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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 Clerk

The following acts once affected the office of county clerk in Monroe 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 1829-30, Chapter 90, authorized John B. Tipton, clerk of the circuit court, and William S. Blair, clerk of the county court, to build a clerk's office at their own expense, upon such part of the public square at Tellico as was designated to them by the county court. Upon death, resignation, or removal from office for any reason, the clerk was entitled to the same privilege of selling or retaining the building as was given to the clerks of Campbell County.
2. Private Acts of 1921, Chapter 275, amended Public Acts of 1919, Chapter 74, a general law regarding license fees of county court clerks, so as to provide a fee to the county court clerk of Monroe County for recording each and every application made by a person or corporation in the mercantile or other types of business, which required a license to engage in that particular business, according to the laws of the State of Tennessee. The fee of fifty cents was a part of the cost of securing the license.
3. Private Acts of 1927, Chapter 622, gave the county court clerk of Monroe County the sum of \$150 as ex-officio fees of his office which amount was appropriated out of the county treasury on the first Monday in September of each year.

County Mayor

The references below are of acts which once applied to the office of county judge, or county executive in Monroe County. They are included herein for historical purposes only. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1897, Chapter 179, created and regulated the office of county judge for Monroe County. This act was repealed by Private Acts of 1901, Chapter 355.
2. Private Acts of 1901, Chapter 355, abolished the office of county judge in Monroe County and provided for the chairman of the county court to hold the county courts as the same was stipulated for those counties which had no county judge. This act was repealed by Private Acts of 1917, Chapter 222.
3. Private Acts of 1917, Chapter 222, specifically repealed Private Acts of 1901, Chapter 355, above, and amended Private Acts of 1897, Chapter 179, although it apparently had been repealed by Chapter 355, above. This act provided for a county judge, learned in the law, 25 years, or more, of age, who was elected to a two year term by the vote of the people. The election occurred at the same time other county officials were elected in the general August election of 1918, and every two years thereafter. The judge herein enjoyed all the powers and privileges of other county judges. The post of county chairman was abolished and the county judge assumed and discharged the chairman's duties. The annual salary of the judge was set at \$800, payable quarterly, and the present chairman of the county court remained in office until his term expired. This act was amended by Private Acts of 1927, Chapter 201, so as to increase the annual salary of the county judge from \$800 to \$1,200 and by making the salary payable in monthly installments of \$100 instead of quarterly as provided under the amended act.
4. Private Acts of 1919, Chapter 417, provided that the Monroe County Judge was to receive \$400 annually as compensation for being the financial agent of the county and the accounting officer.
5. Private Acts of 1933, Chapter 94, expressly repealed Private Acts of 1897, Chapter 179, as amended by Private Acts of 1917, Chapter 222, and restored and reestablished the position of county chairman in Monroe County who had and exercised all the rights, duties, powers and jurisdiction of the county judge and the county chairman. This act became effective on September 1, 1934. The county court clerk was directed under this act to call the quarterly court into session to select a chairman to serve until January 1, 1935, at which time a chairman was chosen who served for one year. The chairman presided over the county court and was paid as the court directed.
6. Private Acts of 1935, Chapter 233, set the compensation of the chairman of the county court of Monroe County at \$100 per calendar month, payable on the first day of each month on warrant drawn in the county treasury.
7. Private Acts of 1935, Chapter 249, as amended by Private Acts of 1953, Chapter 518, provided for

the election of the county judge for a term of eight years beginning the first Monday of September, 1936 with compensation of \$3,000 a year. The office of chairman of the county court was abolished.

8. Private Acts of 1939, Chapter 421, authorized and empowered the county judge to hire clerical assistants for his office at a salary of \$50 per month..

