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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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County Legislative Body

The following acts once applied to the quarterly court or the county legislative body of Tipton 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 1824 (2nd Sess.), Chapter 102, set the days for quarterly county court meetings in Tipton County on the first Mondays in January, April, July and October.
2. Acts of 1825, Chapter 318, changed the quarterly county court's meeting days to the first Monday in March, June, September, and December.
3. Acts of 1825, Chapter 330, authorized the county court to levy an additional tax on land in the county of not more than 37½¢ per one hundred acres. This tax was to be used for erecting public buildings in the county.
4. Acts of 1826, Chapter 164, authorized the county court of Tipton County, with a majority of justices being present, to levy a tax not exceeding twelve-and-a-half cents per one hundred acres of land in said county, for the purpose of opening roads, making causeways and bridges in said county. This fund was to be under the direction of the county court.
5. Private Acts of 1835-36, Chapter 28, Sec. 14, was primarily an act to establish the county of Lauderdale, but the last section of the act provided that if the county court of Lauderdale was not organized in time to appoint commissioners to lay off the town and sell lots, then it would be lawful for the county court of Tipton County to appoint them, to take bonds and securities of said commissioners, and to do and perform any other act or acts required by the act until the county court of Lauderdale County could be organized.
6. Private Acts of 1835-36, Chapter 42, Sec. 4, authorized the county courts of Tipton and Dyer counties, with a majority of acting justices being present, to order and direct so much of the county revenue collected for the year 1835 from the citizens of their respective counties residing on lands formerly lying within the limits of said counties and subsequently lying in the county of Lauderdale to be paid over to the trustee of Lauderdale County, for the use and benefit of said county. The county courts of Tipton and Dyer counties could appoint a person to make the necessary examination and report to the Courts the amount of revenue collected by the sheriff or collecting officers of their respective counties.
7. Acts of 1837-38, Chapter 295, primarily incorporated the town of Portersville in the county of Tipton; but, Section 3 of this act authorized any justice of the peace of Tipton County to hold an election for seven aldermen for the town, and to hold subsequent elections on the first Saturday in January.
8. Acts of 1909, Chapter 305, authorized the county court, when assembled in quarterly session, to adopt a resolution to contract with a bank or banks to pay interest on daily balances of the county funds mentioned. The court was to appoint three members in addition to the county judge or chairman and county trustee to constitute the county finance committee to carry out the will of the county regarding said contracts. This act was amended by Private Acts of 1915, Chapter 439, which authorized the county court through its finance committee to pay interest at a rate not to exceed 6% per annum upon any account of the county which might be in arrears. Said interest was to be paid out by warrants drawn only on the account which was in question.
9. Private Acts of 1915, Chapter 53, authorized the Tipton County Court (as designated by the Federal Census of 1910 population range) to adopt a resolution to contract with a bank or banks making the highest and best bid to pay interest on monthly balances deposited in such bank or banks to the credit of the county trustee, with said bids to be made in sealed envelopes to the county court in quarterly session, at which time they were to be opened and read by the county judge. The act also authorized the county judge to make and sign said contract upon the terms and conditions specified therein, and to employ legal counsel to assist in the preparation of such contract. Upon execution of such contract, the county trustee was to deposit all designated funds into the bank or banks specified, with the deposit not to exceed 50% of the bank capital stock, for the purpose of drawing interest. This act was amended by Private Acts of 1917, Chapter 454, in order to specify that the interest, as shown by the monthly bank statements and reported to the county judge, was to be credited to the general county fund.
10. Private Acts of 1921, Chapter 980, set forth the compensation for services of justices of the peace in counties specified by population figures from the Federal Census of 1920. In addition to the per

diem set out in section 1 of this act, they were also to receive a mileage allowance for each mile necessarily traveled in going to and from their residence to the county seat in attendance of any sessions of the quarterly county court. Private Acts of 1957, Chapter 71, increased the per diem compensation to \$10 per day. Private Acts of 1973, Chapter 53, again increased the per diem to \$25. Most recently, the original act and all amendatory acts were specifically repealed by Private Acts of 1995, Chapter 99.

