



May 18, 2024

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# Chapter I - Administration

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Dear Reader:

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Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

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## Chapter I - Administration

### Budget System

#### Private Acts of 1929 Chapter 309

**SECTION 1.** That in all counties of this State having a population of not less than 17,130 nor more than 17,140, according to the Federal Census of 1920, or any subsequent Federal Census, it shall be the duty of the Chairman or judge of the County Courts of said Counties to prepare and submit to the July Term of the said County Courts in Quarterly Session, in each year, beginning with said July Court 1930 and at said Term of said County Court in each year thereafter, a budget of the necessary and probable expenditures of said County, in itemized form, for the ensuing year, together with recommendations to said Court as to the necessary provisions to be made by said Court to meet the same.

As amended by: Private Acts of 1937, Chapter 569.

**SECTION 2.** That it shall be the duty of the County Courts in said Counties, at the July Term 1930, Quarterly Session, and in each year thereafter at said Term, to carefully consider the report and budget submitted by said County Judge or Chairman, as provided in the First Section of this Act, and with such changes or modifications as may be deemed proper to make in the same, to adopt said budget, which, when so adopted, shall be and constitute the maximum amount of expenditures for said County for the year, except as hereinafter provided.

As amended by: Private Acts of 1937, Chapter 569.

**SECTION 3.** That when said budget is so adopted, as provided in Section 2, it shall be the duty of said County Court to make all levies, orders, and provisions which may be necessary to fully meet and discharge all the items and obligations contained in said budget out of the legitimate income of the County for the current year. Said Budget when adopted by said Court shall not be changed or altered during any current year, except by an affirmative vote of two-thirds of said Court.

**SECTION 4.** That any member of said Court, Chairman, or County Judge, who shall vote to create any debt or obligation against said County, except as otherwise expressly authorized so to do, shall be guilty of a misdemeanor, punishable by fine of not less than Fifty Dollars, nor more than Two Hundred Dollars, and forfeit his said office, provided said debt or obligation so voted for is in excess of the budget so adopted or the income of said County for the current year, or for otherwise violating the provisions of this Act. Provided, that nothing in this Act shall be construed as in any way applying to the duties of the said County Court in connection with the budget submitted to the said Court by the County Superintendent of Public Instruction and the County Board of Education for said County, except that when said School Budget shall be adopted by said County Court as now provided by law the penalties set out above in this Section shall apply to those voting for the said School Budget without making suitable provisions to meet the same as adopted.

**SECTION 5.** That this Act take effect from and after its passage, the public welfare requiring it.  
Passed: March 19, 1929.

### Code Enforcement

#### Private Acts of 1974 Chapter 348

**SECTION 1.** The governing body of Smith County is authorized to adopt, by reference, the provisions of any code or portions of any code as herein defined, to amend the provisions of such codes as it deems necessary, to provide for their administration and enforcement, to establish penalties for the violation of such codes and to define within the county where such codes will be applicable.

**SECTION 2.** As used in this act, the following terms shall have the meanings hereafter indicated:

- (a) "Governing Body" means the Quarterly County Court of Smith County or any other body in which the general legislative powers of the county may hereafter be vested.
- (b) "Code" means any published compilation of published rules or regulations which have been prepared by technical trade associations, model code organizations, or agencies of the State or Federal Governments which regulate building construction, housing quality, electrical wiring, and plumbing and gas installation.

**SECTION 3.** The governing body may adopt or repeal a resolution which incorporates by reference the provisions of any code or portions of any code, or any amendment thereof properly identified as to date and source, without setting forth the provisions of such code in full. At least three (3) copies of such code, portion, or amendment which is incorporated by reference shall be filed in the office of the County Court Clerk and there kept for public use, inspection, and examination. The filing requirements herein prescribed shall not be deemed to be complied with unless the required copies of such code, portion, or amendment are filed with the County Court Clerk for a period of thirty (30) days before the adoption of the resolution which incorporates such code, portion, or amendment by reference. No resolution incorporating a code, portion, or amendment by reference shall be effective until published in a newspaper having a general circulation in the county. Codes, regulations, or amendments to any of the foregoing adopted by the governing body, acting under the authority of this act shall not take precedence over existing or hereafter enacted state laws or regulations except wherein such codes, regulations, or amendments to any of the foregoing surpass the standards of said state laws or regulations, and county officers charged with enforcement under the authority of this act are hereby authorized and empowered to enforce all such valid state laws and regulations which are more stringent than said county codes or regulations.

**SECTION 4.** Any amendment which may be made to any code or regulation incorporated by reference by the governing body hereunder, may be likewise adopted by reference, provided that three (3) amended or corrected copies are filed with the County Court Clerk of Smith County for public inspection, use, and examination at least thirty (30) days prior to adoption. Notice of the adoption of any resolution adopting amendments by reference shall be published in a newspaper of general circulation in the county. No such resolution shall become effective until such notice has been published.

