



March 28, 2025

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# Roane

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Dear Reader:

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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.

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# Roane



Roane County Courthouse

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# Chapter I - Administration

## Budget System

### Private Acts of 1973 Chapter 137

**SECTION 1.** There is created the Budget Committee of Roane County. The committee shall consist of the County Judge or Chairman of the County Court and four (4) members of the Quarterly County Court. At its January session each year, the Quarterly County Court of Roane County shall elect four (4) members to serve on the budget committee for a term of one year and until their successors are elected. The budget committee shall be vested with the powers, duties and responsibilities of a budget committee under the provisions of The County Budgeting Law of 1957, being Chapter 12 of Title 5 of Tennessee Code Annotated.

**SECTION 2.** Chapter 378 of the Private Acts of 1933 and Chapter 97 of the Private Acts of 1941 are repealed.

**SECTION 3.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Roane County before December 1, 1973. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

**SECTION 4.** For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 3.

Passed: May 3, 1973.

## Building Permits

### Private Acts of 1974 Chapter 279

**SECTION 1.** Except for lands within the incorporated municipalities where a building permit system already exists, any owner or owners of real property in Roane County who plan to build, erect, construct, or remodel, or who plan to cause or allow to be built, erected, constructed, or remodeled, any building or improvements upon their real property, where such construction or remodeling may have a value of or cost of five thousand dollars (\$5,000) or more, shall obtain a permit for such construction or remodeling. As amended by: Private Acts of 1980, Chapter 255

**SECTION 2.** (a) The Roane County Quarterly Court is hereby authorized to designate by resolution a person or group of persons, either salaried or not, to carry out the necessary inspection of proposed construction sites.

(b) The person or persons so designated shall:

(1) Review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must (i) be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, (ii) use construction materials and utility equipment that are resistant to flood damage, and (iii) use construction methods and practices that will minimize flood damage;

(2) Review subdivision proposals and other proposed new developments, not within the jurisdiction of the County Planning Commission, to assure that (i) all such proposals are consistent with the need to minimize flood damage, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided so as to reduce exposure to flood hazards; and

(3) Determine whether the Department of Public Health has reviewed new or replacement water supply systems and/or sanitary sewage systems to be sure they are designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and that onsite waste disposal systems are located so as to avoid their impairment or contamination during flooding.

**SECTION 3.** The County Planning Commission, as provided in Tennessee Code Annotated, Section

13-204, shall adopt regulations governing the subdivision of land which will assure that: (i) flood damage will be minimized; (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided so as to reduce exposure to flood hazards.

**SECTION 4.** The Roane County Quarterly Court is further authorized to pass and promulgate by resolution rules and regulations regarding the office from which a permit may be obtained, the cost of the permit, the amount of time within which the permit will be issued or refused, and such other matters as the Court may desire.

**SECTION 5.** Failure to obtain a permit as required by this Act is a misdemeanor, punishable, upon conviction thereof, by a fine of not less than two dollars, nor more than fifty dollars (\$50.00).

**SECTION 6.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Roane County by September 1, 1974. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

**SECTION 7.** For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 6.

Passed: March 12, 1974.

## Private Acts of 1998 Chapter 145

**SECTION 1.** No utility service shall be connected to any building or improvement to real property in Roane County after the effective date of this act unless proof is furnished to the provider of such utility service that a building permit for such building or improvement to such real property has been obtained pursuant to the provisions of Chapter 279 of the Private Acts of 1974, as amended by Chapter 255 of the Private Acts of 1980, and any other acts amendatory thereto.

**SECTION 2.** The provisions of this act shall only apply to the owner or owners of real property in Roane County who plan to build, erect, construct or remodel, or who plan to cause or allow to be built, erected, constructed, or remodeled, any building or improvement upon their real property which is subject to the provisions of Chapter 279 of the Private Acts of 1974, as amended by Chapter 255 of the Private Acts of 1980, and any other acts amendatory thereto.

**SECTION 3.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Legislative Body of the County of Roane. Its approval or non-approval shall be proclaimed by the Presiding Officer of the Legislative Body of the County of Roane and certified to the Secretary of State.

**SECTION 4.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 3.

Passed: April 9, 1998.

## County Attorney

### Private Acts of 1937 Chapter 111

**SECTION 1.** That there is hereby created the office of County Attorney for counties in the State of Tennessee having a population of not less than 24,400 or more than 24,500 according to the Federal Census of 1930 or any subsequent census.

**SECTION 2.** That the Governor shall designate and appoint the first incumbent or incumbents for said office or offices, to serve in such capacity until the first Monday in September, 1938, his successor or their successors to be elected at the next regular elections to be held on the first Thursday in August, 1938, and to be inducted into office with and as other county officials on said first Monday in September, 1938.

**SECTION 3.** That the term of said office shall be for four years, the first full term commencing on said first Monday in September, 1938, and every fourth year thereafter.

**SECTION 4.** Provided, however, effective upon the expiration of the present term of office on the 31st day of August 2010, the salary of said office shall be sixty percent (60%) of the Roane County General Sessions Judges' salary per annum payable monthly out of the general fund of the county upon a warrant by the County Executive upon the County Trustee. Reasonably travel expenses related to said office shall be paid upon a warrant by the County Executive upon the County Trustee upon the presentation of vouchers and receipts showing such expenses.

As amended by: Private Acts of 1949, Chapter 793  
Private Acts of 1969, Chapter 77  
Private Acts of 1974, Chapter 186  
Private Acts of 1980, Chapter 254  
Private Acts of 1986, Chapter 149  
Private Acts of 2010, Chapter 70

**SECTION 5.** That it shall be the duty of said County Attorney to attend to and transact all the legal business of the county, either in Court or otherwise, to advise any and all county officials upon matters pertaining to their respective offices, and to represent the county in all legal matters.

**SECTION 6.** That said County Attorney shall be a resident of the county in which he is elected, and shall be duly licensed practicing attorney.

**SECTION 7.** That all laws or parts of laws in conflict herewith be and the same are hereby repealed, and this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: January 29, 1937.

## County Mayor

### Private Acts of 1905 Chapter 18

**SECTION 1.** That the office of County Judge of Roane County be, and the same is hereby established in said county.

**SECTION 2.** That the term of office of said County Judge shall be eight years, and he shall receive a salary of eight hundred dollars (\$800) per year, payable quarterly out of the county funds of said county upon warrants drawn as hereinafter provided. (See note at end of section for current salary).

**SECTION 3.** That said County Judge shall be elected at the regular election to be held in said county for county officers in August, 1906, that he shall be commissioned in the same manner as the other judges of the State, and before entering upon the duties of his office he shall take an oath to support the Constitution and laws of the United States, and the Constitution and laws of the State of Tennessee, and to faithfully discharge the duties of his office; and shall also enter into a bond in the sum of ten thousand dollars (\$10,000) conditioned to faithfully discharge the duties of his office, and to account for all moneys and county property that shall come into his hands as such County Judge. Said County Judge shall enter upon the discharge of his duties immediately after the passage of this Act and upon taking said oath and giving said bond as above required.

**COMPILER'S NOTE:** See Chapter 190, Private Acts of 1911, following this act.

**SECTION 4.** That it shall be the duty of the Governor of the State of Tennessee to appoint a person to hold the office of County Judge of said county to serve from the time this Act becomes effective until the regular election in August, 1906, and until his successor is elected and qualified.

**SECTION 5.** That the office of Chairman of the County Court of said county be, and the same is, hereby abolished, and said County Judge shall have and exercise all of the powers and jurisdiction of said Chairman, and shall perform all the duties heretofore performed by said Chairman. Said County Judge shall be the accounting officer and agent for said county, and as such shall have the power, and it shall be his duty:

1. To have the care and custody of all county property.
2. To control all books, papers, and documents pertaining to his office, and to the fiscal affairs of the county.
3. To audit all claims of whatever character against the county, and when approved by him, he shall certify the same to the Clerk of the County Court, who shall issue a warrant therefor on the county treasury, to be signed by said County Court Clerk and countersigned by said County Judge.
4. Said County Judge shall countersign all warrants properly issued by the County Court Clerk upon the county treasury, and no warrant shall be paid that is not so signed and countersigned.
5. Said County Judge shall audit and settle the accounts of the County Trustee, and those of all other officers collecting or receiving county revenues, and all officers or other persons entrusted with receiving or expending any money of the county.
6. He shall cause to be entered in a well-bound book to be kept by the Clerk of the County Court, said book to be known as the warrants entered in the order in which they are issued, giving the

number, date, and amount, and for what purpose and to whom given.

7. Said County Judge shall keep in a well-bound book, to be provided at the expense of the county for that purpose, an account of the receipts and disbursements of the county.

**SECTION 6.** That the County Court to be held by the County Judge under the provisions of this Act shall be held on the first Monday of each month, and shall sit from day to day so long as the business thereof may require, and said Judge shall have the same power to preserve order and to impose fines and imprisonments for contempt as other Judges in Tennessee.

**SECTION 7.** That the Quarterly Court of Roane County, composed of the Justices of the Peace of said County, shall meet as heretofore on the first Mondays in January, April, July, and October of each year, that said County Judge shall preside over same, and that they shall have such jurisdiction as heretofore vested in them by law.

**SECTION 8.** That the duties of said County Judge shall not interfere with the duties of the County Court Clerk of said county as now provided by law, that said clerk shall be and continue the clerk of the said court to be held by said County Judge under the provisions of this Act, that he shall have all power heretofore vested in him by law and shall perform all the duties heretofore performed.

**SECTION 9.** That it shall be the duty of the Clerk of said County Court to keep and preserve in a well-bound book, to be provided for such purpose, a docket of all cases coming before the County Court of said county for trial or other action, and no suit, motion, or other action shall be proceeded with until the same is placed upon the docket, and all suits, motions, and actions shall be tried, continued, or disposed of in the order in which they appear upon the docket.

**SECTION 10.** That said County Judge shall not be precluded from practicing law in any of the courts of this State, except in the County Court of Roane County, and in cases appealed from his decisions.

**SECTION 11.** That whenever said County Judge is unable from sickness or other cause to attend and hold his court, the Governor shall have the power to appoint some suitable person to hold said court until the disability of the regular judge is removed.

**SECTION 12.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 3, 1905.

## Redesignating Title to County Executive

### Private Acts of 2007 Chapter 1

**SECTION 1.** Pursuant to Tennessee Code Annotated, Section 5-6-101, the title of "county mayor" in Roane County shall be redesignated as "county executive".

**SECTION 2.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Roane County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Roane County and certified to the secretary of state.

**SECTION 3.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.

Passed: March 5, 2007.

## Parks and Recreation Commission

### Private Acts of 1941 Chapter 345

**SECTION 1.** That Roane County through its Quarterly County Court be and it is hereby authorized to create a Park and Recreation Commission, hereinafter referred to as the Commission, and to establish, operate, equip, maintain, improve, and enlarge, through said Commission, parks, playgrounds and recreational areas and facilities as hereinafter provided.

**SECTION 2.** That the Commission shall consist of the County Judge, two members of the Quarterly Court to be selected by the Quarterly Court, and two resident citizens of the County, not members of the Quarterly Court, but appointed by the Quarterly Court; provided that no more than one member of the Quarterly County Court on said Commission shall be from any one minor civil district of Roane County.

The terms of office of the members of said Commission shall be as follows:



(a) Of the first Commission to be appointed following the passage of this Act, one member shall be appointed for a term of five (5) years, and the terms of the other four members shall be arranged so that the term of one member will expire annually, beginning twelve (12) months from the appointment of said Commission.

(b) Following the first appointments to the Commission, all appointments made thereafter shall be for a period of five (5) years except for vacancies as hereinafter provided. Provided further that the membership of any member of the Quarterly County Court on said Commission shall not be longer than his term of office on said Court.

**SECTION 3.** That any vacancy in the membership of said Commission, other than by expiration, shall be filled for the unexpired term by the Quarterly County Court; provided further that that body shall also have the power to remove any member for willful misconduct or incompetency, but only after six (6) weeks' notice of the charges against him are submitted in writing and an opportunity is given for a public hearing.

**SECTION 4.** That the Commission shall elect its Chairman from among its appointive members for a term of one year with eligibility for reelection, and the Commission may create and fill such other offices as it may determine. It shall keep adequate and accurate records of all its findings, proceedings, and transactions. Such records shall be open and available for public inspection at all times. The Commission may adopt such rules and regulations as are necessary for the operation of the park and recreation areas.

**SECTION 5.** That funds for the use of said Commission in the discharge of its duties shall be provided by any one or more of the following: a special appropriation, a tax levied on the real and personal property of Roane County, or by the collection of fees and charges for the use of the recreation areas or facilities; provided further, that Roane County is hereby specifically authorized to levy taxes in an amount sufficient to carry out the provisions of this Act; provided further, that any appropriations requested by said Commission shall be based on a budget prepared and submitted to the Quarterly County Court at least one (1) month before the beginning of each fiscal year; provided further, that all funds, irrespective of source, available to said Commission shall be used for the purpose of defraying all expenses incident to the establishment, operation, maintenance, equipment, improvement, and expansion of the park and recreation system.

The expenditures of the Commission shall be within the total of the amounts appropriated and of the accrued revenue from any other sources.

The Quarterly County Court of Roane County may levy and collect a tax, the rate of which is to be set by said Court and the proceeds of which are to be designated as the "Park and Recreation Fund." This tax, if adopted, shall be levied and collected in the usual manner and shall be in addition to and exclusive of other taxes which Roane County may levy and collect.

**SECTION 6.** That the Commission may cooperate with other agencies in carrying out its program and, with the approval of the Quarterly County Court, may enter into agreements with the State or Federal Government or with the Park and Recreation Commission or other corresponding body of other counties or municipalities for the joint establishment and financing of parks, recreation areas or supervised recreational programs.

The Commission may enter into contracts with private persons or agencies, individually or jointly, for the leasing of concession privileges within the parks or recreation areas operated by said Commission and such contracts shall set forth the standards to be observed by the lessee regarding the construction, appearance, maintenance, and operation of all facilities. All rentals and fees accruing from such contracts shall be paid into the general funds of Roane County to the account of the Park and Recreation Commission.

