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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,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

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Budget System

The following acts once created a budgeting system for Madison County, but they have been specifically repealed or superseded by current law.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 1923, Chapter 456, created a County Budget Commission of five members and set forth their duties and compensation. This act was repealed by Private Acts of 1925, Chapter 174.
2. Private Acts of 1933, Chapter 123, governed the budget system in Madison County. A three-person budget committee was created which prepared and filed the county budget, recommended property tax rates, and otherwise provided recommendations to the Quarterly County Court on budget matters.
3. Private Acts of 1937, Chapter 14, amended Private Acts of 1933, Chapter 123, to make the County Judge the ex-officio budget director of Madison County, to be paid \$1,600 per year.
4. Private Acts of 1947, Chapter 76, amended Private Acts of 1937, Chapter 14, to increase the salary of the County Judge for his services as budget director from \$1,600 to \$3,200 per year.
5. Private Acts of 1977, Chapter 67, provided for a system of fiscal procedure for Madison County. A Director of Accounts and Budgets, appointed by the County Judge, controlled and directed the county's finances under a central accounting system.
6. Private Acts of 1986, Chapter 165, repealed Private Acts of 1933, Chapter 123, Private Acts of 1937, Chapter 14, Private Acts of 1947, Chapter 76, and Private Acts of 1977, Chapter 67

County Attorney

The following acts once affected the appointment, election, or office of the County Attorney in Madison 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 1929, Chapter 433, created the office of County Attorney who would be paid an annual salary of \$1,200 per year. This act was repealed by implication by Private Acts of 1941, Chapter 484, and was expressly repealed by Private Acts of 1986, Chapter 162.
2. Private Acts of 1941, Chapter 484, created the office of County Attorney in Madison County, to be elected by the quarterly county court to a 2-year term and to be compensated at not less than \$150 nor more than \$200 per month. This act was repealed by Private Acts of 1986, Chapter 162.
3. Private Acts of 1943, Chapter 218, amended Private Acts of 1941, Chapter 484, to add a requirement that the county attorney represent the county in all litigation, and extra or special attorneys to assist the county attorney could be appointed only by petition to quarterly county court. The county attorney's maximum salary was raised to \$250 per month. This act was repealed by Private Acts of 1986, Chapter 162.
4. Private Acts of 1951, Chapter 434, amended Private Acts of 1941, Chapter 484, to raise the county attorney's maximum salary to \$300 per month. This act was repealed by Private Acts of 1986, Chapter 162.
5. Private Acts of 1965, Chapter 251, amended Private Acts of 1941, Chapter 484, to authorize the county attorney to employ assistants for collection of delinquent taxes without petitioning the quarterly county court, and to authorize the county attorney to retain all attorneys' fees collected by him in delinquent tax suits. This act was repealed by Private Acts of 1986, Chapter 162.

County Clerk

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

1. Acts of 1855-56, Chapter 170, authorized the County Court Clerk in Madison County to appoint a deputy clerk.

County Legislative Body

The following acts once applied to the Quarterly Court or the county legislative body of Madison 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 1822, Chapter 199, provided that the land laid off the general plan at the main fork of the Forked Deer River for a new County which might be created be attached to the County Court of Madison County for jurisdictional purposes.

