



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Administration - Historical Notes

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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Building Permits

1. Private Acts of 1967-68, Chapter 468, would have required persons to obtain building permits from the County Assessor for construction or remodeling valued at over \$500, but this act was not approved by the Quarterly County Court of Lauderdale County and never became law.

County Clerk

The following acts once affected the office of county clerk in Lauderdale County. They are included herein for historical purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1855-56, Chapter 253, established the office of County Judge in every county in the state, assigning the Clerks of the County Courts the duty of keeping a docket of all cases to be tried in the County Courts and other clerical duties. The administration of insolvent estates, formerly the responsibility of the Clerks of the County Courts, was transferred to the County Judge. This act was repealed by Public Acts of 1857-58, Chapter 5.
2. Public Acts of 1897, Chapter 124, was a statewide act depriving County Registers, Trustees, County Court Clerks, Circuit Court Clerks, Clerks and Masters, and Sheriffs of their fees and paying them a salary according to population. It is presumed that Lauderdale County's population was just over 20,000 and the County Court Clerk would be paid \$1,800 annually under this act. This act was declared unconstitutional in Weaver v. Davidson County, 59 S.W. 1105 (Tenn. 1900).
3. Acts of 1903, Chapter 397, which created the office of County Judge, provided that the County Court Clerk was to continue as the Clerk of the County Court, with the additional duty of keeping a docket of all cases to be tried in County Court.
4. Private Acts of 1915, Chapter 300, authorized the Clerk to issue subpoenas for witnesses and to perform other acts required or authorized by law to be done in those criminal matters heard by the County Court. This act was repealed by Private Acts of 1925, Chapter 219.
5. Private Acts of 1933, Chapter 552, provided that the County Clerk in Lauderdale County would be entitled to keep no more than \$3,300 per year of the fees of his office, and the excess was to be turned over to the county treasury. This act was repealed by Private Acts of 1935, Chapter 643.

County Mayor

The references below are of acts which once applied to the office of county judge, or county executive in Lauderdale 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, established the office of County Judge in every county in the state. The County Judge would be elected by the qualified voters of the county to a four year term. The Quorum Courts were abolished and their jurisdiction and powers were transferred to the County Judge, who was to preside over the monthly and quarterly sessions of County Court and act as accounting officer and general agent for the county. The administration of insolvent estates, formerly the responsibility of the Clerks of the County Courts, was transferred to the County Judge. The County Judge would receive compensation of \$5 per day, together with any additional amounts appropriated by the Quarterly Courts. The County Court Clerks would keep the dockets and perform essential clerical duties. This act was repealed by Public Acts of 1857- 58, Chapter 5.
2. Public Acts of 1867-68, Chapter 30, created the office of County Judge for Perry, Decatur, Cheatham, Lauderdale, Smith, Fayette, Henry, Weakley and Obion Counties. The County Judge would be elected by the voters in each county to an eight-year term. The Quorum Courts were abolished and their jurisdiction and powers were transferred to the County Judge, who was to preside over the monthly and quarterly sessions of County Court and act as accounting officer and general agent for the county. The County Judge would receive compensation of \$200 per year, together with any additional amounts appropriated by the Quarterly Courts. The County Court Clerk was to continue as the Clerk of the County Court.
3. Public Acts of 1869-70 (2nd Sess.), Chapter 52, abolished the office of County Judge and restored the Quorum Court in Lauderdale County by repealing so much of Public Acts of 1867- 68, Chapter 30, as applied to Lauderdale County.
4. Public Acts of 1869-70 (2nd Sess.), Chapter 81, is identical to Chapter 52, and was passed on the same day.
5. Public Acts of 1875, Chapter 70, abolished all the quorum courts in the state and transferred

jurisdiction to the Chairmen of the County Courts, who were also vested with all the jurisdiction, powers and duties of the Judges of the County Courts. The Quarterly County Courts were given the authority and duty to vote the stock of the county in any railroads. 6. Acts of 1903, Chapter 397, established the office of County Judge for Lauderdale County, to be learned in the law and legally qualified. The County Judge would be elected to an 8-year term, and commissioned in the same manner as other Judges of the State. The Quorum Court and Chairman's Court were abolished and the County Judge was given all the jurisdiction formerly exercised by those courts. The County Judge was to preside over the County Court at its quarterly session, and was given the same jurisdiction, authority, powers and duties formerly exercised by the Chairman of the County Court. The County Judge was given the power to grant fiats, writs of attachment and injunction, and all other extraordinary writs, and to hear and determine cases on writs of habeas corpus, to appoint receivers, and to solemnize marriages. The salary of the County Judge was \$500 per year. The County Judge was prohibited from practicing as an attorney in the court over which he presided and from acting as counsel in any case appealed from his court. If the County Judge became unable to attend his court due to sickness or other reason, the Governor was to appoint a temporary replacement. The County Court Clerk was to continue as the Clerk of the County Court, with the additional duty of keeping a docket of all cases to be tried in County Court. The County Judge was to hear all appeals from municipal courts. The act purported to repeal Chapter 120 of the Acts of 1875 as the act establishing the Chairman's Court, but the intent probably was to repeal Chapter 70. Although Acts of 1903, Chapter 397, has never been expressly repealed, it has been superseded by general law.