**SECTION 7.** That the Quarterly County Court may dedicate and set apart for use as parks, playgrounds, recreation centers and for other recreation purposes any land, buildings, and equipment, including schools and school grounds, owned or leased by said county and not dedicated to another and inconsistent public use, provided, however, that no such lands, buildings and equipment, may be so dedicated without the approval of the agency in direct control of such lands or buildings. The County may, on the approval of the Quarterly County Court, acquire for park and recreational purposes, lands, buildings and equipment by gift, purchase, condemnation, or lease. The Commission may improve and maintain such property, and may acquire, construct, operate, and maintain such facilities and equipment as are necessary or desirable.

The Commission may employ trained recreation leaders, recreational area directors, supervisors, superintendents or such other employees as it may deem necessary for the proper management and conduct of the work, and it may contract with other agencies for such services as it may require. The Commission may adopt such rules and regulations as are necessary for the operation of the parks as it may be authorized and directed by the Quarterly County Court.

**SECTION 8.** That Roane County, through its Park and Recreation Commission may apply to the State Department of Conservation for advice and consultation pertaining to the planning, acquisition, establishment, development, maintenance, operation, and enlargement of park and recreation areas, systems, facilities, and programs, and it shall be the duty of said department to assist such municipality to the fullest extent of its power and facilities to assist on such matters.

**SECTION 9.** That nothing in this Act shall be deemed to modify or supplant any provision of any earlier private or special statute creating a public park or recreation body (whether designated as board, commission, council, bureau, or other title); provided, however, that such body shall be deemed to have all such original powers in addition to the powers granted under this Act except wherein the latter may be at variance with the original in which case the original ones shall prevail.

**SECTION 10.** That should any section or provision of this Act be held to be unconstitutional or invalid, the same shall not affect the validity of the remainder of this Act nor any part thereof other than the part so held to be unconstitutional or invalid.

**SECTION 11.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 13, 1941.

## Public Utilities Board

### Private Acts of 2007 Chapter 51

**SECTION 1.** Tennessee Code Annotated, Section 5-16-103(f), is amended by adding the following as an appropriately designated subsection:

(7)(A) In counties having a population of not less than fifty-one thousand nine hundred (51,900) nor more than fifty-two thousand (52,000), according to the 2000 federal census or any subsequent federal census, the county legislative body may provide for compensation of not more than one hundred dollars (\$100) per month for such board members, provided that attendance at board meetings shall be required in order to receive such compensation, upon approval by a two-thirds (2/3) vote of the county legislative body to which this subdivision (f)(7)(A) may apply.

(B) The approval or nonapproval of subdivision (f)(7)(A) shall be proclaimed by the presiding officer of such county legislative body and certified by such presiding officer to the secretary of state.

**SECTION 2.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Roane County. Its approval or nonapproval shall be proclaimed by the presiding officer of legislative body and certified to the secretary of state.

**SECTION 3.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.

Passed: May 31, 2007.

## Purchasing

### Private Acts of 1933 Chapter 477

**SECTION 1.** That the County Judge or Chairman of any county in the State of Tennessee, having a population of not less than Twenty-four Thousand, and not more than Twenty-five Thousand inhabitants according to the Federal Census of 1930, or any subsequent Federal Census, be, and he is hereby required, and the duty is imposed upon him that he serve as purchasing agent of said county, in addition to the duties already imposed on him by law, without additional compensation.

**SECTION 2.** That the said County Judge or County Chairman, when discharging the duties imposed upon him as purchasing agent or representative of said county as aforesaid, shall be required, and it shall be his duty to purchase all supplies of every description, kind and character, including insurance on all county property which may be needed, or used in or for all county offices of said county, and by all county officers, officials and employees thereof, or in and for the county jail, the county workhouse, the county poorhouse or asylum or the county poor farm, the public schools thereof, the highway commissioners, highway commission and highway officials thereof, or by any of the other boards of, or commissions of said county where any such supplies of any description, kind and character are paid for, or shall be paid for, out of the public funds belonging to said county, or counties. No supplies or materials where the amount of the purchase is in excess of five hundred dollars (\$500.00) shall be purchased except upon

competitive bids after sufficient notice or advertisement requisite to notify prospective bidders of such proposed purchase.

In addition to the aforementioned duties, the said County Judge or County Chairman, in the discharge of said duties related to purchasing of supplies, etc., shall upon being so requested or directed by the Quarterly County Court, or any other county official duly authorized so to do, sell any and all real and personal property of the county not needed or serviceable for the public use, or that may have been condemned or discarded as useless.

As amended by: Private Acts of 1984, Chapter 246

**SECTION 3.** That all county officials, all chairmen, all commissions or boards, and all superintendents or authorized clerks of any department or court in said counties, shall make requisitions upon the said County Judge or Chairman for the quantity and kind of materials, supplies and articles needed, or which said officials may think needed by his office, commission or department, and if the said County Judge or Chairman shall be satisfied that the quantity, quality and character of such supplies, materials, etc., so requisited are proper, he shall thereupon purchase the same as hereinbefore provided for.

**SECTION 4.** That the said County Judge or Chairman shall inspect, count, measure, or weigh all supplies delivered under such contracts of purpose as he may make, in order to determine the quantity and the quality thereof, and the conformity thereof with specifications therefor under which said purchase may have been made.

**SECTION 5.** That the said County Judge or Chairman shall make out necessary and proper vouchers for all purchases so made, accompanying the same with invoices, information as to price, quantity and character of such supplies and materials, as may have been bought, and approve and order for payment of these said vouchers, with the accompanying papers aforesaid. Said vouchers to specify the department or office for which said purchase was made, and the fund against which the same, when paid, shall be charged, provided further that in such counties which may have a County Board of Education that all vouchers made for the purchase of supplies, materials, etc., which is chargeable to the Public School Fund of said county, shall after approval by the said County Judge or Chairman, be delivered to the County Board of Education which Board shall cause warrants to be issued in payment thereof, and which shall be charged against said public School Funds.

**SECTION 6.** That the said County Judge or Chairman is charged with the duty of keeping a full and correct record of all his actions pursuant to this Act, and shall keep a full and correct inventory of all the materials, supplies purchased by the county and not delivered directly at the time of the purchase to the various offices or departments of said county, and of the disposition thereof.

**SECTION 7.** That the County Judge or Chairman shall not issue payable warrants for any materials, supplies or articles of any description unless the same shall have been purchased under the provisions of this Act.

**SECTION 8.** That this Act shall not in any particular or matter effect (sic), abridge or repeal the provisions, powers privileges or salary granted the County Judge of certain counties by Senate Bill No. 159, being Chapter 108 of the Private Acts of Tennessee, 1929.

**SECTION 9.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 13, 1933

## Roane County Uniform Nepotism Policy Act

### Private Acts of 1998 Chapter 139

**SECTION 1.** This act shall be known and may be cited as the "Roane County Uniform Nepotism Policy Act." **SECTION 2.** As used in this act, unless the context otherwise requires:

- (1) "Governmental entity" means Roane County or any agency, authority, board, commission, department, or office of Roane County or an office of an elected county official.
- (2) "Relative" means a parent, foster parent, parent-in-law, child, spouse, brother, foster brother, sister, Foster sister, grandparent, grandchild, son-in-law, brother-in-law, daughter-in-law, sister-in-law, or other family member who resides in the same household; and
- (3) "County employee" means any person who is employed or appointed by a governmental entity.
- (4) "Employer" means the governmental entity that appoints or employs the county employee.

**SECTION 3.** Within each governmental entity, no county employees who are relatives shall be placed

within the same direct line of supervision whereby one (1) relative is responsible for supervising the job performance or work activities of another relative; provided, that the extent possible, the provisions of this act shall not be construed to prohibit two (2) or more such relatives from working within the same county governmental entity.

**SECTION 4.** When as a result of a marriage, county employees are in violation of the prohibition established by Section 3, such violation shall be resolved by means of such transfer with the governmental entity, transfer to another governmental entity, or resignation as may be necessary to remove such violation. The employer shall advise the county employee of each of the alternatives available to remove such violation. Such employees are unable to agree upon any such alternative within sixty (60) days, then the employer shall take appropriate action to remove such violation.

**SECTION 5.** The prohibition established by Section 3 shall not be applied retroactively, but shall be adhered to by each employer in all appointing, hiring and employee transactions subsequent to this act being approved as provided in Section 7.

**SECTION 6.** The provisions of this act shall be applied uniformly and shall constitute the nepotism policy of each governmental entity. No such governmental entity shall adopt a nepotism policy which conflicts with the provisions of this act.

**SECTION 7.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Legislative Body of Roane County prior to December 1, 1998. Its approval or nonapproval shall be proclaimed by the Presiding Officer of Roane County and certified to the Secretary of State.

**SECTION 8.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 7.

Passed: April 2, 1998

## Administration - Historical Notes

### **Budget System**

The following acts once created a budgeting system for Roane County, but they have been specifically repealed or superseded by current law. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1933, Chapter 378, was the legal authority given to Roane County (identified by the 1930 census figures) acting through its Quarterly Court to manage, supervise, and control, the fiscal affairs of the County in relation to every department of its government. The fiscal year would begin on July 1 of each year and end on August 31, of the subsequent year. The County Judge would appoint one member of the County Court and the Court would select two more of its members to be a Finance Ways and Means Committee who would meet at least 30 days prior to the fiscal year. The Committee would summon each department head to present the needs of that department for the coming year, except the school system. A budget must be prepared and adopted and a tax rate calculated which would produce that amount of money. The Quarterly Court, however, could change the budget, and the tax rate, if it so desired. The Committee was supposed to meet quarterly during the year to review the budget and financial status. This Act was repealed by Private Acts of 1973, Chapter 137.
2. Private Acts of 1941, Chapter 97, validated, ratified, and confirmed a Resolution adopted by the Roane County Quarterly Court on October 14, 1940, which created a Budgetary Control System, a Budget Committee, and provided for the appointment of a Budget Director. The Act fixed the manner in which the above named Budget System would operate, and declared that all the covenants and conditions would be binding on all departments except the School System, which would figure its budget on the anticipation of 95% of the taxes for school purposes being collected. This Act was repealed by Private Acts of 1973, Chapter 137.

### **Building Permits**

1. Private Acts of 1980, Chapter 255, which was approved by the Roane County Legislative Body on May 12, 1980, rewrote Private Acts of 1974, Chapter 279, Section One, as it now appears, the principal change being in raising the construction limit without having a permit from \$1,000 to \$5,000.

### **County Attorney**

The following acts once affected the appointment, election, or office of the county attorney in Roane County. These acts are included for historical reference only. Also referenced below are acts which repeal

prior law without providing new substantive provisions.

1. Private Acts of 1929, Chapter 541, created the Office of County Attorney for Roane County who would be initially appointed by the Governor to serve until September 1, 1930, and be elected by popular vote to four (4) year terms thereafter. The County Attorney must be a resident of the County and a practicing member of the Bar. The annual salary was \$1,500, payable monthly, out of the regular County funds on the warrant of the County Judge, or Chairman. The Attorney was obligated to transact all the legal business of the County, both in and out of Court, advise county officials on all matters of law, and no one could employ any other attorney on county business except at their own personal expense. The County Attorney was not required to collect the back taxes due the County, or the State. This Act was repealed by the one following.
2. Private Acts of 1931, Chapter 210, specifically repealed in full Private Acts of 1929, Chapter 541, which created the post of County Attorney in Roane County.
3. Private Acts of 1978, Chapter 224, amended Private Acts of 1937, Chapter 111, by rewriting Section 4 to increase the annual salary of the County Attorney from \$7,200 to \$12,000, payable monthly out of the general county funds and to provide an expense account of \$1,200 annually. This act was disapproved by the Quarterly Court and never became an effective law. According to our information, the court action occurred on April 12, 1978.

### **County Legislative Body**

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

1. Acts of 1809, Chapter 93, set up schedules for the opening dates of the regular terms of the Courts of Pleas and Quarter Sessions for every county in Tennessee. The Court would meet in Roane County on the third Monday in April, July, October, and January, all process being made to conform to the new dates.
2. Acts of 1817, Chapter 132, fixed the times for the terms of the Roane County Court of Pleas and Quarter Sessions on the fourth Monday in January, April, July, and October.
3. Acts of 1821, Chapter 127, allowed the County Court of Roane County hereafter to sit for two weeks in every term of Court when there were five Mondays in the month in which the term of court began.
4. Acts of 1827, Chapter 34, scheduled the opening dates of the terms of the Roane County Quarterly Court to begin on the second Monday in February, May, August, and November.
5. Acts of 1835-36, Chapter 6, established a county court in every county of the State which would meet on the first Monday of every month and continue in session until the business of the Court was cleared. This Act prescribed certain rules of procedure and pleading for parties to observe. This Court would select a Chairman at the first term in each year to serve for one year. Some cases were to be transferred out of the County Court and into the Circuit Court. Authority was granted to the Court to summon, and use, either 25, or 37, jurors as the needs of the county might require.
6. Private Acts of 1927, Chapter 199, provided that the Justices of the Peace in Roane County would be paid as compensation for their services as members of the Quarterly County Court the sum of \$5 per day for each day, or fraction thereof, actually spent in attendance at any regular, or called, meeting of the Court, plus the mileage now allowed by law.
7. Private Acts of 1929, Chapter 833, stated that all Justices of the Peace in Roane County must issue criminal warrants on the blanks provided by the County Court Clerk which must be uniform in size, form, and language. No costs would be allowed to the Justice of the Peace unless that particular form were used. Each Justice of the Peace would file with the Judge, at least ten days prior to the coming Court term of the Quarterly Court all the stubs of the warrants issued by them, together with the fines collected. No payment of costs could be made to the Justices until they had fully complied herewith and he would be deprived of collecting any criminal costs until full compliance with the terms of this Act were made.
8. Private Acts of 1965, Chapter 246, increased the per diem payments of the Justices of the Peace to \$25 for each day of regular attendance at the meetings of the Quarterly Court. Nothing was mentioned in this Act about mileage payments of any kind. This Act has been superseded by Public Acts of 1974, Chapter 736, Section 5-5-107, T.C.A. 9. Private Acts of 1967-68, Chapter 308, which increased the number of Justices of the Peace in the cities of Harriman and Rockwood.