2. Private Acts of 1822, Chapter 210, directed the county courts of Madison, Henry, Henderson and Carroll Counties to appropriate funds to pay Molton Dixon \$3 per day for fixing the sites for the seats of justice for those counties.
3. Private Acts of 1824, Chapter 102, set the times for holding county court in Madison County.
4. Private Acts of 1825, Chapter 318, set the times for holding county court in Madison County.
5. Private Acts of 1826, Chapter 78, regulated county court in Madison County.
6. Public Acts of 1827, Chapter 44, authorized a majority of the acting Justices of the Peace in Madison, Haywood, Fayette, Tipton and Shelby Counties to select three of their number to hold their county courts for the year. These courts were known as Quorum Courts.
7. Acts of 1837-38, Chapter 28, empowered the county court to lay out and expend the Internal Improvement Fund.
8. Acts of 1843-44, Chapter 180, authorized the election of an additional Justice of the Peace in the 15th Civil District of Madison County.
9. Public Acts of 1867-68, Chapter 65, established a Board of County Commissioners to replace the county court in Madison County. This act was repealed by Public Acts of 1869-70, Chapter 5, and by Public Acts of 1869-70, Chapter 49, which expressly revived the law as it was prior to the passage of Chapter 65, and again by Public Acts of 1869-70, Chapter 119, which also revived prior law.
10. Public Acts of 1889, Chapter 49, authorized the county court of Madison County to pay over to the city of Jackson the taxes assessed and collected for county purposes on the Tennessee Midland Railway Company.
11. Private Acts of 1923, Chapter 494, changed the time of quarterly court meeting from the first Monday to the second Monday in January, April, July and October. This act was repealed by Private Acts of 1925, Chapter 175.
12. Private Acts of 1925, Chapter 439, set the salary of quarterly county court members at \$5 per day for each day the Court was in session. This was amended by Private Acts of 1963, Chapter 165. The salary of members of the county legislative body is now controlled by general law.
13. Private Acts of 1937, Chapter 15, provided that the County Judge would serve as purchasing agent for Madison County. This act was repealed by Private Acts of 1947, Chapter 103.
14. Private Acts of 1947, Chapter 16, authorized the quarterly county court to appropriate funds for the improvement of barracks and other buildings adjacent to McKellar Field Airport.

County Mayor

The references below are of acts which once applied to the office of County Judge, or County Executive in Madison County. They are included herein for historical purposes only.

1. Acts of 1905, Chapter 14, created the office of County Judge in Madison County. The Judge was required to be learned in the law and would hold office for a term of eight years. The salary was to be \$800 per annum.
2. Private Acts of 1915, Chapter 405, gave the County Judge concurrent jurisdiction with the chancery court to permit encroachment on the corpus of estates by guardians for minors, lunatics and others under a disability, in estates valued at \$1,200 or less.
3. Private Acts of 1917, Chapter 614, gave the County Judge jurisdiction and power to grant writs of attachment, injunction, and habeas corpus.
4. Private Acts of 1927, Chapter 21, provided that the County Judge could authorize a guardian to expend any part of the principal of an estate to support the ward when the income became insufficient.
5. Private Acts of 1937, Chapter 15, amended Acts of 1905, Chapter 14, to provide that the County Judge would be the Purchasing Agent for Madison County and would receive an additional salary of \$1,600. This act was repealed by Private Acts of 1947, Chapter 103.
6. Private Acts of 1951, Chapter 239, authorized the Quarterly Court to pay the County Judge an additional \$2,500 per year for his services as Financial Agent for Madison County.

County Register

The following acts once affected the office of County Register in Madison County, but are no longer operative.

1. Public Acts of 1825, Chapter 11, created a Register of the Land Office in Jackson, to be known as

the Register of the Western District.

2. Private Acts of 1827, Chapter 152, authorized the Register of the Western District to maintain his office at his home, which was not more than 300 yards from Jackson.
3. Public Acts of 1865-66, Chapter 7, consolidated the land office at Jackson with the entry taker's office in Madison County.
4. Private Acts of 1866-67, Chapter 41, directing the Register of the Land Office of West Tennessee to make an index to all the books in the office, to be paid 10¢ per entry indexed. The register was also named ex-officio entry taker for Madison County.

County Trustee

The following acts once affected the office of County Trustee in Madison County, but are no longer operative.

