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# Administration - Historical Notes

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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

## **Budget System**

The following acts once created a budgeting system for Scott County, but they have been specifically repealed or superseded by current law. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1937, Chapter 515, created a 3 member Budget Committee who would be appointed by the county court for 2 year terms. The budget for each and every department was promulgated and filed with the Budget Committee, provided, however, that the County Judge or Chairman of the County Court was responsible for budgeting for the general county expenditure. This act and its amendment were repealed by Private Acts of 1976, Chapter 267.
2. Private Acts of 1939, Chapter 393, rewrote Sections 2 and 3 of the Private Acts of 1937, Chapter 515. All departments were required to file a proposed budget on or before March 10th, instead of June 1st as before. The amendment also set an April 10th deadline for the Quarterly Court to adopt a school budget and no later than the end of the July term to adopt budgets for all other departments.

## **County Attorney**

The following acts once affected the appointment, election, or office of the county attorney in Scott County. These acts are included for historical reference only. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1913, Chapter 190, created the office of County Attorney for Scott County. He would be appointed by the Governor until the office could be filled by popular vote. The salary, which could not be changed during the four year term, was to be fixed by the Quarterly County Court between \$400 and \$600 annually payable quarterly. A \$1,000 performance bond was required. The County Attorney would transact all the legal business of the county, assist in audits and in tax equalization matters, and in the collection of revenues. He would counsel with all county officials, who were prohibited from employing any other attorney, and he would assist the District Attorney General in the indictment and prosecution of crimes.
2. Private Acts of 1917, Chapter 625, repealed Private Acts of 1913, Chapter 190, and abolished the post of County Attorney in Scott County.
3. Private Acts of 1939, Chapter 20, created the office of County Attorney in Scott County. This act and its amendments were repealed by Private Acts of 1976, Chapter 289.
4. Private Acts of 1951, Chapter 603, amended Private Acts of 1939, Chapter 20, by striking out the \$900 figure and inserting \$1,200, thereby increasing the yearly salary of the County Attorney to that amount.
5. Private Acts of 1963, Chapter 283, amended Private Acts of 1951, Chapter 603, by raising the annual compensation of the County Attorney for Scott County from \$1,200 to \$3,600.
6. Private Acts of 1998, Chapter 173, amended Private Acts of 1976, Chapter 289, raising the compensation of the County Attorney to not less than \$40,100 nor more than \$50,000. If the county attorney was chosen to collect delinquent taxes then the position of Delinquent Tax Attorney and the office of County Attorney were to be combined and the compensation of the Delinquent Tax Attorney would be that of the applicable general law in effect or as changed from time to time by the General Assembly.

## **County Clerk**

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

1. Private Acts of 1935, Chapter 664, provided that the County Court Clerk of Scott County would be paid \$200 per annum as compensation which would be in addition to all the other fees and emoluments of this office to which he might be entitled.
2. Private Acts of 1945, Chapter 222, declared that the County Court Clerk of Scott County, quoting the 1940 Federal Census figures, was authorized to employ such clerical help as he might deem right and proper who would assist him in the performance of his duties, but the amount to be paid to said help could not exceed \$300 per year, payable from the general funds of the county to the person whose name appears on the warrant. (It is assumed that this act has been superseded by the general law as it has never been repealed.)

3. Private Acts of 1951, Chapter 588, amended Private Acts of 1945, Chapter 222, by increasing the maximum amount to be paid for clerical assistance by the County Court Clerk from \$300 to \$1,200 annually.

