



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

November 24, 2024

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# Administration - Historical Notes

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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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# Administration - Historical Notes

## **County Attorney**

The following acts once affected the appointment, election, or office of the county attorney in Carroll County. These acts are included for historical reference only. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1947, Chapter 152, created the office of County Attorney in Carroll County, to be elected by qualified voters to a 2-year term. The County Attorney would provide legal advice to the County Judge, the Quarterly County Court and all county officials relative to their offices and other official matters. The act prohibited any county official from employing outside legal counsel in official matters without advance approval of the County Court, and failure to secure approval in advance obligated the official to pay the outside counsel out of his own personal funds. The annual salary of the County Attorney was fixed at \$1,500.
2. Private Acts of 1949, Chapter 100, repealed Private Acts of 1947, Chapter 152.

## **County Clerk**

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

1. Private Acts of 1923, Chapter 196, set the salaries for the County Trustee, County Court Clerk, Register of Deeds, Circuit Court Clerk, Clerk and Master, and the Judge or Chairman of the County Court in Carroll County. Each official was required to keep an account of all fees collected in their respective offices and turn over to the County Trustee twice each year all fees, commissions, and charges received in excess of the prescribed salary. Each of the offices would be audited every two years. The salary of the County Court Clerk was \$2,250 per year.
2. Private Acts of 1927, Chapter 745, authorized the County Court Clerk of Carroll County to appoint a Deputy County Court Clerk, who was to have the same duties as the Clerk of the County Court. The Deputy Court Clerk would receive a salary of \$1,000 per year (\$500 paid from county funds and \$500 paid by the County Court Clerk).
3. Private Acts of 1929, Chapter 351, amended Private Acts of 1927, Chapter 745, to increase the salary of the Deputy County Court Clerk to \$1,200 per year, all of which was to be paid from county funds.
4. Private Acts of 1937, Chapter 227, repealed Private Acts of 1927, Chapter 745 and Private Acts of 1929, Chapter 351.
5. Private Acts of 1937, Chapter 292, fixed the annual salary of the County Court Clerk in Carroll County at \$1,200 to be paid in monthly installments on warrants drawn by the County Judge from the general funds of the county. This salary was in addition to all the fees received by the office. Any amounts received by the Clerk in excess of the maximum compensation allowed under general law was to be paid back to the county.
6. Private Acts of 1947, Chapter 547, repealed Private Acts of 1937, Chapter 292.

## **County Legislative Body**

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

1. Private Acts of 1822, Chapter 94, validated all official acts of the first Justices of the Peace and officers of Carroll County, making them binding obligations of the county.
2. Private Acts of 1822, Chapter 156, validated the official acts performed by John Gwin, Edward Gwin, James A. M'Lary and John Brown, four Justices of the Peace whose commissions had been issued with errors in their names.
3. Private Acts of 1824, Chapter 102, provided that the County Court for Carroll County would be held on the first Mondays in March, June, September and December.
4. Private Acts of 1825, Chapter 318, changed the time for holding County Court for Carroll County to the second Mondays in March, June, September and December.
5. Public Acts of 1829-30. Chapter 20, authorized the Carroll County Court to elect three justices to serve on a quorum court. This act provided that the justices would serve for one year with a compensation of a \$1.50 per diem.

6. Acts of 1901, Chapter 304, authorized the election of additional Justices of the Peace in the 1st, 2nd, 3rd, 4th, 9th, 19th and 22nd Civil Districts of Carroll County.
7. Acts of 1903, Chapter 489, repealed Acts of 1901, Chapter 304, abolishing the offices of the Justices of the Peace in the 1st, 2nd, 3rd, 4th, 9th, 19th and 22nd Civil Districts of Carroll County.
8. Private Acts of 1917, Chapter 669, provided that all Justices of the Peace for Carroll County would receive \$3 per day for attending Quarterly County Court, not to exceed eight days per year. The Justices of the Peace were given a mileage allowance of 5¢ per mile if they traveled more than 10 miles to reach a meeting of the Quarterly County Court, for one day only in any term.
9. Private Acts of 1927, Chapter 786, authorized the Quarterly County Court of Carroll County to designate depositories for county revenue and to require bond and interest, to authorize the County Judge or Chairman to sell interest-bearing warrants to purchase materials for the county and warrants to pay the interest on those warrants, and to elect a bridge and levee supervisor, define his duties, and set his term of office and salary. The act authorized the County Judge or Chairman to pay the normal expenses of the courthouse retroactively to September 6, 1926.
10. Private Acts of 1933, Chapter 55, amended Private Acts of 1927, Chapter 786, to repeal the provision which authorized the election of a bridge and levee supervisor.
11. Private Acts of 1961, Chapter 233, provided for payment of \$5 in expense money to the members of the Carroll County Court for attending quarterly sessions, not to exceed four sessions for any one year or \$20 in any calendar year. This sum was to be paid in addition to all other payments provided by law to the members.

