



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

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# Chapter I - Administration

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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.

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# Chapter I - Administration

## Budget System

### Private Acts of 1937 (2nd Extra. Sess.) Chapter 38

**SECTION 1.** That it shall be the duty of the Jefferson County Board of Highway Commissioners on or before the first Monday in April 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 Jefferson 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 in separate items the estimated amounts necessary for salaries and 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 amount expended the previous year for the respective purposes.

That it shall likewise be the duty of the Jefferson County Board of Education on or before the first Monday in April of each year to prepare and file with the County Court Clerk of Jefferson County an itemized statement or budget of the funds which said Board of Education estimates to be necessary for the maintenance and operation of the schools of Jefferson County, and expenses incident thereto, for the year commencing 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 and his assistant, 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 and/or Chairman of Jefferson County on or before the first Monday in April of each year to prepare and file with the County Court Clerk of Jefferson County an itemized statement or budget of the funds which he estimates necessary to be expended from the general county fund during the years 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 Courthouse and jail, court costs, jail buildings, etc., and all expenses which are properly paid out of the General County Fund.

It shall also be the duty of the County Judge and/or Chairman of Jefferson 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 and/or Chairman 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 not hereinbefore specifically mentioned, having authority to expend or expending County funds to file with said Clerk each year on or before the first Monday in April 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 April 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 tax 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 purpose from the same source during the year ending on the preceding August 31st, 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 budget 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 a committee composed of Harry Vance, F.W. Rankin and Paul Taylor, shall be and constitute the Budget Committee of Jefferson County, Tennessee, to serve until their successors are appointed as hereinafter provided. That it shall be the duty of the County Judge and/or Chairman with the approval and confirmation of the Quarterly Court of Jefferson County, Tennessee, at its July term, 1937, and each year thereafter at its April term, to appoint a Committee of three persons who shall be and constitute the Budget Commission of Jefferson County, Tennessee. That no member of said Budget Commission, with the exception of a member of the Quarterly Court, shall have an official connection with the County of Jefferson, or be related by affinity or consanguinity to any official or employee of Jefferson County within the third degree by the civil law. That the Quarterly Court may in its discretion allow the members of said Commission such compensation for their services as said Court may deem right and proper.

That immediately upon their selection said Budget Commission shall constitute a quorum for the transaction of business. The County Court Clerk or one of his duly authorized deputies, at the option of the said Commission, shall act as the Secretary of said Commission but shall have no voice or vote in the deliberations of said Commission. That the duties of the Secretary shall be to keep all records of the Commission, including a complete record of the proceedings thereof, assist 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 Commissioner. That the County Court in its discretion may compensate said Secretary for services rendered in said capacity but in no event shall such compensation exceed \$4.00 per day for every day actually required to perform his duties as Secretary to said Commission; and said Commission shall certify to the Quarterly Court at the time it submits a budget as hereinafter provided for, the number of days the said Secretary has been actually engaged in the performance of his said duties.

That each year prior to the meeting of the July term of the Quarterly Court of Jefferson County, it shall be the duty of said budget commission to consider and examine the budgets referred to in Section 1 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 1st, 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 1 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 budget of the various Departments of the County referred to in Section 1 hereof are to be submitted by said Commission. That said forms shall be of such 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 of 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. That the Budget Committee of Jefferson County, may require the heads or other responsible representative of all departments, divisions, boards, commissions, agencies, or offices of said County to furnish such information as may be deemed advisable and in such form as may be required in relation to their respective affairs and activities. And in determining the nature and kind of said forms, said Budget Commission shall seek such expert advice 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 Jefferson County in open court; 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 Budget Commission, but the same shall not be in any way binding on said Court. That said Court shall have full right and power to alter, vary or change in any way it deems right and proper said budget so submitted by said Budget Commission or any part thereof, but it shall be the positive duty of said Court at its July term each year, to fix, establish and adopt a complete, itemized budget of the amounts to be expended by each Department of the County government during the year beginning on the first day of September following, and 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 Court as herein provided for; and no warrant shall be valid or binding on the Court 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 to be shown in a column parallel to that containing the amounts proposed 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 budget an itemized statement or estimate of all funds, exclusive of the funds derived from the County tax on property, which said Commission had reasonable grounds to believe will be available during the year for payment of the amounts allowed in its said budget for said year, and it shall also show as nearly as may be practicable, the amount 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 its recommendation to the Court with respect to 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 Quarterly Court and the public to fully understand the financial condition of the County and the 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, a newspaper published in Jefferson County, or having a general circulation in the county, said publication to be at least ten days before each July term of said Court.

