



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

Private Acts of 1974 Chapter 206

SECTION 1. Effective September 1, 1974, all judicial functions, jurisdiction and duties vested in and exercised by the chairman of the Quarterly County Court of Moore County, pursuant to general law or private act are divested from such office and are transferred to and vested in the Chancellor of the Chancery Court of Moore County; and all judicial functions, jurisdiction and duties vested in the Moore County Court are divested from such court and are transferred to and vested in the Chancery Court for Moore County; and all functions, jurisdiction and duties of a judicial nature vested in the county court clerk of Moore County are divested from that office and transferred to and vested in the Clerk and Master of the Chancery Court of Moore County. Juvenile jurisdiction vested in the Court of General Sessions of Moore County by Chapter 14 of the Private Acts of 1961 shall remain in that court.

SECTION 2. The Clerk and Master shall have power to appoint administrators in all cases where the application is uncontested, and to conduct hearings on the probate of wills in common form, and to prepare and submit orders of probate for signature of the Chancellor. In all cases where the Chancellor is absent from the County, the order of probate may be signed by the Chancellor at chambers and returned by him to the Clerk and Master for entry as provided in Rule 58 of the Tennessee Rules of Civil Procedure.

SECTION 3. Appeals from actions of Chancery Court in the exercise of the jurisdiction herein transferred to it shall be taken to the Court of Appeals or to the Supreme Court of Tennessee as provided by law for appeals generally.

SECTION 4. Where the validity of any last will or testament, written or nuncupative is contested, the Chancery Court of Moore County shall cause the fact to be certified to the Circuit Court as provided in Tennessee Code Annotated, Section 32-401; or if the general law is amended giving the Chancery Courts of this State concurrent jurisdiction, then such law shall be applicable.

SECTION 5. The Chancellor may make local rules of practice and procedure in the exercise of the jurisdiction herein transferred as deemed expedient, consistent with law and with such rules as may be promulgated by the Supreme Court of Tennessee and may revise such local rules from time to time as deemed necessary and proper; but all such local rules or revisions thereof, before becoming effective, shall be approved by the Chief Justice of the Tennessee Supreme Court and the presiding judge of the Court of Appeals.

SECTION 6. The office known by the title "chairman of the County Court of Moore County" is hereby redesignated as "county administrator of Moore County." The county administrator and his successors shall be elected at the August 1974 general election by the qualified voters of Moore County and each four (4) years thereafter. The county administrator shall take office on September 1 following his election and shall serve for a term of four (4) years and until his successor is elected and qualified. He shall be eligible to succeed himself in office.

SECTION 7. The county administrator shall be paid, in accordance with Tennessee Code Annotated, Section 8-2414, an annual salary commensurate with that established for counties of the same population classification; in addition thereto, he shall be paid in accordance with the provisions of Tennessee Code Annotated, Section 5-613, as applicable to counties of the same classification, and in accordance with such other provisions of the general law as may be established from time to time by the General Assembly, commensurate with levels for counties of the same classification.

SECTION 8. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Moore County. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

SECTION 9. For the purpose of approving or rejecting the provisions of this Act, as provided in Section 8, it shall be effective on becoming a law, the public welfare requiring it. For the purpose of electing a county administrator, it shall be effective upon being approved as in Section 8. For all other purposes, it shall be effective September 1, 1974.

Passed: February 20, 1974.

Purchasing

Private Acts of 1933 Chapter 349

SECTION 1. That in counties of this State having a population of not less than 4,030 nor more than 4,040 according to the Federal Census of 1930 or any subsequent Federal Census, it shall be the duty of every county official to preserve all of the records of his office, which shall bear upon any financial transaction had with, for or on behalf of such counties for a period of four years from the date of such transaction.

Any official violating the provisions of this Act shall be fined not less than Twenty-five (\$25.00) Dollars nor more than One Hundred (\$100.00) Dollars and imprisoned for not less than thirty days nor more than six months, at the discretion of the court. The grand juries of such counties shall have inquisitorial powers over this offense.

SECTION 2. That this Act shall take effect from and after its passage, the public welfare requiring the same.

Passed: April 5, 1933.

Administration - Historical Notes

County Clerk

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

1. Private Acts of 1943, Chapter 430, set the salary of the County Court Clerk at \$1,200 per year.
2. Private Acts of 1951, Chapter 80, was a salary statute for various Moore County officials, setting the County Court Clerk's at \$1,500 annually.
3. Private Acts of 1957, Chapter 383, did not gain local approval and never became an operative law, but it would have set the County Court Clerk's annual salary at \$2,200.

