



July 22, 2024

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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Boards and Commissions

The following act once affected boards and commissions in Shelby County. The following summary is included herein for reference purposes.

1. Private Acts of 1917, Chapter 420, which authorized and empowered the County of Shelby, in connection and by co-operation with the City of Memphis within said county, to construct, own, maintain and operate an Auditorium and Public Market House, was effectively superceded by the Private Acts of 2012, Chapter 75, which changed the name of the facility to the "Memphis Convention Center", changed the name of the commission to the "Memphis Convention Center Commission" and authorized the Mayor of the City of Memphis to appoint the commission. Shelby County sold all of its interests to the City of Memphis.

County Attorney

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 These acts are included for historical reference only. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Private Acts of 1919, Chapter 585, set the salary of the Shelby County Attorney at \$4,800 per annum. Its provisions were amended by Private Acts of 1925, Chapter 307, and Private Acts of 1933, Chapter 369. All of these were repealed by Private Acts of 1937, Chapter

County Clerk

The following acts once affected the office of county clerk in Shelby County. They are included herein for historical purposes.

1. Private Acts of 1823, Chapter 126, authorized the Shelby County Clerk to furnish a list to the sheriff of Tipton County of all taxable property in Shelby County.
2. Private Acts of 1832, Chapter 67, authorized the county court clerk of Shelby County to pay over the unexpended amount of taxes levied and collected for improvement of navigation on the Wolf River to the general county fund and to pay over to the trustees of the Memphis Hospital the state tax on merchants' license for the benefit of said hospital.
3. Acts of 1837-38, Chapter 306, authorized the county court clerk of Shelby County to appoint two deputy clerks.
4. Acts of 1841-42, Chapter 36, legalized the official acts of James Rose, who had been acting as deputy clerk of the Shelby County Court since May 2, 1839.
5. Acts of 1853-54, Chapter 161, provided for the relief of William L. Dewoody, late clerk of the Shelby County Court.
6. Private Acts of 1911, Chapter 226, made unmarried women over the age of twenty-one eligible to serve as deputy clerk of the county court, as well as any other court of the county. Marriage, however, was an immediate forfeiture of her office, but would not protect her from any liability incurred while in office.
7. Private Acts of 1917, Chapter 77, set the salary of the county clerk and the probate court clerk of Shelby County.
8. Private Acts of 1919, Chapter 278, authorized the county clerk of Shelby County to contribute, an amount not to exceed \$600 per year, to the payment of the salary of the officer or detective appointed by the district attorney general of Shelby County.
9. Private Acts of 1933, Chapter 891, set the salary of the Shelby County Clerk at \$6,000 per annum. This act was amended by Private Acts of 1951, Chapter 160, which set the salary of the county clerk at \$7,200 per annum.
10. Private Acts of 1953, Chapter 301, amended Private Acts of 1933, Chapter 891, by setting the salary of the county clerk at \$8,000 per annum.

County Mayor

The references below are of acts which once applied to the office of county judge, or county executive in Shelby County. They are included herein for historical purposes only.

1. Public Acts of 1857-58, Chapter 38, created the office of county judge for Shelby County. This act gave the county judge all the jurisdiction and powers previously belonging to that court. This office was abolished by Public Acts of 1869-70, Chapter 6.

2. Private Acts of 1917, Chapter 486, empowered the Shelby County Courts to appropriate money for the payment of clerical help in the office of the county chairman.