**SECTION 3.** That in the event that said Budget Commission fails, refuses or neglects to prepare and submit the budget herein provided for to the said Quarterly Court at its July term, then it shall be the duty of said Quarterly Court, at said term of said court to establish and adopt an itemized budget covering the amounts to be expended by each Department of the County government for the year beginning on the first day of the following September, said budget to be of the same kind and form as that herein required to be prepared by said Budget Commission, and it shall be a misdemeanor of office for any official of Jefferson County from and after September 1, 1937, to draw, sign, or issue the warrant of Jefferson County against any fund of Jefferson County unless a budget has been adopted by said Quarterly Court as herein provided for; and no warrant shall be valid or binding on the County of Jefferson unless the item of expense for which said warrant is drawn shall have been included in budget adopted according to the provisions hereof.

That the budget as finally adopted by the Quarterly Court at its July term each year 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 Jefferson 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 Jefferson County Board of Education, Jefferson County Board of Highway Commissioners, and the County Court Clerk, and County Judge, and/or Chairman 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 the 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 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 Jefferson 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 fiscal year beginning the 1st 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 fiscal 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 fiscal year, and thereafter the balance from day to day shall be arrived at and carried in said warrant stubs as herein provided for. Provided, however, that the fiscal year of the Board of Education shall begin on July 1, 1937, and each year thereafter on July 1st but in all other respects conform to the provisions of this Act.

Provided further that the Quarterly County Court of Jefferson County shall have full power to amend the budget adopted by the Highway Commission to permit that body to expend all sums received by it from the State for road purposes whether included in the budget by the Quarterly County Court or not.

And provided, further, that the Quarterly County Court of Jefferson County shall have and possess full power to amend the budget adopted by it for educational purposes and the maintenance of the County system of schools, so as to permit the county board of education to expend all sums received or any part thereof were included in the budget for educational purposes adopted by the Quarterly County Court under the provisions of this Act. Such action by the Quarterly County Court may be taken at any regular session, or any session called for the purpose of amending such budget,

it being the intent of this amendment to permit the County Board of Education to expend all sums received from the state for educational purposes regardless of estimated receipts from the state.

And provided, further, that the Quarterly County Court of Jefferson County shall have and possess full power to amend the budget adopted by it for general county purposes, known as "General County Fund", so as to permit the County Court Clerk and County Judge and/or Chairman to expend all sums received for general county purposes, regardless of source, and regardless of whether or not such sums or any part thereof were included in the annual budget for general county purposes, regardless of source, and regardless of whether or not such sums or any part thereof were included in the annual budget for general county purposes adopted by the Quarterly County Court under the provisions of this Act. Such action by the Quarterly County Court may be taken at any regular session or any session called for the purpose of amending such budget, it being the intent of this amendment to permit the County Court Clerk, County Judge and/or Chairman to expend all sums received for general county purposes, regardless of estimated receipts for said account by the County Budget Committee, as long as such expenditures do not exceed the total funds credited to this account for any one year.