### **County Mayor**

The references below are of acts which once applied to the office of county judge, or county executive in

Roane County. They are included herein for historical purposes only. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1855-56, Chapter 253, established the position of County Judge in every Tennessee County who would be learned in the law and elected by popular vote for four (4) year terms. The County Judge would be sworn into office and commissioned as other Judges were. Quorum Courts were abolished, and the posts of Chairman of the County Court were abandoned, the responsibilities of both being given to the County Judge. The Judge would also be the general agent and accounting officer of the county, the duties in all three areas being enumerated in the law. The County Court Clerk would continue as Clerk of the Court but would keep a docket of all the court cases as the Circuit Court Clerk must do. The County Judge could practice law in any court except the one over which he presided. This Act was repealed by the one following.
2. Acts of 1857-58, Chapter 5, repealed Acts of 1855-56, Chapter 253, above, and restored the positions of the Quorum Court and County Chairman as they existed prior to the enactment of that Act.
3. Private Acts of 1905, Chapter 18, created the office of County Judge in Roane County. This Act was cited in *Brooks v. Eblen*, 185 Tenn. 566, 206 S.W.2d 793.
4. Private Acts of 1911, Chapter 190, amended Private Acts of 1905, Chapter 18, Item 3, above, to give the County Judge the power to grant fiats for writs of injunctions, attachment, certiorari and supersedeas, and all other extraordinary writs which Chancellors and other Judges could issue, all of which, when issued by the County Judge, would have the same force and effect as if they had been issued by the other Judges. (This Act could not logically be incorporated into the 1905 statute.)
5. Private Acts of 1921, Chapter 727, provided that in Roane County (identified by the 1920 Federal Census) the County Judge would not be permitted to act as, or to hold the office of, Pike or Highway Commissioner, but by virtue of his office as County Judge would preside over the meetings of the commission as their Chairman. The county court would designate someone to fill out the term of the County Judge as a Highway Commissioner at its April meeting.
6. Private Acts of 1927, Chapter 166, stated that the County Judge of Roane County would receive as compensation for his services as the Financial Agent of the county, in addition to the salary paid him as County Judge, the sum of \$750 per year, payable monthly out of the regular county treasury. The county court was given the authority to appropriate and expend that sum of money for that purpose.
7. Private Acts of 1929, Chapter 108, was in the same order as Private Acts of 1927, Chapter 166, Item 6, above, except that the annual salary of the County Judge as Financial Agent of the county was increased from \$750 to \$1,200 payable monthly out of the county funds.
8. Private Acts of 1933, Chapter 477, made the County Judge the Purchasing Agent of Roane County.
9. Private Acts of 1935, Chapter 819, amended Private Acts of 1905, Chapter 18, by broadening the jurisdiction of the County Court and the County Judge presiding over it to be concurrent with the Chancery, Circuit, and Criminal Courts of the State.
10. Private Acts of 1937, Chapter 52, amended Private Acts of 1905, Chapter 18, again in such a way by adding to the jurisdiction of the Court and the County Judge that the Act is reproduced herein on its own rather than being incorporated into the 1905 Act as an amendment. All the printed acts must be taken together to get a picture of the jurisdiction of the County Judge's office, established by the 1905 Act in Roane County.
11. Private Acts of 1937, Chapter 61, repealed Section 3 only of Private Acts of 1935, Chapter 819, which section required the County Judge to be a person who was qualified to and had been admitted to practice in all the Courts of this State.
12. Private Acts of 1941, Chapter 116, declared that in Roane County (identified by the 1940 Census) the County Judge, or Chairman, would have the power and the authority to employ a stenographer to do the work in the office of the County Judge, the Budget Director, the County Highway Commission, and the Water Department whose salary could not exceed \$50 per month paid by warrant of the County Judge drawn on the Trustee.
13. Private Acts of 1949, Chapter 792, fixed the annual salary of the County Judge of Roane County at \$3,600, payable on the warrant of the County Judge, or the Chairman, on the first day of each month of the year, which amount would include all the compensation due that official as the County Judge and the Fiscal Officer of the County as well as for any other duties imposed upon him by law.

14. Private Acts of 1973, Chapter 136, would have repealed Private Acts of 1933, Chapter 477, which made the County Judge the Purchasing Agent for the county, but this Act was not acted on by the Quarterly Court of Roane County and never became a law.
15. Private Acts of 1974, Chapter 197, was rejected by the Quarterly Court of Roane County and therefore, never took effect because of the provisions of the Home Rule Amendment to the Constitution of the State. This Act would have abolished the office of County Judge in Roane County, effective on September 1, 1974, and would have substituted the position of County Administrator in its place, who would be an elected employee of the county and the Chief Executive Officer, having the same powers and duties as the County Judge. All the judicial powers of the County Judge were transferred to the General Sessions Court and the Clerk of that Court would assume the responsibility for all cases then pending in the County Court. Some qualifications for the Administrator were established in Section 3, who would also be elected by the people for a four year term, the first election to be at the general August election in 1974. If no candidate received a majority of the votes cast, there would be a run-off election within 14 days between the two candidates with the highest number of votes. Section 5 included five specific powers granted to the Administrator whose annual salary would be \$18,000 or the sum set by the general law, whichever amount was greater. The Chairman pro tem of the County Court would preside in the absence of the Administrator, whose recall could be initiated under procedures prescribed in this Act. Private Act of 1905, Chapter 18, and all the amendments thereto, would have been repealed by this Act.
16. Private Acts of 1975, Chapter 102, was another attempt to repeal Private Acts of 1933, Chapter 477, which made the County Judge the Purchasing Agent of Roane County, but this Act was not acted on by the Quarterly Court of Roane County and consequently did not become an effective law.

### **County Register**

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

1. Acts of 1829, Chapter 149, required the personal representative of John Purris, deceased, to turn over to the Register of Roane County, upon his request, all the books and papers of the decedent, Purris, which records should be kept preserved by the Register, and used as a basis for plats and certificates which would be issued in the 4th Surveyor's District. The Register must make a bond in whatever amount might be decided by the Quarterly Court.
2. Acts of 1831, Chapter 162, provided that all instruments and deeds of conveyance, heretofore registered in Roane, and 15 other named counties, although their certificates might not recite that the deeds, or instruments, had been acknowledged by the grantors, or proved by subscribing witnesses, yet they were as good and valid, and binding upon all parties, as if they had been acknowledged and proved at the time of their execution. The above mentioned omissions would not affect any lawsuit, filed or to be filed.
3. Private Acts of 1939, Chapter 87, stated that in Roane County where the Register and the County Judge desired to make official surety bonds, the County would pay the cost of making these bonds on a warrant drawn on the general account which warrant would be paid upon presentation to the County Court Clerk for payment.

### **Purchasing**

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

1. Private Acts of 1975, Chapter 117, was never acted on by the local authorities and, consequently, never became an effective law. This act, if approved, would have established the County Purchasing Law of 1975 for Roane County.

### **General Reference**

The following private or local acts constitute part of the administrative and political history of Roane 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 1801, Chapter 5, provided for the inspection of certain commodities which were held out for public sale. Inspectors were to be appointed and trained for this job. The commodities to be inspected were pork, beef, lard, butter, hemp, and a host of other products offered for sale to the public. Warehouses were to be built at designated places and serve as inspection points. In Roane County the warehouse was to be located at Kingston and all goods included in this law were to be brought to this warehouse for examination and approval before being sold to the public.

2. Acts of 1805, Chapter 56, appointed Thomas I. Vandyke, Samuel Elkridge, Jacob Jones, and John McCune, as Commissioners who would act with the ones formerly appointed, who have not removed from the county, as Commissioners for Kingston who were possessed with all the powers stipulated before. It was their duty to procure a deed to themselves and their successors for the public square laid out for the town, and to secure suitable workmen to build a courthouse, prison, and stocks in the city. Included within this Act were provisions to fill any vacancies which may occur among the Commissioners.
3. Acts of 1806, Chapter 34, was the legal authority for the Commissioner of Kingston in Roane County to make all the rules necessary to good order in the town with provisions incorporated in them to fine those who were guilty of violating them. The money derived from the imposition and collection of fines could be spent as the Commissioners decided was in the town's best interest. The Commissioners were empowered to enlarge the said town by changing its boundaries and filing plats showing the changes.
4. Acts of 1807, Chapter 102, had provisions for the Sheriff of Roane County to hold an election to choose five Commissioners for the city of Kingston. The election would be held on a day set aside by the Quarterly Court. The Commissioners would appoint a clerk and fix the salary, appoint a Treasurer and fix a bond and salary, and were empowered to levy taxes but they could not exceed the amount in this Act. Included was a grant of some specific powers.
5. Acts of 1815, Chapter 80, named Gilbreath Barton, Adam Cox, and Solomon Geran, as additional Commissioners for the town of Kingston who were to supervise the building of a courthouse, prison, and stocks in Kingston, and who would be subject to the same regulations and restrictions as the other Commissioners.
6. Acts of 1815, Chapter 133, required the Sheriff to hold an election to select five Commissioner for the town of Kingston who must meet the qualifications specified in this Act, who, when elected, must be sworn into office and make performance bonds, who had the task of appointing a town Clerk and fixing his salary, and who would choose one of their own number as Treasurer. Other rules, regulations, procedures, and grants of authority were contained in this Act which seemed to be the first comprehensive, detailed Charter for Kingston.
7. Acts of 1817, Chapter 83, made it legal for the County Court of Roane County to sell the Courthouse and the lot on which it stood in Kingston under the same rules and subject to the same liabilities as those imposed upon the Commissioners of Knoxville (which were not repeated in this Act). All the proceeds of the sale were to be applied to the cost of a new Courthouse.
8. Acts of 1820, Chapter 36, incorporated the people of Kingston as the Mayor and Aldermen of Kingston, which corporation would exist and operate under the same rules and regulations as those contained in the Charter of Murfreesborough in Rutherford County. The Roane County Sheriff would hold an election in the city on the first Monday in January, next, to elect seven aldermen for Kingston.
9. Acts of 1822, Chapter 74, designated John Loyd, Henry Liggett, Robert S. Gilleland, Richard Richards, William H. McEwen, Samuel Martin, and David Patton, as Commissioners for the city of Kingston with the authority to pass laws to preserve the health of the town, to prevent and remove nuisances, to provide for the licensing and regulation of businesses, theatrical and public amusement shows, to restrain and prohibit gambling, and to do all other things to preserve and promote the general welfare of the inhabitants. The Commission could appoint a Town Clerk, Treasurer, and High Constable, could levy and collect taxes, and the Justices of the town could issue warrants, as allowed under the law.
10. Acts of 1826, Chapter 35, was the legal authority for Jesse Gallaway, of Roane County, to build a mill on his own land across the small sluice of the Clinch River on the north side of Harvey's Island, but in such a way that the free navigation of the river would not be obstructed.
11. Acts of 1829, Chapter 45, required the personal representative of John Purris, deceased, the late Surveyor of Roane County, to file with the present Surveyor of the County the field notes, compiled by the said Purris, of all the surveys upon which plats and certificates were predicated, whereupon it would be incumbent then upon the present Surveyor to make out any plats and certificates which might be needed.
12. Acts of 1829, Chapter 49, made it lawful for anyone in Roane County, or Rhea County, to enter in the Entry Taker's Office after next January 1, any vacant and unappropriated island in the Tennessee River. The Entry Taker's Office would be kept open for such a purpose until April at least. The rates to be paid per acre of land entered was set up in this Act, and the Entry Taker would be accountable for all money taken in in this manner.



13. Acts of 1829, Chapter 62, was the authority for the present Commissioners of the town of Kingston to call upon the former Commissioners of the town, the Mayor and the Aldermen, and any other city official for any monies which might be in their hands to which the city was entitled, the same having been collected for the use and benefit of the said town, and if they failed or refused to pay the same, the present Commissioners could file suit against them to recover the same. The official acts of William McEwen, and all other officials, were hereby ratified and validated. The present Commissioners were empowered to make any regulations essential to the maintenance of good order in the city whose limits were extended to include the land of Ambrose Jones where he then lived within its boundaries.
14. Acts of 1829, Chapter 275, was the enabling law for the Director of the Branch Bank of the State at Knoxville to allow a credit of three years to the securities of John Purris, deceased, the late agent for the said Bank in Roane County, for any sum of money which might be due and owing from the agent, provided the securities execute their good notes for the same amount.
15. Acts of 1831, Chapter 41, authorized and required the Treasurer of East Tennessee to pay to the heirs and personal representatives of John McEwen, deceased, of Roane County, and James McKamey, of McMinn County, the sum of \$50 each, out of any money which was unobligated and unappropriated. This was the amount improperly paid to the State for a License to operate a retail store in Athens.
16. Acts of 1831, Chapter 223, stated that it had been represented to the General Assembly that Thomas Butler, William Butler, James Gilbreath, and Meriman Rector, were boring for salt in Morgan County, and, therefore, the above named were hereby given the authority to enter upon a quantity of land in the neighborhood of the salt works in any of the three Counties of Morgan, Roane, and Anderson, but the land entered upon was not to exceed 5,000 acres and would not be taxable for the next 15 years.
17. Acts of 1832, Chapter 17, Section 2, stated that the Court of Pleas and Quarter Sessions in Roane County would not in the future allow James P. Haynes more than \$15 per year for keeping the bridge across Caney Creek in Roane County in good repair.
18. Acts of 1832, Chapter 43, named Thomas N. Clark, Thomas Brown, William S. McEwen, Samuel H. Smith, Robert S. Gilliland, David Patton, Richard Richards, and James McCampbell, as Commissioners to resurvey the town of Kingston which survey must be agreeable to the plan on which the town was originally laid out. This Act further promulgated some general rules and regulations for the operation of the town.
19. Acts of 1833, Chapter 261, was the legal authority for the County Court of Roane County, on the petition of John M. Walker, and Jane P. McKamy, to emancipate Jane, a slave, belonging to the estate of the late Col. Samuel Walker, as provided in his Will and without requiring Jane to remove from the County, or the State, provided that the petitioners named above would enter into a bond to cover any damages the slave might do, or to cover the costs, if she became a public charge.
20. Acts of 1837-38, Chapter 75, incorporated the city of Kingston under the Mayor-Alderman form of Charter, which contained general and specific grants of power to the corporation. The Sheriff of the county must hold an election on the first Monday in November, 1838, to elect a Mayor, six Alderman, and a Constable. The six getting the highest number of votes were elected Aldermen. The city was granted the general taxing powers plus the special power to tax billiard tables.
21. Acts of 1847-48, Chapter 73, declared that Paint Rock Creek in Roane County was navigable from the mouth of the said Creek to Col. Byrd's mills in the said county. This Act was repealed in Item 22.
22. Acts of 1849-50, Chapter 204, expressly repealed Acts of 1847-48, Chapter 73, above, in its entirety.
23. Private Acts of 1885, Chapter 41, repealed all the laws amending the Charter of the City of Kingston in Roane County. The Trustee of Roane County was required to collect the taxes already levied for corporate purposes and pay the same on the debts of the city. Any balance remaining after the debts were paid would be applied to the purposes of the common schools of the county.
24. Acts of 1897, Chapter 124, was a general law which fixed the annual salaries of the various county officials according to the population of the county in which they served. These officials would be deprived of the fees collected in their offices, which would become the property of the county, and the salary would be in lieu of all other compensation. The salaries, however, were not to exceed the amount of fees paid into the treasury. Although this Act was declared unconstitutional in Weaver v. Davidson County, 104 Tenn. 315, 59 SW 1105 (1900), it, and some

of those which followed, combined to form the basis upon which the current laws on salaries were predicated.