County Executive

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

1. Private Acts of 1935, Chapter 4, created a three member Board of County Commissioners for Moore County, elected by the voters for terms of two years, and gave them the duty of administering the county affairs. This act was amended almost immediately by Private Acts of 1935, Chapter 299, which provided that all county warrants had to be signed by the Chairman or Secretary of the County Commission. Chapter 4 was specifically repealed by Private Acts of 1949, Chapter 464.
2. Private Acts of 1935, (Extra Session), Chapter 18, amended Private Acts of 1935, Chapter 4 by providing that the Board of County Commissioners was also vested with the duties of operating the poorhouse and the workhouse, and giving them control of the County Board of Health, the Turnpike Board and the power to make all necessary purchases and hire all necessary employees. This act was repealed by Private Acts of 1949, Chapter 472.
3. Private Acts of 1939, Chapter 147, created the office of Moore County Judge, to be held by a person of "good moral reputation, learned in the law, and at least thirty years old." The Judge would be elected to an eight year term by the qualified voters and would have all the powers conferred upon Chairman of the County Clerk. He was to be the general financial agent of the county. He was also given limited criminal jurisdiction. This act was amended by Private Acts of 1939, Chapter 579, to require the county judge to execute bond in the amount of \$5,000. Both acts were repealed by Private Acts of 1941, Chapter 27.
4. Private Acts of 1939, Chapter 493, required the members of the Moore County Board of Commissioners to execute bond in the amount of \$3,000. This act was repealed by Private Acts of 1949, Chapter 470.
5. Private Acts of 1941, Chapter 311, amended Private Acts of 1935, Chapter 4, to provide that the Chairman of the Board of Commissioners was to be the executive officer of the Commission and to have general supervision of all county affairs. This was repealed by Private Acts of 1949, Chapter 468.

County Legislative Body

The following acts once applied to the quarterly court or the county legislative body of Moore 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 1951, Chapter 358, set the per diem of Moore County justices of the peace at \$4 and provided that they could not be compensated for more than two days at any one session of the quarterly county court. This act was repealed by Private Acts of 1973, Chapter 7, Page 35.
2. Private Acts of 1973, Chapter 7, raised the salary of justices of the peace in Moore County to \$15 effective retroactively to September 1, 1972. This has now been superseded by the general statute.

County Register

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

1. Private Acts of 1919, Chapter 395, provided the Moore County Register an annual amount of \$250, in addition to the fees of the office.
2. Private Acts of 1931, Chapter 485, raised the register's annual salary to \$250 in addition to the fees of the office.
3. Private Acts of 1939, Chapter 321, provided for the transfer to the county general fund some \$817.20, which remained from a bond sale; and provided that \$350 of this money would be spent on constructing a fireproof vault in the Register's office.
4. Private Acts of 1943, Chapter 430, set the annual salary of the register at \$1,000.

County Trustee

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

1. Private Acts of 1925, Chapter 52, set the annual salary of the County Trustee at \$1,500. All fees of this office became county property.
2. Private Acts of 1931, Chapter 485, set the trustee's salary at \$1,500, and provided that he was to receive none of the fees of his office; they were to be placed in the county general fund.
3. Private Acts of 1933, Chapter 736, reduced the trustee's salary to \$1,000. per year, or to the amount of fees generated up to \$1,000. This act was repealed by Private Acts of 1935, Chapter 20.
4. Private Acts of 1935, Chapter 223. placed upon the Moore County Trustee the duty of assessing property for taxation, with additional compensation of \$100 per annum in years of assessing personal property and \$250 per annum in years of assessing real property. This act was repealed by Private Acts of 1939, Chapter 73.
5. Private Acts of 1943, Chapter 430, set the salary of the trustee at \$1,500 per annum.
6. Private Acts of 1951, Chapter 80, was an act setting the salaries of numerous Moore County officials, among them the trustee, who was to receive \$1,800 annually.
7. Private Acts of 1957, Chapter 383, would have raised the annual salary of the trustee to \$2,200, but this act did not receive local approval and therefore never became an operative law.

General Reference

The following private or local acts constitute part of the administrative and political history of Moore 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. Private Acts of 1933, Chapter 332, required the Moore County Court Clerks, Trustee, Sheriff, and Road Commissioner to publish monthly statement of the receipts and disbursements of funds by their officers, either in a newspaper published in Moore County or by handbill. This act was repealed by Private Acts of 1935, Chapter 266.
2. Private Acts of 1935, Chapter 253, prohibited the appropriation of county funds for cooperative farm demonstration work, or to other farm associations, bureaus, or other organizations, without a voter ratification of such appropriation. This act was repealed by Private Acts of 1937, Chapter 570.

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