As amended by:

Private Acts of 1939, Chapter 127

Private Acts of 1949, Chapter 743

**SECTION 5.** That it shall be unlawful and a misdemeanor in office for any official or employee of Jefferson County to draw, sign, issue, deliver, or to authorize the drawing, signing,

issuance or delivery of any warrant against any fund of said County, when the aggregate of the warrants therefore 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 funds 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 31st 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 departments 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 the 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 said Grand Jury and 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 Jefferson County Board of Highway Commissioners, the members of the Jefferson County Board of Education, the County Superintendent of Education, the County Judge and/or Chairman, and the County Court Clerk, to violate any provisions 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 official failing to perform the duties imposed by this Act or otherwise violating this Act, or who procures, aids or abets in the violation of any provision of this Act, shall upon conviction thereof be subject to a fine of not less than \$100.00 nor more than \$500.00 or by imprisonment for a period of not exceeding one year, or both, in the discretion of the Court, provided further that any County Official convicted under this Act, shall be subject to removal from office under the ouster laws of the State of Tennessee, and it shall be mandatory upon the Quarterly County Court to appropriate the necessary funds for the prosecution of such cause.

**SECTION 7.** That a brief synopsis of the budget shall be published in a newspaper having general circulation in Jefferson County, and notice given of one or more public hearings at least fifteen days prior to the date set for hearing, at which any citizen of the said Jefferson County shall have the right to attend and state his views thereon.

**SECTION 8.** That the holding of any section or part thereof, or any subsection, 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 9.** That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed and this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: October 25, 1937.

## County Register

### Private Acts of 1943 Chapter 342

**SECTION 1.** The Register of Deeds of Jefferson County shall use and maintain in said office the Cott System of Indexing.

**SECTION 2.** Violation of the provisions of this Act shall be a misdemeanor in office, and shall be punishable by a fine of not less than \$100.00 nor more than \$500.00, the amount to be determined by the Court trying the case.

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

Passed: February 4, 1943.

## Administration - Historical Notes

### **Budget System**

The following acts once created a budgeting system for Jefferson 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 1937 (2nd Ex. Sess.), Chapter 38, established the current budget system in Jefferson County.
2. Private Acts of 1939, Chapter 137, amended Private Acts of 1937 (2nd Ex. Sess.), above, by adding the next to the last paragraph in Section 4 giving the Quarterly County Court full authority to amend the budget as the same appears in relation to schools.
3. Private Acts of 1949, Chapter 743, further amended Section 4 of Chapter 38, by adding the last paragraph appearing in that section.

### **County Clerk**

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

1. Private Acts of 1933, Chapter 766, set the annual salary of the County Court Clerk of Jefferson County at \$2,750, payable monthly on the warrant of the County Judge. The Clerk must file a sworn, itemized statement with the County Judge, or Chairman, showing the total amount of fees collected in the office. If the fees failed to reach the above amount, the Clerk would be entitled only to the fees collected as the salary, all over the stipulated amount becoming the property of the County. If the Clerk failed to collect any fees which by the exercise of reasonable diligence could have been collected, these would be charged against his salary. However, the costs of the bond would be paid by the County out of regular county funds.

### **County Legislative Body**

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

1. The Territorial Ordinance of June 11, 1792, signed by William Blount, Governor, in and over the Territory of the United States south of the Ohio River, created a Court of Pleas and Quarter Sessions in Jefferson County. This Court possessed both judicial and legislative powers for many years to come. The Court was held in 1792 in Jefferson County at the home of Jeremiah Matthews on the fourth Monday in January, April, July, and October.
2. The Territorial Ordinance dated February 16, 1793, changed the time of holding the Court of Pleas and Quarter Sessions in Jefferson County to the second Monday in February, May, August, and November, of each year.
3. The Territorial Ordinance dated March 21, 1793, changed the place for holding the Court of Pleas and Quarter Sessions in Jefferson County to the north side of the French Broad River, on the lands of Francis Dean, near the Rev. Mr. Henderson's lower meeting house, at such particular spot as the commissioners should fix upon.
4. Acts of 1794, Chapter 8, Section 3, rescheduled the opening dates of the Court of Pleas and Quarter Sessions in Jefferson County to the first Monday in February, May, August, and November.
5. Acts of 1797, Chapter 6, changed the dates for the terms of the Court of Pleas and Quarter Sessions in Jefferson County to the third Monday in January, April, July, and October.
6. Acts of 1809, Chapter 93, fixed the terms of court for every Court of Pleas and Quarter Sessions in the State. In Jefferson County the terms would begin on the second Monday in March, June, September, and December.



