of the Justices of the Peace except that they may still issue search and arrest warrants, accept appearance bonds, issue summons, attachments, and other leading processes but all of the same would be returnable to the General Sessions Court. This Act was rejected by the Quarterly County Court and, therefore, never became an effective law under the Home Rule Amendment to the State Constitution.
  16. Private Acts of 1972, Chapter 357, amended Private Acts of 1957, Chapter 85, by increasing the per diem of the Justices of the Peace from \$10 per day to \$25 per day. The mileage allowance was not mentioned.

### **County Mayor**

The references below are of acts which once applied to the office of county judge, or county executive in Lincoln County. They are included herein for historical purposes only. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1856, Chapter 253, provided that the voters of every county would elect a person learned in the law to be styled the County Judge, for a term of four years. He would be elected under the general election laws of the State, and be commissioned and sworn as are other Judges. The Quorum Courts were abolished and their responsibilities assigned to the County Judge. Regular meetings would occur on the first Monday in every month where all matters within the jurisdiction of the court as it was prescribed in the act would be heard. The Judge would also be the accounting officer and the general agent of the county, discharging all the obligations named for him in this law. The County Court Clerk would be the clerk of the court, keeping all the records, and the dockets, and handling other matters imposed on him by this law and the laws of the State. This act was repealed entirely by the one below.
2. Acts of 1857-58, Chapter 5, repealed Acts of 1856, Chapter 253, above, and restored the Quorum Courts to activity as they existed before the passage of that act.
3. Public Acts of 1867-68, Chapter 47, as amended by Acts of 1869, Chapter 24, Private Acts of 1929, Chapter 144, Private Acts of 1935, Chapter 471, provided that qualified voters of Lincoln, Hamilton, Franklin, Lawrence and Giles counties respectively, were to elect a person, to be styled the county judge, who would hold his office for a term of eight years from the date of his commission. The county judge was to be commissioned in the same manner as other judges of the state. The act also abolished the quorum court, of said counties, and transferred the jurisdiction and power the quorum court held to the county judge.
4. Private Acts of 1868-69, Chapter 24, amended Chapter 47, Private Acts of 1867-68, so that the Governor of the State is authorized to order an election in Lincoln County to elect a County Judge, which election shall be held under the same rules as are prescribed by law for other county elections, and, until said election is held, and some person elected and qualified as the law directs, the Governor shall appoint a County Judge to hold that office. The election requirement was repealed by Chapter 114, Private Acts of 1869-70.



5. Private Acts of 1869-70, Chapter 114, created the office of county judge who would be elected by the qualified voters of Lincoln County on the 1st Saturday in March, 1870 and in every eighth year thereafter. In case of a vacancy, the Governor would immediately order an election to fill the unexpired time of the incumbent's term.
6. Private Acts of 1897, Chapter 198, amended Private Acts of 1867-68, Chapter 47, by increasing the annual salary of the County Judge in Section 9 from \$500 to \$1,000 a year. This act was repealed by the one below.
7. Private Acts of 1901, Chapter 112, repealed Private Acts of 1897, Chapter 198, above, in its entirety.
8. Private Acts of 1925, Chapter 690, authorized the County Judge of Lincoln County, as he deems advisable from time to time, to empanel a Grand Jury from the list of names of Jurors prepared by the Board of Jury Commissioners, and also, to empanel a venire for a trial jury of which the Foreman shall be the Foreman of the Grand Jury for the purpose to have indicted any person then confined in the county jail without bail, and the County Judge is given criminal jurisdiction to the extent of accepting a guilty plea and imposing sentence on the pleader. If the plea should be not guilty, the case will be placed on the docket of the Circuit Court for trial. The above authority would also extend to misdemeanor cases.
9. Private Acts of 1929, Chapter 144, cited that it amended Chapters 47, and all the acts reported above, except the 1897 act which was repealed. This act added the section granting the authority to the County Judge to issue extraordinary process at the end of Section 4, and the paragraph permitting him to interchange with Circuit Judges and Chancellors.
10. Private Acts of 1935, Chapter 471, amended Private Acts of 1929, Chapter 144, as it amended the original 1867-68 act, by adding the paragraph found at the end of Section 2 of the published act.
11. Private Acts of 2006, Chapter 79, redesignated the title of county mayor to county executive was repealed by Private Acts of 2008, Chapter 67.\

