



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Chapter I - Administration

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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

County Executive Title Redesignated

SECTION 1. Pursuant to Tennessee Code Annotated, Section 5-6-101, the title of "county mayor" in Fentress County shall be redesignated as "county executive".

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Fentress County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Fentress County and certified to the secretary of state.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.

Passed: April 4, 2005.

County Register

Acts of 1909 Chapter 585

WHEREAS on the 8th day of December, 1904, the courthouse of Fentress County, Tenn., was destroyed by fire, and in its destruction a great many valuable records were destroyed, among which were books "A" and "B" of the Register's office of Fentress County, Tennessee, containing the registration of all deeds, grants, and other recorded instruments from the 18th day of May, 1825, to the 12th day of April, 1838; and

WHEREAS a certain abstract company in 1896 commenced to copy the Register's books and abstract all of the land in Fentress County, and had copied and compared books "A" and "B" of said Register's office; and

WHEREAS said abstract company became involved in debt and all their assets were sold at public sale, including said copies of books "A" and "B," and the county of Fentress has recently come into the possession of said copies of books "A" and "B" by purchase, which are believed to be true and perfect copies of said books and the best evidence obtainable; therefore,

SECTION 1. That said copies be supplied and substituted in the room and stead of the original books "A" and "B" of the Register's office of Fentress County, Tenn.

SECTION 2. That certified copies from said books "A" and "B" thus supplied and substituted by the first section of this Act be evidence in all of the courts of the State of Tennessee and in the courts of the United States of America.

SECTION 3. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 29, 1909.

Private Acts of 1931 Chapter 516

WHEREAS, The Surveyor's Book of original surveys made on entries in Fentress County and all public copies thereof were burned when the courthouse in Jamestown burned in 1904; and,

WHEREAS, A certified copy of said Surveyor's Book was issued on the 21st day of July, 1891, by the then Register of Deeds of said county and was preserved in the hands of a private person, who owned the same; and,

WHEREAS, Said certified copy was recently very badly damaged by fire and can no longer be handled without complete destruction, but the same has been copied; and,

WHEREAS, it is desired to supply a public copy of said Surveyor's Book for use in lieu of the original destroyed book;

Now therefore,

SECTION 1. That the County of Fentress, by and through its Quarterly County Court, a majority of the Justices of the Peace consenting thereto, is hereby authorized to purchase a copy of said Surveyor's Book and to pay for same out of general county funds.

SECTION 2. That when purchased said copy of the Surveyor's Book shall be placed in the custody of the Register of Deeds of said county as a record of that office and certified copies issued from the same shall

be received as evidence as if issued from the original Surveyor's Book, except that the same shall be only prima facie evidence of such surveys.

SECTION 3. That when a certified copy of a survey has been furnished, the Register shall collect a fee of \$1.00 from the one securing the certified copy, and said fee shall go into the general county fund for county purposes.

SECTION 4. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: June 23, 1931.

Administration - Historical Notes

County Attorney

The following acts once affected the appointment, election, or office of the county attorney in Fentress 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 1911, Chapter 41, created the office of County Attorney for Fentress County. The County Attorney was to be a licensed attorney of Tennessee with the duties of transacting all legal business not in conflict with those of the County Judge and to advise county officials on legal matters affecting their offices. The act provided the County Attorney with a salary of \$300 per year.
2. Private Acts of 1915, Chapter 653, repealed Private Acts of 1911, Chapter 41, above, by abolishing the office of County Attorney. The act assigned the County Judge of Fentress County with the duties that had belonged to the County Attorney.
3. Private Acts of 1937, Chapter 213, created the office of County Attorney for Fentress County. The County Attorney was to be a licensed attorney of Tennessee to serve for a two- year term or until his successor was elected. The County Attorney was given the duties of transacting all legal business required by law for him, to advise county officials and to represent the county in litigation. The duties of the County Attorney were not to conflict with those of the County Judge. The act provided the County Attorney with a salary of \$600 per year.
4. Private Acts of 1937 (2nd Ex. Sess.), Chapter 11, repealed Private Acts of 1937, Chapter 213, above, by abolishing the office of County Attorney.

County Clerk

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

1. Private Acts of 1911, Chapter 60, set the annual salary of the County Court Clerk at \$750 to be paid from the fees of that office, with any deficiency to be supplied from the county general funds.
2. Private Acts of 1921, Chapter 789, amended Private Acts of 1911, Chapter 60, Section 1, above, by increasing the salary of the County Court Clerk to \$900 per year.

County Legislative Body

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

1. Private Acts of 1824, Chapter 154, established that the County Court for Fentress County would be held on the first Monday in February, May, August and November. County Court was to be held at the house of Coonrod Poiles. This act also made legal the acts of Zurah Martin, a Justice of the Peace for Fentress County.
2. Private Acts of 1825, Chapter 171, allowed the County Courts of Fentress County to be held on the fourth Monday in January and July and on the first Monday in May and November, to sit one week. Where there were five Mondays in the months of January and July, the County Courts in Fentress County were to be held on the fifth Monday.
3. Public Acts of 1831, Chapter 55, provided that the County Courts for Fentress County would be held on the fourth Monday of January, April, July and October.
4. Public Acts of 1832, Chapter 20, provided that the County Court of Fentress County be held on the fourth Monday of January, April, July and October. The act also made it the duty of the clerks of the County Courts to advertise on the court house door on the first day of January, the times of holding the court as was prescribed by this act.
5. Private Acts of 1919, Chapter 319, provided that all Justices of the Peace for Fentress County

would receive \$2.50 per diem for their services in attending County Court and all call sessions of that court. The act also allowed the Justices of the Peace compensation for mileage.