### **County Mayor**

The references below are of acts which once applied to the office of county judge, or county executive in Carroll 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 office of County Judge in every county in the state, to be elected by the people to four-year terms. The County Judge was to be learned in the law and sworn and commissioned as were other judges. Quorum Courts were abolished and all the duties of those courts were assigned to the County Judges who would preside over the sessions of the various county Quarterly Courts. The jurisdiction of the County Courts was specifically outlined in the act. The County Judge would be the accounting officer and general agent of the county and would be responsible for discharging the duties enumerated in the act.
2. Public Acts of 1857-58, Chapter 5, repealed Acts of 1855-56, Chapter 253, and restored the Quorum Courts to their former status.
3. Public Acts of 1871, Chapter 133, created the office of County Judge for Carroll and DeKalb Counties. A person learned in the law would be elected by the voters in each county to a term of eight years. The Quorum Courts were abolished and their jurisdiction was transferred to the County Judge. The County Judge would have the same jurisdiction as the Chairman of the County Court, over which he would preside. The County Judge would be the accounting officer and general agent of the county. The compensation was set at \$5 per day during the sitting of the monthly and Quarterly Courts. The Quarterly Court was authorized to pay additional compensation to the Judge out of the county treasury.
4. Acts of 1872 (Ex. Sess.), Chapter 1, authorized the County Courts of Carroll and DeKalb Counties to elect a qualified person learned in the law to serve as the County Judge until the next regular election. The County Judge was given the same authority to maintain order that the Circuit Judge possessed.
5. Acts of 1907, Chapter 145, amended Public Acts of 1871, Chapter 133, to provide the County Judge of Carroll County with the same duties, power, authority and jurisdiction as that of the Justices of the Peace. The act also gave the County Judge the authority to exercise the same power and authority then conferred upon the Chancellors and Circuit Judges. This act amended Acts of 1872 (Ex. Sess.), Chapter 1, to provide for selection of a special judge when a County Judge was incompetent or absent.
6. Private Acts of 1921, Chapter 228, allowed the County Judge additional compensation of \$400 per year for his services as the accounting officer, financial agent and general agent of Carroll County.
7. Private Acts of 1923, Chapter 196, set the salaries for the County Trustee, County Court Clerk, Register of Deeds, Circuit Court Clerk, Clerk and Master, and the Judge or Chairman of the County Court in Carroll County. Each official was required to keep an account of all fees collected in their respective offices and turn over to the County Trustee twice each year all fees, commissions, and charges received in excess of the prescribed salary. Each of the offices would be audited every

two years. The salary of the County Judge or Chairman was \$1,650 per year.

8. Private Acts of 1927, Chapter 478, authorized and required the County Judge to collect delinquent poll taxes, automobile license, road and merchant's privilege taxes and other privilege taxes in Carroll County. The act specifically did not empower the Judge to collect delinquent real estate or drainage taxes. This act was repealed by Private Acts of 1933, Chapter 56.
9. Private Acts of 1927, Chapter 560, provided that the County Judge in Carroll County would receive, in addition to his salary, the annual sum of \$1,000 as compensation for his services as accounting officer, financial agent and general agent of Carroll County. This act was repealed by Private Acts of 1933, Chapter 204.
10. Private Acts of 1929, Chapter 744, authorized the County Judge or Chairman of Carroll County to employ a clerk at a monthly salary of \$100. This act was repealed by Private Acts of 1937, Chapter 24.
11. Private Acts of 1931, Chapter 648, amended Private Acts of 1929, Chapter 744, to provide that in addition to duties as clerk for the County Judge or Chairman, the clerk would serve as secretary of the County Highway Commission for Carroll County. The clerk would receive no additional compensation for the performance of these additional duties.
12. Private Acts of 1933, Chapter 56, repealed Private Acts of 1927, Chapter 478.
13. Private Acts of 1933, Chapter 204, repealed Private Acts of 1927, Chapter 560.
14. Private Acts of 1937, Chapter 24, repealed Private Acts of 1929, Chapter 744.
15. Private Acts of 1947, Chapter 207, repealed Public Acts of 1871, Chapter 133, Acts of 1872 (Ex. Sess.), Chapter 1, and Acts of 1907, Chapter 145, and created the County Court and the Court of General Sessions for Carroll County, which would be held at the courthouse in Huntingdon. All jurisdiction and power in criminal and civil cases once vested in the Justices of the Peace, except the power to perform rites of matrimony, were transferred to the Judge of the County Court and Court of General Sessions. The Judge was to be licensed to practice law in the state and would be paid \$5,000 annually. The County Judge was empowered to appoint a deputy clerk, who would serve as secretary to the Judge and to the County Highway Commission and receive an annual salary of \$1,500. The Clerk of the Circuit Court would perform the duties of Clerk of the Court of General Sessions in addition to the duties of the Clerk of Circuit Court and would receive an annual salary of \$600. This act was repealed by Private Acts of 1949, Chapter 44.
16. Private Acts of 1971, Chapter 67, would have amended Public Acts of 1871, Chapter 133, to decrease the term of office for the County Judge from 8 years to 4 years. This act failed to receive the required approval of the voters in a referendum and never became effective law.