7. Acts of 1811, Chapter 72, repealed the original jurisdiction given to the Circuit Court by Acts of 1809, Chapter 49, which had formerly belonged to the Court of Pleas and Quarter Sessions and returned the same to that Court.
8. Acts of 1813, Chapter 77, returned concurrent jurisdiction with the Courts of Pleas and Quarter Sessions to the Circuit Court, gave the Circuit Court equity jurisdiction, and provided for appeals from the Court of Pleas and Quarter Session to go to either the Circuit Court or the Supreme Court of Errors and Appeals.
9. Acts of 1821, Chapter 123, authorized the Clerk of the Court of Pleas and Quarter Sessions to build a house for use as a Clerk's Office on some part of the Public Square in the city of Dandridge, upon the death, resignation, or removal of the Clerk, his successors would have the use of the house as his office when he paid the Clerk, or his heirs and representatives, the value of the said building as the same might be determined at that time.
10. Acts of 1835-36, Chapter 6, established a County Court in every County, pursuant to the 1835 Constitution, changed the name of the Court to the Quarterly County Court which would meet on the first Monday of every month as a "Quorum Court" and every three months as a Quarterly Court. This Court could select jurors for some of the other courts of equal jurisdiction, generally one from each of the 25 civil districts but could select more jurors if the need existed. Jurors would be paid \$1.00 per day for each day served for which purpose a tax could be levied if the funds were not available from other sources.
11. Acts of 1851-52, Chapter 279, Section 4, declared that the town of New Market in Jefferson County would be allowed a Justice of the Peace who must reside within the corporate limits of the town and be elected by the qualified resident voters thereof. This Justice would be in addition to all other Justices of the Peace and possess the same powers and authority conferred upon them.
12. Acts of 1855-56, Chapter 175, was the legal authority for the qualified voters residing in Dandridge, in Jefferson County to elect a Justice of the Peace for that city who must be a resident of the town and who would have all the authority and jurisdiction given to other Justices.
13. Private Acts of 1915, Chapter 58, fixed the compensation of the Justices of the Peace in the counties of Hamblen, Jefferson, and Williamson at \$2.50 per day for each day's attendance at a regular, or special, session of the Quarterly Court. The Justices would also be paid five cents per mile for each mile traveled going to and from their homes and the Court.
14. Private Acts of 1921, Chapter 513, is listed in some publications as being applicable to Jefferson County but the population figures of 1920 which are quoted in the Act would make it apply only to Loudon County. The Act set up a schedule of fees to be charged for certain services performed by county officials.
15. Private Acts of 1949, Chapter 519, established the per diem rate of pay for the Justices of the Peace in Jefferson County (identified by the use of 1940 Federal Census figures) at \$5.00 per day for each day's attendance at all regular and called sessions of the Quarterly Court, plus whatever mileage allowance which was permitted under the law

### **County Mayor**

The references below are of acts which once applied to the office of county judge, or county executive in Jefferson 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 for a County Judge in every County in the State who would be learned in the law, elected by popular vote for four year terms, and who would be sworn and commissioned as all other Judges were. Quorum Courts were abolished, and the County Judge would assume all the responsibilities of the County Chairman. The Court would meet on the first Monday in every month. The Court would have jurisdictional authority over the administration of estates and related matters, as well as over those questions mentioned in this Act. The Judge would also be the accounting officer and general agent for the County and discharge all the duties stipulated by the Act in this respect. County Court Clerk would continue to be the clerk of the court but the circuit court clerk would keep the dockets. The Judge was not precluded from the practice of law except in the court over which he presided. This Act was short lived, being repealed by the one below.
2. Acts of 1857-58, Chapter 5, repealed Acts of 1856, Chapter 253, above, and restored both the Quorum Courts and the County Chairman to their former status.
3. Acts of 1885, Chapter 105, created the office of County Judge in Jefferson County who would be elected for a term of eight years at the same time as other county officials, and who would be sworn into office and commissioned as were other Judges, and be bonded in the amount of

\$20,000. Quorum Courts were abolished and the duties of that court given to the County Judge who would continue to convene it and preside over it on the first Monday in each month. The jurisdiction of the court was specifically enumerated and the Judge would also be the Financial Agent for the County exercising the responsibilities set up in this Act. The Judge was allowed to practice law in any court but his own. His salary would be \$500 per year plus any supplement granted to him by the Quarterly Court. This Act was repealed by the one following.