**SECTION 5.** The governing body may also incorporate by reference the administrative provisions of any code, or may include in the adopting resolution any suggested administrative provisions found in a code. If such a code does not contain administrative provisions, the administrative provisions of another code may be adopted by reference, or may be adopted and included in the adopting resolution. The powers and duties of enforcing the provisions of any code incorporated by reference may be conferred upon such officials within the existing framework of the county government as the governing body may determine, such as, but not limited to, officials and bodies administering zoning and planning regulations within the county.

**SECTION 6.** The county attorney or any official vested with the powers of enforcing the provisions of any code incorporated by reference may, in addition to any other remedies provided by law, institute proceedings for an injunction to prevent the violation of any provision of such code. Any magistrate or judge who is authorized to issue warrants under general law is authorized to issue to the enforcing officer a warrant authorizing the inspection of specified buildings, structures, or premises when necessary to enforce any codes or regulations adopted hereunder.

**SECTION 7.** The authority of this act shall not extend to the incorporation by reference of any penalty clause contained in a code. Any person, firm, or corporation or agent who shall violate a provision of any code incorporated by reference or fail to comply therewith or with any of the provisions hereof, or violate a detailed statement or plans submitted and approved thereunder, shall be guilty of a misdemeanor. Each such person, firm, or corporation or agent shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of a code is committed or continued, and upon conviction for any such violation shall be punished by a fine of not more than fifty dollars (\$50.00).

**SECTION 8.** The provisions of this act shall apply only to the unincorporated area of Smith County.

**SECTION 9.** If any section, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this act, and to that end the provisions hereof are declared to be severable.

**SECTION 10.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Smith County. Its approval or nonapproval shall be proclaimed by the presiding officer of such court and certified by him to the Secretary of State.

**SECTION 11.** For the purpose of approving this act as provided in Section 10, it shall take effect on becoming a law, the public welfare requiring it, but the provisions hereof shall not become operative until approved as provided in Section 10.

Passed: March 28, 1974.

**Junk Yards**

## Private Acts of 1987 Chapter 95

**SECTION 1.** Definition. For the purpose of this Act, "automobile graveyard" means any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative, are placed, located or found. The term "automobile graveyard" or "automobile junkyard" shall not be construed to mean an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal produce is scrap iron, steel or nonferrous scrap for sale for remelting purposes only.

**SECTION 2.** Limitation on establishment - Exception. No automobile graveyard shall hereafter be established within five hundred feet (500') of any county road in Smith County, nor shall any automobile graveyard hereafter be established within one thousand feet (1,000') of any dwelling. Provided, however, this added restriction on the establishment of automobile graveyards located in relation to such U.S. numbered routes shall not apply in any case wherein the land on which an automobile graveyard is to be established has been specifically designated or zoned for such use by the governing body of the county or city in which it is proposed to be established.

**SECTION 3.** Fence required. Any person who maintains an automobile graveyard, any part of which is within one thousand feet (1,000') of any county road or dwelling, shall erect and maintain a fence around such automobile graveyard. Such fence shall be at least eight feet (8') high and sufficient to conceal such automobile graveyard from the view of a person standing at the same level as such graveyard. A fence shall be required in any case when erection thereof would not effectively conceal a substantial portion of such automobile graveyard from the view of a person on such county road or dwelling.

**SECTION 4.** Responsibility for removal of graveyard. If any automobile graveyard is located within the limitations fixed above to any county road or dwelling, and said automobile graveyard is not operated as a business by anyone and is not used for any purpose whatsoever and no one claims ownership of said automobile graveyard, then the owner or owners of the land on which such automobile graveyard is located shall be responsible for the removing of such automobile graveyard.

**SECTION 5.** Enforcement of provisions - Violation of misdemeanor. Any citizen of this state may obtain a warrant for the arrest of anyone violating the provisions of this Act, but it is hereby declared to be a specific duty for the members of the Smith County Sheriff's Department to enforce the provisions of this Act. Any person violating any provision of this Act shall be guilty of a misdemeanor and punished as provided by law therefor. Each day's subsequent violation shall constitute a separate offense. However, in the case of automobile graveyards established prior to the passage of this Act, the owners or operators thereof shall have a reasonable and necessary period of time in which to comply with the provisions hereof.

**SECTION 6.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Smith County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

**SECTION 7.** 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 upon being approved as provided in Section 6.

Passed: April 30, 1987.

## Private Acts of 1987 Chapter 97

**SECTION 1.** This act shall be known and may be cited as "Smith County Junkyard Control Act".

**SECTION 2.** For the purpose of promoting the public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in public highways and county roads, and to preserve and enhance the scenic beauty of lands bordering public highways and county roads, it is hereby declared to be in the public interest to regulate and restrict the establishment, operation and maintenance of junkyards in areas adjacent to the county road system and dwellings within this county.