County Mayor

The references below are of acts which once applied to the office of county judge, or county executive in Tipton 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 1871, Chapter 89, authorized the election of an additional justice of the peace by the voters of Portersville, in Tipton County.
2. Acts of 1897, Chapter 300, allowed the election of an additional justice of the peace in Brighton, Tipton County, to be elected by the qualified voters of the seventh civil district.
3. Acts of 1905, Chapter 289, was an act establishing the office of county judge for Tipton County. The act set forth the requirements of the person to fill the office and the term of office. The quorum court and chairman's court were abolished and the jurisdiction and powers formerly exercised by those courts were given to the county judge, who was to preside over the county court at its quarterly session. The times of holding of the county court were set out therein, as were specific powers and authority given to the county judge and the salary of same. The county court clerk was designated to keep a docket of all cases to be tried in county court, and all appeals of certiorari from municipal courts in the county of Tipton were to go to county court. Acts of 1875, Chapter 120, which established the chairman's court, was amended and repealed as it applied to Tipton County. This act, as well as its amendatory acts in Acts of 1907, Chapter 423; Private Acts of 1911, Chapter 607; Private Acts of 1919, Chapter 218; Private Acts of 1939, Chapter 576; Private Acts of 1945, Chapter 557; and Private Acts of 1965, Chapter 217, were repealed in full by Private Acts of 1995, Chapter 96.
4. Private Acts of 1911, Chapter 607, amended Acts of 1905, Chapter 289 by increasing the judicial powers of the Tipton County Judge and giving the county court concurrent jurisdiction with the circuit, criminal and chancery courts for specific cases. This jurisdiction was removed from that office when this 1911 amendment was repealed by Private Acts of 1965, Chapter 217.
5. Private Acts of 1933, Chapter 101, set the salary of the county judge at \$1,200 annually, and provided that he was to receive no additional compensation for services as county financial agent. Private Acts of 1935, Chapter 346, amended this act to provide that the quarterly county court could also appropriate up to \$300 per annum to the county judge for employment of clerical assistance. The next amendment to the 1933 act was Private Acts of 1937, Chapter 583, which raised the amount to be appropriated for clerical assistance to \$600 annually. In Private Acts of 1943, Chapter 190, it was provided that the county judge, in addition to his salary as such, was to receive an additional \$1,200 annually for his services as financial agent of the county and for hiring clerical assistance. His salary as county judge was raised to \$3,000 per year by an amendment to the 1933 act found in Private Acts of 1949, Chapter 734. The last amendment to Private Acts of 1933, Chapter 101, was Private Acts of 1953, Chapter 88, which provided that the salary of the Tipton County Judge was to be \$4,200 yearly.
6. Private Acts of 1939, Chapter 576, amended Acts of 1905, Chapter 289, the act which had created the office of county judge in Tipton County, by increasing the judicial powers of that office. This act gave the county court concurrent jurisdiction with the circuit court to hear all misdemeanor cases and all felony cases where the minimum punishment did not exceed one year's confinement in the penitentiary. This amendatory act was repealed by Private Acts of 1965, Chapter 241.
7. Private Acts of 1945, Chapter 557, was also an amendment to Acts of 1905, Chapter 289. This amendatory act gave the county court exclusive jurisdiction of examining trials and the examination of persons charged with offenses, either misdemeanors or felonies, and also gave the county court clerk the authority to take affidavits and issue arrest and search warrants. These powers were removed from the Tipton County Judge's office when this amendment was repealed by Private Acts of 1947, Chapter 722.

County Register

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

1. Private Acts of 1933, Chapter 536, set the maximum annual salary of the Tipton County Register

at \$2,400. If the fees taken in by the register did not amount to \$2,400, the county was not liable to make up the difference.

2. Private Acts of 1937, Chapter 579, perfected the title of T. G. Uhlhorn to lands (272± acres) adjacent to Island No. 37 in the Mississippi River in the eleventh civil district of Tipton County, Tennessee.
3. Private Acts of 1937, Chapter 580, perfected title to 140± acres of a towhead island in the Mississippi River, by granting title to that land in the same T. G. Uhlhorn.
4. Private Acts of 1937, Chapter 582, perfected the title of O. F. Cash to a towhead island of approximately 640 acres in the Mississippi River.