### **County Legislative Body**

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

1. Acts of 1899, Chapter 44, provided that the 2nd Civil District of Scott County shall hereafter have an additional Justice of the Peace who shall be elected by the voters of the District voting at Helenwood Precinct. The Justice shall reside at and keep his office at Helenwood. The first election shall be held at the expiration of the term or at the vacation of the office by J. J. Newport. The person elected shall hold office until his successor is elected and qualified.
2. Acts of 1899, Chapter 370, declared that the Third Civil District of Scott County was entitled to two more Justices of the Peace and two more Constables one each for Glen Mary and one each for Robbins. All of them shall reside in the old incorporated limits and be elected by the voters of the District.
3. Private Acts of 1911, Chapter 344, provided that the Justices of the Peace in Scott County and in Campbell County are entitled to receive as compensation for their services \$2 per day for each day of attendance at any regular or special session of the Quarterly County Court. They would also be paid five cents per mile for each mile traveled in going and coming to the court house from their residence.
4. Private Acts of 1911, Chapter 406, was exactly the same Act as the one in Item 3 above, an example of some infrequent duplications of the enactment of laws by our old legislative bodies.
5. Private Acts of 1933, Chapter 764, made it unlawful in Scott County for any member of the County Court to teach school or to make any sort of contract with the Board of Education. It was likewise declared unlawful for the Board of Education to approve or to enter into such a contract, it being the declared intention of this act to forbid any Justice of the Peace to enter into contracts with the Board of Education, to teach in any schools, or to make any other contract with the Board. Fines from \$10 to \$50 were established for violations. This Act was declared unconstitutional by the Tennessee Supreme Court in the case of Lewallen v. Hawn, 166 Tenn. 467, 63 SW2d 1008 (1933). on the grounds that it was discriminatory legislation.
6. Private Acts of 1945, Chapter 221, stated that in Scott County, as determined by the 1940 Federal Census figures, the Justices of the Peace shall receive a per diem compensation of \$5 for attendance upon all regular and called sessions of the Quarterly County Court which shall be in addition to any mileage which may be allowed them by law.
7. Private Acts of 1957, Chapter 179, had provisions to set the per diem compensation of the Justices of the Peace in Scott County at \$10 per day for each day's attendance at the regular and called sessions of the Quarterly County Court and to pay them also twelve cents per mile for all miles actually traveled, both ways, from home to court house. This Act was applicable only to those Justices assuming office on and after September 1, 1960. This Act was properly ratified by the Quarterly County Court.
8. Private Acts of 1971, Chapter 33, set the per diem compensation of the Justices of the Peace of Scott County at \$20 per day and the mileage at twelve cents per mile for each mile actually traveled, both ways, between home and Courthouse. The Chairman Pro Tempore shall be compensated, in addition to his pay as a Justice, at the rate of \$25 per month for the additional duties assigned to him by the County Judge or by the Quarterly Court. This act was rejected and disapproved by the Quarterly Court and never became effective.
9. Private Acts of 1974, Chapter 321, set the compensation of Justices of the Peace in Scott County at \$50 per month and 20¢ per mile for attending sessions of the Quarterly County Court.
10. Private Acts of 1978, Chapter 242, raised the monthly compensation of Justices of the Peace to \$100

### **County Mayor**

The county mayor is authorized to employ one or more clerical assistants as may be necessary for the performance of his or her official duties. The county mayor sets the compensation for these clerical assistants within the amount appropriated for this purpose by the county legislative body. T.C.A. § 5-6-116.

1. Acts of 1856, Chapter 253, established, in every Tennessee County, the position of County Judge, who would be learned in the law and elected by popular vote for four (4) year terms. The County

Judge would be sworn into office and commissioned as other Judges were. Quorum Courts were abolished, and the posts of Chairman of the County Court were abandoned, the responsibilities of both being given to the County Judge. Procedures for holding the regular and the monthly sessions of the court were established and the power and jurisdiction of the Court defined. The County Judge would also be the accounting officer and the general agent of the county being obligated to perform all the duties listed therein. He would be paid \$5 per day for every day spent as the Judge but the Quarterly County Court could pay more to him if they desired. The County Judge was allowed to continue practicing law in every court but his.