25. Private Acts of 1933, Chapter 748, authorized the Quarterly Court to maintain free ferries at certain locations within Roane County.
26. Private Acts of 1935, Chapter 734, provided that all disbursements of county monies would be paid out only on County warrants, signed by the County Court Clerk, and countersigned by the County Judge, and a receipt, which contains the information specified in the Act, must be signed by the payee and kept on file by the County Court Clerk. The Clerk must, within 15 days after each Quarterly Court Session publish a list of the payees in the newspaper, showing the amount received by each one. No warrant would be issued to any person who had not furnished goods, or services, to the county. It was a misdemeanor to violate the requirements of this law which was repealed by the one following.
27. Private Acts of 1937, Chapter 74, specifically repealed Private Acts of 1935, Chapter 734, Item 26, above.
28. Private Acts of 1939, Chapter 505, specified that in Roane County (identified by the 1930 Census), the keeper of the poor farm, or the poor house, would be required to furnish all board, food, wearing apparel, lights, telephones, fuel, soap, disinfectants, and all other supplies necessary for the proper operation and maintenance of the said poor house and farm, for the price fixed by contract between the keeper and the Commissioner of the Poor in Roane County. This Act was repealed by the one following.
29. Private Acts of 1947, Chapter 270, specifically repealed Private Acts of 1939, Chapter 505, Item 28, above, as it was written.
30. Private Acts of 1987, Chapter 91, provided for the creation of a port authority for Roane County. The Act was not ratified and therefore did not become effective.

## Chapter II - Animals and Fish

### Animals and Fish - Historical Notes

The following is a listing of acts that at one time affected, but no longer appear to have any effect on, hunting, fishing or animal control in Roane County. They are included herein for reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1879, Chapter 133, made it illegal for any person other than the residents of Cumberland, Fentress, Morgan, Scott, Campbell, Overton, Putnam, White, Roane, Rhea, Bledsoe, and Van Buren Counties, to hunt and kill deer, or any species of game, for profit, in the above named counties, but any citizen of the State could hunt and kill deer for their own consumption and use. Fines for convicted violators ran from \$50 for the first offense to \$100 for the second, half of which would go to the county, and half of it to the school fund.
2. Acts of 1889, Chapter 244, declared it to be unlawful for any person other than a resident and citizen of the State of Tennessee to hunt, kill, or capture any wild deer, wild turkey, quail or partridge, or any species of game, or fish, in the counties of Bledsoe, Cumberland, Grundy, James, Meigs, Morgan, Overton, Marion, Rhea, Roane, Sequatchie, Van Buren, Warren, and White, at any season of the year. No one could hunt and kill for profit except the citizens of the counties listed, but all residents of the State could hunt for their own use. Violations were punishable by fines no less than \$25 nor more than \$100 plus any jail term sentenced to them by the Judge.
3. Acts of 1897, Chapter 245, termed it a misdemeanor after the passage of this Act for any person to shoot quail, partridges, or other birds, or to trap them in other devices on the enclosed lands of another person, or a corporation, in Roane County without first having obtained the consent of the owner, the tenant, or the person in possession. Failure to abide by the directions of this act could result in fines from \$5 to \$10 for each violation.
4. Acts of 1897, Chapter 280, amended Acts of 1895, Chapter 127, a general law of Tennessee regulating fishing in the State, to permit persons to fish with nets, traps, seines, and baskets in the counties of Roane, Scott, Anderson, Morgan, Rhea, and McMinn, provided, however, the nets would not have meshes of less than 1½ inches and no trap would be placed so as to interfere with the free passage of fish up and down the streams.
5. Acts of 1905, Chapter 33, defined a lawful fence for Roane County (identified by the 1900 Census)

as being one with four strands of barbed wire securely fastened to posts and stays not more than 24 feet apart, and to reach from the ground to the top wire. The first wire must be twelve inches from the ground, and the others at twelve inch intervals above it. A rail fence, or a plank fence, composed of boards four inches wide and one inch thick, set up and spaced as above, would also be accepted as a lawful fence. Owners, or custodians, were directed to keep animals up, and for animals to be allowed to run at large knowingly was a misdemeanor which carried a schedule of fines running from \$5 to \$10, plus a lien being placed upon the animals for the damages inflicted. This Act was repealed in Item 8 below.

6. Acts of 1905, Chapter 97, made it a misdemeanor for the owner of sheep, goats, swine, or geese, to permit them to run at large in Roane County, or upon any street, or public highway. The fine schedule went from \$5 to \$50, and Grand Juries were given inquisitorial powers over the matter which judges were to charge to them.
7. Acts of 1905, Chapter 98, was a duplicate of Acts of 1905, Chapter 33, Item 5, above.
8. Acts of 1905, Chapter 351, expressly repealed Acts of 1905, Chapter 33, Item 5, above, as it was written. (However, this would leave Private Acts of 1905, Chapter 98, Item 7, above, in effect, and it was practically a carbon copy of Chapter 33). This Act was repealed by Private Acts of 1923, Chapter 167.
9. Acts of 1909, Chapter 182, specified that it was unlawful for anyone having the custody of a stallion, one year old, or older, any bull, six months old, or older, any boar hog, three months, or older, or any buck, three months old or older, to allow the same knowingly to run at large on the lands of another in Roane County. Failure to comply could result in fines from \$5 to \$20 for each offense. Methods were provided for officers to impound such animals running at large and, after notifying the owner, if possible, to sell the animals at public sale when they went unclaimed, or the costs of the impoundment were not paid. After all costs and expenses of sale were paid, the remainder of the funds, if any, would go into the school system.
10. Private Acts of 1911, Chapter 72, amended Private Acts of 1905, Chapter 97, Section One, above, to make the Act apply only to Roane County.
11. Private Acts of 1911, Chapter 111, made it a lawful fence in Roane County to have three strands of barbed wire fastened to good and substantial posts driven firmly into the ground no more than twelve feet apart where the bottom wire was no more than 18 inches above the ground, the second no more than 13 inches above it, and the third no more than 14 inches above the second. A rail, or plank fence, of boards at least four inches wide and attached to posts ten feet apart and with the rails, or planks, fastened and spaced as the wire was required to be would also be acceptable type fences.
12. Private Acts of 1917, Chapter 721, amended Public Acts of 1915, Chapter 152, Section 54, by removing the language which exempted Roane County from the general provisions of that game and fish law, thus bringing the county within the purview of its requirements. This law was repealed by Private Acts of 1921, Chapter 268, which presumably would have the effect of again exempting Roane County from that law.
13. Private Acts of 1917, Chapter 724, declared it to be illegal to set a steel trap, deadfall, or other trapping device in Roane County but a person could set on his own land a steel trap on a post, or pole, four feet above the ground, and could set a trap to catch a hawk between 6:00 A.M. and 6:00 P.M. but not at night after those hours. No provision of this law was applicable to the area within 200 feet of one's residence. Infractions of this law were subject to fines from \$25 to \$50.
14. Private Acts of 1921, Chapter 268, amended Public Acts of 1915, Chapter 152, Section 54, so as to set the open season for hunting quail in Roane County (identified by the 1920 Census) from December 1 until the following February 1, of each year. This Act expressly repealed Private Acts of 1917, Chapter 721, Item 12, above.
15. Private Acts of 1923, Chapter 17, averred that it was unlawful in Roane County for any owner, or keeper, of horses, mules, cows, sheep, hogs, goats, or any other type of livestock, to allow the same to run at large in the county. The owner of the animals would be liable for damages done by the stock while running at large which amount could be enforced by a lien for the person damaged who could also take up these animals and care for them and add the cost of their keep to the damages included in the lien. The owner responsible for these acts was also guilty of a violation of the law for which fines running from \$5 to \$15 could be levied in addition to the lien for damages.
16. Private Acts of 1923, Chapter 167, expressly repealed Acts of 1905, Chapter 98, Item 7, above, which defined an acceptable fence for Roane County.
17. Private Acts of 1929, Chapter 57, made it a misdemeanor in Roane County for any person to

shoot any fox, destroy the den of any fox, or, by means of a snare, tarp, or other device, catch, maim, or otherwise injure, any fox, or foxes, but this law did not prevent, not penalize, the killing of these animals if they were attacking any person, or causing any injury to poultry, or livestock, nor did it prohibit the hunting of foxes with dogs when guns were not used. Failure to comply could bring on fines from \$10 to \$100 for each offense. This Act was repealed in Item 19, below.

18. Private Acts of 1929, Chapter 68, recited that W. B. Green was a practicing veterinary surgeon for a number of years, more than 13 in general and specialized practice, was a man of good moral character and a citizen of Loudon County. He would be allowed to continue the said practice of veterinary medicine and surgery in Roane and Loudon Counties without doing anything other than filing proof of the above assertions with the State Board of Veterinary Examiners, who were then instructed to issue Green a license for which he would pay the customary fee.
19. Private Acts of 1931, Chapter 72, specifically repealed Private Acts of 1929, Chapter 57, Item 17, above, which regulated the hunting and killing of foxes in Roane County.
20. Private Acts of 1933, Chapter 319, lawfully allowed any person to take fish of any character from the waters of the Tennessee River in Roane County by any method which was permitted under existing law, at all seasons of the year, it being the expressed intention of the General Assembly to abolish the closed season on fishing in the Tennessee River in Roane County.
21. Private Acts of 1933, Chapter 322, amended Public Acts of 1931, Chapter 51, which was then the Game and Fish Law of Tennessee, to provide that no person in Roane County who was fishing with natural bait would be required, or compelled, to obtain a fishing license to do so, and the term natural bait was defined to include any food stuffs as compared to artificial baits and lures.
22. Private Acts of 1933, Chapter 689, legally permitted one in Roane County to hunt, trap, and kill all fur-bearing animals, including foxes, and to sell the fur from them, between November 15 and the following February 15, which would constitute the open season on game.
23. Private Acts of 1937, Chapter 467, recited in the preamble that the people of Roane County desired to propagate good livestock, which could not be done unless a high grade sire of pure blood could be imported into the County, and that the increase of blooded livestock would be of great benefit to all the County; therefore, this Act authorized the County Judge, with the approval of a majority of the County Court, to underwrite the obligations of the purebred livestock association when one was formed. Whenever the county participated with funds, the county would have the first lien on any stock purchased with the funds until they were all repaid.
24. Private Acts of 1945, Chapter 295, recited in the introduction that since W. M. Robinette had acquired an expert knowledge of veterinary medicine and surgery through years of experience, and the community in which he resided had a great need for his services in these fields, this act was the lawful authority for Robinette to continue his practice of veterinary medicine and surgery in Roane County, and this Act of the General Assembly would serve as his license to do so.

## Chapter III - Bond Issues

### Bond Issues - Historical Notes

#### **Bridges**

1. Acts of 1891, Chapter 138, constituted the legal authority for the Quarterly Court of Roane County to issue up to \$150,000 in bonds, at an interest rate not to exceed 6%, and to mature from 5 years to 30 years from the date of issue, the proceeds of which were to be used to build such bridges over the Clinch River and the Emory River and such turnpikes as might be needed to connect them, the whole system to be designed in the best interests of the county. All essentials were present in the law, including the appropriate tax levy, but all of the terms and conditions of this law had to be approved first by the people in a referendum vote.
2. Private Acts of 1915, Chapter 648, allowed the Roane County Quarterly Court, a majority of them being present, to issue \$50,000 in bonds, at a 5½% maximum interest rate, and to mature no later than 20 years from the date of issue, to build a bridge over the Emory River at Harriman, at or near the site of the present bridge, which would be constructed out of such materials as the County Court considered to be best. All the details essential to valid bond issues were included in the Act with a directive that the County Trustee would handle the funds.
3. Private Acts of 1923, Chapter 348, was the enabling Act for the Roane County Quarterly Court, a majority of the Justices being present, to issue up to \$75,000 in 5%, 30 year bonds to build a

bridge at or near Kingston across the Clinch River. The interest rate was set at 5%, or less, and the maturity schedule was 30 years. All details were present including the mandatory tax levy for general obligation bonds. The entire program had to be approved first in a referendum.

