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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 Attorney**

The following act once affected the appointment, election, or office of the county attorney in Unicoi County. This act is included for historical reference only. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Private Acts of 1943, Chapter 341, created the office of county attorney for Unicoi County, prescribed his duties, compensation and qualifications. This act was repealed by Private Acts of 1949, Chapter 658.

## **County Clerk**

The following acts once affected the office of county clerk in Unicoi County. They are included herein for historical purposes.

1. Public Acts of 1897, Chapter 124, set the salary of the Unicoi County Court Clerk at \$1,000 per annum.
2. Private Acts of 1923, Chapter 27, set the salary of the county court clerk of Unicoi County at \$1,500 annually, payable quarterly, provided he kept and filed an itemized sworn statement with the judge or chairman of the county court showing the amount of fees collected by his office. If the fees were less than the salary the county would make up the difference. This act also made it unlawful for the clerk to donate the fees directly to those from whom they were to be collected.

## **County Legislative Body**

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

1. Private Acts of 1915, Chapter 79, permitted Erwin to elect an additional justice of the peace. This act was repealed by Private Acts of 1947, Chapter 257.
2. Private Acts of 1915, Chapter 259, declared that the justices of the peace in Unicoi County, would receive \$2.50 daily for each day's attendance at the quarterly county court meetings or at called sessions. Five cents per mile for each mile traveled between residence and court meeting was also allowed. This act was specifically repealed by Private Acts of 1973, Chapter 105.
3. Private Acts of 1921, Chapter 261, granted six more justices of the peace to the town of Erwin in addition to the ones they now have who would have all the power and authority as the other justices in like position. They would be elected at the next general election. This act was repealed by Private Acts of 1947, Chapter 258.
4. Private Acts of 1921, Chapter 921, set the per diem of justices of the peace in Washington, Carter, Greene, Johnson, and Unicoi counties at \$4.00 daily to provide them with some relief. This was for each day's attendance at court plus five cents per mile travel allowance. This act was also repealed by Private Acts of 1973, Chapter 105.
5. Private Acts of 1933, Chapter 629, made it unlawful for any justice of the peace of Unicoi County to have an office for the transaction of official business in any other civil district than the one in which he was elected.
6. Private Acts of 1972, Chapter 389, would have amended Private Acts of 1921, Chapter 921, by increasing the per diem compensation of the justices of the peace to \$25 per day and the mileage allowance to ten cents per mile for travel between residence and court meetings. This act also removed Carter County from its provisions, but it was not approved at the local level in Unicoi County and therefore did not become a law.
7. Private Acts of 1973, Chapter 105, provided compensation for attending meetings by the members of the quarterly county court of Unicoi County which was set to \$4.00 per day and could not exceed \$25 per day. This act also provided five cents compensation for each mile traveled to the county seat from a member's residence.

## **County Mayor**

The references below are of acts which once applied to the office of county judge, or county executive in Unicoi County. They are included herein for historical purposes only.

1. Private Acts of 1935, Chapter 410, created the office of county judge in Unicoi County, prescribed his qualifications, his compensation, and defined his rights, powers, and jurisdiction. The act

abolished the office of the chairman of the county court and the county road commission and conferred upon the county judge all the powers, duties and jurisdictions of those two offices. Many of the powers of justices of the peace were likewise conferred upon the judge. This act was declared unconstitutional in *Gouge v. McInturff, Sheriff*, 169 Tenn. 678, 90 S.W.2d 753 (1936).

2. Private Acts of 1955, Chapter 108, gave the county judge or chairman of Unicoi County jurisdiction to issue fiats for all extraordinary process.
3. Private Acts of 1963, Chapter 44, would have created the office of county judge of Unicoi County, but this act was rejected at the local level and did not become a law.

### **County Register**

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

1. Public Acts of 1897, Chapter 124, set the salary of the Unicoi County Register at \$800 per annum.

### **County Trustee**

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

1. Public Acts of 1897, Chapter 124, set the salary of the Unicoi County Trustee at \$1,000 per annum.

### **General Reference**

The following private or local acts constitute part of the administrative and political history of Unicoi 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. Public Acts of 1879, Chapter 121, changed the name of the county seat of Unicoi County from Vanderbilt to Erwin.
2. Public Acts of 1897, Chapter 124, may have been the first really comprehensive salary act which classified counties according to population. The trustees, register, sheriff, and clerks of the several courts were all included. Unicoi, being under 20,000 in population would have been in the last group which paid the clerk and master, the county court clerk, the county trustee, and the sheriff \$1,000 annually, and the remainder, \$800 annually. The salaries were to be in lieu of all fees collected by the office, but the county court was required to furnish whatever materials and equipment were needed. Monthly statements had to be filed but the salaries were not to exceed the fees paid into the treasury.
3. Acts of 1907, Chapter 81, provided how railroad companies could cross and occupy streets, highways, and private roads, and take land for the purpose of substituting other streets, highways, and roads in lieu thereof, and prescribed the mode of condemnation of land taken for such purpose, and provided for compensation or damages to the owners of such land in Unicoi County.
4. Private Acts of 1919, Chapter 131, declared that women over 21 years of age were eligible to hold the office of deputy county court clerk, deputy register, and deputy clerk and master, in Unicoi County. All the power and authority and all the duties and responsibilities which were pertinent to the positions were likewise transferred to them.
5. Private Acts of 1933, Chapter 485, removed the disability of infancy of Clive Wellington Bare of Unicoi County.
6. Private Acts of 1937 (3rd Ex. Sess.), Chapter 2, was an act to centralize, consolidate, and reorganize county administrative affairs in Unicoi County. The law created a board of county commissioners and provided for their appointment, election, and qualification, enumerated the powers conferred upon them and created the departments over which they would preside. The act abolished the board of road commissioners created by Private Acts of 1915, Chapter 248, as amended, and all its powers, duties, functions and responsibilities were transferred to the commission. This act, several pages long, created the framework within which the county government would operate with a great deal of attention given to details. This law was specifically repealed in its entirety by Private Acts of 1949, Chapter 661.
7. Private Acts of 1973, Chapter 85, provided for the election of the county board of equalization of Unicoi County, provided for the qualifications of its members, fixed their terms of office, duties and responsibilities and provided for the filling of vacancies. This act was repealed by Private Acts of 1982, Chapter 215.
8. Private Acts of 1996, Chapter 185, would have appointed a purchasing agent for Unicoi County

and amended Private Acts of 1949, Chapter 678, however, according to the Unicoi County Clerk's Office, this act was rejected by the county and therefore never became law.

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