County Trustee

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

1. Acts of 1824 (2nd Sess.), Chapter 119, Sec. 9, required the county trustee of Shelby County to turn over to the county trustee of Tipton County the amount of county taxes which had been or would be collected for the year 1823.
2. Acts of 1909, Chapter 305, authorized the county court, when assembled in quarterly session, to adopt a resolution to contract with a bank or banks to pay interest on daily balances of the county funds mentioned. The court was to appoint three members in addition to the county judge or chairman and county trustee to constitute the county finance committee to carry out the will of the county regarding said contracts. This act was amended by Private Acts of 1915, Chapter 439, which authorized the county court through its finance committee to pay interest at a rate not to exceed 6% per annum upon any account of the county which might be in arrears. Said interest was to be paid out by warrants drawn only on the account which was in question.
3. Private Acts of 1915, Chapter 695, provided that the quarterly county court of any county of population not less than 29,250 nor more than 29,300, according to the Federal Census of 1910, was to reimburse the county trustee for any sums he paid out in interest on county overdrafts. A marginal entry in the published act states this act was intended for Tipton County, but the population range given does not encompass the population figure for Tipton County in 1910.
4. Private Acts of 1917, Chapter 302, empowered the quarterly county court of Tipton County to reimburse any former trustee for up to eight years after he left office, for any sums he might have paid as interest on account of overdrafts on various county accounts. This appears to be an act to rectify the error of the 1915 act by changing the population range so as to encompass the population figure for Tipton County for 1910.
5. Private Acts of 1921, Chapter 938, allowed the quarterly county court to set the county trustee's compensation for receiving and disbursing funds from a bond sale, provided that this compensation could not be more than ½% of the amount of bonds sold.
6. Private Acts of 1933, Chapter 536, set the maximum annual salary of the county trustee at \$3,600. If the fees taken in by the trustee did not amount to \$3,600, the county was not liable to make up the difference.
7. Private Acts of 1935, Chapter 273, provided that the Tipton County Trustee was to be given credit for all monies expended in payment of premiums on re-indemnifying bonds with a surety company.

General Reference

The following private or local acts constitute part of the administrative and political history of Tipton 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 1823, Chapter 206, appointed commissioners to fix sites for the permanent seats of justice in several counties, including Tipton. The seat was to be as near the center of the county as possible, so as to be convenient to the citizens of the county. The commissioners were to procure by purchase or otherwise at least 50 acres of land for each site; lay off and establish a town at each site; and, sell lots in the town.
2. Acts of 1824, Chapter 132, Sec. 3, granted to the commissioners, who were appointed by the county courts of Gibson, Dyer, Hardeman, Tipton, Fayette, Weakley, Obion and McNairy counties the authority to lay off and sell lots in the seats of justice for said counties, and granted them the right to possess and exercise all the powers extended to the commissioners appointed to fix the seat of justice for Haywood County as set forth in the previous sections of this act. The seat of