### **Debts and Refunding**

1. Public Acts of 1899, Chapter 390, authorized the Quarterly Court to hold a referendum on the question of issuing \$200,000 in bonds, at an interest rate of 5%, or less, and to mature no later than 20 years from the date of issue, the proceeds of which would be used to pay off outstanding debts, and to build roads in the county. A notice of at least thirty days must precede the election, which notice would state the amount of bonds to be issued and the purpose, or purposes, for which the money would be expended. The details of the election to be held and of the form of bonds to be issued, if approved, were included in the Act. A committee of five freeholders in the county would be appointed if the residue of the money was to be spent on roads.
2. Acts of 1901, Chapter 268, allowed the Quarterly Court of Roane County to issue up to \$125,000 in 5%, 20 year bonds, to fund the present outstanding debts of the county including those debts incurred for bridges, or road work, except for the Clinch River Bridge, which debts would also encompass any judgments outstanding against the county. The money could be used for no other purpose than the ones named herein. The Trustee must keep accurate records of all the transactions hereunder.
3. Acts of 1903, Chapter 433, authorized and empowered the city of Harriman to issue its bonds for the purpose of funding or canceling certain of its existing bonds.
4. Acts of 1907, Chapter 150, permitted the Quarterly Court of Roane County to issue and sell up to \$60,000 in bonds at an interest rate of no more than 5%, the same to mature within five years from issue, to fund the outstanding and unpaid debts of the county including those incurred for the construction of the Clinch River and Emory River Bridges, whether the debts be in the form of unpaid warrants, or judgments. The form of the bonds and the details of the issue were included, as well as the mandatory tax levy. The Trustee was obligated to handle the money and keep the records. This Act was repealed in Item 5.
5. Acts of 1907, Chapter 511, amended Private Acts of 1907, Chapter 150, Item 3, above, by changing the form and date of the interest coupon which would be attached to those bonds.
6. Private Acts of 1911, Chapter 191, repealed Private Acts of 1907, Chapter 150, Item 3, above, and then allowed the Quarterly Court to issue up to \$60,000 in 5%, 20 year bonds, to pay the outstanding debts of the county except those incurred for the building of the Clinch River Bridge. All the essential details were contained in the Act.
7. Private Acts of 1913, Chapter 28, was the legal authorization for the Roane County Quarterly Court to issue \$150,000, in 5%, 20 year bonds to pay off the outstanding and floating debts of the county whether in the form of unpaid warrants, or judgments. The County Judge must keep the proper records and the Trustee would handle the funds.
8. Private Acts of 1917, Chapter 48, allowed the Quarterly Court to issue and sell up to \$210,000 in bonds at a maximum 5% interest rate, which would mature in increments up to 30 years from the date of issue, all of which would be devoted to the payment of outstanding debts of the county which were due and unpaid.
9. Private Acts of 1921, Chapter 544, enabled the Roane County Quarterly Court to issue no more than \$185,000 in bonds, at 6% or less, interest and to mature no later than 30 years from the issue date. The Act contained all the essential details, and required the mandatory general tax levy. These funds would be used to liquidate and discharge the outstanding debts of the county.
10. Private Acts of 1927, Chapter 386, was the legislative authority for the Quarterly Court to issue up to \$100,000 in bonds, at an interest rate not to exceed 5%, and which were to mature on a schedule ranging from one to fifteen years after the date of issue. All essential details were included with a declaration that substantial compliance with the same would be sufficient. These funds were to be used to pay off debts incurred for school purposes, and \$50,000 for other debts.
11. Private Acts of 1929, Chapter 79, authorized the issue and sale by the Roane County Quarterly Court of bonds in an amount not to exceed \$230,000, at 6% or less interest, to mature no later than 20 years from the date of issue, which amount would be used to pay off all authorized debts of the county as evidenced by warrants issued before the date of this Act. The County Judge must keep adequate and accurate records.
12. Private Acts of 1931, Chapter 304, enabled the Quarterly Court to issue up to \$210,000 in 6%, 30 year bonds, to pay off and discharge the outstanding and floating debts of the county as the same were evidenced by warrants, and sundry other county papers, issued prior to the date of this law.

13. Private Acts of 1931, Chapter 383, confirmed, ratified, and legalized the prior proceeding of the Quarterly Court, the County Judge, the County Court Clerk, and the Sheriff, heretofore taken in the connection with the issue of \$60,000 in the refunding bonds of Roane County, which were dated on June 1, 1931, at 6% interest, maturing at the rate of \$5,000 on June 1, 1934, and annually thereafter through 1945, in all respects and to the same extent as if this Act had preceded it.
14. Private Acts of 1933, Chapter 20, authorized the Roane County Quarterly Court to borrow money at an interest rate of 6%, or less, and to pledge the credit of the county for that purpose of paying the interest on the bonded indebtedness of the county, and, further, to delegate to the county judge the power to execute suitable notes therefore in his official capacity as County Judge.
15. Private Acts of 1935, Chapter 343, permitted the Quarterly Court of Roane County, a majority of the Justices being present, to issue and sell the coupon bonds of the county up to \$150,000, at an interest rate of no more than 6%, and which would mature according to the schedule established in the Act, which money would be used to pay the debts of the county as evidenced by warrants which were outstanding, due, and unpaid. All details in the Act must be strictly observed, but the Court could add details to the issue in the resolution to be considered and adopted by the Court. These bonds were the general obligations of the county and must be amortized each year through a general tax levy for the sinking fund.
16. Private Acts of 1937, Chapter 21, validated a bond issue of \$245,000 at 6% interest, over a 20 year maturity period, to pay off the outstanding debts of the county. All the previous actions taken in reference to the same by the Quarterly Court and officials of Roane County were ratified, legalized, and confirmed.
17. Private Acts of 1937, Chapter 112, ratified, validated, confirmed, and legalized all the prior activities of the Roane County Quarterly Court, and other officials, taken with reference to the issue and sale of \$496,000 in Refunding Bonds, dated June 1, 1936, which included a previous issue of \$441,000 at 5% and \$55,000 at 6%, the bonds being payable through June 1, 1956, but callable at the option of the county.
18. Private Acts of 1941, Chapter 115, also confirmed, ratified, validated, and legalized all previous activities of the Quarterly Court and Roane County officials, and all the details contained in the resolution of the Quarterly Court, dated October 14, 1940, taken and held in connection with issue and sale of \$300,000 in Refunding Bonds, issued at 4½% interest, dated October 1, 1940, and maturing October 1, 1960. All the conditions and covenants expressed therein were confirmed and declared to be the valid and binding obligations of the county. The authority was granted to the County Court Judge, the County Court Clerk, and the County Trustee to do and perform all the acts necessary to a valid bond issue, despite any defects which might appear, or the lack of statutory authority to do so at the time the same was done.
19. Private Acts of 1941, Chapter 122, ratified, confirmed, and validated all prior actions taken by the Quarterly Court, or other county officials, on October 14, 1940, which was the authority to issue and sell up to \$1,831,000 in Refunding Bonds to be issued at the interest rates established in the Act and which would mature no later than October 1, 1960, all of which were declared to be the general obligations of the county for which a general tax levy must be made each year until all were paid. Specific authority for the County Judge, the County Court Clerk, and County Trustee, was granted for these officials to discharge all acts required of them in this connection.

### **Memorial**

1. Private Acts of 1951, Chapter 489, was the legal authorization for the Roane County Quarterly Court to issue and sell no more than \$21,000 in bonds, at a maximum 5% interest rate, to provide the Veterans of Foreign Wars Post, located at Harriman and Rockwood, each the sum of \$10,000 to be used in erecting a memorial building and for paying the expenses of the bond sale. The bonds would mature over a period not to exceed 20 years from the date of issue. All details over and above those included in this Act must be incorporated into the resolution adopted by the Court. No fees, or charges, would be paid to any county official for performing the duties imposed upon him by the terms of this Act.

### **Roads**

1. Private Acts of 1911, Chapter 128, stated that, within forty to seventy days after the passage of this Act, an election would be held in Roane County on the question of issuing no more than \$200,000 in bonds, at an interest rate of 5%, or less, and which would mature no later than 30 years from the date of issue, which money would be used to build turnpike roads and to pay all the expenses incidental thereto. If approved by the people, the bonds would be issued and the proceeds used to improve, or build, the 13 roads listed in the Act. These funds, records of which

were to be kept by the County Judge, or Chairman, would be kept separate from all others and used only for these purposes. Five Pike Commissioners, one from each Civil District, would be elected at this election; the Chairman was to receive \$600 per year, the Secretary \$300 per year, and the other members \$100 per year. The Commissioners must be sworn, bonded, exercise the powers enumerated in the Act and serve at the pleasure of the Quarterly Court. This Act was repealed by the one following.

2. Private Acts of 1911, Chapter 628, expressly repealed Private Acts of 1911, Chapter 128, Item One, above, in its entirety.
3. Private Acts of 1911, Chapter 629, provided that an election be held in Roane County on the question of the issue and sale of \$200,000 in road bonds, the vote to be canvassed and certified to the Court by the Election Commission. The bonds would bear an interest rate not to exceed 5%, and would mature over schedules ranging from ten to thirty years. The proceeds, if approved, would be used to improve and build the 15 roads listed in the Act. Certain duties were imposed upon the different county officials to execute the purposes of this program which would be immediately supervised by a five member Road Commission appointed by the Quarterly Court who would conduct themselves within guidelines similar to those related to the Commission above.
4. Private Acts of 1913, Chapter 275, was the authority for the Roane County Quarterly Court to issue and sell no more than \$110,000 in bonds at an interest rate of 5%, and to mature no later than thirty years from the issue date, which money would be used in locating, bedding, grading, and improving roads in the county, all the road districts getting \$20,000 except the second which was granted \$30,000. The Quarterly Court must levy a tax to amortize the bonds, could employ an engineer if needed, could solicit bids and award contracts, and exercise the powers of eminent domain whenever necessary. This Act appointed S. A. Breazeale, Frank Ladd, Sr., L. H. Lowery, W. M. Brown, and E. T. Ingram, as Road Commissioners from their respective Civil Districts, who would be sworn and bonded, would select one of their number as Chairman, another as Secretary, and would be compensated as the Quarterly Court directed. These would serve until the next general county election when their successors would be chosen for two year terms. No commissioner could have any personal interest of any sort in the program.
5. Private Acts of 1921, Chapter 211, was the enabling law for the Roane County Quarterly Court to issue and sell up to \$30,000 in 6%, 30 year bonds to pay off any outstanding bonds, or debts, incurred to improve, build, or repair roads. All essential details for a valid bond issue, including the general tax levy, were present in the Act. The County Judge, or the Chairman, and the County Court Clerk were designated as a Committee to sell the above authorized bonds.
6. Private Acts of 1921, Chapter 314, recited in the preamble of the obligations of the United States, the State of Tennessee, and Roane County in connection with the building of the Dixie Highway and the Memphis-Bristol Highway. This Act was the authority for the Roane County Quarterly Court to issue up to \$225,000 in bonds, not to exceed a 6% interest rate nor a 30 year maturity period, which bond money would be used to pay Roane County's share which was one-third of the cost of construction of the two highways named in the preamble as they passed through Roane County. All the essential details were present.
7. Private Acts of 1933, Chapter 2, validated and confirmed all the prior proceedings of the Roane County Quarterly Court with reference to the issue and sale of \$145,000 in refunding bonds, dated May 1, 1933, at 5½% interest, which would be used to pay off a like amount of Roane County Road Bonds, which were maturing on May 1, 1933, notwithstanding any lack of statutory authority to do so, or any defect appearing in the bonds.
8. Private Acts of 1947, Chapter 252, allowed the Quarterly Court of Roane County to issue and sell up to \$100,000 in bonds, at an interest rate of no more than 4%, and to mature no later than 20 years from the date of issue, which money would be used to construct, repair, and maintain primary and secondary roads and bridges in the county. These bonds, which were tax exempt, could be issued by a resolution of the court and no referendum was necessary. They were declared to be the general obligations of the county.

### **Rockwood**

1. Private Acts of 1947, Chapter 867, was enabling legislation for the city to issue \$25,000 in bonds for a hospital.
2. Private Acts of 1947, Chapter 868, allowed Rockwood to issue \$100,000 in bonds for a water and sewer system.
3. Private Acts of 1947, Chapter 869, permitted the City of Rockwood to issue and sell, and to

borrow \$100,000 in bonds for improvements on the street system.

### **Schools**

1. Private Acts of 1927, Chapter 386, was the authority for a \$150,000 bond issue, at interest rates not to exceed 5%, payable over a schedule of one to fifteen years from date of issue, one-third of the proceeds to be used on roads and two-thirds to be expended on paying off the debts of the school system.
2. Private Acts of 1929 (Ex. Sess.), Chapter 69, alleged in the introduction to the Act that a resolution had been adopted by the Quarterly Court of Roane County calling the attention of the County Court to the condition of the schools in Paint Rock, Wheat, Oliver Springs, and South Harriman, which were not suitable for holding school therein. An estimate was made that \$55,000 would be needed, in addition to the \$14,000 already appropriated, and that the Quarterly Court had voted to issue the county's warrants in a sum up to \$55,000 to build, or repair, the aforementioned schools, which warrants were to draw interest at 6%. The court was now advised that it would require \$75,000, plus the \$14,000, to accomplish the desired results, which amount was added to the \$55,000 to make this Act conform. This Act confirmed, validated, and ratified all the prior events taking place in connection with the issue of the bonds and expenditure of the funds. A general tax levy was required for the sinking fund to amortize these bonds as they become due.
3. Private Acts of 1939, Chapter 12, validated, confirmed, and ratified the previous proceedings of the Roane County Quarterly Court taken in reference to the issue and sale of \$20,000 in High School Repair Bonds for the school in Harriman, at an interest rate of 4%, and maturing from 1939 through 1948. The essential details were present and the tax levy was directed.
4. Private Acts of 1945, Chapter 91, also ratified, confirmed, validated, and legalized all prior actions of the Roane County Quarterly Court held in connection with the issue and sale of \$18,000 in school bonds, dated February 1, 1945, which events occurred on January 8, 1945. These bonds would mature in annual increments through 1955, with interest at 3%.
5. Private Acts of 1951, Chapter 372, allowed the Quarterly Court of Roane County, a majority of the Justices being present, to issue up to \$100,000 in bonds, at a maximum interest rate of 6%, which were to mature no longer than 20 years from the date of issue, which money would be used to make additions and repairs to school buildings and to purchase school sites by the County Board of Education. Details of the bond form, of the bond issue, and the sale, were incorporated into this legislation.
6. Private Acts of 1957, Chapter 34, which was ratified in proper form by the Quarterly Court of Roane County, validated and legalized the action of the court in the issue and sale of \$80,000 in School Bonds, dated April 1, 1957, and maturing serially as specified in the Act. These bonds were made the general obligations of the county and were to be issued in conformity with the details contained in this Act.
7. Private Acts of 1961, Chapter 168, permitted the Quarterly Court to issue up to \$900,000 in bonds to provide funds to purchase property for school purposes and to erect, repair, furnish, and equip school buildings in the county, and the bonds above were not authorized for any other purposes, and were to be tax exempt. The bond interest rate could not exceed 5%, nor the maturity schedule 20 years. The details of the form and issue were contained in the Act, which further provided the proceeds would be set apart and paid out according to Sections 49- 709 through 49-713, Tennessee Code Annotated. The necessity of the program has been accelerated by the establishment of the Oak Ridge Atomic Energy Project, a portion of which is located in Roane County.