### **County Register**

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

1. Private Acts of 1915, Chapter 583, stated that the Register of Lincoln County was entitled to and could appoint women over the age of 21 as Deputy Registers. The Act further declared women over that age to be eligible and, when appointed, to have all the rights, powers, duties, and obligations as other Deputy Registers.
2. Private Acts of 1933, Chapter 760, amended Section 10726, Code of Tennessee, by adding a new Class 3-B to the population groupings in that act and establishing salaries for the County Officials, named therein, including the County Register at \$1,800 per year. The mere seeking of the office mentioned by an incumbent was to be construed as an acceptance of the salary established.
3. Private Acts of 1937, Chapter 254, also fixed the salaries of four of the County Officials mentioned in the Act above setting the salary of the Register at \$2,000 annually. A condition to be met was that the officials shall keep an accurate account of all the fees collected in their offices and submit reports to the County Judge, or Chairman, every quarter. If the fees collected were less than the salaries set, the county would pay the difference out of the regular county funds, but, if the fees exceeded the salary, the excess became the property of the County.
4. Private Acts of 1939, Chapter 5, provided that in Lincoln County the compensation of the County Officials whose salaries were specified in Section 10727, Code of Tennessee, would be regulated and controlled by the State law, it being the purpose of this Act to provide that their salaries be controlled by State law rather than by private or special Act.

### **County Trustee**

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

1. Acts of 1907, Chapter 499, stated that John S. Buchanan, and his bondsman, the Trustee of Lincoln County, are both relieved from payment to the State of \$421.69, and interest, which amount represents certain penalties demanded of him, and his bondsman, made by the State under the authority of a highly technical interpretation of the law.
2. Private Acts of 1933, Chapter 760, amended Section 10726, Tennessee Code, by creating a

population class of 3-B for the salaries of the county officials mentioned therein for Lincoln County, and establishing the salaries thereof among them the annual salary of the County Trustee was fixed at \$2,500. Seeking the office above would be evidence of the acceptance of the salary prescribed herein for that office.

3. Private Acts of 1937, Chapter 254, fixed the salaries of the same County officials, setting that of the County Trustee at \$3,000 per year, provided these officials shall keep an account of all the fees collected and make quarterly reports to the County Judge, or chairman, on the same. If the fees are less than the salary, the County will supplement the difference; if the fees are more than the salary, the excess becomes the property of the County.
4. Private Acts of 1939, Chapter 5, provided that, in Lincoln County, the compensation of the County officers whose salaries are specified in Section 10727, Tennessee Code, shall be regulated and controlled by the State law, it being the purpose of this Act to provide that their salaries be controlled by general state law rather than by private or special act.

### **General Reference**

The following private or local acts constitute part of the administrative and political history of Lincoln 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 1809, Chapter 48, assigned Lincoln County to the 39th Regiment of the State Militia which was attached to the Fifth Brigade at the time.
2. Acts of 1809, Chapter 111, stated that the money arising from the sale of lots in Fayetteville shall be a fund in the hands of the Commissioners of the town to defray the expenses of purchasing the land and building the Courthouse thereon, Fayetteville being the county seat.
3. Acts of 1811, Chapter 93, was a lengthy amendment to one of the early militia Laws of the State making several changes of assignments of units to Regiments and Brigades. The county militia of Lincoln, Bedford, and Giles counties would form the Fifth Brigade of the State. Many of the newer Regiments were renumbered and several changes made in the rules governing internal procedures.
4. Private Acts of 1813, Chapter 102, authorized the County Court of Lincoln County, two-thirds of the Justices being present, if they should think it proper, to authorize the Commissioners appointed to lay out the town of Fayetteville to make an allowance to Micajah Muckleroy, who undertook to build the courthouse, not to exceed \$750. If no unappropriated funds are available, the Court may lay a tax to raise that amount of money to Muckleroy as intended in Section One of this Act.
5. Private Acts of 1815, Chapter 44, declared that the public inspection of tobacco, hemp, flour, lard, butter, and other articles intended for exportation shall be established in warehouses located at Fayetteville, and at other places to be named in Lincoln County. Inspectors shall be appointed to inspect these commodities according to the terms of this Act.
6. Public Acts of 1815, Chapter 119, provided that the State Militia would be composed of free men and indentured servants only. All the counties of the State were divided into Regiments, Lincoln to have the 39th and the 49th Regiments. The remainder of this long Act dealt only with the technical aspects of the operation of the militia.
7. Private Acts of 1819, Chapter 26, allowed a town to be laid off on the lands belonging to Peter Looney, which would consist of thirty or more, lots of at least one-half acre in area, the streets, alleys, and public square to be marked on the plat thereof, and the name of the town would be Looneyville.
8. Private Acts of 1819, Chapter 50, also permitted David Cowen to lay off a town on his land in Lincoln County which would be made up of at least ten, one-half acre lots and the streets and alleys would be added. No name was mentioned for this town.
9. Private Acts of 1821, Chapter 109, established a town on the land belonging to Thomas Roundtree in Lincoln County which would be laid off in proper lots, streets, and alleys, and be called by the name of Lynchburg.
10. Public Acts of 1825, Chapter 69, was a state wide militia Law for Tennessee repeating the earlier ones. The militia would accept free men and indentured servants between the ages of 18 and 45 . Lincoln County would have the 39th, 49th and 63rd Regiments, all of which were assigned to the 10th Brigade. The 39th Regiment would hold its annual muster on the first Friday after the second Wednesday in October of each year; the 49th Regiment would meet on the second Wednesday in