2. Acts of 1857-58, Chapter 5, repealed the above Act and restored the Quorum Courts to activity.
3. Acts of 1868-69, Chapter 35, created the office of county judge in Scott County elected by the qualified voters for a term of eight years with a salary of \$200 per annum paid quarterly. The quorum court was abolished.
4. Acts of 1868-69, Chapter 44, changed the date for the election of the County Judge in Scott County from the first Saturday in May, 1869, to the fourth Thursday in May, 1869.
5. Private Acts of 1911, Chapter 167, amended Acts of 1868-69, Chapter 35, in almost the same manner in which Private Acts of 1919, Chapter 659 did. The County Judge was given the additional duty of inspecting each and every assessment of personal and real property involving acreage and, if less, to report the same to the Equalization Board. He was also made an exofficio member of the Equalization Board, the Workhouse and Poorhouse Commission, and the Bridge and Road Commission with the power to employ a competent civil engineer, if desired. The County Judge was further given the power to issue fiats for injunctions and attachments as was exercised by Judges and Chancellors for all of which he would be paid \$1,000 per year, computed from September 1.
6. Private Acts of 1919, Chapter 659, amended Acts of 1868, Chapter 35, so as to enlarge the duties of the County Judge to include personal inspection and evaluation of all personal and real property for tax purposes and make known his findings to the Board of Equalization. The Judge was also given power to grant fiats and appoint receivers and was also appointed to several Boards and Commissions.
7. Private Acts of 1929, Chapter 369, authorized and empowered the County Judge of Scott County to appoint and employ a clerk who shall assist in the performance of the clerical duties of the said office. The Clerk shall hold the position at the pleasure of the Judge and the salary shall not exceed \$75 per month. This act was repealed by Private Acts of 1933, Chapter 211, below.
8. Private Acts of 1933, Chapter 183, amended Private Acts of 1919, Chapter 659, by reducing the compensation of the County Judge, as provided in that act, from \$1,500 to \$1,200 per year.
9. Private Acts of 1933, Chapter 211, repealed Private Acts of 1929, Chapter 369, Item 5, above, in its entirety with the provision that the Clerk's salary be reduced to \$50 per month until September 1, 1934, at which time this act will take effect and the clerk's job will be abolished.
10. Private Acts of 1935, Chapter 553, stated that the County Judge in Scott County is authorized to expend a sum not to exceed \$900 per annum for necessary clerical, stenographical and other office expenses. The money would be expended on the warrant of the County Judge from general County funds. This act was repealed by the one below.
11. Private Acts of 1939, Chapter 18, repealed Private Acts of 1935, Chapter 553.
12. Private Acts of 1943, Chapter 265, designated the County Judge as Financial Agent and Chief Accounting Officer in Scott County.
13. Private Acts of 1951, Chapter 600, amended Private Acts of 1943, Chapter 265, by increasing the compensation named in Section 2 of that act from \$1,200 to \$1,800 per year.
14. Private Acts of 1963, Chapter 36, recited that the Quarterly County Court and the County Judge of Scott County have requested that the salary of the Clerk to the County Judge be increased by local legislation, and therefore, this act amends Private Acts of 1951, Chapter 601, by raising that salary from \$1,500 to \$2,100 a year.
15. Private Acts of 1963, Chapter 257, would have repealed Private Acts of 1943, Chapter 265, and Private Acts of 1951, Chapter 600, which fixed the compensation of the County Judge for his services as financial agent and Chief Accounting Officer, but this Act was rejected and disapproved by the local Quarterly County Court and never became a law for Scott County.
16. Private Acts of 1967-68, Chapter 427, repealed Private Acts of 1963, Chapter 36, in its entirety.
17. Private Acts of 1971, Chapter 31, provided for a chairman pro tempore of the county court to perform all the duties and functions of the regular county judge during any sickness or disability

of the regular county judge.

18. Private Acts of 1978, Chapter 314, gave the County Judge of Scott County concurrent jurisdiction with the general sessions judges to supervise and approve the emergency commitment of mentally ill persons.