**SECTION 3.** Whenever used in this chapter:

- (1) "Automobile grave" and "Automobile graveyard" shall mean any establishment or place of business which is maintained, used or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. Five (5) or more such vehicles will constitute an automobile graveyard.
- (2) "Interstate system" means that portion of the national system of interstate and defense highways located within this state, as officially designated, or as may hereafter be so designated, by the Department of Transportation of the State of Tennessee, and approved by the Secretary of

Transportation, pursuant to the provisions of Title 23, United States Code, "Highways".

(3) "Junk" shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

(4) "Junkyard" shall mean an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. This definition includes scrap

metal processors, used auto parts yards, yards providing temporary storage of automobile bodies or parts awaiting disposal as a normal part of the business operation when the business will continually have like materials located on the premises, garbage dumps and sanitary

landfills. Provided, however, a "junkyard" shall not be construed to include a recycling center. For purposes of this act, "recycling center" means an establishment, place of business, facility or building which is maintained, operated, or used for storing, keeping, buying or selling of newspaper or used food or beverage containers for the purpose of converting such items into a usable product.

(5) "Primary system" means that portion of connected main highways, as officially designated, or as may hereafter be so designated, by the Department of Transportation of the State of Tennessee, and approved by the Secretary of Transportation, pursuant to the provisions of Title 23, United States Code, "Highways".

(6) "Main traveled way" shall mean the traveled way of a highway on which through traffic is carried. In case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main traveled way. It does not include such facilities as frontage road, turning roadways, or parking areas.

(7) "Smith County Planning Commission" shall mean the county planning commission as it is duly organized in Smith County, Tennessee.

(8) "Smith County Road Department" shall mean the Commissioner of Roads and his employees that are directed with the duty to care and maintain the county road system as required by county resolution and state statute.

**SECTION 4.** No person shall establish, operate, or maintain a junkyard, any portion of which is within one thousand feet (1,000') of the nearest edge of the right-of-way of any county road designated by the county road department, except the following:

- (a) Those located within areas which are zoned for industrial use under authority of law;
- (b) Those which are not visible from the main traveled way of the system.

**SECTION 5.** Screening by junkyard operator or property owner. Any junkyard lawfully in existence at the passage of this act, which is within one thousand feet (1,000') of the nearest edge of the right-of-way and visible from the main traveled way of any county road, shall be screened by an eight (8) foot fence so not to be visible from the main traveled way of such county roads, and the operator or property owner shall pay the cost of installation.

**SECTION 6.** It shall be the duty of anyone wishing to open a junkyard which fits within the definition of this act, to appear and seek approval before the Smith County Planning Commission before beginning operations.

**SECTION 7.** The Smith County Road Commissioner may apply to any appropriate court in the county in which said junkyards may be located for an injunction to abate such nuisance. The county attorney and the sheriff's department are authorized to assist the road commissioner in the enforcement of this act.

**SECTION 8.** (a) On or after the passage of this act, it shall be unlawful for any junkyard located within one thousand feet (1,000') of the nearest edge of the right-of-way of any county road or within one thousand feet (1,000') of any dwelling.

**SECTION 9.** Nothing contained in this act shall be construed as prohibiting the legislative authority of cities and towns from regulating junkyards within their respective jurisdictions.

**SECTION 10.** It is the intent of this act that the automobile junkyard shall be operated as a business and maintained daily by the owner or operators of such, keeping normal business hours so as not to become a nuisance to the general public.

**SECTION 11.** Any person who shall establish, operate or maintain a junkyard, or who operates contrary to the provisions of this act, shall be guilty of a misdemeanor and shall be fined twenty-five dollars (\$25.00) and costs for each day of violation.

**SECTION 12.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Smith County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body of Smith County and certified by him to the Secretary of State.

**SECTION 13.** For the purpose of approving or rejecting the provisions of this act, it shall become effective

upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 13.

Passed: May 5, 1987.

## Planned Mobile Home Parks

### Private Acts of 1998 Chapter 152

**SECTION 1.** Purpose and Scope. The purpose of this act is to provide areas within the confines of Smith County outside the corporate limits of Carthage, South Carthage and Gordonsville for the location and development of planned mobile home parks. These areas shall be developed and located so as to provide safe and sanitary living conditions for mobile home occupants and to be convenient to employment, shopping centers, schools and other community facilities. These regulations shall be entitled the "Smith County Mobile Home Park Regulations".

**SECTION 2.** Definitions.

- (1) "Buffer strip" means a planted material or other material as may be approved by the Smith County Regional Planning Commission which will provide a screen not less than six feet (6') in height;
- (2) "Mobile home" means a detached single-family dwelling unit with all of the following characteristics:
  - (a) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems;
  - (b) Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels;
  - (c) Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking, and assembly operations, location of foundation supports, connection to utilities and the like; and
  - (d) Double-wide mobile homes and modular homes set upon permanent foundations are excluded from this definition and these regulations.
- (3) "Mobile home park" means any plot of ground containing a minimum of two (2) acres upon which three (3) or more mobile homes are located or are intended to be located, but does not include sites where unoccupied mobile homes are on display for sale. A mobile home park cannot be developed on a site that is less than two (2) acres in size.