October of each year, and the 63rd Regiment would meet on the first Thursday after the second Wednesday in October of each year.

11. Private Acts of 1825, Chapter 339, appointed Benjamin Reynolds, of Maury County, and Joseph Kincaid and Clement Cannon, of Bedford County, as Commissioners to inspect the dam across the Elk River, built by John and Joseph Greer, of Lincoln County, as to whether or not the dam obstructs navigation. If the dam does obstruct navigation, the Commissioners will notify the Greers of the same and point out the remedies required and set a date certain for the remedies to be completed, and at that time they shall inspect the dam again, and report its condition to the County Court. The Greers must pay a \$25 per day penalty for every day past the deadline they take to complete the work. The Commissioners will be paid \$4 per day for their time spent in discharging their duties hereunder.
12. Private Acts of 1826, Chapter 191, authorized the County Court of Lincoln County at its first meeting in January, 1827, to appoint a jury of view composed of twelve persons to inspect the dam across the Elk River, built by Stephen Cole. If a majority of the Jury of View say that the dam cannot be altered to relieve the obstruction of descending navigation, then Cole shall tear the dam down and remove it as soon as the water falls enough to do so; if the dam can be altered, then the Jury tells Cole how and when it is to be done, and he shall comply therewith in nine months, at which time the dam shall be reinspected, and a report made. Cole shall be compelled to pay \$50 per day for every day of noncompliance, and he will also be liable for all damages caused thereby. The Jury will recommend court action if the Act is not observed, and Cole must keep the said dam in good repair afterwards.
13. Private Acts of 1827, Chapter 146, made it lawful for the heirs of Joseph Campbell to present their petition to some subsequent term of the Lincoln County Circuit Court for the purpose of obtaining title to a tract of land of about 195 acres in Lincoln County on which the said Campbell resided at the time of his death, having purchased the same during his lifetime from David Cowan. Cowan's heirs must answer the petition showing the amount due on the land, if any, and when the same is paid, the Court shall enter an order divesting title out of the Cowan heirs and vesting the same in the Campbell heirs.
14. Private Acts of 1829, Chapter 21, divided one company of the county militia of Lincoln County into two companies, one of which would be meeting in a certain area in the south part of the county as the same was described in the Act.
15. Private Acts of 1831, Chapter 44, named Thomas Clark, Elliott H. Fletcher, William Dewoody, Jacob Silvertooth, Samuel Todd, Jasper Smith, Joel Pinson, and William Dye, of Lincoln County, to be the Commissioners of a Board of Internal Improvement for Lincoln County. The Board was authorized to draw money, open books, appoint officers, and do all other things towards improving the navigation of that part of the Elk River which flows through Lincoln County.
16. Private Acts of 1833, Chapter 117, allowed Samuel Garland and Bartlett Huckabee, both of Lincoln County, to hawk and peddle in the Tenth U. S. Congressional District, in the counties of Lincoln, Giles, Lawrence, Wayne, and Hardin without paying for a license to do so, provided they take an oath not to peddle for any other person except themselves and only for the benefit of themselves and their families.
17. Private Acts of 1833, Chapter 169, made it the duty of the cavalry of Lincoln County, attached to the 10th Brigade of the Tennessee Militia to hold a Battalion muster in Fayetteville on the first Friday in May annually at which time all the field and staff officers, except Bedford County's, shall appear armed and equipped as the law requires. Commissioned officers shall hold Courts martial on the first Saturday in June at the same place.
18. Private Acts of 1835-36, Chapter 94, declared Mulberry Creek in Lincoln County to be navigable from its mouth to the mills owned and operated by James and William L. Hague.
19. Private Acts of 1835-36, Chapter 136, appointed William Moffitt, James Hague, John J. Whittaker, Jesse Daniel, Drury Connelly, and Matthew Martin as Commissioners on the Board of Internal Improvement for Lincoln County. The Board is authorized to appropriate so much of the Internal Improvement funds of Lincoln County as may have come, or may hereafter come, into their hands to improve the navigation of Mulberry Creek. The Board was required to lend out any of the fund as may be on hand until the same is otherwise appropriated.
20. Private Acts of 1837-38, Chapter 56, authorized the Quarterly County Court to ask for, demand, and receive from the Board of Internal Improvement, or the Treasurer thereof, or from anyone who may have in their possession or custody the funds belonging to the County. The Court was further allowed to expend the said funds on any internal improvement in the county which to them may seem proper and expedient.