4. Acts of 1893, Chapter 167, expressly repealed Acts of 1885, Chapter 105, and abolished the office of county judge. The office of chairman was specifically provided in this Act who would be clothed with all the power and jurisdiction formerly conferred upon the County Judge and that office. The Judge would serve until the first Monday in October, 1894, when the members of the Jefferson County Quarterly Court would proceed to elect a chairman to replace him.

### **County Register**

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

1. Acts of 1826, Chapter 12, validated and made legal certain marriages and entries on land made for citizens residing in portions of Knox County and Jefferson County which were issued by the Clerk of those respective counties when in reality the area from whence they came was in Sevier County.
2. Acts of 1831, Chapter 162, validated and legalized all deeds of conveyance and other written instruments heretofore registered in the Counties of Greene, Sevier, Cocke, Washington, Hawkins, Carter, Grainger, Claiborne, Campbell, Jefferson, Blount, Monroe, McMinn, Morgan, Roane, and Sullivan, although the certificates on the same might not have recited an acknowledgment by the Grantor, or were not approved by subscribing witnesses, all of which would be as good and valid at law as all others which had been properly certified and acknowledged in the most formal manner. They would be as acceptable in any Court as evidence of the transactions but nothing herein would affect any suit then pending in Court.
3. Private Acts of 1919, Chapter 197, stated that hereafter in Jefferson County females over the age of 21 years would be eligible for the office of Register. Said females, if and when elected would execute the same bond and subscribe to same oath as all the others. The same duties and the same penalties would apply to the females in office as to their male counterparts.
4. Private Acts of 1921, Chapter 231, required that the Register of Deeds in Jefferson County to make an index of all deeds and instruments pertaining to land in alphabetical order according to the Grantor and Grantee, giving the book and page number of the registrations. The Register was further obligated to keep a separate index for releases and other instruments.
5. Private Acts of 1943, Chapter 342, declared that the Register of Jefferson County would keep and maintain the Cott System of indexing or pay the penalties prescribed herein for his failure to do so.
6. Private Acts of 1951, Chapter 400, prohibited the Register of Jefferson County from recording any deed of conveyance of real estate unless the deed bore the stamp of the Tax Assessor certifying that the Assessor had copied the names of the Vendors and Vendees, or his Deputy, to be on duty during office hours in order to stamp the certification on the deeds and other instruments. (See copy under

### **County Trustee**

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

1. Private Acts of 1927, Chapter 632, stated that the County Trustee of Jefferson County (identified by quoting population figures of 1920) must make one bond with the State of Tennessee for the same amount as the taxes collected during the prior year, and also make another bond to the State for the use and benefit of the County in the amount of one-third of the taxes collected in the County during the year immediately preceding the one in which the bond was being made.
2. Private Acts of 1933, Chapter 766, set the annual salary of the County Trustee of Jefferson County at \$2,750 payable monthly on the warrant of the County Judge, or Chairman, showing the total amount of fees collected in the office. If the fees failed to reach the amount of the salary, the Trustee would be entitled only to the fees collected. If the Trustee failed to collect fees which by the exercise of ordinary diligence could have been collected, these would be charged against him.

The costs of the Trustee's surety bond, however, would be paid out of the county treasury.