**SECTION 3.** It is unlawful for any person to place or maintain three (3) or more mobile homes for living or sleeping purposes on any premises or tract of land in Smith County outside the corporate limits of Carthage, South Carthage and Gordonsville unless they are contained within a planned mobile home park duly permitted pursuant to the provisions of this act.

**SECTION 4.** The Smith County Regional Planning Commission shall grant approval of a mobile home park when all the provisions of this act have been met. An application and all accompanying plans and supporting data shall be filed in duplicate with the Planning Commission at least seven (7) days prior to a regular meeting of the Commission.

**SECTION 5.** The owner or lessee of the land parcel proposed for a mobile home park shall submit a plan for development to the Smith County Planning Commission for approval. The plan shall show:

- (a) The park plan drawn to scale;
- (b) The area and dimensions of the proposed park;
- (c) The location and width of all driveways and walkways;
- (d) The location and dimensions of any proposed service building and structures;
- (e) The location of all water and sewer lines;
- (f) The location of all equipment and facilities for refuse disposal and other park improvements.
- (g) A plan for drainage of the park;
- (h) A certificate of accuracy signed by the surveyor or engineer that the boundary survey is correct;
- (i) A certificate and signature of the County Environmentalist stating suitability for subsurface sewage disposal;
- (j) A certificate for Planning Commission approval; and
- (k) Any other information deemed pertinent by the Planning Commission.

**SECTION 6.** Minimum Standards.

- (a) A mobile home park shall contain a minimum of two (2) acres.
- (b) Mobile home parks shall be designed so that the distance between mobile homes and between mobile homes and any attached or unattached structure of another mobile home is a minimum of thirty feet (30') in all directions.
- (c) The site shall be located on a well-drained and flood-free site with proper drainage. The Smith County Flood Insurance Rate Map dated 9/4/85 or subsequent updates to said maps shall be used to determine floodable areas.
- (d) The site shall not be exposed to objectionable smoke, noise, odors, insect or rodent harborage or other adverse influences.
- (e) The site shall be located with direct access to an existing county or state road.
- (f) The Planning Commission may attach special conditions and safeguards to protect both the occupants of the park and the occupants of surrounding property from such elements as noise, light and dust. Where required to serve these ends, walls, planting, surfacing or other material or artificial means for protection may be required as a part of such special conditions.
- (g) The mobile home park shall not contain more than four (4) individual mobile home spaces per gross acre.
- (h) Service buildings shall be a permanent construction, adequately ventilated and lighted.
- (i) An approved water supply and sewer shall be provided to each mobile home space. Piping and connections shall be as specified and approved by the County Environmentalist.
- (j) All service buildings shall be convenient to the spaces which they serve and shall be maintained in a clean and sanitary condition.
- (k) The drives, walks, and parking areas shall be paved with hard surface material which shall be not less than double bituminous surface.
- (l) Roadways shall be a minimum of eighteen feet (18') in width.
- (m) Entrances and exits to the mobile home park shall be designed for safe and convenient movement of traffic into and out of the park and shall be located and designed as prescribed by the Smith County Planning Commission.
- (n) Any part of the park areas not used for building or other structures, parking, or access ways shall be landscaped with grass, trees, shrubs, and pedestrian walks.
- (o) The park shall be adequately lighted at night with security lights.
- (p) Each mobile home shall be set back a minimum of thirty feet (30') from any public street and a minimum of fifteen feet (15') from all property lines.
- (q) Each mobile home park shall provide at least two (2) off-street parking spaces for each mobile home unit. The parking spaces shall be located for convenient access to the mobile home units.
- (r) All mobile homes, service buildings, and the grounds of the park shall be maintained in a clean, slightly condition and kept free from any conditions that will menace the health of any occupant or the public or constitute a nuisance.
- (s) Fire hydrants will be required if sufficient size water lines are available to serve the hydrants.
- (t) In each mobile home park, the duly authorized attendant or caretaker shall be charged at all times to keep the mobile home park, its facilities and equipment, in a clean, orderly, safe and sanitary condition.
- (u) It is unlawful for any person to maintain or operate a mobile home park within the Smith County Planning Region, unless such person first obtains approval from the Smith County Regional Planning Commission.
- (v) There shall be no more than one (1) mobile home per septic tank and drainage field.
- (w) A buffer strip shall be provided along all property lines of the park except across ingress and egress points to county roads.

**SECTION 7. Enforcement and Penalties for Violation.** The county may enforce this Mobile Home Park Regulation by action or injunction. Any person or persons who willfully neglects or refuses to comply with any of the provisions of this act shall be subject to a civil penalty of not more than fifty dollars(\$50.00) for each offense. Each day of violation shall constitute a separate offense.

