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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.

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](http://www.ctas.tennessee.edu)

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# Chapter I - Administration

## County Mayor

## Chairman of the Highway Commission

### Private Acts of 1953 Chapter 147

**SECTION 1.** That the Private Acts of 1945, Chapter 366 as amended by the Private Acts of 1947, Chapter 180 be and the same is hereby amended so as to provide that the County Judge shall serve as Chairman of the County Highway Commission.

**SECTION 2.** That the County Judge shall receive for his services as Chairman of the County Highway Commission a salary of Six Hundred (\$600.00) Dollars per annum, payable in monthly installments of Fifty (\$50.00) Dollars each, said sum to be payable out of the County Highway Funds.

**SECTION 3.** That the aforesaid sum of Six Hundred (\$600.00) Dollars shall be in addition to the regular salary of the County Judge, but shall be included as a part of any salary which may at the present or any future time be fixed at Twelve Hundred (\$1,200.00) Dollars or more per year by any Public or Private Act enacted by the Legislature.

**SECTION 4.** That all laws or parts of laws in conflict herewith be and the same are hereby repealed, and that this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 13, 1953.

### Private Acts of 1939 Chapter 220

**SECTION 1.** That the office of County Judge of Houston County be, and the same is hereby created and established in and for said County.

**SECTION 2.** That the term of office of said County Judge shall be eight years, and he shall receive a salary of six hundred dollars (\$600.00) per year, payable monthly out of the county funds of said county, upon warrants, drawn as hereinafter provided.

**SECTION 3.** That said County Judge shall be elected at the regular election to be held in said County in August, 1940; that he shall be commissioned in the same manner as other judges of the State, and, before entering upon the duties of his office, he shall take an oath to support the Constitution and the laws of the United States, and the Constitution and laws of the State of Tennessee, and faithfully to discharge the duties of his office; and he shall enter into bond in the sum of ten thousand dollars (\$10,000.00), conditioned faithfully to discharge the duties of his office and account for all monies and county property that shall come into his hands as such County Judge.

**SECTION 4.** That it shall be the duty of the Governor of the State of Tennessee to appoint a person to hold the office of County Judge of said County, to serve from the time this Act becomes effective, until the regular election in August, 1940, and until his successor is elected and qualified. Said County Judge shall enter upon the discharge of his duties immediately upon his appointment by the Governor and upon taking said oath and executing said bond as above required. At the regular general election for county officers to be held in August, 1940, a County Judge shall be elected to fill said office until the general election in August, 1942, or until his successor is elected and qualified.

**SECTION 5.** That said County Judge shall be a resident citizen of Houston County, who, before his election, shall have been a resident citizen of the State of Tennessee for five years. He shall not be required to be a licensed lawyer.

**SECTION 6.** That said County Judge shall have and exercise all the powers and jurisdiction heretofore vested in the Chairman of the County Court of said County, and shall perform all of the duties heretofore performed by said Chairman. Said County Judge shall be the accounting officer and agent for said County, and as such shall have the power, and it shall be his duty:

1. To have the care and custody of all county property.
2. To control all books, papers, documents, and records pertaining to his office and to the fiscal affairs of the County.
3. To audit all claims of whatever character against the county; and when approved by him, he shall certify the same to the Clerk of the County Court, who shall issue a warrant therefor on the County

Treasury, to be signed by the County Court Clerk and countersigned by said County Judge. This provision shall not interfere with or abridge the power or jurisdiction of the Quarterly Court to determine what claims against the county shall be paid, which under the existing law, are required to be approved by said Quarterly Court.

4. Said County Judge shall countersign all warrants properly issued by the County Court Clerk, upon the County Treasury, and no warrant shall be paid that is not so countersigned.
5. Said County Judge shall audit and settle the accounts of the County Trustee and those of all other officers collecting or receiving county revenue, and all officers and other persons interested with receiving or expending any money of the County.
6. He shall cause all warrants to be entered in a well-bound book, to be kept by the Clerk of the County Court, to be known as the "Warrant Book"; and all warrants shall be entered in the order in which they are issued, giving the number, date and amount, and for what purpose and to whom given.

**SECTION 7.** That said County Judge shall have the power and authority to grant fiats, or writs of attachment or injunction, certiorari and supersedeas and all other extraordinary writs that the Chancellor and Circuit Judges of this State have the power to grant, and also to hear and determine cases of writs of Habeas Corpus and in proper cases to appoint receivers, and he shall have concurrent jurisdiction with the Chancery Court to allow guardians to encroach upon the corpus of the estates of their wards, the same as may be done under the orders and decrees of the Chancery Courts of Tennessee, and to approve previous expenditures out of the corpus of the estates by the guardians and to allow credits for settlements in said matters in the same manner, and to the same extent as Chancery Courts may do. Said County Judge shall have all the powers, duties and jurisdiction of a Justice of the Peace, except a vote as such in the Quarterly Court of said County.

**SECTION 8.** That the County Court to be held by the County Judge, under the provisions of this Act, shall be held on the first Monday of each month, and shall sit from day to day so long as the business thereof may require, and said Judge shall have the power to preserve order, and impose and collect fines and imprisonment for contempt as other Judges in Tennessee.