### **General Reference**

The following private or local acts constitute part of the administrative and political history of Jefferson 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 1794, Chapter 2, established a schedule of fees which could be charged by the clerks of the various courts, the Clerk and Master of the chancery court, the Sheriff, the Register, the Justices of the Peace, and the Constables. Anyone convicted of failure to comply with this law could be fined and, in addition, forfeit the office.
2. Acts of 1796, Chapter 6, set up a Treasurer for the Districts of Washington and Hamilton who would have his office at Knoxville, and another for the District of Mero who would be headquartered at Nashville. The Treasurer was primarily charged with keeping accounts of all transactions concerning the Districts including the receipt and disbursement of funds.
3. Acts of 1799, Chapter 38, fixed the county seat of Jefferson County at Dandridge.
4. Acts of 1801, Chapter 5, promulgated regulations for the inspection of pork, beef, hog lard, butter, hemp, and kiln dried flour before the same could be sold in counties, or between the States. Warehouses were to be erected and kept at the points specified in the Act to which goods could be brought to be stored and inspected. In Jefferson County the warehouses to be used for these purposes would be located in Dandridge, at the Mossy Creek Iron Works, and at Colonel Alexander Outlaw's boat on the Nollichucky River.
5. Acts of 1801, Chapter 69, in its preamble pointed to the necessity of navigable streams if the State and counties were to continue to grow, therefore, this Act made it lawful for the citizens of Washington County, Greene County, and Jefferson County to clear and remove every obstruction in the bed or channel of the Nollichucky River which flowed through their boundaries. For this purpose one thousand shares of stock could be sold at \$10.00 per share in the above named counties to produce the funds to accomplish the purpose stated.
6. Acts of 1806, Chapter 28, stated that five commissioner's would be chosen in and for the towns of Dandridge, Gallatin, and Rogersville on the day appointed by the Quarterly Courts of those respective counties. The Sheriff of the county was directed to hold the election on the day selected.
7. Acts of 1811, Chapter 79, established a Bank at Knoxville with an authorized capital of \$400,000 with the authority to set up branch banks in various counties. There would be a Branch of this Bank in Jefferson County under the directorship of Hugh Martin, David Morrow, and Henry Bradford.
8. Acts of 1813, Chapter 90, incorporated Joseph Hamilton, Baldwin Harle, and Augustine F. Fore, all of Jefferson County, plus other citizens from Washington County and Greene County, as the Nollichucky Navigation Company, which had the obligation to improve the navigation of the said river from Sluice Hill in Washington County to the mouth of the river located in Jefferson County. If certain conditions were strictly observed, the incorporators could publish a lottery to help raise funds.
9. Acts of 1820, Chapter 37, stated that it had been represented to the General Assembly that navigation of the south sluice of the Nollichucky, near George Gordon's paper mill, would be greatly improved for boats going up and down the river if a dam were to be constructed at that place. This Act authorized Gordon to build the dam with a bridge on the top of it so travel by road could continue. Gordon was allowed to charge the usual toll rates when the work was completed.
10. Acts of 1821, Chapter 94, authorized the Treasurer of East Tennessee to pay to John Northern of Jefferson County, the sum of \$18.00 for the value of arms he owned being pressed into the service of the State and Country during the recent war.
11. Acts of 1821, Chapter 183, appointed Jacob Peek, of Jefferson County, John Glass, of Greene County, and John Blair, of Washington County, as commissioners to execute a final settlement with the Nollichucky Navigation Company which would be made at Greenville and reported to the Quarterly Courts of the counties mentioned.
12. Acts of 1823, Chapter 93, enabled John Potter to build a mill and erect a milldam across the south sluice of the French Broad River in Jefferson County, opposite to Hamston's large island. The mill-dam would extend from the south bank of the River to an island in the sluice.
13. Acts of 1823, Chapter 123, permitted James A. Turnly, of McMinn County, the further time of nine

