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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,

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Chapter I - Administration

Budget System

County Audit

Private Acts of 1931 Chapter 203

SECTION 1. That the provisions of this Act shall apply to all counties that have a population of not more than 20,490 nor less than 20,475, according to the Federal Census of 1930, or any subsequent Federal Census.

SECTION 2. That the Chairman or Judge of the County Court of all counties within the provisions of this Act shall, arrange and contract for an audit of all the following county offices, sheriff, trustee, register, the clerks of all the courts, the office of county judge or chairman, the Board of Education, Poor House Commission, all highway or pike commissioners; said audit to be annual and to be as of the last day of September of each year and said audit shall be made by or under the certification of a certified Public Accountant who is duly qualified under the law of this State and shall be for the purpose of ascertaining the correct financial condition of such office or officer in respect to all public funds, coming or that should have come into said office or officer, during the period covered by said audit.

SECTION 3. That this audit shall be made and promptly reported to the Chairman or County Judge of said county; and that the same shall be submitted to the consideration of the County Court at its next special or regular term of Court after the October Court; and that said audit shall be in lieu of the work and reports of the County Revenue Commissioners; and that the counties affected by this Act shall not at its July Court elect Revenue Commissioners.

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 That all laws and parts of laws in conflict with this Act be and the same are hereby repealed and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 3, 1931.

Private Acts of 1941 Chapter 543

SECTION 1. That in all Counties having a population of not less 23,285 nor more than 23,305 according to the Federal Census of 1940 or any subsequent Federal Census, it shall be unlawful for any County official operating under a budget to exceed the same during any budgetary period.

SECTION 2. That any official violating the provisions of this Act be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$500.00 and shall forfeit his office.

SECTION 3. 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 take effect from and after its passage, the public welfare requiring.

Passed: February 15, 1941.

Administration - Historical Notes

Budget System

The following acts once created a budgeting system for Sevier County, but they have been specifically repealed or superseded by current law.

1. Private Acts of 1976, Chapter 223, would have amended Private Acts of 1941, Chapter 543, by deleting the words in Section 2 "and shall forfeit his office," but the Quarterly County Court of Sevier County rejected this act and it never became an effective law under the Home Rule Amendment to the State Constitution which required local approval.

County Attorney

1. Private Acts of 1933, Chapter 880, created the office of County Attorney for Sevier County, using the 1930 Census figures, who would be elected by the Quarterly County Court for four year terms, the first one to be elected at the April term in 1933. Any vacancy occurring would be filled by the court. The Quarterly County Court would also set his salary between \$600 and \$900 per year, payable monthly out of regular county funds. The County Attorney would give legal advice and aid to all county officials, transact the legal business of the county, meet with the County Court and represent the county in all its litigation. The court was permitted to appropriate money to pay the

expenses incidental to the office under certain conditions and could pay additional fees to the County Attorney for extraordinary, or special services rendered by him. This act was specifically repealed by Private Acts of 1941, Chapter 121, below.

2. Private Acts of 1941, Chapter 121, expressly repealed Private Acts of 1933, Chapter 880, above.
3. Private Acts of 1941, Chapter 538, created the position of county solicitor. The first Solicitor would serve from the first Monday in April, 1941, until the regular election in August, 1942, wherein a successor would be elected for a four year term. The salary was set at \$1,200 per year, payable monthly and any vacancy would be filled by appointment of the County Judge until a successor could be elected at the next general election. The county would pay necessary expenses when the same were verified by a sworn, itemized statement. The duties of the Solicitor, who must be a licensed attorney, were quite similar to those mentioned in the prior act concerning the County Attorney with the responsibility of collecting delinquent taxes being added, but all fees to which he might be entitled as delinquent tax attorney would be paid to the County. Mr. O. M. Connatser was named as the first Solicitor for Sevier County.
4. Private Acts of 1949, Chapter 318, specifically repeals Private Acts of 1941, Chapter 538, above, but with the provision that this Act would not become effective until the expiration of the current term of the Solicitor for the county.
5. Private Acts of 1980, Chapter 308, would have empowered the county legislative body of Sevier County to employ legal counsel. This Act was either rejected or never acted upon, thereby rendering it void.