County Legislative Body

The following acts once applied to the quarterly court or the county legislative body of Shelby 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 1825, Chapter 318, set the date for holding the Shelby County Court to the third Monday in January, April, July and October.
2. Public Acts of 1827, Chapter 44, provided that the county court of Shelby County select three justices of the peace and provided for their duties and compensation.
3. Private Acts of 1859-60, Chapter 39, authorized the county court to appoint three additional notaries public who were to keep their office in Memphis.
4. Public Acts of 1865, Chapter 1, provided that if the county judge of Shelby County should fail to hold court or resign, and a majority of the magistrates failed to appear and elect a chairman, then any judge or chancellor in the county would have full power to hold the county court and discharge the duties of the county judge.
5. Public Acts of 1865-66, Chapter 13, validated the actions of the county court meetings which had been held in Memphis rather than in Raleigh.
6. Private Acts of 1865-66, Chapter 159, Section 11, authorized the county court to pay judges of chancery, common law and criminal courts up to \$1,000 per year for the discharge of their duties.
7. Public Acts of 1866-67, Chapter 46, provided for the election of eight additional justices of the peace from Memphis, in addition to the four already provided for by law. This was repealed by Public Acts of 1869-70, Chapter 10.
8. Public Acts of 1901, Chapter 140, authorized the Shelby County Court to appropriate additional compensation to the judges of the circuit, chancery and criminal courts and judges of the special courts the county.
9. Acts of 1907, Chapter 474, set the salary of justices of the peace at \$5.00 per day for actual attendance.
10. Acts of 1909, Chapter 460, authorized the quarterly county court by resolution to appropriate any special fund in the hands of the county trustee to any county purposes with the provision that the fund not be needed for the purpose for which it was intended and that the fund be repaid in the next tax levy.
11. Private Acts of 1911, Chapter 218, required that the proceedings of the county court be published in some daily newspaper of the county. This was repealed by Private Acts of 1917, Chapter 99.
12. Private Acts of 1911, Chapter 280, amended general law to provide that incorporated towns in Shelby County were not entitled to elect a justice of the peace.
13. Private Acts of 1911, Chapter 429, made it unlawful for any justice of the peace in Shelby County to have an office in any district except the one from which he was elected, with the allowance that if his district was partially in an incorporated municipality, then his office could be in any part of the municipality.
14. Private Acts of 1913, Chapter 39, denied justices of the peace jurisdiction over the person of a lunatic or of unsound mind in the holding of an inquest to determine their sanity, or in a hearing to commit them to an institution.
15. Private Acts of 1917, Chapter 584, amended the general juvenile law found in Public Acts of 1915, Chapter 32, which provided that the Shelby County Court could expend up to \$10,000 per year to use through the juvenile court for the partial support of poor women, who were the mothers of children under the age of sixteen.
16. Private Acts of 1919, Chapter 229, authorized Shelby County to appropriate \$25,000 for a celebration of the centennial of the City of Memphis.
17. Private Acts of 1921, Chapter 74, set the salary and compensation to allow for mileage for members of the quarterly county court. This salary was raised by Private Acts of 1927, Chapter 590, and subsequently lowered, first by Private Acts of 1933, Chapter 371, and again by Private Acts of 1939, Chapter 258.
18. Public Acts of 1921, Chapter 101, set the salary of the clerk of the Shelby County Court to \$7,500 per annum.

19. Private Acts of 1933, Chapter 862, authorized the Shelby County Quarterly Court to appropriate the necessary county funds for the enforcement of Public Acts of 1933, Chapter 69, which was the alcoholic beverage control law.
20. Private Acts of 1935, Chapter 398, removed the disabilities of infancy of Mrs. Gladys W. Luster and gave her full contract, property and all other rights and privileges of persons twentyone years of age.
21. Private Acts of 1947, Chapter 518, set the salary of the chairman of the Shelby County Court, as well as other county officials.
22. Private Acts of 1951, Chapter 159, was an act that set the compensation of the chairman of the Shelby County Court to \$4,800 per year plus office expenses.
23. Private Acts of 1957, Chapter 158, set the per diem salary of a Shelby County Justice of the Peace at \$25 for each day the quarterly county court was in session.

County Register

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

1. Public Acts of 1859-60, Chapter 91, removed the office of register of Shelby County from the town of Raleigh to the City of Memphis.
2. Private Acts of 1866-67, Chapter 40, authorized the register of Shelby County to proceed forthwith to make a correct general index to all books of registration in his office, up to the first of January, 1867. This act also provided that the county court was to appoint a three person inspection committee to inspect those registration books.
3. Public Acts of 1869-70, Chapter 51, provided that the Shelby County Register be the lawful officer to hold the municipal election in the City of Memphis on January 6th, 1870, and the sheriff of Shelby County be the proper officer to hold elections thereafter.
4. Private Acts of 1917, Chapter 77, fixed the salary of the Shelby County Register to \$4,000 per annum.
5. Public Acts of 1921, Chapter 101, set the salary of the Shelby County Register to \$6,000 per annum.
6. Private Acts of 1933, Chapter 610, set the salary of the Shelby County Register to \$6,000 per annum.
7. Private Acts of 1933, Chapter 891, set the salary of the Shelby County Register to \$5,000 per annum. This act was amended by Private Acts of 1951, Chapter 160, which set the salary of the county register to \$6,000 per annum.
8. Private Acts of 1953, Chapter 301, amended Private Acts of 1933, Chapter 891, by setting the salary of the Shelby County Register to \$7,200 per annum.