6. Acts of 1905, Chapter 451, amended Acts of 1903, Chapter 397, to increase the salary of the County Judge to \$650 per year, with a provision that the Quarterly County Court could raise it to \$800. This act was repealed by Private Acts of 1925, Chapter 220.
7. Private Acts of 1915, Chapter 300, amended Acts of 1903, Chapter 397, to broaden the jurisdiction of the County Judge to include vendor's liens on realty, suits for divorce, foreclosure of deeds of trust or mortgages, collection of debts, suits to allow guardians to encroach upon the corpus of their wards' estates, and misdemeanor cases pending in Circuit Court or Criminal Court where the defendant consented in writing. The Clerk of the County Court was given the authority and duty to issue subpoenas for witnesses and other acts to be done by the court clerk in criminal cases. The County Court was given full power to compel the attendance of witnesses and to enforce judgments, orders and decrees and do all other necessary acts. Juries would impaneled in the same way as in Chancery and Criminal Courts not supplied with jurors regularly, to be paid the same compensation in the same way as other jurors, with the same number of challenges as in criminal cases in other courts. The County Judge was to appoint a practicing attorney to represent the State, who would take the same oath and have the same powers as an attorney general in the trial of the case and who would be paid a fee of \$10 only if conviction resulted. Appeals were to be sent to the Court of Civil Appeals or to the Supreme Court. The County Judge was to receive additional compensation of \$500 per year for his services as financial agent of the county and for the additional duties imposed upon him by the act. This act was repealed by Private Acts of 1925, Chapter 219.
8. Private Acts of 1919, Chapter 549, amended Private Acts of 1915, Chapter 300, to authorize the Quarterly County Court to pay the County Judge an additional salary not to exceed \$500 per year for acting as accounting officer and fiscal agent of the county. This act was repealed by Private Acts of 1925, Chapter 204.
9. Private Acts of 1927, Chapter 523, amended Acts of 1903, Chapter 397, in much the same manner as Private Acts of 1915, Chapter 300, to confer on the County Judge certain judicial functions concurrent with Circuit and/or Chancery Courts, and granting the County Judge additional compensation of \$500, making his total compensation \$1,800 per year. This act was repealed as of August 31, 1966, by Private Acts of 1965, Chapter 40.
10. Private Acts of 1951, Chapter 637, amended Private Acts of 1927, Chapter 523, to increase the additional compensation of the County Judge as financial agent from \$500 to \$1,100 annually, making his total compensation \$2,400 per year.
11. Private Acts of 1953, Chapter 586, amended Private Acts of 1927, Chapter 523, to raise the maximum salary of the County Judge from \$2,400 to \$3,000.
12. Private Acts of 1967-68, Chapter 40, vested in the County Judge of Lauderdale County concurrent jurisdiction with Circuit and Chancery Courts in divorce and annulment proceedings, suits to allow guardians to encroach upon the corpus of their ward's estates, approval of certain compromise settlements for minors, approval of compromise settlements in workmen's compensation cases, and removing the disabilities of minority. Necessary forms of pleadings, dockets, and records

were established and the Judge was granted \$1,100 additional compensation for these added responsibilities. This act was repealed by Private Acts of 1973, Chapter 50.

13. Private Acts of 1973, Chapter 152, would have amended Acts of 1903, Chapter 397, granting concurrent jurisdiction in all matters mentioned in Private Acts of 1967-68, Chapter 40, except divorce and annulment, and no additional salary was provided for the Judge. This act was not acted upon by local authorities and never became law.
14. Private Acts of 1982, Chapter 313, divested the County Judge of Lauderdale County of any and all judicial powers, and transferred all probate and juvenile jurisdiction formerly held by the County Judge to the newly created Probate and Juvenile Court. (This act is currently in force and is reproduced herein under "Court System".)

County Legislative Body

The following acts once applied to the quarterly court or the county legislative body of Lauderdale County and are included herein for historical purposes.

1. Acts of 1845-46, Chapter 82, provided that the Quarterly County Court of Lauderdale County would fill any vacancy which might occur on the Board of Commissioners for the City of Ripley.
2. Private Acts of 1921, Chapter 921, applied to the counties of Lauderdale, Washington, Greene, Johnson and Unicoi, fixing the compensation of Justices of the Peace at \$4 per day for attendance at county court and 5¢ per mile between their residence and the county seat.
3. Private Acts of 1967-68, Chapter 289, purported to amend Private Acts of 1957, Chapter 71, to raise the per diem of Justices of the Peace in Lauderdale County from \$10 to \$20. However, Private Acts of 1957, Chapter 71, applied to Tipton County and not to Lauderdale County. The act did not receive local approval and never became effective.
4. Private Acts of 1967-68, Chapter 469, would have amended Private Acts of 1921, Chapter 921, to increase the per diem of Justices of the Peace from \$4 to \$20, but this act was not approved by local authorities and never became law.
5. Private Acts of 1972, Chapter 341, was another attempt to amend Private Acts of 1921, Chapter 921, to increase the per diem of Justices of the Peace from \$4 to \$20, but this act was not approved by local authorities and never became law.