**SECTION 8. Review Power of the Commission.**

- (a) Any of the foregoing provisions may, at the discretion of the Smith County Planning Commission, be waived for good and sufficient reasons. However, all mobile home park requests shall be submitted to the Planning Commission for review and shall be accompanied by a mobile home park development plan. The Planning Commission shall review all mobile home park plans for preliminary and final approval.
- (b) Expansion of existing mobile home parks shall be submitted to the Smith County Planning Commission for approval and must conform to the standards set forth in this act.
- (c) The Smith County Regional Planning Commission shall have the authority to establish operational procedures for administering the provisions of this act and to establish reasonable fees



for the administration thereof.

**SECTION 9.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

**SECTION 10.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the County Legislative Body of Smith County. Its approval or non-approval shall be proclaimed by the Presiding Officer of the County Legislative Body of Smith County and certified to the Secretary of State.

**SECTION 11.** For the purposes 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 upon being approved as provided in Section 10.

Passed: April 20, 1998.

## Administration - Historical Notes

### County Clerk

The following act once affected the office of county clerk in Smith County. It is included herein for historical purposes.

1. Private Acts of 1919, Chapter 287, declared that women over the age of twenty-one in Smith County would be eligible for the office of Deputy Clerk of the County Court with all the duties and responsibilities imposed by law on that position

### County Mayor

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

1. Acts of 1855-56, Chapter 253, created the position of County Judge in all counties in the state. The County Judge would be elected to serve four-year terms and was required to be learned in the law. He would be sworn and commissioned as were other Judges, and he would serve as the accounting officer and general agent of the county. The County Judge would be paid \$5.00 per day during the sitting of the Monthly and Quarterly Courts. Quorum Courts were abolished and all their jurisdiction and functions were conferred upon the County Judge. He was not precluded from the practice of law in the other courts.
2. Public Acts of 1857-58, Chapter 5, repealed Acts of 1855-56, Chapter 253, above, and restored the Quorum Courts to their status prior to the passage of that repealed act.
3. Public Acts of 1867-68, Chapter 30, created the office of County Judge for Perry, Decatur, Cheatham, and Lauderdale Counties. The officer would be elected to eight-year terms and would be sworn and commissioned as other judges of the State. Quorum Courts were abolished and their responsibilities and jurisdiction were transferred to the County Judge, who would also preside over the meetings of the County Court in the place of the former County Chairman. The County Judge would be paid a salary of \$200 per year, and would not be precluded from practicing law in other courts. Section 13 of the act extended the provisions to include Smith County whose Judge would be paid \$500 per year in quarterly payments.
4. Public Acts of 1869-70, Chapter 8, repealed Public Acts of 1867-68, Chapter 30, above, as it applied to Smith County so that the office of County Judge was abolished. The section which had abolished the Quorum Court was repealed, and the Quorum Court was restored to its former status.
5. Private Acts of 1929, Chapter 574, as amended by Private Acts of 1943, Chapter 74, abolished the office of chairman of the county court and created the office of county judge.
6. Private Acts of 1943, Chapter 100, added \$600 per year to the compensation of the County Judge for duties performed in his administrative capacity and for his services as fiscal agent of the County.

### County Legislative Body

The following acts once applied to the quarterly court or the county legislative body of Smith County and are included herein for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1799, Chapter 2, which created Smith County, provided that the County Court would meet

at the home of Major Tilman Dixon on the third Monday in December, March, June, and September until the courthouse and county seat were ready.