County Legislative Body

1. The following acts once applied to the quarterly court or the county legislative body of Sevier County and are included herein for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.
2. Acts of 1794, Chapter 11, is the Act which created Sevier County and provided that the Court of Pleas and Quarter Sessions would meet on the last Monday in January, April, July and October at the house of Isaac, or at whatever place in the county to which the Justices might adjourn until a courthouse is built.
3. Acts of 1795, Chapter 7, changed the time for the meetings of the Quarterly County Court of Sevier County to the first Monday in, January, April, July and October, appointed commissioners to erect a courthouse and prison, and to establish a town.
4. Acts of 1797, Chapter 6, set the time for the regular meetings of the Court of Pleas and Quarter Sessions for Sevier County on the second Monday in February, May, August and November.
5. Acts of 1809, Chapter 93, set the times for the start of the regular terms of the Courts of Pleas and Quarter Sessions for every county in the State. Sevier County's Quarterly Court would meet on the third Monday in March, June, September and December.
6. Acts of 1820 (Ex. Sess.), Chapter 89, changed the regular court terms of the Quarterly County Court of Sevier County to the first Monday in March, June, September and December with all process made to conform to those dates. This act further ordered that some lawsuits, filed in Sevierville against various people for breaches of the laws of that town, based upon warrants issued from Justices of the Peace, and which have found their way into the County Court and the Quorum Court of the county and would be heard by those justices of the Quorum Court, be tried by Justices who were not on the Quorum Court.
7. Acts of 1855-56, Chapter 246, permitted the town of Sevierville to elect an additional Justice of the Peace for that city at an election to be held on the first Saturday in the coming month of April.
8. Private Acts of 1919, Chapter 564, provided that the compensation of the Justices of the Peace should be \$2.50 per day for each day's attendance at a regular, or called, meeting of the Quarterly County Court. They would also be paid mileage, as now required by law, of five cents per mile going to and returning from the court when the Justices lived more than five miles from the county seat; mileage payments being restricted to one day per term of court.
9. Private Acts of 1949, Chapter 149, stated that in Sevier County, using the population figures of the 1940 Census, the per diem payments to all Justices of the Peace duly elected and qualified for attending regular or special sessions of the Quarterly County Court shall be \$5.00 per day to be paid according to law.
10. Private Acts of 1955, Chapter 393, would have increased the per diem payments of the members of the Quarterly County Court for attendance at its regular or special meetings to \$10 per day, but this act was not approved at the local level and therefore did not become a law because of the

Home Rule Amendment to the State Constitution.

11. Private Acts of 1971, Chapter 195, increased the per diem compensation of the Justices of the Peace to \$25 per day in attendance at any regular or special meeting of the Quarterly County Court and repealed Private Acts of 1919, Chapter 564 above, and Private Acts of 1949, Chapter 149. This Act was properly ratified by the Quarterly Court but has been superseded by T.C.A. Section 5-5-107 which sets the minimum compensation of members of the county legislative body for attendance at meetings in counties of the fourth population class, including Sevier County, at \$30 per day.