County Trustee

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

1. Private Acts of 1824, Chapter 119, authorized that the Shelby County Trustee pay over to the trustee of Tipton County a portion of the county tax which had been collected by the sheriff of Shelby County for the year 1823.
2. Public Acts of 1895, Chapter 91, fixed the compensation of the Shelby County Trustee to \$3,000 annually for collecting and disbursing the taxes of the city of Memphis.
3. Private Acts of 1917, Chapter 77, fixed the salary of the Shelby County Trustee to \$6,000 per annum.
4. Public Acts of 1921, Chapter 101, fixed the salary of the Shelby County Trustee to \$7,500 per annum.
5. Private Acts of 1931, Chapter 891, set the salary of the Shelby County Trustee to \$6,000 per annum.
6. Private Acts of 1933, Chapter 611, set the salary of the Shelby County Trustee to \$7,500 per annum.
7. Private Acts of 1951, Chapter 160, amended Private Acts of 1931, Chapter 891, by setting the salary of the Shelby County Trustee to \$7,200 per annum.
8. Private Acts of 1953, Chapter 301, amended Private Acts of 1931, Chapter 891, by setting the salary of the Shelby County Trustee to \$8,000 per annum.

General Reference

The following private or local acts constitute part of the administrative and political history of Shelby 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. Private Acts of 1829-30, Chapter 92, appointed Nathaniel Anderson and Abram Bayless as notaries public for Shelby County.
2. Acts of 1845-46, Chapter 181, authorized the treasurer of the state to pay Lemuel P. Hardaway, former sheriff of Shelby County, the sum of \$442 for his services, and for monies paid out by him in pursuing, arresting felons who had fled from Tennessee.
3. Acts of 1853-54, Chapter 180, gave Shelby County the same authority and power to take stock in railroads and issue their bonds as had other counties in the state.
4. Private Acts of 1859-60, Chapter 9, established the Nonconnah Board of Levee Commissioners, for the purpose of establishing a levee to reclaim from overflow the lands lying between Nonconnah Creek and the Tennessee-Mississippi state line.
5. Private Acts of 1859-60, Chapter 39, authorized the county court of Shelby County to appoint three additional notaries public.
6. Public Acts of 1867-68, Chapter 87, Section 5, provided for the election of the Shelby County Recorder by the qualified voters of said county; his duties and term of office.
7. Private Acts of 1868-69, Chapter 42, incorporated the Shelby County Agricultural, Mechanical and Horticultural Society.
8. Public Acts of 1869-70, Chapter 6, Section 12, abolished the board of county commissioners and the office of county judge, re-establishing the quarterly and quorum courts.
9. Public Acts of 1870-71, Chapter 81, amended The Code of Tennessee to allow the Shelby County Court to elect as many notaries public as it deems necessary.
10. Public Acts of 1875, Chapter 15, provided for one additional notary public for Shelby County.
11. Public Acts of 1889, Chapter 163, empowered the municipalities in Shelby County to require that all owners of improved property construct water closets, slop sinks and other necessary sanitary facilities.
12. Acts of 1905, Chapter 456, required every company compressing cotton in Shelby County to provide ample facilities and labor for handling all cotton sent to them for processing.
13. Acts of 1907, Chapter 311, authorized the City of Memphis to convey to Shelby County, the alleys in the square bounded by Adams, Second, Washington and Third Streets for the purpose of erecting a courthouse thereon.
14. Acts of 1907, Chapter 335, was an act to protect the owners of milk cans and bottles by providing that such containers be stamped with a recorded marketing mark, and anyone using such a mark without the written permission of its owner was guilty of a misdemeanor.
15. Acts of 1909, Chapter 109, regulated the business of lending money on personal property, wages or salaries, and the buying of salaries or wages; and prescribed the penalties for its violation in counties having a population of not less than 50,000, according to the Federal Census of 1900.
16. Acts of 1909, Chapter 176, authorized payment of as much as \$100 per annum for the services of an auditing committee, composed of two justices of the peace.
17. Acts of 1909, Chapter 185, created Levee and Drainage Districts for Shelby County. This act was amended by Private Acts of 1923, Chapter 385, which allowed a majority of the landowners in the bottom lands of the Wolf River to petition for inclusion of their area in the drainage district.
18. Private Acts of 1911, Chapter 255, validated a lease of the old courthouse to W.A. Bickford by Shelby County. This lease was for a period of twenty years, with an option to renew for ten more years, to begin on January 1, 1911.
19. Private Acts of 1911, Chapter 256, authorized Shelby County to close Midland Avenue in exchange for certain property from the Memphis Country Club, validating a contract already entered into by those two entities
20. Private Acts of 1913, Chapter 61, empowered the boards of commissioners of Shelby County to disburse the fund in the hands of the county trustee to the credit of the bridge department.
21. Private Acts of 1913 (Ex. Sess.), Chapter 51, was another act creating levee and drainage districts