County Register

The following acts once affected the office of county register in Lauderdale County, but are no longer operative. Also referenced below is an act which repealed prior law.

1. Public Acts of 1897, Chapter 124, was a statewide act depriving various county officials of their fees and paying them a salary according to population. It is presumed that Lauderdale County's population was just over 20,000, so that the Register would be paid \$1,000 annually under the act. This act was declared unconstitutional in Weaver v. Davidson County, 59 S.W. 1105 (Tenn. 1900).
2. Private Acts of 1933, Chapter 552, provided that the County Register in Lauderdale County would be entitled to keep no more than \$3,300 per year of the fees of his office, and the excess was to be turned over to the county treasury. This act was repealed by Private Acts of 1935, Chapter 643.

County Trustee

The following acts once affected the office of county trustee in Lauderdale County, but are no longer operative. Also referenced below is an act which repealed prior law.

1. Public Acts of 1897, Chapter 124, was a statewide act depriving County Registers, Trustees, County Court Clerks, Circuit Court Clerks, Clerks and Masters, and Sheriffs of their fees and paying them a salary according to population. It is presumed that Lauderdale County's population was just over 20,000, and the Trustee would be paid \$1,800 annually under the act. This act was declared unconstitutional in Weaver v. Davidson County, 59 S.W. 1105 (Tenn. 1900).
2. Private Acts of 1933, Chapter 552, provided that the County Trustee in Lauderdale County would be entitled to keep no more than \$3,300 per year of the fees of his office, and the excess was to be turned over to the county treasury. This act was repealed by Private Acts of 1935, Chapter 643.

Obion and Forked Deer River - Flood 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.

General References

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

1. Private Acts of 1857-58, Chapter 26, provided that the securities of William G. McClelland, the late revenue collector of Lauderdale County, were entitled to all the rights, privileges and benefits conferred by a 1852 act for the relief of revenue collectors.
2. Acts of 1903, Chapter 324, repealed Private Acts of 1835-36, Chapter 13 (an act to establish the Ashport Turnpike Company), and transferred the interest in the property mentioned in the act belonging to the State of Tennessee to Lauderdale County.
3. Acts of 1905, Chapter 438, amended Public Acts of 1897, Chapter 105 (authorizing towns with a population of 20,000 or more to establish and maintain free public libraries), to include towns of 6,000 and over.
4. Acts of 1905, Chapter 465, authorized counties with populations between 21,000 and 22,500 by the Federal census of 1900 to extend credit to railroads up to \$50,000 if the conditions of the act were complied with. The railroad had to run through the county or within one mile of the county seat. The president of the railroad company had to apply to the County Court for aid, and the Justices could call a popular election. If the proposal failed, it could be brought up again after 60 days.
5. Acts of 1907, Chapter 547, amended Acts of 1905, Chapter 465, to raise the amount of credit which could be extended to the railroad company from \$50,000 to \$150,000. Apparently some confusion has existed as to whether Acts of 1905, Chapter 465, and its 1907 amendment were intended to apply to Lauderdale County or Sevier County, or both. The 1905 act is indexed under Sevier County, while the 1907 amendment is indexed under Lauderdale County. The population range included both counties.
6. Private Acts of 1925, Chapter 335, required that at least ½ the members of the County Board of Equalization in Lauderdale, Tipton and Haywood Counties be "dirt farmers" or persons who owned and operated a farm.
7. Private Acts of 1927, Chapter 89, quieted and perfected the title of John W. Gay in lands on Sunrise Island in Lauderdale County.
8. Private Acts of 1929, Chapter 743, quieted and validated the title of Mrs. Jennie Speed Folts to a plot of land in Ripley, in Lauderdale County.
9. Private Acts of 1933, Chapter 36, removed the disability of minority of Mrs. Jessie Sue Camp, a resident of Lauderdale County.
10. Private Acts of 1933, Chapter 484, was a repetition of Private Acts of 1927, Chapter 89, which quieted the title to Sunrise Island in Lauderdale County in John W. Gay. This act became necessary because House and Senate Journals did not show any roll call on the 1927 Act.
11. Private Acts of 1937, Chapter 323, created the Lauderdale County River Commission to develop and effectuate a plan to control the flooding of the Mississippi River and its tributaries in Lauderdale County and to provide flood relief to the citizens of the county. This Commission apparently was never formed.

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