### **County Register**

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

1. Private Acts of 1831, Chapter 40, authorized the Register of Carroll County to keep his office at home, provided his residence was not located more than ½ mile from the courthouse at Huntingdon in Carroll County.
2. Private Acts of 1923, Chapter 196, set the salaries for the County Trustee, County Court Clerk, Register of Deeds, Circuit Court Clerk, Clerk and Master, and the Judge or Chairman of the County Court in Carroll County. Each official was required to keep an account of all fees collected in their respective offices and turn over to the County Trustee twice each year all fees, commissions, and charges received in excess of the prescribed salary. Each of the offices would be audited every two years. The salary of the Register was \$1,800 per year.

### **County Trustee**

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

1. Private Acts of 1923, Chapter 196, set the salaries for the County Trustee, County Court Clerk, Register of Deeds, Circuit Court Clerk, Clerk and Master, and the Judge or Chairman of the County Court in Carroll County. Each official was required to keep an account of all fees collected in their respective offices and turn over to the County Trustee twice each year all fees, commissions, and charges received in excess of the prescribed salary. The Trustee was required to report to the County Judge or Chairman twice each year. Each of the offices would be audited every two years. The salary of the Trustee was \$3,000 per year.
2. Private Acts of 1951, Chapter 693, authorized the Trustee in Carroll County to establish a Special Bond Retirement Fund to pay the interest and principal on any funding bonds issued by the Quarterly County Court in 1951. The County Trustee was to set aside \$500 each month out of the

funds received from the state for road purposes.

### **Purchasing**

The following acts once affected the purchasing procedures of Carroll 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 55, appointed the County Judge or County Chairman, the County Court Clerk and the County Trustee of Carroll County to act as a "Purchasing Agency" for Carroll County. The Purchasing Agency was authorized to contract for and purchase services, materials, supplies and equipment, where authority had not been delegated to other officers, for the purpose of operating the county government, and to pay for those purchases from county funds, subject to restrictions set out in the act. No member could act without the consent of the other members of the Purchasing Agency. The act set out the duties and responsibilities of the members and penalties for violations of the act. This act was repealed by Private Acts of 1975, Chapter 23 (reproduced hereinabove).
2. Private Acts of 1959, Chapter 133, Section 10, authorized the County Highway Board to make necessary purchases of materials or enter into contracts for the repair or other work on roads up to \$1,000 without taking bids, and authorized the Board to allow the Superintendent to make purchases of \$250 or less without consent of the Board. Purchases over \$1,000 required sealed bids. Section 10 was repealed by Private Acts of 1975, Chapter 23 (reproduced hereinabove).
3. Private Acts of 1977, Chapter 68, would have repealed Private Acts of 1975, Chapter 23 (reproduced hereinabove), to establish a new purchasing law for Carroll County. The act provided for the election of a County Purchasing Agent by the Quarterly County Court. The County Purchasing Agent would be paid at a rate set by the Quarterly Court. The act provided for the creation of a Purchasing Commission to be composed of the County Judge, the County Court Clerk, the Circuit Court Clerk, the County Trustee and the Purchasing Agent. This act failed to receive local approval and never became effective law.
4. Private Acts of 1937, Chapter 58, which established budget procedures for Carroll County, was superseded by Private Acts of 2024, Chapter 57, which enacted the Carroll County Financial Management System of 2024.
5. Private Acts of 1975, Chapter 23, which enacted the County Purchasing Law of Carroll County, was superseded by Private Acts of 2024, Chapter 57, which enacted the Carroll County Financial Management System of 2024.

