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Chapter I - Administration

Dear Reader:

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

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

Sincerely,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

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Chapter I - Administration

Auctioneer

Private Acts of 1931 Chapter 465

SECTION 1. That the County Court Clerks, Clerks and Master of Chancery Courts, Sheriffs, Deputy Sheriffs, Constables, Attorneys and Trustees of mortgages and trust deeds, and Administrators for all counties in the State of Tennessee having a population of not more than 5,250 and not less than 5,625, according to the Federal Census of 1930, or any subsequent Federal Census, may employ a professional auctioneer for all sales made at public outcry coming under their jurisdiction.

SECTION 2. That all persons to qualify for said position as auctioneer shall be required to file a certificate with the County Court Clerks, signed by as many as five reputable citizens who will certify that they know the said applicant and that he has been a citizen of the county for a period of two years or more and that said applicant has been recognized by the general public as an experienced auctioneer at least two years.

SECTION 3. That the compensation of said auctioneer shall be \$1.00 (One Dollar) for calling each sale, and 5% on the first \$100.00 (One Hundred Dollars) and 2% on the remainder of the sale price of the property sold, provided that the fees of the auctioneer shall not exceed \$25.00 in no one sale, and the fees of the auctioneer shall be charged as cost in the case. Provided, further, that, when a qualified auctioneer cannot be obtained, the official that is in charge of said sale be empowered to proceed with sale.

SECTION 4. That all laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 5. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: June 19, 1931.

County Legislative Body

Private Acts of 1974 Chapter 264

SECTION 1. Justices of the Peace of Lewis County shall be paid twenty dollars (\$20.00) per day for attending sessions of the quarterly county court and twenty dollars (\$20.00) per day for attending meetings of committees of the quarterly county court, plus the mileage now allowed by law for their official travel.

SECTION 2. Chapter 132 of the Private Acts of 1921, Chapter 283 of the Private Acts of 1955, and Chapter 129 of the Private Acts of 1961 are repealed.

SECTION 3. This Act shall have no effect unless it is approved by a two-thirds vote of the quarterly county court of Lewis County before September 1, 1974. Its approval or non-approval shall be proclaimed by the presiding officer of the quarterly county court and certified by him to the secretary of state.

SECTION 4. For the purpose of approving or rejecting the provisions of this Act, as provided in Section 3, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 3.

Passed: March 13, 1974.

Landfills

Private Acts of 1990 Chapter 169

SECTION 1. No landfill for the disposal of solid or hazardous wastes shall be located within four and one-half (4½) miles from the center of the Buffalo River on each side in Lewis County.

As amended by: Private Acts of 2017, Chapter 6.

SECTION 2. No permit to construct or operate a landfill for the disposal of solid or hazardous waste shall be granted if the location of such landfill would violate the provisions of this act.

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

SECTION 4. 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 upon being approved as provided in Section 3.

Passed: March 22, 1990.

Private Acts of 1990 Chapter 210

SECTION 1. No permit or registration shall be granted for any new solid waste processing facilities or disposal facilities or sites in Lewis County if the permit or registration application has been submitted by a county or municipality located outside the boundaries of Lewis County unless the county legislative body of Lewis County approves such solid waste processing facility or disposal facility or site in accordance with Section 2.

SECTION 2.

(a) The county legislative body of Lewis County shall approve or disapprove such solid waste processing facility or disposal facility or site in accordance with the following criteria:

- (1) The type of waste to be disposed of at the facility or site;
- (2) The method of disposal to be used at the facility or site;
- (3) The projected impact on surrounding areas from noise and odor created by the proposed facility or site;
- (4) The projected impact on property values on surrounding areas created by the proposed facility or site;
- (5) The adequacy of existing roads and bridges to carry the increased traffic projected to result from the proposed facility or site;
- (6) The economic impact on the county;
- (7) The compatibility with existing development or zoning plans; and
- (8) Any other factor which may affect the public health, safety or welfare.

(b) Judicial review of the legislative body's determination shall be a de novo review before the chancery court for Lewis County.

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

SECTION 4. 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 3.

Passed: April 12, 1990.

Administration - Historical Notes

County Clerk

The following act once affected the office of county clerk in Lewis County. It is included herein for historical purposes.