21. Public Acts of 1837-38, Chapter 157, Section 3, amends the State Militia Law in several different areas. Section 3 scheduled County drills and musters for several counties which included Lincoln on the first Friday and Saturday in September each year. The 12th Brigade was made up of Lincoln and Giles Counties.
22. Private Acts of 1837-38, Chapter 243, appointed George L. Leonard, Joel L. Stone, James A. Yowd, George W. Blackemore, and John Donoho as commissioners to lay off and designate the boundaries of Petersburg. When this project was completed, the Sheriff would be notified who would hold an election for seven aldermen and they would select one of their number as the Mayor. A Recorder, Treasurer, and Constable would also be selected. It would be the duty of the Sheriff, or his Deputy, to hold annual elections thereafter.
23. Private Acts of 1839-40, Chapter 135, provided that any person desiring to erect a grist mill or a dam on any navigable stream in Lincoln County must first make application to the County Court and post a notice of his intention on the Court House door. If the County Court thinks that the same should be done, the Court will appoint three discreet and judicious citizens to examine the premises upon which the mill or dam is to be built to ascertain if the same can be accomplished without interfering with the navigation of the stream, and how high the dam may be granted requiring all conditions thereof to be observed. This action, and this law, are never to be construed as granting the authority to obstruct any stream. The Commissioners are to be paid \$2 per day for each day's service.
24. Public Acts of 1843-44, Chapter 17, amended the State Militia Law by rearranging the schedule of county musters. All Lincoln County Regiments were assigned to the 11th Brigade and musters would be held in the 70th Regiment on the third Tuesday in October, in the 71st Regiment on the Wednesday following, in the 72nd Regiment on the Thursday of that week, and in the 73rd on Saturday. The 151st Regiment would muster and drill on Friday of the third week in October.
25. Private Acts of 1845-46, Chapter 155, declared that all the Acts and deeds up to this time performed by William Kercheval, the Entry Taker of Lincoln County, are legal and binding for all intents and purposes as if he had been appointed to that office with the proper and legal authority.
26. Private Acts of 1865-66, Chapter 59, stated that George Gee, a free man of color died in Lincoln County, leaving a will which directed that his property be divided among his wife and children but his wife and children were slaves at that time and could not hold property. B. L. Ridley, the Chancellor of the District, declared and ordered that the property of Gee escheat to the State. However, the funds and the property still remain in the hands of the Clerk and Master and the wife and children are now free. This Act relinquishes all right, title, interest, and claim the State may have in and to the said Gee properties and passes the same to the wife and children, his properly designated heirs.
27. Public Acts of 1897, Chapter 124, was among the first Acts establishing annual salaries for several County Officials arranged according to the population of the Counties. All fees collected would become the property of the county and the salaries specified would be the only compensation of the incumbent official. The Act involved the Clerks of the Circuit, County, Criminal, and special Courts, the Clerk and Master of the Chancery Court, the Clerk of the Supreme Court, and Trustees, Registers, and Sheriff of the counties. Reports must be made monthly and the salaries are confined to the fees collected if they exceed the minimum and are below the maximum. This Act was the prototype and model for many salary acts to follow including those currently in effect.
28. Private Acts of 1923, Chapter 164, made it the duty of all cities in which a newspaper was in circulation to publish all the proceedings of the regular, and called, meetings of the Board of Aldermen of those cities within fifteen days of the meeting, so that the public may be informed at all times on the manner in which the affairs of the city are being conducted. The Clerk, or Recorder, would furnish the copy to the papers for which they would be paid ten cents per 100 words, and the newspapers would receive forty cents per column inch. Private Acts of 1923, Chapter 362, amended this act so as to make it apply to McMinn and not to Lincoln County.
29. Private Acts of 1933, Chapter 300, removed the disabilities of minority from T. N. Figueres, age 19, of Lincoln County, and conferred upon him the power and authority to do all things an adult could lawfully do including the execution of deeds of conveyance and the right to collect all money due him from his guardian.
30. Private Acts of 1933, Chapter 362, amended Section 107-31 Code of Tennessee, to the effect that no application for an increase in the number or in the salaries of assistant, or deputy clerks, and Sheriffs, could be considered by the courts to which it was made unless the said petition showed the prior approval of the Quarterly County Court. Section 10-732, Code of Tennessee, was also

amended so as to provide that when the County Court of Lincoln County in regular session should deem it necessary and essential that the number of Deputies and Assistants be reduced and a Resolution to that effect is adopted, the County Judge, or Chairman, shall file the proper petition seeking a reduction and the court in which it is filed shall prompt by conduct a hearing on the same.