County Legislative Body

The following acts once applied to the quarterly court or the county legislative body of Monroe 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 1819, Chapter 160, set the time for holding the Monroe County Court on the second Mondays of March, June, September and December.
2. Private Acts of 1820, Chapter 114, allowed the justices of the peace of Monroe County to adjourn the court of pleas and quarter sessions to any other house in the county from the residence of William Dixon if they desired to do so.
3. Private Acts of 1821, Chapter 144, set the time for holding the quarterly county court of Monroe County on the third Monday in December, March, June and September. The justices had the authority to adjourn court to some other place from its present site and could also remove the office of the clerk, or leave it at the house of William Blair, whichever the justices preferred.
4. Private Acts of 1825, Chapter 88, removed the county court and the circuit court, which were held at the house of David Caldwell in Monroe County, to the Town of Tellico. All process which was returnable to the house of David Caldwell was changed to conform to the terms of this act.
5. Private Acts of 1826, Chapter 4, concerned the court of pleas and quarter sessions which was required to meet at the courthouse in Tellico for the trial of civil cases. All jurors were summoned for that court and the circuit court reported to the courthouse in Tellico.
6. Private Acts of 1826, Chapter 106, provided that all the official acts of Robert Shaw, Lewis Patterson, Samuel M. Johnson, James Montgomery, Erby Boyd, John F. Henderson, James Torbit, Joseph Carter and Joseph Callaway, all of whom had been justices of the peace in Monroe County without having been properly commissioned, be validated, confirmed and made legal in all respects to the same extent as if they had been properly commissioned at the time.
7. Public Acts of 1827, Chapter 34, Section 3, set the time for holding the quarterly court of Monroe County on the fourth Monday in March, June, September and December.
8. Public Acts of 1827, Chapter 81, was the enabling legislation for the courts of Monroe and Carter counties, a majority of the justices being present, to select, on the first day of the first session of each year, by ballot, five of their number who held the court for the rest of the year.
9. Acts of 1843-44, Chapter 140, authorized the county court of Monroe County to make appropriations to pay such members of the original quorum court for the services rendered by them prior to the adoption of the amended constitution, which money was paid out as any other funds were.
10. Public Acts of 1871, Chapter 86, permitted the qualified voters of the Town of Sweetwater in Monroe County to elect one additional justice of the peace over the number allowed by law.
11. Private Acts of 1967-68, Chapter 184, regulated the compensation and expense allowance of justices of the peace in Monroe County. The act provided that the justices of the peace be paid \$25 for each day in attendance and ten cents a mile for each mile traveled in going to and from meetings of the court.

County Register

The following acts once affected the office of county register in Monroe County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1831, Chapter 162, stated that all deeds of conveyance and other instruments in writing heretofore registered in the counties of Monroe, Greene, Sevier, Cocke, Washington, Hawkins, Carter, Grainger, Claiborne, Campbell, Jefferson, Blount, McMinn, Morgan, Roane and Sullivan, although the certificate might not recite thereby that they were acknowledged by the grantor, or proved by subscribing witnesses, the same were to be as good and valid as if they have been so witnessed.
2. Private Acts of 1935, Chapter 203, authorized the register of deeds of Monroe County to employ a clerk or deputy register at a salary which did not exceed \$50.00 per month, payable out of the

general county funds. This act was repealed by Private Acts of 1937, Chapter 636.

3. Private Acts of 1937, Chapter 637, authorized the register of deeds in Monroe County to make a monthly report of all realty transfers that were made in fee simple to the Monroe County Tax Assessor. This act provided the form of said report; receipt; compensation to register for making reports and designated funds from which said compensation was made. This act was repealed by Private Acts of 1953, Chapter 517.
4. Private Acts of 1939, Chapter 419, applied to each county in the state having a population of not less than 21,370 nor more than 21,380 by the Federal Census of 1930, authorized the register of deeds to employ a deputy or clerk to assist him in the performance of his duties at a compensation of \$50 per month.

Little Tennessee River Port Authority

The acts appearing below preceded Chapter 68, Private Acts of 1967-68.

