



October 31, 2024

Administration - Historical Notes

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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Budget System

The following acts once created a budgeting system for Marshall County, but they have been specifically repealed or superseded by current law.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

1. Private Acts of 1929, Chapter 22, established a budget and purchasing commission in Marshall County consisting of two competent persons and the chairman of the County Court. The terms were one year at a salary of \$25 per year. It was the obligation of the Commission to prepare a budget including every purpose for which money was to be expended, and to recommend a tax rate in accordance with it. They would also contract for and buy all the supplies needed for the departments and institutions of the county government.
2. Private Acts of 1945, Chapter 112, made the County Judge the purchasing agent of the County and thereby repealed by implication corresponding provisions concerning purchasing in the 1929 Act, above. Guidelines for making normal and emergency purchases were written into the Act and a salary of \$300 per annum, payable monthly, is fixed for the one performing this service. This Act was expressly repealed by Private Acts of 1965, Chapter 69.
3. Private acts of 1945, Chapter 121, provided for a budget system for Marshall County. A Budget Committee of two members of the county court and the County Judge, as Chairman, was created. The fiscal year was specified as being from July 1 through June 30 of the following year and the Roads Department, the School System, and the County Judge's office would all file budget requests. The Committee would prepare the budget, estimate the forth coming revenues, arrive at a tax rate, and allocate funds in the most expedient manner. The County Judge would report monthly on the condition of the budget to the County Court. This Act was repealed by Private Acts of 1965, Chapter 69.
4. Private Acts of 1945, Chapter 127, provided for a system of fiscal procedure, control, and accounting for Marshall County. A Division of Accounts was created in the office of the County Judge. The Judge was authorized to employ a competent person as County Accountant who would keep the records of the central accounting system. This Act was also repealed by Private Acts of 1965, Chapter 69.
5. Private Acts of 1965, Chapter 69, as amended by Private Acts of 1967, Chapter 253, private Acts of 1984, Chapter 174, and Private Acts of 1992, Chapter 143, provided for a budget system for Marshall County. This act was repealed by Private Acts of 2005, Chapter 17.

County Attorney

The following acts once affected the appointment, election, or office of the county attorney in Marshall County. These acts are included for historical reference only.

1. Private Acts of 1947, Chapter 196, created the office of county attorney in Marshall County who was to be paid \$600 per year for his legal assistance. This act and its amendment were repealed by Private Acts of 1977, Chapter 29.
2. Private Acts of 1951, Chapter 270, amended the above act by deleting the requirement that the county attorney has been a resident of Marshall County for five years.

County Legislative Body

The following acts once applied to the quarterly court or the county legislative body of Marshall 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 1939, Chapter 190, directed that the quarterly county court would meet in regular session on the second Mondays in January, April, July, and October of each year. This act was repealed by the Private Acts of 1943, Chapter 135.
2. Private Acts of 1945, Chapter 128, redirected that the quarterly county court meet in regular session on the second Mondays in January, April, July, and October of each year. This act was repealed by the Private Acts of 1988, Chapter 159.
3. Private Acts of 1949, Chapter 547, provided that all Justices of the Peace in Marshall County using population figures, shall get \$5.00 per day for their attendance at all regular, called, or special meetings of the Quarterly County Court. Nothing was mentioned about mileage. This act was repealed by Private Acts of 1974, Chapter 170.

- Private Acts of 1961, Chapter 18, also set the salary of the Justices of the Peace in Marshall County for their attendance at meetings of the County Court at \$10 per day. This act was properly ratified and became a law only to be repealed by Private Acts of 1974, Chapter 170.