6. Private Acts of 1959, Chapter 193, allowed Fentress County Justices of the Peace to receive \$10 per diem for their attendance at meetings of the County Court. The act also provided the Justices ten cents per mile one way for each mile traveled.

County Mayor

The references below are of acts which once applied to the office of county judge, or county executive in Fentress County. They are included herein for historical purposes only. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1881, Chapter 75, created the office of County Judge in Fentress County. The County Judge was to be elected by the voters of Fentress County at an election. The County Judge of Fentress County was to have the same rights and powers as other County Judges. Compensation for County Judges was fixed at \$250 per year.
2. Acts of 1907, Chapter 283, repealed Public Acts of 1881, Chapter 75, above, by abolishing the office of County Judge in Fentress County. This act authorized the County Court to elect a Chairman to preside over the deliberations of the court and all other duties assigned to him by law.
3. Private Acts of 1911, Chapter 26, as amended by Private Acts of 1911, Chapter 588, and Private Acts of 1925, Chapter 488, established the office of County Judge in Fentress County with a salary of \$500 per year paid quarterly by the county court from county revenues.
4. Private Acts of 1937, Chapter 259, fixed the salary of County Judges in Fentress County at \$500 per year and allowed them \$300 per year for clerical assistance in performance of the duties of the office. Compensation was to be paid out of the general funds of the county.

County Register

The following acts once affected the office of county register in Fentress County, but are no longer operative.

1. Public Acts of 1827, Chapter 4, established a Register's office in the town of Sparta for the Mountain District of Tennessee. Before the Register of the Land Office could take office, he had to take and subscribe an oath and execute a bond. All lands, plats and certificates entered into the counties of Franklin, Warren, Marion, Bledsoe, White, Overton, Fentress and Jackson that had not been returned to any other Register's office, had to be returned to the Register's office in the Mountain District. That office would then issue the grants from Sparta.
2. Acts of 1851-52, Chapter 6, provided that deeds or other instruments necessary to be registered by the laws of this State, be good and legal in either law or equity. The deeds or other instruments could be registered by any person, by and under the direction of the Register of Fentress County, as if registration had been done by the Register in proper person. The act required that the original deed or instruments in all cases be correctly copied.

General Reference

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

1. Private Acts of 1831, Chapter 113, established the Board of Internal Improvement for Fentress County. The act named Jesse Cobb, David Beatty, Person Miller, William Travis and John Richardson as members of the Board. The Board Members were required to give bond and security in the amount of \$1,500. The Board was given the authority to employ persons to clean out obstructions in the Obed River and the act appropriated \$600 for that purpose.
2. Private Acts of 1832, Chapter 44, appointed Thomas Beatty, Archibald C. Rogers, Jeremiah Gwinn, Joshua Owen, and John B. Rogers as Commissioners of the Board of Internal Improvement for Fentress County. The act also provided that the Chairman of the County Court would ex-officio be Chairman of the Board. All bonds for the fulfillment of contracts were to be made payable to said Chairman. All suits were to be in his name as Chairman of the Board.
3. Private Acts of 1833, Chapter 13, directed John B. Rogers, Chairman of the Board of Internal Improvement, to pay out of the funds in his hands all debts owed by the Board for contracts.
4. Private Acts of 1835-36, Chapter 62, declared Wolf River navigable in the Counties of Fentress and Overton. The act made it a misdemeanor for any person to place any obstructions in the Wolf River. The fine for each offense was \$50.
5. Acts of 1837-38, Chapter 115, appropriated \$100,000 for the Internal Improvement funds of the

state to several Tennessee Counties, including Fentress. The money was to be used to improve navigations upon the clear fork of the Cumberland River, the east fork of the Obed River and the Wolf River. This act was amended by Acts of 1841-42, Chapter 168, to provide that the Commissioners of internal improvement could file a petition in Circuit Court seeking payment for any improvement which they had authorized but for which they had not been paid.

6. Acts of 1859-60, Chapter 123, allowed Fentress County to receive \$1200 for the improvement of the navigation of Obeds River. David Beaty, Thomas Beaty and Jacob Wright, all from Fentress County, were appointed Commissioners. Any two of them were to oversee the improvements on Obeds River. The Commissioners were required to execute bond before they could receive any of the money appropriated to Fentress County. As compensation for their services, the Commissioners were to receive \$1.50 each for each day of performance. The Commissioners were required to make a report to the Fentress County Court.
7. Private Acts of 1935 (Ex. Sess.), Chapter 137, removed the disabilities of infancy from Nasby Owens of Fentress County, giving him the same right to sue and be sued, contract and be contracted with, to receive any and all moneys due him, to sign all deeds for conveyance of real estate and contracts and perform all things in the same way and manner that he might do if 21 years old.

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