### **General Reference**

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

1. Private Acts of 1822, Chapter 210, authorized the Quarterly County Court of Carroll County to make an appropriation for the Commissioners who were selecting a site for the county seat.
2. Public Acts of 1831, Chapter 44, authorized the appointment of Boards of Internal Improvement in counties west of the Tennessee River, and established rules and regulations for their operation.
3. Public Acts of 1832, Chapter 14, amended Public Acts of 1831, Chapter 44, to authorize Carroll, Henry, Gibson, Weakley, Obion and Dyer Counties, and to require Perry County, to appoint a Board of Commissioners of Internal Improvements in their respective counties to operate under the same rules and regulations prescribed in the 1831 act.
4. Public Acts of 1835-36, Chapter 48, directed the county courts in each county to appoint a surveyor and an entry taker for its county, and directed the present surveyor for the 12th district to deliver all existing records to the entry taker in Carroll County.
5. Acts of 1849-50, Chapter 210, authorized the County Courts of Carroll, Benton and Henry Counties to withdraw from the Bank of Tennessee at Trenton the unexpended funds of an appropriation to improve the navigation of the Big Sandy River. The funds were to be divided into three equal parts and paid over to the Trustees of the respective counties. The Trustees were to hold the funds until the respective County Courts authorized the funds to be spent on improving roads, bridges and causeways. Carroll and Benton Counties were authorized to invest their share of the funds in the stock of the Huntingdon and Tennessee River Turnpike Company.
6. Private Acts of 1923, Chapter 196, set the salaries for the offices of County Trustee, County Court Clerks, Register of Deeds, Circuit Court Clerks, Clerks and Masters of Chancery Courts and for the Judges or Chairman of the County Courts in Carroll Counties. Each official was required to keep an account of every fee collected in their respective offices and turn over to the County Trustee twice a year all fees, commissions, and charges received in excess of the prescribed salary. The

Trustee had the duty of making a complete report to the County Judge or Chairman twice each year. The act provided for an audit of the respective offices every two years.

7. Private Acts of 1925, Chapter 534, provided that any firm, partnership or corporation doing the business of a telephone company in Weakley, Henry and Carroll Counties would have control, power and authority over their lines in those counties and could enforce their own rules and regulations concerning the collection of tolls, rents and fines, including disconnecting any subscriber or renter and imposing reconnection charges. Any subscriber connecting or attempting to reconnect a disconnected telephone line was subject to a fine between \$25 and \$50. Telephone companies and cooperatives are now governed by general law.
8. Private Acts of 1927, Chapter 185, validated the action of the Quarterly Court in Carroll County ordering the County Judge to issue interest bearing county warrants.
9. Private Acts of 1927, Chapter 661, validated all sales, leases, rental or other dispositions of municipally-owned water, electric or other utilities which had been made in Dyer, Gibson, Weakley, Henry and Carroll Counties.
10. Private Acts of 1933, Chapter 171, removed the disabilities of minority and infancy of Irene Chambers Joyner of Carroll County.
11. Private Acts of 1935, Chapter 124, removed the disabilities of minority and infancy of Bonnie Pauline Sumler Smith of Carroll County.
12. Private Acts of 1935, Chapter 449, removed the disabilities of minority and infancy from Verlie Shackelford.
13. Private Acts of 1935, Chapter 771, permitted Fred Tate, a resident of Huntingdon in Carroll County, to pursue the business of writing deeds and other contracts relating to realty and the making of abstracts of title. The act did not release him from paying the tax or license fee required by law.
14. Private Acts of 1937, Chapter 78, removed the disabilities of minority and infancy from Harold Hickman of Carroll County.
15. Private Acts of 1937, Chapter 421, removed the disabilities of minority and infancy from Elizabeth Tucker Dill of Carroll County.
16. Private Acts of 1937, Chapter 828, authorized Carroll County to acquire the land which had been designated as the "Carroll County Lake Project #1" by purchase, gift or condemnation. The act further provided that any compensation or damages incurred as a result of the acquisition of this property was to be paid from the general county fund.
17. Private Acts of 1997, Chapter 67 (erroneously designated as private chapter), amends Title 64, Chapter 1, Part 8, to make the jurisdiction of the Carroll County Watershed Authority contiguous with Carroll County, except as it may conflict with the power of the West Tennessee River Basin Authority. This act was adopted locally on August 11, 1997.

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