- for Shelby County, for the purpose of draining and reclaiming wet, overflowed or swamp lands in the county.
22. Private Acts of 1915, Chapter 154, authorized the county court of Shelby County to establish a county demonstration farm and to provide for the control and conduct of same.
 23. Public Acts of 1915, Chapter 121, created the office of divorce proctor in counties having a population of 100,000 or over by the Federal Census of 1910. This act defined the qualifications and duties of the proctor; provided the manner for the appointment of a deputy divorce proctor and defined his duties and provided for his compensation. This act was amended by Private Acts of 1925, Chapter 430, which redefined the duties and compensation of the proctor and by Public Acts of 1959, Chapter 191, which raised the compensation fee to \$10 for every divorce suit filed in his county. This act was repealed by Public Acts of 1972, Chapter 796.
 24. Private Acts of 1917, Chapter 77, removed clerks of courts, the county trustee, register and sheriff from the fee system and placed them on a salary which was to be complete compensation for their services in office.
 25. Private Acts of 1917, Chapter 101, gave the Shelby County Quarterly Court the authority to lease the old courthouse site at the corner of Main and Poplar Streets for the City of Memphis.
 26. Private Acts of 1917, Chapter 282, amended the board of county commissioners act by changing the methods of filling vacancies, but its provisions were repealed by Private Acts of 1919, Chapters 351 and 464.
 27. Private Acts of 1921, Chapter 523, amended Private Acts of 1917, Chapter 420, by authorizing Shelby County to issue and sell its negotiable coupon bonds in any sum not exceeding \$375,000. In addition, the act exempted the bonds from taxation.
 28. Private Acts of 1923, Chapter 385, amended Acts of 1909, Chapter 185, Section 40, by eliminating Reelfoot Lake and Wolf River in Fayette and Shelby counties from draining and reclamation.
 29. Private Acts of 1923, Chapter 425, empowered the governing body of Shelby County to contribute not more than \$25,000 per year toward the cost of an annual agricultural fair.
 30. Private Acts of 1923, Chapter 704, fixed the compensation of the election officers, judges, clerks, registers and markers of Shelby County.
 31. Private Acts of 1925, Chapter 158, amended Private Acts of 1917, Chapter 420, by authorizing Shelby County to issue and sell its negotiable bonds in any sum not exceeding \$75,000. In addition, the act exempted the bonds from taxation.
 32. Private Acts of 1925, Chapter 389, established a Real Estate Commission for Shelby County.
 33. Private Acts of 1925, Chapter 424, was another private act establishing levee and drainage districts for Shelby County.
 34. Private Acts of 1925, Chapter 596, gave all incorporated athletic associations in Shelby County the power of condemnation.
 35. Private Acts of 1925, Chapter 729, was a financial responsibility law applying to firms and people operating motor vehicles for hire in Shelby County. This act also provided for the licensing of such vehicles.
 36. Private Acts of 1929, Chapter 875, created a county athletic commission for Shelby County, to have control and to regulate professional athletics in that county.
 37. Private Acts of 1933, Chapter 413, provided for the joint operation of governmental and corporate activities in Shelby County, and to provide for contracts to effect such joint operations. This act was amended by Private Acts of 1935, Chapter 18, to provide that the operation of public slaughterhouses and abattoirs could be considered one of these joint governmental activities.
 38. Private Acts of 1941, Chapter 47, authorized the Shelby County Court to appropriate not more than \$10,000 per year for county advertising purposes. This act was repealed by Private Acts of 1943, Chapter 6.
 39. Private Acts of 1945, Chapter 23, made it unlawful to operate vending machines or fruit stands in the Shelby County Courthouse. It provided that the quarterly county court could grant one year commissions for selling cigarettes, candy, fruit, drinks, etc., from office to office in that building. This was repealed by Private Acts of 1961, Chapter 402.
 40. Private Acts of 1955, Chapter 91, amended Private Acts of 1911, Chapter 237 by fixing the salaries of the board of county commissioners. This act, however, was found unconstitutional in *Shelby County v. Hale*, 200 Tenn. 505, 292 S.W. 2d 745 (1955).