2. Acts of 1803, Chapter 39, rescheduled the terms of court for the Courts of Pleas and Quarter Sessions for every county in the Mero District of Tennessee. Smith County's Quarterly Court would convene on the second Monday in December, March, June, and September every year.
3. Acts of 1806 (Ex. Sess.), Chapter 48, stated that the opening dates for courts in Smith County would be the first Monday in December, March, June, and September.
4. Acts of 1807, Chapter 53, rearranged opening dates for the Courts of Pleas and Quarter Sessions for the Winchester District, in which were the Counties of Franklin, Warren, White, Overton, Jackson and Smith. The Court in Smith would begin its terms on the first Monday in March, June, September, and December.
5. Acts of 1809 (Sept. Sess.), Chapter 93, fixed the schedule of terms of the County Courts in all counties of the State. The commencement time for the court in Smith County remained the first Monday in March, June, September, and December.
6. Acts of 1812, Chapter 68, stated that the County Courts of Smith County would meet on the fourth Monday in March, June, September, and December.
7. Acts of 1813, Chapter 134, changed the starting times for the terms of County Courts in several counties, including Smith County, where the Court would begin its terms on the second Monday in February, May, August, and November.
8. Acts of 1817, Chapter 138, rescheduled the opening dates for the terms of the County Court in Smith County to the second Monday in February, May, August, and November.
9. Private Acts of 1819, Chapter 6, authorized the County Court to fill vacancies in the Quorum Court of Smith County which were occasioned by the resignations of John Gordon and Arthur S. Hogan.
10. Private Acts of 1819, Chapter 160, changed the meeting dates of the Quarterly Courts in some counties in Middle Tennessee, but left unchanged the schedule of the Court in Smith County. The Court's terms were to begin on the second Monday in February, May, August, and November.
11. Private Acts of 1822, Chapter 81, changed the opening dates for the terms of the County Court in Smith County to the first Monday in February, May, August, and November, effective the September 10 next following passage of the act.
12. Private Acts of 1823, Chapter 101, set the new dates for the convening of the County Court in Smith County as the fourth Monday in February, May, August, and November.
13. Private Acts of 1823, Chapter 128, declared that all writs, recognizances, summons, and process of every description which had been made returnable to the County Court of Smith County on the second Monday in November next, would be made returnable to the Court on the fourth Monday of November next.
14. Private Acts of 1823, Chapter 197, declared that the Justices of the Quarterly Court in Smith County could, on the first day of the first Term of each year, select by ballot three of their number to hold the ensuing Courts for that year, to possess the same powers and abide by the same rules and regulations as the similar court in Rutherford County.
15. Private Acts of 1827, Chapter 65, stated that the Courts of Pleas and Quarter Sessions of the Counties of Dickson, Sullivan, Weakley, Hawkins, Hamilton, Smith, Henry, and Rhea, a majority being present, could, on the first day of the first term of the court in each year, select by ballot three of their number to hold the Courts for the remainder of that year. The Clerk would enter upon the record the names of the Justices so chosen and deliver a copy to the Sheriff who would notify them immediately. They would be entitled to the benefits and be governed by the rules of the regular Court.
16. Public Acts of 1829, Chapter 9, authorized the Justices of the Quarterly Court in Smith County to select three of their number to serve as a Quorum Court and, in case of a vacancy, to select the successor to fill the vacancy. Members of the Quorum Court would be paid \$1.50 per day while sitting as a court, and the Quarterly Court could levy a tax in an amount sufficient to pay the Quorum Court.
17. Private Acts of 1941, Chapter 120, provided that the Quarterly Court of Smith County would meet in regular session on the second Monday in January, April, July, and October instead of on the first Monday in those months.
18. Private Acts of 1949, Chapter 547, set the per diem compensation for Justices of the Peace in Smith County for their attendance at regular, special, or called meetings of the Quarterly County

Court at \$5.

19. Private Acts of 1951, Chapter 577, set the per diem compensation for members of the county court for their attendance at regular and special sessions at \$4.50 plus \$.05 for each mile traveled to and from sessions. This act applied to all counties in the state having a population of not less than 14,070 and not more than 14,080 according to the Federal Census of 1950.
20. Private Acts of 1970, Chapter 236, amended Private Acts of 1949, Chapter 547, above, by increasing the per diem compensation of the Justices of the Peace in Smith County from \$5 to \$25 for their attendance at the regular, special, and called meetings of the Quarterly Court. The act was not approved locally and did not become effective.
21. Private Acts of 1972, Chapter 245, established the per diem compensation for the Justices of the Peace at \$25 for each regular, special, or called meeting of the Quarterly County Court and repealed Private Acts of 1949, Chapter 547, above.

### **County Register**

The following act once affected the office of county register in Smith County, but is no longer operative.

1. Private Acts of 1915, Chapter 600, provided that females over the age of twenty-one and residents of the county in which they were to serve would be eligible to be appointed and serve as deputy Registers in the State of Tennessee and in Smith County

### **County Trustee**

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

1. Private Acts of 1927, Chapter 287, required the County Trustee of Smith County to provide a bond to the State of Tennessee, for its own use, which would be in an amount equal to the amount of taxes collected by the Trustee for the State during the year prior to which such bonds were to be executed. It required a second bond to the State for the benefit of the County in the amount of one-third of the amount of all the taxes collected for the County during the year prior to the execution of the bond. All the bonds could be readjusted on this basis after the effective date of the act.
2. Private Acts of 1947, Chapter 323, recited that the Quarterly Court of Smith County had passed a resolution compensating the County Trustee for the receipt and disbursement of funds accruing to the County from the Federal Government on account of military maneuvers in the County, and that the County had no authority to adopt such a resolution. The act confirmed and validated the resolution, as adopted, endowing it with the full faith and credit it would have had if the Court had possessed the proper authority at the time of the adoption.