## Chapter IV - Boundaries

### Creation of the County

#### Acts of 1801 Chapter 45

**COMPILER'S NOTE:** Only the Acts that pertain to Roane County are included here.

**SECTION 3.** That all of that tract of country lying within the following described bounds shall be, and is hereby made and constituted a new and distinct county by the name of Roane, (viz.) Beginning at the corner of Knox County on the south bank of the Holston river, running along said line to Clinch river on



the north bank, thence up or down said north bank, as the case may be, to the corner of Anderson County, thence along said line, north forty-five degrees west, to the northwest corner thereof, thence south, forty-five degrees west, to the southern boundary of this state, thence east, along said southern boundary to the river Tennessee, on the south side, thence up the several meanders of said river on the south side, to a point opposite the south bank of Holston river, thence to the said south bank, thence up the several meanders on the south side to the beginning.

**SECTION 4.** That Knox County shall not extend further down, than to a direct line from the Salt Petre cave, below the Chota ford on Holston, to the mouth of Hickory Creek, on Clinch river, until the constitutional limits of Knox County shall be ascertained by actual survey, which shall be done by disinterested commissioners appointed by the county court of Knox; Provided also, That if on accurate survey it shall be found, that there are not constitutional bounds for Knox county above the line described in this section, that then and in that case, the deficiency shall be made up, by taking one half thereof from the county of Anderson on the south side, between the Grainger line, and the lower line of Henderson and Company's survey; the other half thereof from Roane county, between the rivers Clinch and Holston, which lines when run, shall be the bounds of Knox county, any thing in this act to the contrary notwithstanding.

**SECTION 16.** That Hugh Nelson, John Smith, T. Alexander Carmichael, William Barnett, Paul Halson, Zacheus Airs, or a majority of them, are hereby appointed commissioners to agree with a suitable workman to build a court house, prison and stocks, in the town of Kingston, on the lot reserved for that purpose, for the use of said county of Roane.

**SECTION 17.** That for the due administration of justice, the court of Pleas and Quarter sessions shall be held for said county of Roane, on the third Mondays of March, June, September and December, and the justices for said county shall hold the first court at the house of Alexander Carmichael in Kingston, on the third Monday of December next, and all subsequent courts for said county on the days above mentioned, for holding courts therein, at the same place, until a court house shall be built in and for said county, and then all causes, matters and things depending in said court, and all manner of process returnable to the same, shall be adjourned to such courthouse, and all courts held in and for said county, shall be held by commission to said justices, in the same manner and under the same rules and restrictions, and shall have and exercise the same powers and jurisdiction, as are or shall be prescribed by law, for the courts of the several counties in this state.

**SECTION 18.** That the said county of Roane, be, and is hereby declared a part of Hamilton district, in the same manner and for all the purposes, civil, criminal and military, in as full and ample manner as any county in this state, and shall send two jurors to the superior court of Hamilton district.

**SECTION 19.** That a majority of the acting justices of the county of Roane, when in session, shall have power, and are hereby authorized and required, to lay an additional county tax, not exceeding twelve and an half cents on each hundred acres of land liable to taxation, twelve and a half cents on each white poll, twenty five cents on each black poll, fifty cents on each stud horse kept for covering mares, twenty five cents on each town lot, and ten dollars on each billiard table, the said tax to be laid from year to year, until a sufficient sum shall be collected to pay for said public buildings, and shall be collected by the collector of public taxes, on the same per centum, as other county taxes, and shall pay the same to the aforesaid commissioners, whose receipt shall be allowed in the settlement of his accounts, and be by them applied to the payment of said public buildings.

**SECTION 20.** That before the said commissioners enter on the duties of their appointment, they shall enter into bond with sufficient security, payable to the governor for the time being, in the sum of three thousand dollars, for the faithful discharge of their duty as herein expressed, which bond shall be lodged in the office of the clerk of said county of Roane.

**SECTION 21.** That so soon as the public buildings shall be completed, the aforesaid commissioners shall lay before the court of Roane County, a just and fair statement of all monies by them received, as well as those by them expended, with sufficient vouchers for the same, by virtue of their appointment, and the court shall make them a reasonable allowance for their services; Provided, There shall be five acting justices present when such allowance is made. **SECTION 22.** That Joseph Taylor is hereby appointed a commissioner on the part of the county of Roane, to act with the commissioner appointed on the part of Anderson county, to run the line between the counties of Anderson and Roane, from the double springs on the east fork of Poplar Creek, to the Indian boundary, and from the aforesaid double springs, to Clinch river; and shall have the sum of two dollars for each day he may be necessarily employed in running said line, to be paid by the treasurer of Roane county, out of the county monies, whose receipt shall be good in the settlement of his accounts.

**SECTION 23.** That John McClellan and Joseph Taylor are hereby appointed commissioners to run and mark the line between the counties of Knox and Roane from the salt petre cave on Holston to the mouth

of Hickory creek on Clinch river, for which they shall have the sum of two dollars & fifty cents, for each day they may be necessarily employed in running said line, and the treasurer of Knox county, is hereby required to pay John McClellan for his services in running said line, whose receipt shall be good in the settlement of his accounts; and also the treasurer of Roane County, shall pay Joseph Taylor for his services in running said line, whose receipt shall be good in the settlement of his accounts.

**SECTION 24.** That nothing herein contained shall be so construed, as to prevent the collector of Knox county from collecting the tax for the year one thousand eight hundred and one, and all arrearages of taxes.

**SECTION 25.** That the election for governor, representative or representatives to congress, and members of the general assembly, shall be held at the court houses of the counties of Anderson and Roane, by the sheriffs or their deputies, under the same rules and regulations as are prescribed by law, and on the days which elections for such purposes are authorized to be held, and those citizens of Anderson and Roane counties, formerly citizens of Knox county, shall be entitled to vote in their respective counties.

**SECTION 26.** That it shall be the duty of the returning officers of the counties of Anderson and Roane, to meet the returning officer of Knox county, in Knoxville, on the succeeding Monday, with the number of their respective polls, and with him compare the same; and the returning officer of Knox county shall declare those duly elected members of the general assembly, and give certificates accordingly, and it shall be the duty of said sheriff to transmit a just statement of the poll of election, for governor, representative, or representatives to congress, to the speaker of the senate in the same manner as by law directed.

**SECTION 29.** That John McClellan and Joseph Harden, esquires, or either of them are hereby authorized and required to attend at the first court to be held for the county of Roane, for the purpose of qualifying the members of said court.

**SECTION 30.** That this act shall be in force in the county of Anderson, from and after the thirteenth day of December next, and in the county of Roane, from and after the twentieth day of the same month.

## Change of Boundary Lines

### Acts of 1817 Chapter 38

**SECTION 1.** That all that tract of country lying within the following described bounds, shall be and is hereby made and constituted a new and distinct county by the name of Morgan, in honor, and to perpetuate the memory of the late Major General Daniel Morgan, to wit: Beginning on the top of Walden's Ridge, on the line of Roane and Anderson counties, thence south westwardly with the extreme top of said Ridge, within ten poles of the main Cumberland Turnpike Road, thence a parallel line with said Road, leaving the same ten poles to the south, to where Robert Johnston now lives, on the great Cumberland road, thence a direct course to the ford of the clear fork on Cumberland river, where Pale's Turnpike road crosses the same, thence due North to the Kentucky line, thence East with said line to the corner of Campbell County, thence with said line to the corner of Anderson, thence with said line to the corner of Anderson and Campbell Counties, near the head of smoky creek leaving all the waters of smoky creek in Anderson County, and all the waters of Brimstone in Morgan County, thence to the beginning, so as to leave all the waters of new river in Anderson county, and all the waters of Emery in Morgan County.

**COMPILER'S NOTE:** Sections 2 through 9 were not applicable to Roane County.

**SECTION 10.** That nothing herein contained shall be so construed as to prevent the collector of public taxes for Roane and Anderson counties, from collecting the tax that may be due for the year 1817, or that may become due before the said county of Morgan shall be organized.

**SECTION 11.** That William Hogshead is hereby appointed a commissioner on the part of Anderson county, and Joseph McPherson a commissioner on the part of Roane county, and William Wall a commissioner on the part of Morgan county, to run the line contemplated in the first section of this act, who are hereby authorized to employ a suitable surveyor, and a sufficient number of chain carriers, to run out and mark the lines aforesaid.

**SECTION 12.** That the commissioner on the part of Roane County, shall be allowed for his services the sum of two dollars per day, to be paid by the treasurer of Roane county, out of any monies in his hands not otherwise appropriated whose receipt shall be good in the settlement of his accounts, and that the commissioner on the part of Anderson county, shall be allowed the like sum of two dollars per day, to be paid by the treasurer of Anderson county, out of the county monies, whose receipt shall be good in the settlement of his accounts, and that the commissioner on the part of Morgan county, shall be allowed the like sum per day to be paid by the treasurer of Morgan county, out of the county monies whose receipt shall be good in the settlement of his accounts.

October 11, 1817

## Acts of 1873 Chapter 76

**SECTION 1.** That the boundary line separating the County of Roane from the Counties of Cumberland and Morgan, be so changed as to run as follows: Beginning at the point on the east side of White's Creek where the said Creek now intersects the line between the Counties of Roane and Cumberland; thence up said White's Creek to the mouth of Piney Creek; thence up said Piney Creek to the point where said Creek crosses the turnpike, or main road, running between Knoxville and Nashville, and continuing up said Piney Creek to the point where said Creek leaves the present lands of the the (sic) "Roane Iron Company;" thence along the present line of the said "Roane Iron Company's" land to Clifty Creek; thence down Clifty Creek to Emory River; thence down Emory River to where it intersects the present line between the Counties of Roane and Morgan.

Passed: March 22, 1873.

## Private Acts of 1889 Chapter 34

**SECTION 1.** That the line between the counties of Anderson and Roane be and the same is hereby settled and fixed so as to include the following described boundary in the county of Anderson, viz: Beginning at a rock in the old line between Anderson and Roane in E. A. Reed's south-east line, then south 78 west with Reed's line 150 poles to a beech in Reed's corner, thence south 53 west 107 poles to a large forked white oak on a hill near G. W. Butler's house, thence south 17 west 51 poles to a stake, hickory and black oak pointers William Wiley's and John G. Scott's corner; then with the line between said Wiley's and said Scott's to the Walden Ridge Railroad, and same course continued to the Valley Road, and same course still continued to the top of Walden's Ridge in the line between Morgan and Roane Counties, in all 124 poles to a stake, hickory and black oak pointers; thence north 61½ east 168 poles to the center of the gap of Walden's Ridge, then with the line between the counties of Morgan and Roane to the corner of the counties of Anderson, Morgan, and Roane, near the old salt well, then a direct line to the beginning.

**SECTION 2.** That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 23, 1889.

## Boundaries - Historical Notes

The following is a summary of acts which authorized boundary changes for Roane County.