- justice for Tipton County was to be called Covington.
3. Acts of 1831, Chapter 44, gave the court of pleas and quarter sessions or county court the authority to appropriate surplus public money for the construction of a courthouse in Covington.
 4. Acts of 1833, Chapter 59, authorized the county court to elect three persons to constitute a board of commissioners for internal improvement in Tipton County.
 5. Public Acts of 1835-36, Chapter 48, abolished the surveyors' offices south and west of the Congressional reservation line from and after the first day of September, 1836. County offices were to be established, at the county seats, for receiving entries on vacant land lying in said counties, and the justices of the county courts were to elect an entrytaker and surveyor for each of said counties. The act set forth the duties and requirements of the office of entrytaker. The present surveyors were required to deliver all books, records and papers belonging to their respective offices to the entrytaker of the counties specified therein. The surveyor of the eleventh district was to relinquish his records to the entry taker of Tipton County.
 6. Acts of 1851-52, Chapter 1, was an act to permanently establish the seat of justice of Tipton County. An election was to be held for voters to choose to leave it at Covington or remove it to Randolph. If the majority of voters were in favor of removal of the seat, specified commissioners were to choose a site, superintend the building of the courthouse, jail and other necessary public buildings, perform the duties set out in the act, and were given the power to sell the old courthouse and jail in Covington.
 7. Acts of 1853-54, Chapter 163, required that the sheriff of Tipton County hold an election to ascertain the sense of the voters as to the removal of the seat of justice from Covington to Randolph. The election held pursuant to the previous act indicated that the majority was in favor of leaving the seat at Covington, but subsequent petitioning indicated that there was some discrepancy in that opinion.
 8. Acts of 1853-54, Chapter 180, authorized Tipton County and other counties to take stock in railroads and to issue their bonds.
 9. Acts of 1853-54, Chapter 323, Section 9, authorized the counties of Tipton, Dyer, Stewart and Obion to subscribe stock and issue bonds to the Great Central North and South Railroad Company, or any other company, under provisions and restrictions contained within this act.
 10. Acts of 1857-58, Chapter 2, once again required the sheriff of Tipton County to hold an election for citizens of said county to vote for county officers and for the place where the seat of justice was to be located, as the election held pursuant to the previous act (item 5, above) brought about a subsequent memorial from numerous voters expressing the sentiment that the seat be removed from Covington to the center of the county.
 11. Acts of 1857-58, Chapter 131, Section 11, required that the office of entrytaker of Tipton County be consolidated with the office of surveyor of said county and that the surveyor was to perform all duties incident to the office of entrytaker and receive for performance of those duties the fees previously allowed to entry takers.
 12. Acts of 1857-58, Chapter 162, was still another act regarding ascertaining the will of the people of Tipton County as to the removal of the seat of justice. Commissioners were appointed to employ a surveyor to ascertain the center of the county. Then they were to inform the sheriff of the designated center, whose duty it was to hold an election and transmit the result of same to the secretary of state, who would report same to the next general assembly of the state.
 13. Acts of 1869-70, Chapter 29, incorporated the "Tipton County Industrial and Mechanical Association", to exist for ninety-nine years. It was to have full power to buy and hold, sell and convey real and personal property; to make and execute conveyances; to contract and be contracted with; to sue and be sued; and to have and enjoy all powers and privileges incident to such bodies. The act set forth the requirement for election of directors, adoption of a constitution and by-laws, election of officers, and stated additional powers granted to the association.
 14. Acts of 1909, Chapter 554, allowed unmarried women over the age of twenty-one to serve as deputy court clerks in any court in Tipton County, with the proviso that marriage would cause their immediate dismissal.
 15. Private Acts of 1911, Chapter 389, made unmarried women and the wives of clerks of courts, over the age of twenty-one, eligible to serve as deputy clerks in any court in Tipton County. If a single woman was to marry while working as a deputy clerk, she would have to forfeit her office, being disqualified to perform any official duties.

16. Private Acts of 1919, Chapter 554, authorized the quarterly county court of Tipton County (as indicated by the 1910 Federal Census population figures) to employ an industrial agent for the county and to make any contract it deemed advisable with such agent. The act also authorized the county judge to issue his warrant in payment of any sums due under such contract. This act was repealed in full by Private Acts of 1995, Chapter 97.
17. Private Acts of 1921, Chapter 297, authorized the quarterly county court to pay the county's proportionate share of expenses for improving the public square in the county seat, and to issue interest-bearing warrants in payment of such expenses.
18. Private Acts of 1921, Chapter 496, authorized the quarterly county court to contract for the purchase of office appliances and equipment, as might be necessary and proper for conducting business in county offices.
19. Private Acts of 1933, Chapter 89, removed the disabilities of infancy from Milton Curtis Baskins, thus giving him the rights and responsibilities of an adult.
20. Private Acts of 1935, Chapter 397, removed the disabilities of minority from Hugh W. Barton.
21. Private Acts of 1937, Chapter 578, removed the disabilities of infancy and minority from Hugh Leslie Dawson.
22. Private Acts of 1937, Chapter 581, removed the disabilities of infancy and minority from Helen Harsson.
23. Private Acts of 1949, Chapter 534, authorized and empowered the county of Tipton, by and through the quarterly county court, to construct or acquire an office building; to equip, maintain and operate same for the benefit of county departments and agencies; and, to prescribe and collect rents and charges for quarters, facilities and services furnished by such office building. The act authorized the selling of bonds for the purpose of acquiring land and building, and to create a "County Office Building Operation and Maintenance Funds" account. The quarterly county court was authorized to appoint a committee or board to oversee the construction and operation of said office building. This act was specifically repealed by Private Acts of 1995, Chapter 98.
24. Private Acts of 1994, Chapter 196, created the office of environmental inspector for Tipton County. It defined the disposal of waste, types of waste, and required that all waste disposed upon land be inspected and tested for compliance with provisions of this act, the laws of the state of Tennessee and the rules and regulations of the department of environment and conservation of the state of Tennessee. Waste disposal facilities were to keep complete and accurate records of the total number of loads and date of waste deposited at such facilities. This act was not adopted by the county legislative body, and therefore did not become law.
25. Private Acts of 2017, Chapter 23, repealed Private Acts of 1975, Chapter 115, which required that owners of real property obtain a building permit.

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