1. Public Acts of 1963, Chapter 218, created and established in Monroe and Loudon counties a port authority. The port authority authorized the construction, acquisition, ownership, maintenance and operation of publicly owned ports, boat docks, airports, storage, transfer, transportation, water sports and recreation facilities in Monroe and Loudon counties. Many specific grants of power were made to the board of six members, including the authority to issue bonds of both a general obligation and revenue nature. Appropriations were also made to the authority from the general funds of the counties. This act was repealed by Private Acts of 1965, Chapter 95.
2. Private Acts of 1965, Chapter 95, created the Little Tennessee River Port Authority for Loudon and Monroe counties, designed to facilitate the movement of people and goods, with grants of specific powers and authority, all actions of which were declared to be public and governmental functions. There was a six member board of commissioners whose authority was specifically outlined in nine separate paragraphs, who had full control of all port facilities. Several sections of the act were devoted to further stipulations of authority and the conditions under which they could be exercised. The county courts of the two counties elected three of the six commissioners for specified terms and filled vacancies as they might occur in their ranks. The board was allowed to employ engineers, attorneys and other skilled personnel. Bonds, both general obligation and revenue, could be issued if the conditions prescribed in the act were met. The uses, and their priorities, to which the revenue of the port authority could be devoted were enumerated generally in the act. This act was repealed by Private Acts of 1967-68, Chapter 68.

Purchasing

The following act once affected the purchasing procedures of Monroe County, but is no longer operative.

1. Private Acts of 1980, Chapter 183, would have amended Private Acts of 1945, Chapter 451, which created the office of purchasing agent in Monroe County, so as to make the provisions of the act inapplicable to the highway department, however, this act was rejected by Monroe County and never became law. This act was duplicated in Private Acts of 1980, Chapter 237.

General Reference

The following private or local acts constitute part of the administrative and political history of Monroe 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. Public Acts of 1823, Chapter 50, Section 3, directed the president and directors of the bank of Tennessee to appoint an agent and to establish a branch of the bank in the counties of Monroe, McMinn, Madison, Wayne, Hardin, Henderson, Carroll and Henry.
2. Private Acts of 1825, Chapter 278, instructed the entry taker of the Hiwassee District to make an entry in the name of and for the benefit of Lydia Curtis, of Monroe County, to the northwest quarter section of Section 18, third fractional township, third range east of the meridian. If this area were taken, the said Lydia Curtis could enter upon another section at 1 ½ cents per acre.
3. Private Acts of 1827, Chapter 227, provided that Jeremiah Lilliard, of Monroe County, be allowed to file a petition to divorce his wife Sarah.
4. Private Acts of 1827, Chapter 244, was legislation which permitted the county court of Monroe County to authorize the payment, or cause to be paid, out of the money derived from the sale of public lots, or other properties belonging to the town of Tellico, to Charles Kelso, Jones Griffin and Jesse Milton, the sum each one paid to counsel, as the commissioners of the said town, to defend an injunctive suit against them as commissioners, provided each one filed a sworn statement with the details of the transactions involving them in this respect.