1. Acts of 1803, Chapter 49, appointed George Preston a Commissioner to act with John McClellan to run the boundary line between Knox County and Roane County. Preston would replace Joseph Taylor who was formerly appointed to the task but moved away before entering upon the same. Preston would have the same authority as was granted to Taylor and would be paid at the same rate of pay.
2. Acts of 1806, Chapter 51, named Jesse Roysden, and Jacob Jones as Commissioners to run and mark the line between Roane County and Anderson County. The two named could employ someone to do the marking if they desired. The Commissioners would be paid \$2 per day and the marker, if hired, would be paid \$1 daily.
3. Acts of 1807, Chapter 9, was an act to reduce Roane County to its constitutional limits, describing the county as being bounded on the south-west by a line beginning on the north bank of the Tennessee, at the end of the ridge that divides the waters of White's Creek from those of Piney River; thence along said ridge to Wallen's Ridge; thence north forty-five west to the Overton County line. Arrangements were made for the proper collection of taxes and for the reporting of polls in elections at Kingston in Roane County.
4. Acts of 1807, Chapter 10, amended the Act above (Chapter 9) to make it lawful for the Sheriff of Roane County to execute all lawful process which were issued and came to the hands of the said Sheriff before the passage of the above amended Act, in the same manner as if the said act had not been passed, and the execution of said process would be as good and valid, although done within the limits of Rhea County, or Bledsoe County, as if the same had been accomplished in Roane County.
5. Acts of 1809, Chapter 20, provided that the line which would divide Roane County from Rhea and Bledsoe Counties would begin on the north bank of the Tennessee River at the mouth of White's Creek, thence up White's Creek as it meanders to the place where the road leading from Knoxville to Nashville crosses the main fork of the said White's Creek; thence north, forty west, to the

- Overton County line. Nothing contained in this Act would be construed to preclude the Sheriff of Roane County from collecting the State, County, and poor tax due in that part of Rhea County and Bledsoe County which is east and north of the above described line.
6. Acts of 1815, Chapter 75, provided that all that part of Rhea County lying north and east of the following described line, beginning at White's Creek, near Matthew English's saw mill, at the mouth of Crab Orchard Creek, thence running up said creek to the mouth of Burke's Creek, thence a direct course to the northwest corner of Roane County at the Overton County line would hereafter be a part of Roane County, but the Sheriff of Rhea County could collect those taxes due in the said area for the year, 1815.
  7. Acts of 1815, Chapter 200, extended the boundaries of Rhea County and Roane County, to the southern border of the State of Tennessee with the warning that nothing in this Act would be construed to authorize anyone to violate the laws of the United States which were in force and applicable to the Indian Reservations.
  8. Acts of 1817, Chapter 38, changed the lines between Anderson County and Roane County in the creation of Morgan County. The sections of this Act pertinent to Roane County are published herein.
  9. Acts of 1819, Chapter 3, Section 2, set up the boundary line of Roane County beginning at a point on the south side of the Tennessee River opposite the mouth of White's Creek; thence south, forty-five degrees east, ten miles; then a direct line to a chain of ridges four miles south of Browder's Ferry on the Big Tennessee River; thence with the said chain of ridges to the mouth of the Holston River. John W. Brazeal was appointed as the surveyor to run and mark the lines described above at a compensation of \$2 per day for each day spent in the performance thereof.
  10. Acts of 1821, Chapter 78, established the line between Roane County and Monroe County beginning on the south bank of the Tennessee River on the second range line east of the meridian, thence south with the said line to the present line, as the same has heretofore been run and marked.
  11. Acts of 1823, Chapter 256, Section 1, changed the boundary between Roane County and Monroe County beginning on the second range line east of the meridian where the present Monroe and Roane line leaves the same; thence with the said line to where the same strikes the township line, at or near Taylor Eldridge's reservation; thence with the said line to the extreme height of the Black Oak Ridge; thence along the same to the present line as heretofore marked and run. The remainder of this Act affected Monroe County only.
  12. Acts of 1837-38, Chapter 259, required the dividing line between Roane County and Rhea County to be run and established so as to include the possessions of Leonard C. Nance wholly within Roane County. The County Court of Roane County could appoint someone to run and mark the line, if they desired.
  13. Acts of 1845-46, Chapter 206, Section 17, changed the boundary line between Roane County and Morgan County so that the dwelling house and land of Henry King would be contained wholly within Roane County.
  14. Acts of 1855-56, Chapter 161, Section 7, realigned the boundary lines between Morgan County and Roane County so that the farms of Moses C. Winters and L. Rutor were included wholly within Roane County, any law to the contrary notwithstanding.
  15. Acts of 1855-56, Chapter 173, Section 7, provided that the Surveyors of Anderson County and Roane County would meet to run and mark the dividing line between those two counties from the Double Springs on Poplar Creek to a point on the Clinch River according to the terms of Chapter 45, Acts of 1801, Section 15. This line, when run and marked, would constitute the boundary between the two counties.
  16. Acts of 1857-58, Chapter 47, Sections 10 and 11, changed the boundaries between Anderson and Roane County as described in the Act to the extent that the properties belonging to D. L. Bradley, John R. Galbreath, Samuel Tunnell, William Rite, W. C. Griffith, and J. C. Roberts were all included wholly within Roane County. Section 11 placed the effective date of this Act at May, next, gave the people affected the right to vote in the next election, and the Sheriff of Anderson County could collect the taxes for the current year. This Act was repealed by Acts of 1857-58, Chapter 83.
  17. Acts of 1857-58, Chapter 83, provided that anyone who desired a boundary change between counties must file an application for the change, accompanied by a survey and plat of the same, with the Legislature before June 1 of the year preceding the meeting of the General Assembly. Section 2 moved the properties of James Sewel, William Carter, William Elkins, John Billingsly, and David H. Dickey out of Roane County and into Monroe County with the line now following the

- course described in the Act. Section 3 repealed the 10th Section of Acts of 1857-58, Chapter 47, Item 15, above, in its entirety.
18. Acts of 1857-58, Chapter 129, Section 5, changed the lines dividing Roane, Morgan, and Anderson Counties so that it would be continued between Roane County and Anderson County with the extreme height of the Pine Ridge, a northeasterly direction, to the Mountain Fork of Poplar Creek; thence up with the meanders of said Creek to the north side of Walden's Ridge; thence with the foot of said Ridge, a westerly direction to the West Fork of the Indian Fork of Poplar Creek, to the place where the county line between Roane County and Morgan County now crosses the Creek. This Act was repealed in Item 23, below.
  19. Acts of 1859-60, Chapter 196, Section 4, transferred the properties owned by D. H. Dickey and S. H. Caldwell out of Roane County and into Monroe County provided the move did not obstruct the road leading from Kingston to the Depot of the Eastern Tennessee and Georgia Railroad.
  20. Acts of 1866-67, Chapter 9, Section 2, rearranged the dividing lines between Roane County and Monroe County so that Carmichael's Island in the Tennessee River above Loudon would hereafter be wholly within Roane County.
  21. Acts of 1869-70, Chapter 48, Section 4, moved the residence and lands belonging to J. D. Turner out of McMinn County and into Roane County.
  22. Acts of 1869-70 (Ex. Sess.), Chapter 2, would have formed a new County in Tennessee by the name of Christiana out of portions of the counties of Blount, Roane, and Monroe around the area of Loudon as the same was more particularly described in the Act. The efficacy of this Act depended on the approval of the people living in the affected area in a referendum election. Since the County was apparently never established, it would be safe to assume the people did not approve in the election.
  23. Acts of 1869-70, (Ex. Sess.), Chapter 88, repealed Acts of 1857-58, Chapter 129, Item 18, above, in its entirety as it affected Roane, Anderson, and Morgan Counties and restored the boundaries between the respective counties as they existed prior to that act.
  24. Acts of 1870-71, Chapter 18, Section 6, changed the line between Roane County and Loudon County to run with the land line and to place the farms of B. F. Cooly and W. C. Burnett entirely within the limits of Roane County.
  25. Acts of 1870-71, Chapter 118, Section 2, detached the farms of Jesse Preston and Henry Bogart from Roane County and attached them to Loudon County.
  26. Acts of 1873, Chapter 76, affected the boundaries of the counties of Roane, Cumberland, and Morgan.
  27. Acts of 1875, Chapter 140, realigned the boundaries between Roane County and Loudon County so that the lands belonging to Calvin McChaffrey, Jackson West, G. Newman, John Estes, F. M. Estes, A. J. Ingram, Sanford Ingram, G. W. Simpson, A. Fittz, Robert Norwood, W. P. Tetrow, J. O. Hays, Eblin Potter, and DeWitt Abbott, would all be included in Loudon County, except that the line shall not run at any place closer than eleven miles to Kingston, the county seat of Roane County.
  28. Acts of 1879, Chapter 137, Section 8, transferred the lands of William Powell out of Cumberland County and placed them in Roane County. Section 9, of the same act, moved the entire farm owned by S. P. Cook out of Roane County and into Loudon County.
  29. Acts of 1883, Chapter 8, changed the lines between Roane County and Loudon County so that the farm belonging to J. L. Waller was situated wholly within the boundaries of Roane County.
  30. Acts of 1883, Chapter 89, rearranged the dividing lines between Roane County and Meigs County so that the home farm of E. M. Ewing, the lands of the heirs of Henderson Deatherage, William D. Browder, A. J. Hagler's home farm, Elizabeth Clower's lands, and those of Jeremiah Gepson, Sarah Woolsey, and Chrissie Woolsey would all be located wholly within Meigs County.
  31. Acts of 1883, Chapter 203, repealed Acts of 1870-71, Chapter 18, Section 4, Item 24, above, but this Section did not apply to Roane County.
  32. Acts of 1887, Chapter 127, required the counties of Anderson and Roane to appoint three Commissioners each, including the surveyors of each county, who would select a seventh commissioner, not to reside in either county, but who would also be a practical surveyor. The Committee would meet on a day appointed and make a survey of the line between the counties beginning one-fourth of a mile above the gap of the Indian Fork of Poplar Creek, thence south forty-five degrees east to Wallen's Ridge, one-fourth of a mile above the gap of the Indian Fork of Poplar Creek; thence a direct line to the double springs on the east Fork of Poplar Creek; thence

- to the Clinch River opposite to the mouth of Hickory Creek.
33. Acts of 1889, Chapter 34, changed the lines between Roane County and Anderson County.
  34. Acts of 1891, Chapter 244, detached the lands belonging to J. J. Winton from Roane County and attached them to Meigs County.
  35. Acts of 1899, Chapter 317, took all of the lot owned by William M. Freels, which was located in Anderson County, and placed it in Roane County.
  36. Acts of 1899, Chapter 330, rearranged the boundaries between Roane County and Morgan County beginning in the present line between Morgan County and Roane County at the junction of Clifty Creek with Emory River; thence running due east crossing Emory River and the Cincinnati, New Orleans and Texas-Pacific Railroad, in all 380 poles, to the extreme top of Walden's Ridge, the present line between Roane County and Morgan County. This Act was repealed by the Act following.
  37. Acts of 1901, Chapter 93, expressly repealed Acts of 1899, Chapter 330, Item above, in its entirety, restoring the boundaries of the counties as they were prior to the passage of that Act.

## Chapter V - Court System

### General Sessions Court

#### Private Acts of 1959 Chapter 77

**SECTION 1.** That there is hereby created and established a Court in and for all Counties having a population of not less than 31,575 and not more than 31,700 according to the Federal Census of 1950 or any subsequent Federal Census, which shall be designated as the General Sessions Court of said County. The Court shall be held in the Court House of each of said Counties and such other places in said Counties and times as the Judge of said Court shall designate by written rules of his Court and said Counties shall provide court rooms, dockets, a clerk's office, furnishings, and necessary supplies for the equipment and maintenance of said Court, and pay for same out of the ordinary funds of said Counties.

**SECTION 2.** That should this Act apply to Roane County, the said Court shall be officially designated as the "General Sessions Court of Roane County", and the said Court is hereby vested with all of the jurisdiction and shall exercise the authority conferred by the General Assembly of the State of Tennessee upon the Justices of the Peace in civil and criminal cases and actions, and the Justices of the Peace in all Counties to which this Act applies are hereby divested of all such jurisdiction, power, and authority. The authority of said Justices of the Peace in their capacity as members of the Quarterly County Court, or in the performance of the rights of matrimony is in nowise affected by this Act; and the said Justices of the Peace shall retain the power and authority to issue warrants, both civil and criminal, and to subpoena witnesses, but said warrants shall be returnable for trial before the Judge of the General Sessions Court. But this Act shall in no wise affect the rights, powers and duties of any City Judge or Recorder in said County, except insofar as the City Judge or Recorder may exercise the said functions of an ordinary Justice of the Peace.

**SECTION 3.** That the General Sessions Court of Roane County shall have jurisdiction concurrent with the Circuit and Chancery Courts of the State of Tennessee to try and dispose of divorce cases and replevin actions, and said Court shall try and dispose of divorce cases and replevin actions in the same manner and with the same authority as is vested in the Circuit and Chancery Courts of the State of Tennessee, and the said General Sessions Court is hereby vested with original jurisdiction, said jurisdiction being concurrent with the Circuit and Criminal Courts of the State of Tennessee, to try and dispose of all cases relating to the abatement of certain public nuisances as set forth in Sections 23-301 to 23-316 inclusive of Tennessee Code Annotated.

Effective September 1, 1982, the General Sessions Court of Roane County shall be vested with jurisdiction to hear all juvenile cases, and to hear the probate and administration of wills and estates to the extent such jurisdiction was vested in the Office of the County Judge.

As amended by: Private Acts of 1982, Chapter 312

**SECTION 4.** That the Judge of said Court is hereby vested with and shall have interchangeable and concurrent jurisdiction with the Chancery and Circuit Judges of the State of Tennessee to grant fiats for writs of injunction, attachments and in other such actions where fiats are required.

**SECTION 5.** That before the commencement of any civil action, the plaintiff shall execute a cost bond with good security in the sum of Twenty Five (\$25.00) Dollars, or in lieu thereof, make a cash deposit with the Clerk of the General Session Court of not less than Five Dollars (\$5.00) and not more than Twenty

Five (\$25.00) Dollars to secure the costs; but this Section does not prohibit any resident of the State of Tennessee taking the oath prescribed for poor persons to secure the costs.

**SECTION 6.** That the laws now regulating pleading and practice, stay of judgments, writs and processes in civil cases in the Courts of Justices of the Peace, shall apply to and govern said Court insofar as the jurisdiction of said Court as vested by Section 2 of this Act is concerned; and appeals from said Court shall be to the Circuit Court and shall be perfected in the same manner and within the same time as is now provided for appeals from Courts of Justices of the Peace.

**SECTION 7.** That the General Sessions Court shall be a Court of Record, and have a common seal and there shall be one civil docket and one criminal docket for the Court in which all cases to be tried under the jurisdiction conferred by Section 2 of this Act shall be entered immediately upon the issuance of the warrant; except that warrants issued by Justices of the Peace shall be entered immediately upon receipt by the Clerk of the General Sessions Court. Upon said docket shall be entered the style and number of each case, the date of the issuance of the warrant or process, the name of the officer to whom delivered, the return of the process in brief form, orders, judgments, executions, garnishments, lists of the fees of the Court, of the Sheriff and all other Officers for their respective services, fees of witnesses for attendance, credits for payments upon judgements and upon costs, and the Judge by whom the case was tried. There shall be a direct and cross index of each case in the civil docket and a direct index giving the name of the defendant on the Criminal Docket, so as to provide ready access to the record of each case. The Officer to whom a warrant is given for service shall give a receipt for same, and no warrant, either criminal or civil, shall be taken from the office of the General Sessions Court until its issuance has been entered on said docket.