### **Purchasing**

The following acts once affected the purchasing procedures of Smith County, but are no longer operative. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1943, Chapter 88, created a Purchasing Commission for Smith County the members of which would be the County Clerk, the Superintendent of Education, and the Road Commissioner, with the County Judge serving as ex officio chairman. The act granted the Commission sole and exclusive power and authority to contract for and purchase all materials, supplies, and equipment for the entire operation of Smith County government. All purchases or contracts for the purchase of supplies, equipment, or material exceeding \$100 were to be advertised and secured on a sealed bid basis. Other powers and duties of the Commission were described in the Act.
2. Private Acts of 1967, Chapter 337, amended Private Acts of 1943, Chapter 88, above, by changing the upper limit of the amount of purchases or contracts required to be advertised from \$100 to \$1,000.
3. Private Acts of 1978, Chapter 232, amended Private Acts of 1943, Chapter 88, above, by changing the upper limit of the amount of purchases or contracts required to be advertised from \$1,000 to \$2,500.
4. Private Acts of 1987, Chapter 29, repealed Private Acts of 1943, Chapter 88, above.

### **General References**

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

1. Acts of 1799, Chapter 65, required tobacco to be inspected prior to export from the State. The act

established the sites of inspection warehouses and included details of the inspection procedures, the appointment of inspectors, and fees to be charged. The inspection warehouse for Smith County would be in Bledsoeborough.

2. Acts of 1801, Chapter 5, was a comprehensive act which detailed how commodities for public sale should be packaged, labeled, inspected, and shipped, and how they were to be stored in warehouses. The warehouse at Bledsoeborough at the mouth of the Caney Fork River in Smith County would continue as an inspection site, and another warehouse would be established at Fort Blount.
3. Acts of 1803, Chapter 71, appointed James Draper, James Guinne, John Gordon, Joseph Collens, and Henry Tooley as Commissioners to select a place on the Cumberland River, not to be below Bledsoeborough nor above the mouth of the Caney Fork River, for the purpose of erecting a court house, prison, and stocks. The Commissioners would acquire at least forty acres and lay out a town which would be called Livingston, leaving two acres for a public square. They were to sell lots and execute deeds of conveyance, applying the proceeds of sale to the cost of the site first, and then to the cost of building the court house, prison, stocks, or other public edifice. The Quarterly Court would levy a tax if the sale of lots did not produce sufficient revenue.
4. Acts of 1804, Chapter 36, authorized the Quarterly Court of Smith County to pay Willie Jones compensation for his public service in laying out and marking the boundary lines of the County and for his necessary expenses incurred in the job.
5. Acts of 1804, Chapter 40, stated that it appeared to the Legislature that the previous Commissioners, appointed to fix a place to erect a court house, prison, and stocks, had violated the trust reposed in them by disregarding the injunctions placed upon them in the law; therefore, an election would be held in the house of William Walton in Smith County, for the voters to vote on a suitable place to build a court house, prison, and stocks. The site would be either on a tract of land where William Saunders once lived or on the tract on which Colonel William Walton lived. Grant, Allen, Benjamin, John, and Wilson Cage were appointed Commissioners to notify the people of the act and proceed to acquire forty to fifty acres on which to build. The Sheriff was required to hold the election under the general election laws.
6. Acts of 1806 (Ex. Sess.), Chapter 55, stated that public inspection of commodities intended for public sale would be held at the warehouses named in the act, one of which was at or near the town of Carthage in Smith County.
7. Acts of 1807, Chapter 52, required the Sheriff of Smith County to hold an election in the town of Carthage to elect five commissioners who would then choose one of their number as chairman. They would appoint a treasurer for the town and employ some person to re-survey and mark the town boundaries and lots. Property would then be assessed and taxed.
8. Private Acts of 1819, Chapter 4, authorized the Quarterly Court of Smith County, a majority of the Court being present, to sell the northeast corner of the public square in Carthage to the president, directors, and company of the Bank of Tennessee at such sum as might be agreed upon, provided the adjoining landowners would give their consent. If the sale was agreed upon, the Chairman of the County Court would make a deed of conveyance.
9. Private Acts of 1819, Chapter 29, authorized the Quarterly Court of Smith County to lay an additional tax, when and if it considered the tax expedient, for the purpose of erecting a building in which the office of the County Court Clerk, the Circuit Court Clerk, and the County Register would be located on the Public Square in Carthage. The Court could appoint up to five commissioners to supervise the project. The act specified a schedule of maximum taxes to be levied.
10. Private Acts of 1827, Chapter 59, appointed Abner Lark, William McClain, James A. Alexander, Robert Moore, John Lancaster, and Thomas Lancaster, as trustees to draft a lottery scheme to raise \$5,000 to build a bridge across the Smith's Fork near Lancaster in Smith County. The trustees were to make a proper bond of twice the amount of the anticipated proceeds to guarantee payment of the lottery prizes.
11. Public Acts of 1831, Chapter 43, directed the Cashier of the Bank of the State of Tennessee to pay over to several listed counties their respective pro rata shares of the \$60,000 set aside for the Internal Improvement Fund of Middle Tennessee.
12. Private Acts of 1831, Chapter 93, authorized William Pope to retail goods, wares, and merchandise, except spirituous liquors, in Smith County without the necessity of obtaining a license therefor.
13. Private Acts of 1831, Chapter 149, directed the Clerk of the County Court of Smith County to