31. Private Acts of 1933, Chapter 807, relieved Martha Rhea Hobbs, of Lincoln County, of all the disabilities of infancy and gave her all the rights and privileges of a person 21 years of age, or older.
32. Private Acts of 1935, Chapter 793, authorized the Quarterly County Court of Lincoln County, by a three-fourths vote, and no less, to elect a farm agent even though he did not have the endorsement of the State Secretary of Agriculture. Terms of the farm agent are for one year but one may succeed himself in the position at a maximum salary of \$2,400 annually which includes all travel and expenses. This Act does not apply to the present farm agent duly elected by the Court until the expiration of his term.
33. Private Acts of 1937, Chapter 29, removed the disabilities of minority from Mildred Crabtree Barham, of Lincoln County, conferring all the abilities and authority of adulthood.
34. Private Acts of 1937, Chapter 20, also removed the minority of Thomas Crabtree, of Lincoln County, who was probably the brother of the body mentioned in Item 34, above.
35. Private Acts of 1937, Chapter 40, provided that the maximum salary payable to the County Farm Demonstration Agent in Lincoln County from all sources whatever shall not exceed \$2,400 per year, and the county to which this Act applies shall have no power to appropriate in excess of a sum which, when added to the State and Federal supplements, exceeds the above amount.
36. Private Acts of 1937, Chapter 108, recited in the preamble that the Quarterly County Court of Lincoln County had expended \$7,000 of the general funds of the County in the initiation and prosecution of litigation designed to test the validity of certain Acts of the General Assembly, and the litigation served only to promote the political welfare of one faction to the disadvantage of another, and was not designed to enhance the general welfare as a whole, therefore, the County Court shall now levy a tax of one-tenth of one percent on each \$100 property valuation in the county which will be collected until the cost of all of the above litigation has been paid.
37. Private Acts of 1937, Chapter 153, stated that in Lincoln County, identified by the use of the 1930 Federal Census figures, the Quarterly County Court shall have no power whatever to expend the public funds of the County, nor to make any appropriation, for the purpose of filing litigation to test the validity of, or for obtaining a declaration from the Court on any legislation affecting the said County.
38. Private Acts of 1937, Chapter 158, amended Senate Bill NO. 63 of the present session of the General Assembly, which set the maximum salary of the County Farm Demonstration Agent in Lincoln County by changing the date on which the Act was to become effective to January 1, 1938.
39. Private Acts of 1937, Chapter 661, removed all the disabilities of her minority from Charlotte Eloise Baites, granting her all the rights and privileges enjoyed by an adult.
40. Private Acts of 1939, Chapter 5, stated that, in Lincoln County, the compensation of the County Officers whose salaries are specified in Section 10727, Code of Tennessee shall be regulated and controlled by the State law, it being the purpose of this Act to provide that their salaries be controlled by the State rather than by private, or special Act.
41. Private Acts of 1939, Chapter 6, expressly repealed Private Acts of 1937, Chapter 40, Item 36, above, which set the maximum salary of the County Farm Demonstration Agent, in its entirety.
42. Private Acts of 1959, Chapter 58, created the office of Purchasing Agent for Lincoln County, naming the County Judge to the office. The Agent was given the sole power to purchase all supplies and materials for all the departments and agencies of the county government, except those expressly exempted, and to do likewise concerning the rental of equipment or real estate. All purchases over \$500 would be made according to the bid procedures outlined in the Act. The Agent must obey the regulations promulgated in this Act but he could fashion rules for the subordinates to follow. He was to make a \$10,000 bond and could employ sufficient clerical and stenographic help to get the job done as long as they were not related by blood or marriage. This Act was rejected by the Quarterly County Court and therefore never became a law for Lincoln County.
43. Private Acts of 1971, Chapter 124, authorized the Quarterly Court of Lincoln County to make appropriations to fire departments operating within the county upon such terms as may be

mutually agreed upon. Our records show that this Act was never acted upon by the Quarterly Court. Since a general power to appropriate money for fire departments has been granted to counties by the General Assembly, this Act has become moot.

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