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# Administration - Historical Notes

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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,

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# Administration - Historical Notes

## **County Legislative Body**

The following act once applied to the quarterly court or the county legislative body of Clay County and is included herein for historical purposes.

1. Private Acts of 1959, Chapter 197, would have fixed the per diem of the Justices of the Peace at \$10 per day for attendance at meetings of the County Court plus mileage of ten cents per mile one way from their homes to the meeting place but this act was not approved by the County Court and therefore did not become a law.

## **County Mayor**

The references below are of acts which once applied to the office of county judge, or county executive in Clay 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 1903, Chapter 145, created the office of county judge for Clay County. The act also abolished the office of chairman and chairman pro tem of the county court and conferred the powers and jurisdiction of that office to the county judge. The compensation was set at \$200 per annum.
2. Private Acts of 1933, Chapter 742, amended Section 14, Chapter 145, Acts of 1903, which created the Office of County Judge for Clay County by setting the compensation of the Judge at \$500 per year, payable at quarterly intervals, which would be in lieu of all other compensation for services as a County Judge, financial agent, or whatever, including his work on the Workhouse Commission.
3. Private Acts of 1937, Chapter 407, amended Chapter 145, Acts of 1903, by making the County Judge or Chairman, the ex-officio Purchasing Agent for the county while denying the right to purchase by any other procedure to all other county officials; he would also arrange for rental of all equipment. He would also be free to contract. All items in excess of \$400 must be bid items. Administrative details are incorporated into the act, including a prescribed way of keeping records. He would be paid \$500 annual salary as Purchasing Agent. This Act was repealed by acts of 1937, Chapter 573.
4. Private Acts of 1937, Chapter 573, repeals Chapter 407 Private Acts of 1937, with reference to the duties of the County Judge as Purchasing Agent for the County.
5. Private Acts of 1937, Chapter 811, is a duplication of Chapter 573, above, in Item 3, and it also repeals Chapter 407, Acts of 1937.
6. Private Acts of 1939, Chapter 404, grants to the County Judge an additional salary of \$200 per annum for services in connection with the additional duties conferred upon him by the Social Security Act, it being the intention of the Legislature that this salary be in addition to all other compensation.
7. Private Acts of 1943, Chapter 53, repeals Chapter 145, Acts of 1903, which created the position of County Judge for Clay County, as the act was amended. This act was declared unconstitutional by the Supreme Court in State, ex rel, Baily v. Mabry, 181 Tenn. 7, 178 S.W.2d 379 (1943).
8. Private Acts of 1947, Chapter 322, provided that the County Judge of Clay County receive additional compensation of \$300 per year for the additional duties placed upon him by the Social Security Act, and for additional duties in connection with the Workhouse Commission, the Legislature intending this compensation to be in addition to all other pay.
9. Private Acts of 1949, Chapter 12, also granted the County Judge \$180 a year in additional salary because of the added duties placed upon him by law and for his performance of greater responsibilities with the Workhouse Commission, again, being the intent of the Legislature to grant this over and above all other compensation.
10. Private Acts of 1955, Chapter 403, would have repealed Chapter 145, Acts of 1903, which created the position of County Judge for Clay County, effective on September 1, 1958. The office would also stand abolished at the death or resignation of the incumbent County Judge if either should occur before September 1, 1958, all of this being contingent upon the outcome of a referendum held for that purpose, but this act was rejected and disapproved by the Quarterly County Court of Clay County and never did become effective under the Home Rule Amendment to the State Constitution.
11. Private Acts of 1978, Chapter 312, gave the county judge jurisdiction concurrent with that granted

general sessions judges to supervise and approve emergency commitment of mentally ill individuals.

### **County Trustee**

The following act once affected the office of county trustee in Clay County, but is no longer operative.

1. Private Acts of 1947, Chapter 544, states that the Clay County Quarterly Court by Resolution had given the Trustee a 1% commission on \$77,919.75 of bonds sold and an insurance claim collected in the public school system. This Act ratifies and validates all the actions taken by the county court in regard to the above, and orders that the Trustee be paid \$779.19 as his lawful commission for handling the said funds, which commission would be subtracted in pro rata amounts from each of the funds.

### **General Reference**

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

1. Private Acts of 1937, Chapter 406, was a lengthy piece of legislation providing for a budget system for Clay County which prescribed a deadline date for preparation of the budget, a form of publication for a public hearing and penalties for failing to comply or otherwise violating the mandates of this Act. A Budget Committee was provided with certain terms of office, certain duties and responsibilities and who would be paid for each meeting. The School Board would also file a budget request as any other department, records were to be kept by all participating agencies. Once adopted no official could exceed the amount of the budget in his spending.
2. Private Acts of 1937, Chapter 575, repealed Chapter 406, Private Acts of 1937.

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