- months to procure a survey of an entry in the 5th Surveyor's District of three acres of land lying in Jefferson County, and to secure the issue of a grant for the same.
14. Acts of 1825, Chapter 91, Section 2, was the enabling legislation for William Graham to keep up a mill-dam and race which had previously been erected by him on the north side of the French Broad River in Jefferson County, provided the dam would in no wise obstruct the free navigation of the said river.
  15. Acts of 1826, Chapter 34, named commissioners from the counties of Cocke, Sevier, Knox, Blount, and William Hill, from Jefferson County, who would perform the duties of earlier commissioners specified in a prior Act in the settlement of land claims in certain areas for which they would be compensated as was provided in this Act.
  16. Acts of 1826, Chapter 187, declared that a town heretofore laid out by James Roddy and William Deadrick in Jefferson County would hereafter be known as Russellville for which John Potter, William Felts, James Phagan, James L. Neal, John Cox, and Joseph Austin were named as Commissioners.
  17. Acts of 1833, Chapter 278, made it lawful for the county court of Jefferson County, upon the petition of Elisha Hamner of that county, stating that he desired to emancipate his female slave, Sally, to do so accordingly, provided that Hamner gave bond with good security, payable to the Chairman of the Court, in a sum equal to the value of the slave conditioned to indemnify anyone injured by the misbehavior of the said slave.
  18. Acts of 1841-42, Chapter 86, declared that all marriage licenses heretofore issued by any person, or persons, by permission of the Clerk of the County Court of Jefferson County would be as good, valid, and effective in law as if they had been issued by the Clerk in person and all marriages taking place and performed under their authority were likewise declared to be valid and binding in all respects.
  19. Acts of 1843-44, Chapter 2, was the incorporation of Dandridge under the Mayor-Alderman form of municipal government with grants of specific powers under which the corporation would operate. The Sheriff, after giving ten days notice, would hold an election on the first Saturday in January, 1844, to elect seven Aldermen to two year terms who would then select one of their own number to serve as Mayor of the city, and appoint a Constable and a Recorder. If the Sheriff could not hold the election, one of his Deputies was authorized to do so.
  20. Acts of 1845-46, Chapter 35, was the legal authority for the Jefferson County Quarterly Court to appoint a Revenue Collector to collect the 1844 taxes, who would have the same power as the Sheriff, and his Deputies, to do so and would be subject to the same regulations including the making of proper reports. All who had paid their 1844 taxes, or a part thereof, were exempted from the provisions of this Act.
  21. Acts of 1845-46, Chapter 208, Section 23, extended the limits of the City of Dandridge south to the opposite side of the French Broad River, and north to the distance of one-half mile from the court house and also one-half mile from the court house on the east and on the west.
  22. Acts of 1847-48, Chapter 111, Section 17, provided that the limits of the city of Dandridge would be extended only one-quarter of a mile in each direction from the court house instead of the one-half mile previously allowed.
  23. Acts of 1853-54, Chapter 47, Section 2, extended the city limits of Dandridge so as to embrace the French Broad River commencing at a point 40 poles above Faine's Warehouse and continuing along the route described in the Act which area would be added to the town.
  24. Acts of 1855-56, Chapter 11, Section 5, incorporated John S. GoForth, William Dick, and Patton Howell as the New Market Building and Loan Association, and Daniel Gass, James Cox, and James Mitchell were established as the Dandridge Building and Loan Association.
  25. Acts of 1855-56, Chapter 106, Section 2, gave the counties of Jefferson, Washington, and Claiborne the right for their county court to direct that the sums raised by taxation in their counties as a sinking fund to discharge their bonded indebtedness invested in railroads, be invested in State, or County, bonds when they could be purchased in the market place.
  26. Acts of 1855-56, Chapter 223, was the legal authority for Jefferson County to purchase its own bonds which were issued under any Act for internal improvement purposes and to cancel them rather than to invest them in State bonds as the former Act required. All of the above authority to act would be under the control of the county court.
  27. Acts of 1857-58, Chapter 67, formed a corporation to be named the Marshland Cemetery with the authority to buy, hold, develop, improve, and dispose of a lot suitable for burying the dead near

the St. Paul Presbyterian Church in Jefferson County. The Board of Trustees were allowed to enact rules and regulations. The Act named Augustus Rice, William McFarland, Harris E. Dewitt, William McClister, David McClister, John W. Moser, Augustus F. Moser and Joseph Hamilton as the first Board of Trustees.