1. Private Acts of 1931, Chapter 465, allowed the County Court Clerk, and several other county officials, to employ a professional auctioneer for all sales to be made at public outcry coming under the Clerk's jurisdiction and to pay him according to the rates specified in the Act

County Executive

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

1. Acts of 1856, Chapter 253, established the office of County Judge in every county in the State who would be elected by the people for a four year term, the first election to take place on the first Saturday in May, 1856. The County Judge would be sworn and commissioned as other Judges. Quorum Courts and the post of County Chairman were abolished, all their duties being given to the County Judge. The jurisdiction of the Judge was stipulated in the Act as well as his responsibilities of acting as accounting officer and general agent of the County. The Judge would

- be paid \$5.00 per day for every day spent in the discharge of his duties hereunder. County Court Clerks would be the Clerks of the Court, and the Judge was not precluded from practicing law in any court except his own. This Act was repealed by Acts of 1857-58, Chapter 5, Page 3.
2. Private Acts of 1895, Chapter 214, established the office of County Judge in Lewis County. This act provided for a term of eight years, an annual salary of \$100 and the jurisdiction of the Chairman of the County Courts to issue extraordinary process.
 3. Private Acts of 1905, Chapter 380, amended Private Acts of 1895, Chapter 214, Section 5, by increasing the annual salary of the County Judge from \$100 to \$200.
 4. Private Acts of 1921, Chapter 130, amended Private Acts of 1895, Chapter 214, so as to set the annual salary of the County Judge of Lewis County at \$400 instead of \$200.
 5. Private Acts of 1925, Chapter 731, provided for the office of County Chairman, popular election, a two year term of office and an annual salary of \$250. County Chairman was to chair meetings of the County Court.
 6. Private Acts of 1931, Chapter 354, amended Private Acts of 1895, Chapter 214, Section 5, by raising the amount of the annual salary of the County Judge from \$400 to \$750.
 7. Private Acts of 1935, Chapter 528, amended Private Acts of 1895, Chapter 214, by adding the last paragraph in Section 4 as it now appears.

County Legislative Body

The following acts once applied to the quarterly court or the county legislative body of Lewis 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 1843-44, Chapter 38, Section 15, which created Lewis County, provided that the Court of Pleas and Quarter Sessions would meet at the home of John Blackburn until the public buildings were completed which would house the court at a later date.
2. Acts of 1852, Chapter 366, provided for the return of all judicial records from Lewis County to Maury County which concerned the residents of the area which the Courts ordered returned to Maury County. Acts of 1852, Chapter 367, Section 8, stated that in the event jurisdiction was returned to Lewis County, the Quarterly and County Courts would meet at Jo Smith's old place.
3. Private Acts of 1921, Chapter 132, fixed the compensation of the Justices of the Peace in Lewis County (identified by the use of the 1920 Federal Census figures) at \$2.50 per day for each day spent in regular attendance at the meetings of the Quarterly Court, which was applicable to all called meetings. The Justices also would be paid 5 cents per mile for each mile traveled between their residences and the Court House but would only be paid for one trip at each session of the Court. This Act was repealed by Private Acts of 1974, Chapter 264, published herein.
4. Private Acts of 1929, Chapter 621, changed the dates for the opening of the terms of the Quarterly County Court in Lewis County to the second Monday in January, April, July and October, on which dates the Court still meets. The former meeting schedule was on the first Monday in the same months.
5. Private Acts of 1929, Chapter 625, was the authority for the Quarterly Court of Lewis County to designate and employ counsel to render legal aid and services to, and advise whenever necessary, the said Court and the County Judge. The counsel must institute and prosecute suits for the county and attend to such specific business matters as the Court might direct. The Court had the further authority to appropriate funds with which to compensate counsel.
6. Private Acts of 1947, Chapter 802, allowed the Quarterly Court of Lewis County to increase the amount of compensation above the sum now authorized under the law of all county officials and to appropriate sums of money sufficient to pay the raises.
7. Private Acts of 1955, Chapter 283, set the per diem payments of the Lewis County Justices of the Peace at \$5.00 for each day of attendance at a regular, or called, meeting of the Quarterly County Court, plus the mileage which was allowed by law to be paid. This Act was properly ratified by the Quarterly Court to become effective but was specifically repealed by Private Acts of 1974, Chapter 264.
8. Private Acts of 1961, Chapter 129, amended Private Acts of 1955, Chapter 283, above, by adding a provision which paid the Justices of the Peace \$10.00 a day for attending the sessions of the Quarterly Court, and \$5.00 per day for attending the committee meetings of the Court, plus the mileage then allowed to them under existing law. This Act was repealed by Private Acts of 1974, Chapter 264, published herein.