County Mayor

The references below are of acts which once applied to the office of county judge, or county executive in Sevier 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 1855-1856, Chapter 253, created the post of County Judge for every county in the State, who would hold office for four years except for the first one who would hold until the next general county election after the passage of this act. The Quorum Courts of the county were abolished and their jurisdiction conferred upon the County, as well as the responsibilities of the Chairman of the County. The court's jurisdiction was outlined in Section 6. In addition, the County Judge would be the accounting officer and general agent of the county, his powers and duties as such being enumerated. The Judge would be paid \$5.00 per day when holding Monthly or Quarterly Courts and the Court could award him additional compensation for his other duties as they might desire. This act was repealed by Acts of 1857-58, Chapter 5, which also restored the Quorum Courts.
2. Public Acts of 1857-58, Chapter 38, again created the position of County Judge for Davidson, Shelby, Knox, Montgomery and Williamson Counties, and was later made to apply to Sevier County. The Judge would be learned in the law and elected to serve eight years, the first election to be held on first Saturday in March, 1858. The remainder of this act is virtually a verbatim copy of the terms and conditions of Acts of 1855-1856, Chapter 253, outlined above. This Act was cited as constitutional in Grainger County v. State, 111 Tenn. 277, 80 S.W. 750 (Tenn. 1904).
3. Private Acts of 1859-60, Chapter 176, made the Public Acts of 1857-1858, Chapter 38, above, applicable to Sevier County. Arrangements were made for the Sheriff to hold the election. The Judge would receive \$3.50 per day for sitting on the monthly and quarterly courts. This act required a referendum to be held before becoming effective.
4. Private Acts of 1935, Chapter 667, created the office of County Judge and appointed C. A. Temple, the chairman of the County Court, to the post, to hold it until the next regular election in August, 1936, when a successor would be elected to serve until September 1, 1942, and at that time, a Judge would be chosen to serve the full eight year term. The County Court would fill vacancies until the next general election. The Judge must be over 30 years of age and a resident of the county. The office of Chairman of the County Court was abolished and the duties of it assigned to the Judge who would fill the office and preside over the Court. The monthly court would be held on the first Monday of each month until the docket was completed and the Quarterly Court was slated to convene on the first Monday in April, July and October. The Judge was also designated to be the accounting officer and general agent. His salary was set at \$1,500 per year. This act was repealed by Private Acts of 1941, Chapter 487, below.
5. Private Acts of 1941, Chapter 487, expressly repealed Private Acts of 1935, Chapter 667, above, to take effect on the first Monday in October, 1942, to which date the present County Judge would continue to occupy the office mentioned above.
6. Private Acts of 1949, Chapter 850, as amended by Private Acts of 1957, Chapter 324, created the office of county judge and appointed E. T. King, the chairman of the County Court, to the post, to hold it until the next regular election in August, 1950, when a successor would be elected.
7. Private Acts of 1976, Chapter 222, amending Private Acts of 1973, Chapter 73, as amended by Private Acts of 1975, Chapter 105, would have given concurrent jurisdiction in all probate matters to the County Judge and the Trial Justice Court, but the act was disapproved by the Sevier County Quarterly Court and never took effect as a result.

County Register

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

1. Private Acts of 1857-58, Chapter 128, provided that all written instruments required to be registered under the state law, where the same have been registered in Sevier County, upon production of a certified copy of the document, and upon proof that the other was burned in the

fire in March, 1856, the copy may be duly registered and will be valid in all things as if it had been the original.

Planning/Zoning

The following is a listing of acts pertaining to planning and zoning in Sevier County which are no longer effective. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1989, Chapter 76, established planning and zoning regulations for areas not under the jurisdiction of a municipal, regional, or community planning commission. The regulations required anyone wishing to subdivide land to submit a plan of the proposed divisions to the Sevier County Commission Transportation Committee for approval of all roads.
2. Private Acts of 1995, Chapter 24, expressly repealed Private Acts of 1989, Chapter 76, in its entirety.
3. Private Acts of 2000, Chapter 110, authorized an advisory referendum relative to zoning in Sevier County to determine the will of the people regarding whether the county commission should adopt a zoning plan for unincorporated portions of Sevier County.