28. Acts of 1865-66, Chapter 32, was the legal authority for William Harris and J.M. Thornburg, of Jefferson County, to open books and subscribe stock up to \$500,000 to organize, operate, and manage under the stipulated limitations a bank which would be located at Dandridge. The Bank was required to pay one-half of one percent of its capital stock to schools.
29. Acts of 1868-69, Chapter 9, Section 3, moved the Branch of the Bank of discount and deposit formerly located in Dandridge to Knoxville.
30. Acts of 1869-70, Chapter 47, Section 91, incorporated James H. Carson, William H. Eckel, Temple Harris, John Smith, and William Dean, and their successors in office, as the Board of Trustees of the Dandridge Baptist Church in Jefferson County which would have all the rights, privileges, and powers incidental to religious corporate institutions.
31. Acts of 1877, Chapter 144, specifically repealed Section 25, Chapter 67, Acts of 1867, which incorporated the Dandridge Railroad Company.
32. Acts of 1879, Chapter 233, repealed the 1843 Act, which incorporated the town of Dandridge, and its amendments, and the town was abolished. All the books and records of the town were to be turned over immediately to the County Court Clerk.
33. Acts of 1893, Chapter 46, incorporated the City of White Pine under the Mayor- Alderman system of government, describing the area encompassed by the city and directing the Sheriff, or Deputy, to hold an election to choose five Aldermen and a Mayor, a Constable, and a Magistrate, all of whom would be sworn into office, and some of them were to be bonded for performance of their duties. This Act was repealed by the one following.
34. Acts of 1895, Chapter 45, repealed Chapter 46, Acts of 1893, above which incorporated the city of White Pine in Jefferson County, and abolished its charter. The records were to be delivered to the Magistrate of that Civil District and any money on hand would be applied to unpaid debts.
35. Acts of 1897, Chapter 124, set the annual salaries of the county officials according to the population class of the county in which they operated. The officials were deprived of all their fees which were to be paid over to the Trustee. Itemized and sworn statements showing the amount of fees collected were to be filed periodically with the County Judge, or Chairman, but in no case would the salary exceed the amount of fees paid in. This Act was declared unconstitutional in "Weaver v. Davidson County" (1900), 104 Tenn. 315, 59 SW 1105, but it and those to follow became the harbingers of the salary statutes under which the State of Tennessee now operates.
36. Private Acts of 1907, Chapter 419, incorporated the Mayor and Aldermen of the city of Dandridge as the limits were specifically described in the Act. The Mayor and six aldermen were to be elected by popular vote and then they would appoint a Recorder and the police for one year terms. The city was further entitled to a Justice of the Peace in addition to the other Justices. The Mayor and Aldermen must be resident property owners of the city. The remainder of the Act contained the usual provisions found in corporate municipal charters.
37. Private Acts of 1929, Chapter 337, authorized Jefferson County, acting by and through its Quarterly Court to levy a special tax for the employment of an Industrial Agent whose salary would not exceed \$3,600 annually and the tax levied could not produce any more than that amount. The agent's duties were to develop the natural resources of the county by correspondence, or advertisement, or by inviting agents of industrial concerns to see the minerals, timber, farms, or other county resources.
38. Private Acts of 1933, Chapter 769, was applicable only to Jefferson County. This Act amended Section 10731 of the Tennessee Code to provide that any petition to a court to increase the salaries or the numbers of assistants, or deputies, must first be approved by a majority of the Quarterly Court before being filed and Section 10732 of the Tennessee Code was amended to provide that the Quarterly Court could adopt a Resolution in normal form and manner citing the need for salary decreases in the positions of assistants, or deputies, and then file a proper petition in the appropriate court reflecting the contents of the Resolution whereupon the court could hear proof accordingly.
39. Private Acts of 1937, Chapter 422, removed the disability of infancy from Mrs. Ruth Blazer Ailey of Jefferson County, conferring upon her all the rights, privileges, and obligations of an adult.

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