### **County Register**

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

1. Private Acts of 1935, Chapter 613, provided that, in Scott County, using the 1930 Federal Census population figures, the Registers would be paid the sum of \$600 annually, payable monthly out of the regular County funds, which sum would be in addition to all the fees of the office as now allowed by law.
2. Private Acts of 1945, Chapter 191, amended Private Acts of 1935, Chapter 613, by raising the compensation of the Register from \$600 to \$900 annually, also to be over and above all the lawful fees of the office.
3. Private Acts of 1951, Chapter 604, amended Private Acts of 1945, Chapter 191, by increasing the extra compensation of the County Register from \$900 to \$1,500 annually. All the other terms and conditions would remain as they were.
4. Private Acts of 1969, Chapter 68, amended Private Acts of 1963, Chapter 292, by changing the monthly rate of pay for the Deputy Register. The sentence was "The compensation of the Deputy Register of Deeds shall be Three Hundred Dollars (\$300) per month, payable out of the General Fund of the County." This Act was repealed by Private Acts of 1981, Chapter 175.
5. Private Acts of 1972, Chapter 257, would have amended Private Acts of 1963, Chapter 292, by deleting the \$300 per month salary for the Deputy Register and substituting \$400 per month, but this Act was rejected and disapproved by the local County Court and never became effective under the Home Rule Amendment to the Constitution.
6. Private Acts of 1981, Chapter 175, repeals specifically and entirely Private Acts of 1969, Chapter 68, which set the compensation for the Deputy Register of Deeds. Chapter 175 was approved locally on October 19, 1981.

### **County Service Officer**

The following act affected the office of County Service Officer but is not currently operative in Scott County.

1. Private Acts of 1987, Chapter 65, increased the lower limit of the compensation for the County Service Officer in Scott County but was disapproved by the Board of County Commissioners and never became operative.

### **General Reference**

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

1. Acts of 1851-52, Chapter 342, stated that Scott County was attached to the Sparta District of the Bank of Tennessee.
2. Acts of 1853-54, Chapter 116, declared that Scott County was still a part of the Sparta District of the Bank of Tennessee and was entitled to name a Director of that Branch.
3. Acts of 1897, Chapter 124, was one of the early salary acts which set the salary of various public officials according to the population of the county. This act was a forerunner and pattern of those which followed, eventually culminating into our present statutes. This Act, however, was declared to be unconstitutional in the case of Weaver v. Davidson County, 104 Tenn. 315, 59 SW 1105 (1900).
4. Private Acts of 1929, Chapter 775, declared it unlawful for any county officer in Scott County to overdraw or spend in excess of current county revenue. Current revenue was defined as the tax levy of the Quarterly County Court for each county purpose multiplied by the tax aggregate. It was the duty of officials to keep a budget and a record of all expenditures which would be open for inspection at all times. Those guilty of violating these provisions were subject to \$100 to \$500 fines plus ten days in jail in the discretion of the court and would also be grounds for ouster proceedings. The contents of this law were required to be charged to Grand Juries.
5. Private Acts of 1937, Chapter 274, divided Scott County into three separate districts for the Poor

Farm from which one Poor Farm Commissioner each would be elected. The first District contained the first and fifth Civil Districts, the second District had the second and third Civil Districts, and the third was composed of the fourth Civil District.

6. Private Acts of 1947, Chapter 775, ratified and validated the action and order of the Quarterly County Court of Scott County in appointing Howard H. Baker, Roscoe Byrd, Maxwell Sexton, Jerry Thompson, and C. W. Wright as Commissioners to contract for and to supervise the erection of a new Court house at Huntsville to replace the one recently destroyed by fire. The Commissioners were given all the authority to accomplish their purposes.
7. Private Acts of 1961, Chapter 401, was rejected and disapproved by the Quarterly County Court of Scott County and therefore never became an effective law under the Home Rule Amendment to the Constitution. The statute created a Purchasing Commission of three members who could not be Justices of the Peace and whose expenses would be paid up to \$10 per day and \$120 per year. The Commission would appoint a Purchasing Agent at a salary not to exceed \$4,800 a year, who must make a \$10,000 bond, and who would be given such assistants as may be needed. The Commission and the Agent, whose duties are specified in Section 7, would establish the purchasing policy, adopt and promulgate rules for observance in the discharge of several purchasing functions primarily in the administrative area. All purchases over \$5,000 must be approved by the County Court and sealed bids must be solicited for all over \$300. The County Attorney was to approve all contracts.

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