5. Private Acts of 1829-30, Chapter 68, directed the register of the Hiwassee District to issue to Samuel Wilson, of Monroe County, a grant to 50 acres of land owned and claimed by him as an assignee of a certificate issued by the treasurer of East Tennessee, the same being a part of the northwest quarter of Section 25 of Township #2, provided, however, that Wilson first produce a receipt showing payment had been made for the said land.
6. Private Acts of 1829-30, Chapter 245, named James M. Greenway, James Vaughn and Christopher H. McGinnis as commissioners to settle with the board of commissioners of the county seat of Monroe County. The commissioners were given the authority to issue subpoenas to have the former commissioners appear before them to make a settlement if the need arose. The former commissioners were required to submit a detailed statement under oath of the receipts and disbursements made during their tenure of office, and, if these were insufficient to complete the building of the courthouse, the county could levy a tax on the property of the county to produce the funds to complete the same. The commissioners named herein were paid as the county court directed.
7. Private Acts of 1829-30, Chapter 297, changed the name of the county seat of Monroe County from Tellico to Madisonville and all writs of process, records and other legal proceedings were made to conform to the above change.
8. Private Acts of 1831, Chapter 36, allowed the privileges of feme sole to Sally Martin of Monroe County.
9. Private Acts of 1831, Chapter 99, provided for the appointment of a county surveyor for Monroe County.
10. Private Acts of 1831, Chapter 107, provided that the bail of Hiram M. Murray be released in the Monroe County Circuit Court.
11. Private Acts of 1831, Chapter 256, was the legal authority for the commissioners appointed under Private Acts of 1829-30, Chapter 245, to file a bill against the board of commissioners of the county seat of Monroe County in the circuit court, and against their predecessors, for them to account for the receipts and disbursements of the funds derived from the sale of public properties therein, and expended for the use and benefit of the town.
12. Private Acts of 1831, Chapter 232, provided that the treasurer of East Tennessee pay Leonard Cardin \$12.00, the amount of costs awarded to him in a suit determined in the Monroe County Circuit Court.
13. Private Acts of 1833, Chapter 7, provided for the divorce of Cynthia Barton, of Monroe County, from her husband Anderson Barton.
14. Private Acts of 1833, Chapter 8, recited in the preamble that the courthouse in Madisonville in Monroe County had been severely damaged by fire in 1833 and many records were destroyed. Further recitation indicated that the citizens of the county who had purchased bounded land from the Hiwassee land sales were embarrassed by a lack of money, and the tax levied to rebuild the courthouse was oppressive to them. This act remitted to the county the state taxes collected, or levied for the years 1833 and 1834 in order to restore the courthouse. The state paid over the tax money to the commissioners appointed to supervise the restoration of the courthouse.
15. Private Acts of 1833, Chapter 168, authorized Jackson Vernon to hawk and peddle goods, wares and merchandise in the counties of Monroe, Rhea and McMinn without having to obtain a license to do so.
16. Private Acts of 1833, Chapter 248, provided for the divorce of Flors M. Todd from Charles W. Todd, of Monroe County.
17. Private Acts of 1833, Chapter 274, instructed the register of the Hiwassee District to issue a grant of land to Joshua Wimpy for the northeast quarter of Section 16, of Township #1, range three in Monroe County at any time the said Wimpy presented to the register the title bond and the receipt for the payment of the land from the estate of Samuel D. Bonham, deceased.
18. Private Acts of 1833, Chapter 279, provided for perpetuating the substance of records and papers destroyed by fire in the office of the Monroe County Clerk.
19. Private Acts of 1833, Chapter 291, provided that the register for the Hiwassee District issue John M'Gee, of Monroe County, a grant for 640 acres of land in McMinn County.
20. Private Acts 1833, Chapter 297, designated John M. Greenway, William M. Stakely, John O. Cannon, William Grant and John F. Henderson, all of Monroe County, as commissioners charged with the responsibility to supervise the construction of a courthouse in Madisonville. The commissioners were sworn and bonded, were empowered to receive gifts and subscriptions, and

