



May 17, 2024

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# Private Acts of 1937 Chapter 48

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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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## Private Acts of 1937 Chapter 48

### **SECTION 1.** As follows:

- (a) The term "County Judge or Chairman," when used in this Act, shall mean the County Judge or Chairman for Lincoln County.
- (b) The term "County Court Clerk," when used in this Act, shall mean the County Court Clerk of Lincoln County.
- (c) The term "Sheriff," when used in this Act, shall mean the Sheriff of Lincoln County.
- (d) The term "Trustee," when used in this Act, shall mean the Trustee of Lincoln County.
- (e) The term "Circuit Court Clerk," when used in this Act, shall mean the Circuit Court Clerk of Lincoln County.
- (f) The term "Register of Deeds," when used in this Act, shall mean the Register of Deeds of Lincoln County.
- (g) The term "Highway Commissioner" when used in this Act, shall mean the Commissioner of Highways in Lincoln County.
- (h) The term "Tax Assessor," when used in this Act, shall mean the Tax Assessor of Lincoln County.
- (i) The term "Commissioner," when used in this Act, shall mean any superintendent, or person or persons appointed and/or elected by the people or by the County Court over any department or institution for Lincoln County.
- (j) The term "Quarterly County Court," when used in this Act, shall mean any Justice of the Peace that is a member of the County Court of Lincoln County.
- (k) The term "County Superintendent," when used in this Act, shall mean the County Superintendent of Schools for Lincoln County.
- (l) The term "School Commissioners," when used in this Act, shall mean the members of the school board of Lincoln County.
- (m) The term "Budget," when used in this Act, shall mean the appropriation of money appropriated by the County Court for each department or activity of Lincoln County for the period shown by the adoption of the budget by the Quarterly County Court, and/or any appropriation authorized by statute.
- (n) The term "Official of the County," when used in this Act, shall mean any official authorized by the Quarterly County Court and/or the Statutes of the State of Tennessee to draw from the County Treasury and expend money of Lincoln County.

**SECTION 2.** That in all counties of the State of Tennessee having a population of not less than 25,400, nor more than 24,450, according to the Federal Census of 1930, or any subsequent Federal census it shall be unlawful for any official of Lincoln County, enumerated in this Act, who has the power, right and authority to contract for and/or purchase any materials goods or supplies for his or her department of county government, and/or to contract for, or purchase any materials, supplies, or employ labor or services by contract or on a quantum meruit basis in excess of the amount of money appropriated by the Quarterly County Court, out of the County Treasury, as shown by the County budget adopted, and covering his or her department of the county government, for that certain period of time. That the Board of School Commissioners may, in their discretion issue warrants and perform all other duties as such school board not to exceed the amount set out to them by the Budget Committee, the Board of School Commissioners shall and will have discretionary power to issue warrants or perform all other obligations necessary to the operation of the schools in counties of Tennessee of not less than 25,400 or more than 25,540.

**SECTION 3.** That any official of Lincoln County who has the power, right and authority to expend county funds for county purposes from the treasury of the county, and/or funds coming into the county treasury from the State treasury for county purposes, in excess of the monies or funds then and there actually in the treasury of the county, to the credit of his or her department of county government, and/or in excess of the budget adopted by the Quarterly County Court of Lincoln County covering that certain period of time as shown by the budget, such county official, making any over-drafts on the County treasury for his or her department of county government, shall be personally liable, together with his or her sureties on his or her official bond, to Lincoln County for such overdrafts, and the county shall have a cause of action of debt to recover from such official or officials and their bondsmen the amount of the overdrafts with

interest from date.

**SECTION 4.** That each county official enumerated in this Act is hereby placed on actual notice and charged with the duties of knowing at all times of the amount or sums of money appropriated by the Quarterly County Court in the county budget for his or her department, and/or money coming to any department to be expended for county government under State laws for county purposes as the status of the fund in dollars and cents that may be expended for his or her department, and the amount that has been drawn from said fund and the balance subject to be drawn, so that each county official may know when he or she may lawfully draw or not draw warrants on the county treasury under the terms and provisions of this Act.

**SECTION 5.** That every county official who violates or fails to comply with, or who procures, aide or abets in the violation of any provision of this Act, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100.00 nor more than \$500.00, or by imprisonment for a period not exceeding one year, or both, in the discretion of the Court, provided, further that any county official who is convicted under this Act shall be subject to removal from office under the ouster laws of the State of Tennessee, and it shall be the duties of the District Attorney General prosecuting on behalf of the State of Tennessee to institute ouster proceedings against such official and prosecute the case to a final termination.

**SECTION 6.** That the holding of any section or part thereof, or any sub-section, sentence, clause or phrase of this Act, to be void or ineffective for any cause, shall not affect any other section or part thereof of this Act. It is hereby declared, and shall be conclusively presumed, that this Act and each section, subsection, sentence, clause and phrase thereof would have been passed and enacted, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases thereof be declared unconstitutional or void or ineffective for any cause.

**SECTION 7.** That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

**SECTION 8.** That this Act take effect from and after its passage, the public welfare requiring it.

PASSED: January 20, 1937.

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