1. Private Acts of 1824, Chapter 119, required the Madison County Trustee to pay over to the Trustees of Hardeman and Haywood Counties the amount of county taxes collected in those counties by Madison County in the year 1823.
2. Private Acts of 1915, Chapter 102, required that the Madison County Trustee enter into a bond in an amount not less than 1/4 the state taxes to be collected by him, and a bond in an amount not less than 1/4 the county taxes to be collected by him.
3. Private Acts of 1933, Chapter 509, required that the Madison County Trustee enter into a bond in the amount of state taxes to be collected for the ensuing year, and a bond in the amount of \$100,000 for county taxes to be collected by him. Although this act has not been repealed, bonds for collection of taxes are governed by general law found at T.C.A. § 67-5-1901, which requires bonds in the full amount of state and county taxes to be collected.

Obion and Forked Deer River - Flood Control and Drainage Improvements

The following acts, which were not codified, once affected flood control and drainage improvements in the Obion and Forked Deer River basin, and are included herein for historical purposes.

1. Public Acts of 1972, Chapter 807, added a new section to Public Acts of 1959, Chapter 129, providing the Department of Agriculture with concurrent authority and responsibility for maintenance of completed channel improvements for the Obion and Forked Deer Rivers. This act was repealed twice, first by Public Acts of 1973, Chapter 38, and again when the 1973 act was repealed by Public Acts of 1974, Chapter 415.
2. Public Acts of 1973, Chapter 38, amended Public Acts of 1959, Chapter 129, and Public Acts of 1963, Chapter 149, to transfer the authority and responsibility for the flood control and drainage improvements for the Obion and Forked Deer Rivers from the Department of Highways and Public Works to the Department of Agriculture. This act was repealed by Public Acts of 1974, Chapter 415.

Purchasing

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

1. Private Acts of 1937, Chapter 15, provided that the County Judge would serve as purchasing agent for Madison County. This act was repealed by Private Acts of 1947, Chapter 103.
2. Private Acts of 1982, Chapter 294, would have given the County Purchasing Agent the authority to make the purchases for the Jackson-Madison County Ambulance Authority but the act was disapproved by the county legislative body and never became effective.
3. Private Acts of 1983, Chapter 46, would have allowed the Purchasing Agent of Madison County to hold other administrative, non-elected positions. This act was disapproved by the county legislative body and is therefore ineffective.

General Reference

The following private or local acts constitute part of the administrative and political history of Madison 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. Acts of 1841-42, Chapter 72, directed the Comptroller of the Treasury to issue warrants to Madison County residents William Croom (enumeration of voters), Grant & Love (\$13 tax overpayment), and Samuel Lancaster (\$21.60 tax overpayment).

2. Acts of 1853-54, Chapter 180, gave certain counties, including Madison, the authority to buy stock in railroads and to issue bonds for that stock.
3. Public Acts of 1895, Chapter 58, authorized Madison County to subscribe to the capital stock of manufacturing companies.
4. Acts of 1909, Chapter 350, established an experimental farm station in Madison County.
5. Private Acts of 1919, Chapter 281, authorized the Madison County Court to employ a person living outside the county to serve as county surveyor.
6. Private Acts of 1923, Chapter 498, amended the general law to provide that the county surveyor would be paid \$8 per day for his services in Madison County.
7. Public Acts of 1929, Chapter 108, appropriated up to \$75,000 to construct a National Guard Armory in Madison County, provided that Madison County and/or the City of Jackson furnished an equivalent sum in money or property for that purpose.
8. Private Acts of 1933, Chapter 603, amended the general law fixing the compensation of county officers in counties with a population between 50,000 and 75,000 (which included Madison County). County Trustees, Registers, Sheriffs, Clerks and Masters of Chancery Courts, Clerks of County and Probate Courts, Clerks of Circuit Courts, and Clerks of Criminal Courts each would be paid \$3,600 per year.
9. Private Acts of 1961, Chapter 34, created the position of Director of Industrial Development in Madison County. This act was repealed by Private Acts of 1967-68, Chapter 416.
10. Private Acts of 1963, Chapter 166, authorized the building commissioners in Madison County to collect a building permit fee. This act was repealed by Private Acts of 2005, Chapter 16.

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