General Reference

The following private or local acts constitute part of the administrative and political history of Sevier 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 1795, Chapter 7, recited that the act to appoint commissioners to erect a court house, prison, and stocks in Sevier County had proved ineffectual. This act appointed Peter Bryan, Joshua Gist, Mordecai Lewis and John Clark as Commissioners to act in conjunction with the Commissioners heretofore provided for, to agree and contract for 25 acres of land in Sevier County, as near the center as possible, and to agree and contract with workmen to build a court house, prison and stocks thereon. They would lay off the plat into one-half acre lots, lay out the streets and alleys in the 25 acres for a county seat which would be called Sevierville. The lots would be sold at public auction to the highest bidder and the proceeds used to build the public buildings. The purchaser must build on the lot within two years from purchase or land would revert into the Commissioner's hands.
2. Acts of 1798, Chapter 15, appointed Josiah Rodgers, William Henderson, Samuel Blair and Isaac Thomas as Commissioners for Sevierville, all to serve in addition to all the Commissioners heretofore appointed.
3. Acts of 1803, Chapter 1, was a statewide militia law organizing the state armed forces into their respective units and setting up the regulations under which they would operate. Sevier County's militia was assigned to the Eleventh Regiment and would be divided into Battalions, Companies and Platoons. They were required to hold at least one semi-annual muster.
4. Acts of 1805, Chapter 10, named William Porter, Isaac Love, John Brabson, Floyd Nichol, Robert Wear, Benjamin Ominet and William Mitchell as additional Commissioners for Sevierville and charged them with the same responsibilities given to the original Commissioners about laying out the town, selling the lots and causing the buildings to be erected. They must give a strict accounting of all monies received to the Treasurer.
5. Acts of 1805, Chapter 26, is indicated in some works as applying to Sevier County but this act which concerns the sale of some lots in Greenville does not apply. The jail lot in Greenville was sold by an agent named Valentine Sevier.
6. Acts of 1807, Chapter 26, appointed David Owens, Alexander Preston and William Frazier as additional Commissioners for Sevierville.
7. Acts of 1809, Chapter 23, corrected the name of David Owens in the above act to Stewart Owens.
8. Acts of 1815, Chapter 199, provided for a town to be established on the land of Ferrill Hester, in Sevier County, consisting of 30 one-half acre lots to be laid out in proper streets and alleys under Hester's direction. The town would be called Hesterville, and when the lots were sold, they would be subject to taxation as other lots were.
9. Acts of 1819, Chapter 20, gave the County Court of Sevier County full power and authority to appropriate any money now in the hands of the Trustee, or that may hereafter come into his hands, for the purpose of building a prison in Sevierville on such part of the public square as the Commissioners of the town may think proper. The commissioners were given the authority to sell

- the old prison as the county court may direct.
10. Acts of 1820, Chapter 21, made it appear that the language in a grant was insufficient to give the title to 25 acres to the Commissioners in order for them to pass it on to purchasers of the same in Sevierville. This Act requires the Register to permit an amendment to the conveyance by removing the phrase "and heirs" from the grant by adding the phrase "and successors" in its place, thus curing the alleged defect in title.
 11. Acts of 1822, Chapter 207, permitted John Brabson, of Sevier County, to build a dam across the south sluice of the French Broad River at the place where he is now building a set of mills, provided that the County Court of Jefferson County agrees that it is in the best interest of the community to do so.
 12. Private Acts of 1823, Chapter 148, provided that Catherine Hardin, of Sevier County, was empowered to acquire and dispose of property, to contract, to sue and be sued, and to do all things belonging by law to an adult single woman, except that she cannot intermarry with another man. Nothing in this act shall be construed as prohibiting her from resorting to the divorce courts, if she should so desire.
 13. Public Acts of 1825, Chapter 69, provided that Sevier County shall compose the 11th Regiment and hold a regimental muster on the second Saturday in October of each year. They were assigned to the First Brigade. The remainder of this lengthy Act was confined to the enactment of regulations for the organization, maintenance and operations of the State Militia.
 14. Public Acts of 1826 (Ex. Sess.), Chapter 12, provided that all marriages celebrated under licenses obtained from the Clerk's office in Jefferson or Knox County which authorized marriages in those counties for citizens supposed to be residing therein but were in reality residing in Sevier County were hereby validated and legalized. Further, all entries of land heretofore made by citizens of Sevier County residing between Bays Mountain and the Holston River in the Entry Takers office in either Knox or Jefferson Counties describing land supposedly in Knox or Jefferson County, but actually located in Sevier County, are also made legal, valid and binding.
 15. Private Acts of 1829, Chapter 108, provided that Elijah Robertson, of Sevier County, be released and discharged from the payment of a \$100 fine assessed by a jury for an assault and battery on the body of one Jeremiah Blalock at the June Session of the County Court. He is not released from the payment of costs in the cause, however.
 16. Private Acts of 1831, Chapter 162, stated that all deeds, or other written instruments heretofore registered in Greene, Sevier, Cocke, Washington, Hawkins, Carter, Grainger, Claiborne, Campbell, Jefferson, Blount, Monroe and Sullivan Counties, although the certificates may not specify that the instruments were acknowledged by the grantor, or bargainor, yet the same shall be as good and valid, in law and equity as if they had been certified in a most formal and legal manner.
 17. Private Acts of 1831, Chapter 257, stated that Knobb Creek in Sevier County, a branch of Boyd's Creek, is hereby declared to be navigable from the mouth of the said Creek up to the place where the public road leading from Sevierville to Maysville crosses same.
 18. Public Acts of 1835-36, Chapter 21, was the next statewide Militia Law which assigned the two companies in Sevier County to the 19th Regiment of the 5th Brigade.
 19. Public Acts of 1837-38, Chapter 157, amended the State Militia Law by requiring a county drill in every county in September of each year which would take place in the county seat. Sevier County would attend to this requirement on the second Friday and Saturday in September. The Regimental musters would be held in every county in October of each year.
 20. Public Acts of 1867-68, Chapter 64, incorporated Matthew Tarwater, B. C. Andes, W.F. Nichols, J.M. Thomas, James P. Catlett, Isaac Trother, Jesse Stafford, R.W. Crowson, William Burns, M.P. Thomas, West J. Ernest, J.C. Murphy, Henry Butler, John Snapp, Harvey Keener and S.O. Dickey as the "The Sevier County Farmers' Club" which was authorized, among other things, to promote fairs, exhibitions, expositions and like events for which they might purchase land, build buildings and maintain and operate them.
 21. Public Acts of 1899, Chapter 419, authorized Sevier County, at such place or places where ferries run, or may hereafter run, to purchase such boats and equipment, and employ such personnel as may be needed to operate the said ferries without any charge therefor, if the County Court should consider the same to be in the best interests of the county. Additional costs, if any, may be appropriated out of any funds belonging to the county.
 22. Public Acts of 1909, Chapter 245, permitted the practice in Lauderdale, Gibson, and Sevier Counties for any person, firm, corporation, partnerships or combinations thereof to operate under one and the same management and to take out corporate charters to acquire both real and