County Mayor

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

- Public Acts of 1856, Chapter 253, provided for a County Judge to be elected for four years in every county of the State who would be learned in the law, and who would be commissioned as other judges in the State. The Quorum Courts were abolished and their obligations given to the County Judge. The Judge would hold the County Court on the first Monday in every month, disposing of the agenda of the Quarterly Court first when they were scheduled to meet on the same days. Both the judicial and administrative duties and jurisdiction are prescribed in the Bill as well as the duties of the Clerk. The Judge would be paid \$5.00 per day for each day attended at monthly and Quarterly Courts plus whatever additional compensation the Quarterly Court might grant him. This act was repealed by Public Acts of 1857-58, Chapter 5, and all Quorum Courts were restored.
- Acts of 1885, Chapter 71, provided that Section 316 of Thompson and Steger's Code be amended so that the people of White County could elect a County Judge for a four year term who would be no less than thirty years of age, a citizen of that county, and a person of good moral character, who would exercise and enjoy all the powers and privileges of other County Judges. Public Acts of 1875, Chapter 70, was amended to transfer all the authority of the County Chairman to him. The Judge's salary would be at least \$500 a year, payable quarterly. Section 7 of this act made all of its provisions applicable to Marshall County who would also have a County Judge. See Item 4 below.
- Acts of 1887, Chapter 84, repealed so much of Acts of 1885, Chapter 71, as the same was applied to Marshall County, and restored the office of County Chairman in full as it existed prior to that Act, and abolished the office of County Judge. The present Judge would summon the Court on the first Monday in April, 1887, to select a County Chairman. The Clerk of the County Court would continue to be the Clerk for the Chairman. See State v. Leonard, 86 Tenn. 485, 7 SW 453 (1888).
- Private Acts of 1919, Chapter 504, provided that such sections, parts, and provisions of Acts of 1885, Chapter 71, and those Sections which amended the Acts of 1875, relative to the election of the County Judges of Shelby, Knox, Davidson, Montgomery, and Williamson Counties, as the same may be construed to be applicable to Marshall County, are all repealed in their entirety.
- Private Acts of 1933, Chapter 170, as amended by Private Acts of 1937, 354, Private Acts of 1945, Chapter 151, Private Acts of 1949, Chapter 836, Private Acts of 1951, Chapter 285, created the office of county judge for an eight year term beginning on September 1, 1934. The county judge was the financial agent for the county. The act abolished the office of chairman of the county court and conferred the powers and jurisdiction of the chairman to the county judge.
- Private Acts of 1937, Chapter 345, amended Private Acts of 1933, Chapter 170, by adding the provision at the conclusion of Section 13, setting up an additional salary of \$300 a year for the County Judge as his compensation for services as financial agent.
- Private Acts of 1945, Chapter 151, amended Private Acts of 1937, Chapter 345, above, by changing the salary figure of the County Judge as financial agent from \$300 to \$1,200 a year.
- Private Acts of 1949, Chapter 836, amended Private Acts of 1945, Chapter 151, by increasing the salary of the Judge from \$1,200 to \$2,100 a year as financial agent.
- Private Acts of 1951, Chapter 285, deleted all of Section 6 from Private Acts of 1933, Chapter 170, which created the office of County Judge for Marshall County. This Section granted the Judge the power and authority to grant fiats for writs of attachment or injunctions and certiorari and supersedeas as Chancellors and Circuit Judges have and to appoint receivers and to hear cases on writs of Habeas Corpus.

General References

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

- Acts of 1837-38, Chapter 55, incorporated the town of Lewisburg under the Mayor- Alderman type of government.

2. Acts of 1837-38, Chapter 157, placed Marshall County in the 12th Brigade of the State Militia with Bedford and Maury Counties. The county drills and musters for Marshall would come on the second Monday and Tuesday in September of each year.
3. Acts of 1837-38, Chapter 203, provided that the County Court of Marshall County by a majority vote shall have the power and authority to appropriate any monies arising from the sale of lots in Lewisburg, if there should be a surplus after erecting the public buildings, to the payment of the expenses incurred in running and surveying the line of the said county which was for the purpose of establishing the same.
4. Acts of 1855-56, Chapter 244, gave the Quarterly County Courts of Bedford, Marshall, and Maury Counties the authority to subscribe to whatever amount of stock in the railroads running through the same as the Courts might deem advisable but any purchase of said stock must first be approved by the voters in a referendum election held for that purpose.
5. Acts of 1870-71, Chapter 50, authorized counties and cities to impose taxes for county and corporate purposes on the conditions that (1) all taxable property be taxed, (2) the credit of the county or city would not be loaned to any person, firm, or corporation unless it was first authorized by the County Court to be submitted to the people for a vote and then passed by three-fourths of those voting, and (3) cannot become a stockholder in any firm unless the same procedures were followed and the same conditions observed. Twenty-seven counties, Marshall among them, exempted themselves from the requirement that three-fourths of the voters must approve, being content to accept the will of a bare majority of the voters.
6. Acts of 1879, Chapter 241, directed the Comptroller of the State to issue his warrant on the Treasurer of the State for \$225, payable to F. M. Davis, Tax Collector for Marshall County for the years 1873 and 1874, as indemnity for losses sustained by him as said tax collector.
7. Private Acts of 1933, Chapter 168, removed the disabilities of infancy from Ewell Braly Craig of Marshall County so as to allow him to take the State Bar Examination, and, if passed successfully, to obtain a license to practice law.
8. Private Acts of 1933, Chapter 686, amended Section 10726 of the Tennessee Code so that counties in the same bracket of population as Marshall County would constitute counties of the fourth class and their officials be compensated as follows: The Trustee, \$2,500, the Sheriff, \$1,200, the Clerk and Master, \$1,200, the County Court Clerk, \$2,500, the Circuit Court Clerk, \$1,200, and the Register, \$1,200.
9. Private Acts of 1935, Chapter 98, removed the infancy of Thomas H. Lawrence, Jr., of Chapel Hill in Marshall County, conferring upon him all the rights, powers, and obligations of an adult.

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