- contracted with the accepted bidders on the work of rebuilding the courthouse.
21. Private Acts of 1835-36, Chapter 86, provided that the treasurer of the Hiwassee District pay John Calloway, of Monroe County, \$81.25 because of an entry mistake for the southwest quarter of section twelve, township second, range first east of the meridian in Monroe County.
 22. Public Acts of 1835-36, Chapter 60, provided for the recovery of debts due upon judgements destroyed by fire in the Monroe County Courthouse in 1832.
 23. Acts of 1837-38, Chapter 79, was the legal authority for the respective county courts of Monroe, Meigs and McMinn counties to appoint a surveyor under the same rules as were prescribed for the appointment of surveyors north and east of the congressional reservation line and north of the Tennessee River.
 24. Acts of 1837-38, Chapter 267, Section 2, declared that the Tellico River in Monroe County was navigable from its mouth to the Tellico Iron Works.
 25. Acts of 1849-50, Chapter 157, Section 4, directed the county court of Monroe County, upon the application of Allen D. Gentry, who had erected a mill dam across the Tellico River, to appoint three competent people to examine the chute placed in the same dam under a contract by Gentry with the commissioners over the Tellico River, and to report on the condition of the same chute and whether or not it obstructed the navigation of the river.
 26. Acts of 1853-54, Chapter 95, set aside the sum of \$3,000.00 as a school fund for the use and benefit of the township composed of the seventeenth civil districts in the counties of Monroe and Blount.
 27. Acts of 1855-56, Chapter 218, Section 19, was legislation which enabled the counties of Monroe and McMinn, to purchase stock and to issue bonds to pay for the same, in railroad companies, but their actions were subjected to the same regulations applied to other counties which already had the power to invest in railroad companies.
 28. Public Acts of 1865-66, Chapter 19, Section 16, changed the county seat of Monroe County from Madisonville to a place known as Kimbroughs which was about four miles distant from the present county seat. Section 17 of the same act made the change conditional upon approval by the people in an election held for that purpose. This act was amended by Private Acts of 1865-66, Chapter 129, so as to move the county seat from Kimbrough's, to the mouth of Can Creek, and also changed the election date from June to September, repealing all conflicts in the process.
 29. Private Acts of 1865-66, Chapter 129, provided that Monroe and Cocke counties hold their circuit, chancery and county courts at their present sites until new buildings were built.
 30. Private Acts of 1915, Chapter 243, amended Public Acts of 1913, Chapter 26, a general enabling act which authorized counties to issue bonds for highway purposes, so as to allow the county court of Monroe County to authorize an indebtedness of the county of 15%, provided the same were approved in a referendum vote. The chairman of the county court had the power to call an election for that purpose and the 15% related to the total value of the taxable property in the county.
 31. Private Acts of 1917, Chapter 414, amended Public Acts of 1915, Chapter 101, a general revenue law for counties and municipalities, by striking out the figures "30" in the fifth line of Section 2, and inserting the figures "50" instead, and by inserting the population figures to make the public act applicable to Monroe County. The public law was a revenue act establishing privilege taxes for certain occupations and was codified under Section 5-802, Tennessee Code Annotated.
 32. Private Acts of 1921, Chapter 223, created the position of county auditor in Monroe County who was elected by the quarterly court for a four year term and was paid \$6,000.00 annually in equal monthly installments out of the regular county funds. The auditor was required to be qualified and competent to perform the duties imposed upon him by this act, as well as those normally related thereto, and he had to be sworn to the office before taking up his duties, one of which was to audit the major departments of the government and the offices of the justices of the peace and render quarterly reports to the court calling their attention to any violations or irregularities. The auditor was further obligated to investigate any segment of the government as the court might direct. The auditor could appoint an assistant but had to pay the assistant's salary himself. Private Acts of 1923, Chapter 313, recited in its preamble that Private Acts of 1921, Chapter 223, set the salary of the county auditor at \$6,000.00 per year which was obviously a typographical error and intended to be \$600.00 annually. Since the auditor has only been paid at the rate of \$600.00 per year, this act amended the 1921 act to correct the error. Private Acts of 1921, Chapter 223 and Private Acts of 1923, Chapter 313, were both repealed by Private Acts of 1945, Chapter 203.
 33. Private Acts of 1921, Chapter 665, refunded to Annie Calloway Hutchinson, executrix of the estate

- of H. G. Hutchinson of Monroe County, \$422.50 excessive inheritance taxes collected by the county court clerk of Monroe County on said estate.
34. Private Acts of 1923, Chapter 627, amended Public Acts of 1913, Chapter 3, a general state law on county surveyors, by setting the compensation of the surveyor in Monroe County at \$7.50 per day from the time of leaving home and which included the actual time consumed in calculating the area of the land included in such surveys.
 35. Public Acts of 1933, Chapter 127, was an act which conditionally conveyed to the board of trustees of the Fort Loudon Association 5.62 acres of land which was conveyed to the state by J. C. Anderson, Esquire, Mrs. Anne Hutchison and The National Society of Colonial Dames which composed the site of Fort Loudon in Monroe County. This act provided for the restoration of Fort Loudon by the Fort Loudon Association. This act was repealed by Public Acts of 1977, Chapter 258.
 36. Private Acts of 1937, Chapter 47, removed the disability of infancy of Georgia Williams Jones and gave her full contract, property and all other rights of a person 21 years of age.
 37. Public Acts of 1965, Chapter 79, created and established the Cherohala Commission for the purpose of assisting in the development of the various outdoor recreational resources in the Cherokee National Forest and adjacent areas lying in Monroe, McMinn and Polk counties. The act provided the commission with the power and authority to act in liaison with all branches, departments and agencies of the federal, state and local governments in the planning and promotion of the recreational development of said region. This act expired on June 30, 1985 in accordance with Section 8 of Public Acts of 1977, Chapter 452.

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