41. Private Acts of 1959, Chapter 121, attempted to authorize Shelby County to cooperate with the City of Memphis in plans for the construction of a railroad terminal and relocation of certain railroad tracks. The Shelby County Quarterly Court did not approve the provisions of this act, so it never became effective.
42. Private Acts of 1959, Chapter 212, attempted to regulate and provide for the licensing of wrecking and towing services in Shelby County, but its provisions were not approved by the quarterly county court and never became effective.
43. Private Acts of 1967-68, Chapter 372, authorized the quarterly county court to participate in the celebration of the sesquicentennial year of the founding of the county seat and to appropriate funds not otherwise committed for that celebration.
44. Public Acts of 1968, Chapter 564, amended Public Acts of 1915, Chapter 121, by fixing the compensation of the divorce proctor and amending the process in which the county court would elect the proctor.
45. Private Acts of 1969, Chapter 91, created a county governmental library commission for Shelby County, but his act was superseded by the current library commission law, Private Acts of 1970, Chapter 275, found in this volume.
46. The Chickasaw Basin Authority was first created by Public Acts of 1971, Chapter 412, which was amended by Public Acts of 1972, Chapter 506. Both of these were repealed by Public Acts of 1973, Chapter 409.
47. Private Acts of 1974, Chapter 377, attempted to give Shelby County regulatory authority over cotton gin operations for the purpose of controlling air contaminant emissions from those gins. This act was returned from the governor without his signature, and later was disapproved by the Shelby County Quarterly Court, never becoming operative.
48. Private Acts of 1978, Chapter 251, would have amended Private Acts of 1974, Chapter 260, relative to the county court resolution regarding the setting of the county mayor's salary, but this act was not acted upon by county officials and therefore never became law.
49. Private Acts of 1980, Chapter 274, would have amended Private Acts of 1974, Chapter 260, in order to qualify purchases of insurance under professional exemptions under certain state circumstances, but this act failed to become ratified and therefore never became law.
50. Private Acts of 1981, Chapter 61, pertained to the location of residences in Shelby County by saying that no person would be kept from erecting a permanent residence, or placing a mobile home, on any lot provided the lot was at least one acre in size and met code requirements in T.C.A. 53-2044, that such structure met all the building code standards and that such lot and residence were not part of an existing subdivision. This act was disapproved by Shelby County officials and never became law.
51. Private Acts of 1983, Chapter 126, would have provided for the rebuilding, repair and maintenance of sidewalks in unincorporated areas of Shelby County; however, this act was not ratified and never took effect.
52. Private Acts of 1986, Chapter 159, would have amended Private Acts of 1971, Chapter 110, by providing for the eligibility and appointment of members to the civil service merit board; however, the Shelby County Attorney's office has no information as to whether the act was passed or not by county officials.
53. Public Acts of 2001, Chapter 350, established a study committee to examine issues pertaining to development of alternative statewide child protective services systems and pertaining to whether a pilot mental health court should be established in Shelby County. Upon the conclusion of its study and assessment, the committee was to report its findings to the governor; general welfare, health and human services committee of the senate; the children and family affairs committee of the house of representatives; and the select committee on children and youth no later than February 15, 2002. The act would take effect upon becoming a law, and would be repealed 12 months following such effective date.
54. Private Acts of 1925, Chapter 405, which created cemetery regulations, was repealed by Private Acts of 2015, Chapter 17.

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