**SECTION 9.** That the Quarterly County Court of Houston County, composed of the Justices of the Peace of said county, shall meet as heretofore, on the first Mondays in January, April, July, and October, of each year; that said County Judge shall preside over the same, and that they shall have such jurisdiction as heretofore vested in them by law.

**SECTION 10.** That the duties of said County Judge, shall not interfere with the duties of the County Court Clerk of said County, as now provided by law; that said Clerk shall be and continue to be Clerk of said Court to be held by said County Judge, under the provisions of this Act; that he shall have all the power heretofore vested in him by law and shall perform all of the duties heretofore performed.

**SECTION 11.** That said County Judge, if an Attorney, shall not be precluded from practicing law in any of the courts of this State, except in the County Court of Houston County, and in cases appealed from his decision.

**SECTION 12.** That said County Judge shall have all the powers, duties and jurisdiction conferred upon County Judges and Chairman by the general laws of Tennessee, except insofar as same may be inconsistent with the provisions of this Act.

**SECTION 13.** That whenever said County Judge is unable from sickness or other causes to attend and hold his Court, then the Governor shall appoint some suitable person to hold said Court until the disability is removed. Said appointment to be made by the Governor upon certificate of said County Judge, stating that he is unable to attend or hold his court; that in case of a vacancy in said office of County Judge, by reason of death, resignation or other cause, the vacancy shall be filled by appointment of the Governor, said appointee to hold said office until the next regular county election, and until his successor is elected and qualified.

**SECTION 14.** That said County Judge shall have the power to solemnize the rites of matrimony.

**SECTION 15.** That all laws or parts of laws affecting Houston County, in conflict with this Act, be and the same hereby are repealed.

**SECTION 16.** That the provisions of this Act are hereby declared to be severable. If any of its sections, provisions, exceptions, sentences, clauses, phrases or parts be held unconstitutional or void, the remainder of this Act shall continue in full force and effect, it being the legislative intent now hereby declared, that this Act would have been adopted even if such unconstitutional or void matter had not been included therein.

**SECTION 17.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 15, 1939.

## Administration - Historical Notes

### **County Clerk**

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

1. Private Acts of 1947, Chapter 733, set the salary of the County Court Clerk at \$200.00 per annum plus all of the fees collected by his office.

### **County Legislative Body**

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

1. Private Acts of 1937, Chapter 17, validated the Houston Quarterly County Court's resolution transferring the city's interest in Ross Vaughn's Tobacco Warehouse and lot of land to the City of Erin.
2. Private Acts of 1943, Chapter 183, provided that the County Court was to meet quarterly rather than semi-annually.
3. Private Acts of 1953, Chapter 146, set the per diem compensation of Justices of the Peace at \$5.00. This is now set by general law found in T.C.A. 5-5-107.

### **General References**

The following private or local acts constitute part of the administrative and political history of Houston County but are today no longer operative because they have either been superseded, repealed, or failed to receive local approval.

1. Acts of 1875, Chapter 56, authorized a number of Tennessee counties, including Houston, to borrow money and to issue bonds for the relief of the poor. This Act was necessitated because of widespread destitution due to crop failure.
2. Private Acts of 1915, Chapter 57, made women over the age of twenty-one eligible to be notaries public in Houston County.
3. Private Acts of 1927, Chapter 215, set the salary of the Registrar of Houston County at \$100 per month plus the fees of the office.
4. Private Acts of 1929, Chapter 330, authorized the Houston Quarterly County Court to borrow money to pay floating indebtedness and outstanding warrants.
5. Private Acts of 1929, Chapter 378, was an Act regulating county finance in Houston County. It had provisions dealing with the funding of floating indebtedness, and the issuance and sale of county bonds.
6. Private Acts of 1931, Chapter 784, validated the resolution of the Houston County Court giving the County Trustee 1% of the proceeds of county bonds as his compensation for his services in the collection and disbursement of those bonds. The Supreme Court of Tennessee in Dreaden v. Halliburton, 166 Tenn. 331, 61 S.W.2d 670 (1933), held that this act was unconstitutional since it superseded a general law for the benefit of an individual, in violation of Article 11, Section 8 of the Constitution of Tennessee.
7. Private Acts of 1937, Chapter 531, allowed H. C. Hagler to file a Workmen's Compensation claim for the loss of an eye in the course of his duties.
8. Private Acts of 1939, Chapter 171, abolished the office of Chairman of the County Court in Houston County.
9. Public Acts of 1974, Chapter 724, amended Section 8-2204, Tennessee Code Annotated, by requiring that the county officials listed in Section 8-2201, T.C.A. to file certain reports concerning the fees and commissions collected in their respective offices. Houston County was among the counties which exempted themselves from the effects of this amendment.
10. Private Acts of 1979, Chapter 16, approved by the Mayor and Aldermen on April 3, 1979, amended Private Acts of 1951, Chapter 403, the city Charter of Erin, by inserting a new paragraph after Section 308 of the Charter giving the Mayor the authority to suspend any employee for cause until the next regular meeting of the Mayor and Aldermen following the suspension. The employee's salary could be reduced or eliminated during the suspension period. Final action would be taken at the subsequent meeting of the Board.

11. Private Acts of 1979, Chapter 34, also approved on April 3, 1979, by the Mayor and Aldermen of Erin, amended the City Charter relative to the qualifications of and the length of the term of the Mayor and Aldermen of the City.

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