personal property for putting into operation a system of waterworks, electric lighting and ice making plants under the same corporation. All powers, privileges and obligations conferred upon his type of outfit shall also be conferred upon others of similar nature which are formed in the same way.

23. Private Acts of 1933, Chapter 296, authorized the Quarterly Court upon a majority vote to subscribe for and purchase capital stock in any bank within the county. Article 2, Section 29 of the State Constitution declares that no county may invest in stock of a corporation until authorized to do so by a three-fourths vote of the people.
24. Private Acts of 1935, Chapter 156, removed all the disabilities of minority from Mrs. Flora Seaton, of Sevier County, giving her the right to conduct herself in all things as an adult.
25. Private Acts of 1937, Chapter 356, removed the minority from Frances Leatherwood, of Sevier County, given her the right to conduct herself in all things as an adult.
26. Private Acts of 1975, Chapter 33, would have established the requirement of obtaining a Building Permit from the Assessor of Property by anyone erecting or altering an existing building, the cost of which would exceed \$1,000 or by anyone seeking to set up a mobile home. The Assessor was directed to obtain certain information concerning the project, and the applicant must pay a fee for the permit according to a specified schedule. The act does not apply to those instances wherein another law would also require obtaining a building permit. This law was not approved by the Quarterly County Court, and as a result, did not become a law.
27. Private Acts of 1980, Chapter 204, authorized the county legislative body to forgive debts and obligations owed to the county. This authority ceased 180 days after its approval on April 21, 1980.
28. Private Acts of 1980, Chapter 339, placed the authority to elect or appoint the members of county boards or commissions, and all county department heads exclusively in the hands of the County Legislative Body. Appointments were to be recommended in writing by the County Executive, but the Legislative Body could substitute others, if they desired. The authority granted by the act also included all emergency appointments. No record has been found to indicate that the Sevier County Legislative Body ever approved this act. Therefore, it never became a law, having failed to meet the requirements of the Home Rule Amendment to the State Constitution.

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