9. Private Acts of 1965, Chapter 129, authorized the City of Hohenwald to have five more Justices of the Peace in addition to those permitted under the general law. This act was superseded by Chapter 934 of the Public Acts of 1978.

County Register

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

1. Acts of 1851-52, Chapter 119, consolidated the Register's office with the Entry Taker's Office in all the counties south and west of the Congressional Reservation Line except those counties expressly exempting themselves in Section 6 of this Act, which list did not include Lewis County. The Register's Office assumed all the duties of the Entry Taker's Office, plus a few more which were specified in this statute. The Entry Taker was directed to turn over all the documents and records in his office to the County Register.
2. Private Acts of 1943, Chapter 343, set the compensation of the Register in Lewis County at \$900 per year, payable in equal monthly installments out of the regular county funds in the Treasury, but all the fees accruing to the office of the County Register would become the property of the County. The Register was required to file a sworn, itemized statement with the County Judge, or Chairman, which would show the total amount of fees collected.

General References

The following private or local acts constitute part of the administrative and political history of Lewis 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 1847-48, Chapter 135, appointed J. Nelson Patterson of Giles County, Jacob McCaig, of Perry County, and Robert C. Hemphill, of Hardin County, as Commissioners to locate the seat of justice in Lewis County, all of whom would be paid \$5 per day by Lewis County while in the process of doing so. The Commissioners were obligated to locate the county seat at the most suitable place within two miles of the center of the county. Once located, it was the duty of the County Court to appoint Commissioners in the county with the same duties and authority as these. The entry-taker's and surveyor's office must be located within three miles of the present county seat at Gordon until six months after the county site is in operation. The Act also appropriates \$500 out of the Treasury to preserve the place of interment of the remains of General Merriwether Lewis, naming Robert A. Smith, of Lewis County, Edmund Dillahunt and Barclay Martin, both of Maury County, and Dr. Samuel B. Moore, of Hickman County, to carry into execution the provisions of this Act relative thereto.
2. Acts of 1851-52, Chapter 366, was enacted to clarify some of the administrative and judicial confusion when the Tennessee Supreme Court ordered part of Lewis County turned back to Maury County because Maury County would be reduced below its constitutional size of 625 square miles if this were not done. This Act is referred to in several different places in this Volume.
3. Acts of 1853-54, Chapter 11, recited in the preamble that a portion of the people residing in the area of Maury County which would be attached to and become a part of Lewis County were prevented from voting in the election for that purpose because of heavy rain and inclement weather. To remedy this situation, this Act directs the Sheriff to hold the election to permit these people to vote and assumes their vote will be favorable to the extent that all acts are ratified, legalized, and confirmed and must not be construed as repealing any acts organizing Lewis County heretofore enacted.
4. Acts of 1897, Chapter 124, was a salary Act which fixed the annual pay of county officials according to the population of the county in which they served. The Act deprived the officials of all the fees of their offices, requiring them to file sworn, itemized reports showing all the fees collected and obligating them to pay the same over to the County Trustee. Although this Act was declared unconstitutional when Weaver, a Clerk and Master in Davidson County, sued the County in Weaver v. Davidson County, 104 Tenn. 315, 59 S.W. 1105 (1900), yet it, together with some others enacted subsequently, eventually evolved into the law regulating compensation under which the State now operates.
5. Acts of 1903, Chapter 416, stated in the preamble that if the State of Tennessee owned any lands which should not be given away, but could be sold and the proceeds of the sale placed in the school funds, and, if the State did not own any lands in that class, the State should not be a party to any fraudulent conveyances, therefore, this Act repealed all acts which authorized land grants.
6. Private Acts of 1935, Chapter 805, amended Acts of 1903, Chapter 416, Item 5, above, in the caption and in the body of the law so as to exempt Lewis County from the effects of that Act

which repealed all acts authorizing land grants in the State. This would apparently leave such an act in effect in Lewis County. This Act was repealed by the one below.

7. Private Acts of 1939, Chapter 257, page 751 expressly repealed Private Acts of 1935, Chapter 805, in its entirety, which would have the effect of repealing all acts authorizing land grants in Lewis County.

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