- refund to John Walters, Hazzard and Green, Barkley and Foster, Thomas G. Lancaster, G. & N. Tubb, and Samuel A. Quarles, the sum of \$50 each, that amount being one-half of the amount collected from each of them for failing to take out other licenses for the year 1830.
14. Private Acts of 1833, Chapter 3, directed the Treasurer of West Tennessee to refund to William B. Moore of Smith County the sum of \$50, which was one-half of the amount collected from him by the County Court Clerk for selling goods in the County, provided Moore produced a certificate from the Clerk showing that he paid the \$100 alleged to have been collected from him.
  15. Private Acts of 1833, Chapter 149, allowed Lindsay J. Mann and Archibald Cannon to hawk and peddle in Smith and Sumner Counties without a license.
  16. Acts of 1837-38, Chapter 61, appointed Guilford Jones, the Surveyor of Smith County, to ascertain the center of DeKalb County. Jones could employ chain carriers to assist him, and he was required to mark the center of the County when he located it. He was to advertise this news at Liberty and at the house of Bernard Richardson, but could advise the County Court verbally or in writing. DeKalb County was directed to pay for his services.
  17. Acts of 1837-38, Chapter 83, allowed the County Court of Smith County to lay out and expend the Internal Improvement Board Fund arising from all sources for Smith County in such manner as to them should seem right and proper. All persons possessing any part of these funds would pay it over to the county. Persons refusing to comply with the terms of the act were subject to being fined.
  18. Acts of 1837-38, Chapter 213, authorized the County Court to grant to any person, or persons, the privilege of placing an abutment upon either bank of the Cumberland River for the purpose of erecting a grist mill or other type of mill on the river, provided the mill would not in any way interfere with the navigation of the stream. The one erecting such a mill must be the owner of it.
  19. Acts of 1851-52, Chapter 22, required the Comptroller of the Treasury upon the application of the County Court of Smith County to examine and ascertain the amount of Internal Improvement Funds belonging to Smith County that had been paid over to the Superintendent of Public Instruction. This amount would be certified to the Bank by the Comptroller and the Superintendent, whereupon the Bank was to pay over the balance of said funds to Smith County to be appropriated as the County Court would see fit, two-thirds of the Court being present.
  20. Public Acts of 1871, Chapter 100, stated that the Sheriff of Smith County would hold an election at the regular August election in which the voters would vote on the question of moving the county seat from Carthage, the ballot to be marked simply "For" or "Against." The Sheriff was to compare the votes and, if two-thirds voted in the affirmative to move the county seat, the County Court would notify the Commissioners appointed in the act. The Act named W. G. T. Underwood, E. W. Cornwell, James Haynie, J. H. Burnett, D. A. Witt, Ward Ballow, M. Lancaster, David Smith, James McKinney, William Gann, Edwin Atwood, W. M. Nixon, James G. Wyatt, W. V. R. Hallam, Thos. Crutchfield, William Bridges, H. J. Perkins, John P. Yelten, and D. A. McCathron, as Commissioners to accomplish the purpose of the act.
  21. Private Acts of 1915, Chapter 189, allowed the County Court of Smith County to elect female citizens of the County over the age of 18 to the office of Notary Public. The act required females to execute the same bond, take the same oath, perform the same duties, and be subject to the same penalties as other Notaries Public were.
  22. Private Acts of 1933, Chapter 896, amended Section 6019, 1932 Code of Tennessee, which Section provided for the minimum cash capital of banks, graduated according to place, county, and population, by adding a provision that in Smith County the Superintendent of Banks could issue a permit for the organization of any bank with a minimum paid-up capital of \$5,000 and a paid-up surplus of not less than fifty percent of the capital stock and provided that the Bank, so organized, keep on hand at least twenty-five percent of all cash deposits at all times.
  23. Private Acts of 1937, Chapter 44, removed all the disabilities of infancy from Blanche Gregory of Riddleton in Smith County; therefore, permitting her to conduct herself and contract fully as though she was an adult.
  24. Private Acts of 1937, Chapter 45, removed the minority of James R. Yancey, of Riddleton, Smith County, granting him all the rights and responsibilities of majority.
  25. Private Acts of 1937, Chapter 46, removed all the disabilities of infancy of Shealie Gregory, of Riddleton, Smith County.
  26. Private Acts of 1949, Chapter 858, removed the disabilities of minority of Henry Clay Winkler, nineteen years of age, of Smith County so that he could contract in the same manner as an adult.

27. Private Acts of 1985, Chapter 41, directed that no Smith County official was to spend or obligate to spend more than one twelfth of his or her annual budget per month in the months of July and August and was not, during July and August of election years, to create new positions or contract for long term leases or agreements, unless the contract had the approval of the county legislative body. The act was not approved locally and did not become effective.

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