That in all cases tried and determined by the General Sessions Court and in which said Court has jurisdiction concurrent with the Circuit and Chancery Courts, the pleading and practice of such cases shall be the same as is provided by law for the pleading and practice of such cases in the Circuit and Chancery Courts; and the General Sessions Court shall keep a separate docket and Minute Book for all cases tried by said Court in which it has jurisdiction concurrent with the Circuit and Chancery Courts, and the Minutes of said Court shall be kept in the same manner as is required by law for Clerks and Masters of the Chancery Court to keep their Minute Books, and the Minutes of said Court shall be read in open Court and signed by the Judge as provided by law for Courts of Record.

Upon approval of this act as provided in Section 2, the Clerk of the General Sessions Court of Roane County shall also serve as the Clerk of the Juvenile Court of Roane County and the county clerk shall cease to be clerk of such juvenile court. In those cases of juvenile jurisdiction conferred on the General Sessions Court by this act, separate docket and minute books shall be kept by the Clerk of the General Sessions Court. Upon approval of this act as provided in Section 2, the county clerk shall immediately transfer all records, files and other documents in such county clerk's possession relating to the Juvenile Court of Roane County to the Clerk of the General Sessions Court of Roane County.

As amended by: Private Acts of 1994, Chapter 154

In those cases of probate or administration of estates jurisdiction conferred on the General Sessions Court by this act, separate docket and minute books shall be kept by Clerk and Master of the Chancery Court of Roane County who shall serve as clerk to the Judge of the General Sessions Court in these matters only.

**SECTION 8.** That the General Sessions Court shall be in session daily, except Saturdays, Sundays and legal holidays, and each Saturday night from and after 8 o'clock P.M. until 11 o'clock P.M. for the examination and hearing of persons charged with any criminal offense, and taking and fixing of bail for the appearance of the accused, or ordering their discharge or commitment of jail, as required by law.

That the Judge of said Court shall adopt such rules as may be necessary to expedite the trial and disposal of cases. All process shall be returnable to the First Monday following the fifth day after service of process thereof, except on special order of the Court; and each Monday shall be a Rule Day so as to carry out the provisions of Section 3 of this Act.

**SECTION 9.** That the General Sessions Court, except as hereinbefore provided, is hereby vested with jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before said Court by warrant or information wherein the person charged with such misdemeanor offenses enters a plea of guilty or requests a trial upon the merits, and expressly waives an indictment, presentment, and a Grand Jury investigation, and a jury trial, provided that the General Sessions Judge shall not levy a fine in excess of \$50.00. In such cases the trial shall proceed before the Judge and without a jury. The final judgment of such Court may be appealed to the Criminal Court, where such appeal shall be tried by a Judge of such Court without a jury and without indictment or presentment.

**SECTION 10.** That it shall be the mandatory duty of the Judge of the General Sessions Court, when a defendant is brought before said Court upon assignment or trial, to advise such defendant of his constitutional rights, to the aid of counsel, the right to be tried only upon presentment or indictment by a

Grand Jury, the right to make a statement in reference to the accusation or the right to waive such statement, and the right to a trial by jury. Upon the defendant agreeing in writing to waive the right to be put on trial only by presentment or indictment by a Grand Jury and the right to be tried by a jury of his peers, such Court may proceed to hear and determine said case as is provided in Section 9 of this Act. Said waiver shall be written on or attached to the warrant substantially in words and figures as follows:

The defendant \_\_\_\_\_ pleads \_\_\_\_\_ guilty to the offense of \_\_\_\_\_ and waives his right to be tried only by indictment or presentment preferred by a Grand Jury and likewise waives trial by a jury of his peers.

**SECTION 11.** That no warrant or information charging a person with an offense against the laws of the State shall be delivered to any Peace Officer for the arrest of such person until after an entry in the Criminal Docket of the General Sessions Court has been made by the Clerk or Judge of said Court, showing the names of the person or person accused, the prosecutor, the Officer to whom delivered, and his signature upon said Docket showing receipt of such process; except that Criminal Warrants issued by Justices of the Peace shall be entered immediately upon receipt by the Clerk of the General Sessions Court; all of such warrants, information, dockets, and other records of the General Sessions Court shall be available to the District Attorney General for any legal purpose.

**SECTION 12.** That all appeal bonds in civil cases, all bail bonds, recognizance bonds and appearance bonds of persons charged with criminal offenses for their appearance for assignment or trial in said General Sessions Court shall be taken by the Clerk or the Judge of said Court. This provision shall in no wise abridge the authority of the Sheriff to take bonds as is now provided by law.

**SECTION 13.** That an appeal from any case in which the jurisdiction of the General Sessions Court is concurrent with the Chancery, Circuit, and Criminal Courts, said appeal shall be to the same Appellate Court, and shall be perfected in the same manner and according to the same procedure as a similar case would be appealed from the Circuit, Chancery, and Criminal Courts.

**SECTION 14.** That in all cases tried under the jurisdiction conferred by Section 2, and Section 3 of this Act, the costs and fees of the General Sessions Court shall be the same as those provided by law for Justices of the Peace, except that in divorce cases the costs and fees shall be the same as for Circuit and Chancery Courts.

The fees and other compensation of the Sheriff, his Deputies, Constables, Game Wardens and State Highway Patrolmen for the execution of writs and process of said Court, and for attendance and mileage of witnesses shall be the same in said Court as those provided by law for the Courts of Justices of the Peace. All costs, fees, and mileage of witnesses, the fees, commissions, and emoluments of the Sheriff, his Deputies, Constables, State Highway Patrolmen, Game Wardens and other Officers, for services to said Court, and the fines, and forfeitures adjudged by said Court shall be handled, accounted for, and disbursed as required by law.

In those cases of juvenile, probate or administration of estates jurisdiction conferred on the General Sessions Court by this act, the costs and fees shall be as set from time to time by the general law.

As amended by: Private Acts of 1982, Chapter 312

**SECTION 15.** Beginning September 1, 1998, the court shall be divided into Part I and Part II, and there shall be two judges for the Court. Each judge shall have all the qualifications as prescribed by law for the Circuit Court Judges, shall take the oath prescribed for Circuit Court Judges, and shall have all the jurisdiction conferred upon the Judge of the General Sessions Court of Roane County, whether by general law or private act, specifically including but not limited to, jurisdiction to hear all juvenile cases and to hear the probate and administration of wills and estates conferred under Private Acts of 1982, Chapters 312, 323, and 380, as amended. The present judge of the court shall become the Judge of Part I of the court for the remainder of his current term in office. At the August, 1998 General Election, a Judge of Part I and a Judge of Part II of the court shall each be popularly elected to an individual initial eight (8) year term, and to eight (8) year terms thereafter, and shall take office on September 1 following the election. The Judge of Part I shall be the Senior Judge from September 1, 1998 until August 31, 2000, the Judge of Part II shall be the Senior Judge from September 1, 2000 until August 31, 2001, and thereafter the designation of Senior Judge shall alternate annually between the judges of the court. The Senior Judge shall be vested with the authority to assign for trial and disposition all matters, suits and cases which may be filed with the court.

As amended by: Private Acts of 1998, Chapter 135

**SECTION 16.** The compensation of the Judge of the General Sessions Court shall be forty thousand (\$40,000.00) dollars per annum, payable in monthly installments out of the general fund of the county of which he presides, and said compensation shall be in lieu of fees; provided however, that in the event that



the State of Tennessee shall pay any type of remuneration (sic) directly to the General Sessions Judge of Roane County, Tennessee, for the General Sessions Court assuming the juvenile jurisdiction heretofore exercised by the County Judge, that any such amount so paid directly to the Roane County General Sessions Judge shall be deducted from the aforesaid annual salary of forty thousand dollars (\$40,000.00), and Roane County shall be liable for the difference between the amount paid directly to the General Sessions Judge by the State of Tennessee and the forty thousand dollars (\$40,000.00) salary as set out aforesaid.

As amended by: Private Acts of 1965, Chapter 134  
 Private Acts of 1974, Chapter 200  
 Private Acts of 1982, Chapter 312

**SECTION 17.** That should this Act apply to Roane County, the Judge of the General Sessions Court shall be elected by the qualified voters of said County at the general election on the first Thursday of August, 1960, to serve for a term of six (6) years beginning September 1, 1960, or until his successor is elected and qualified. His successor shall be elected at the general election on the first Thursday of August, 1966, for a term of eight years and thereafter the election shall be every eight years at the time when the regular State Judges are elected, and each term shall be for eight years. The Governor of the State of Tennessee shall fill any vacancy which might result from the death, resignation, or incapacity of the Judge of the General Sessions Court by appointment as is now provided by law for filling vacancies created by the death, resignation, or incapacity of a Circuit Judge.

**SECTION 18.** That if the Judge of said Court fails to attend, cannot preside in a pending case, or for any reason fails to hold Court, then a majority of the attorneys present in such Court may elect one of their number who has the qualifications of such Judge, and when elected shall have the same authority as a regular Judge to hold the Court for the occasion. The Clerk of said Court shall preside at said election and shall keep in his office a permanent record of the election of such special Judges. Such special Judges shall not be entitled to compensation for their services.

**SECTION 19.** That should this Act apply to Roane County, the Clerk of the Circuit Court of said County shall act as the Clerk of the General Sessions Court, and when acting as Clerk of said Court, shall be designated as the "Clerk of the General Sessions Court of Roane County." Upon proper petition to the Chancery or Circuit Court of such County, he shall be allowed such additional deputy or deputies as may be necessary efficiently to conduct the business of the office, and likewise upon petition to either of said Courts the Chancellor or Circuit Judge may fix the compensation to be paid said deputy or deputies performing duties required by the General Sessions Court of said County. Such deputy or deputies shall possess all the powers herein conferred upon the Clerk. The Clerk, or his deputy or deputies for said Court shall be paid the sum of ten (10¢) cents a mile for the same travel required by the duties of this office as is hereinbefore provided for the judge of said Court, upon filing (sic) in the Clerk's Office by the claimant of a sworn itemized statement once each month showing the travel and amount involved. The Clerk is allowed to pay the compensation and travel allowances of his deputy or deputies out of the fees, commissions and emoluments of said General Sessions Court collected by him. The surplus, after paying the compensation and travel allowances of his deputy or deputies, and after paying costs, fees, and other sums as may be fixed by law or by this Court for parties, officers, witnesses etc., shall be paid into the general funds of the County. The Clerk of said Court shall have concurrent authority with the Judge of said Court to issue warrants and other processes and writs, except those which the law requires shall be issued only by or upon the fiat of a judicial officer.

Provided, however, in those cases of probate, or administration of estates, jurisdiction conferred on the General Sessions Court by this act, the Clerk and Master of Chancery Court of Roane County shall serve as Clerk to the Judge of the General Sessions Court. The Clerk and Master shall serve as clerk only as to these matters.

Provided, however, in those cases of juvenile jurisdiction conferred by this act, the County Clerk shall serve as Clerk to the Judge of the General Sessions Court. In all other matters over which the Judge of General Sessions Court has jurisdiction, the Clerk of the Circuit Court shall continue to serve as Clerk of the General Sessions Court of Roane County.

As amended by: Private Acts of 1973, Chapter 37  
 Private Acts of 1982, Chapter 312

**SECTION 20.** That the Sheriff of any County to which this Act applies, shall assign a Deputy Sheriff to attend the sessions of said Court to preserve order and to wait on and serve said Court. The Sheriff shall receive no additional compensation for his services or those of the Deputies so assigned, however, such Deputy Sheriff so assigned shall be appointed and compensated in the same manner as now provided by law for the appointment and compensation of Deputy Sheriffs of said County.

The Clerk of said Court shall certify to the County Judge of said County the names of the Deputy Sheriffs so assigned to said Court. The County Judge shall issue warrants drawn upon the Trustee for their

compensation as provided herein.

The Sheriff of said County, or any Deputy Sheriff or Constable thereof shall serve legal processes, writs, and papers issued by the General Sessions Court with the same authority as provided by law in other inferior courts.

**SECTION 21.** That at the time this Act becomes effective all of the official dockets and records and papers in cases that are disposed of or that are undisposed of and pending, belonging to the Justices of the Peace or former Justices of the Peace of any County to which this Act might apply, shall be delivered to the General Sessions Court as the successor of the said Justice of the Peace. Papers in cases that are undisposed of and pending in the offices of the Justices of the Peace shall be delivered to the Clerk of the General Sessions Court.

**SECTION 22.** That the General Sessions Court shall have authority to hear and determine all undisposed of cases pending in the Courts of Justices of the Peace and any County to which this Act applies as if such cases had originated in the General Sessions Court.

**SECTION 23.** That this Act shall in no wise impair the right, title, or interest of any Justice of the Peace to any unpaid fees, or funds in which he had a right or interest in any proceeding, judgement, or suit, whether said cause is disposed of or pending when this Act becomes effective.

**SECTION 24.** That this Act shall have no effect unless the same shall be approved by a majority of the voters voting in an election to be held for such purpose. Within fifteen (15) days after the approval of this Act by the Governor, it shall be the duty of the County Board of Election Commissioners of the county (to which this Act applies) to call an election (for the county) to be held not less than twenty (20) nor more than forty (40) days from the date of such call for the purpose of accepting or rejecting the provisions of this Act. The ballots used in such election shall have printed thereon "General Sessions Court for Roane County" and the title of this Act and voters shall vote for or against its adoption. The votes cast at such election shall be canvassed by the County Board of Election Commissioners upon the first Monday occurring five (5) or more days next after the date of such election and the results shall be proclaimed by such board and certified to the Secretary of State. The qualification of voters shall be that provided by law for participation in general elections shall apply to an election held hereunder. The expenses of said election shall be paid for out of the general funds of the County wherein said election is held.

**SECTION 25.** That the Legislature expressly declares that each section, subsection, paragraph, and clause of this Act is severable, and that should any portion of this Act be held unconstitutional or invalid, the same shall not affect the remainder of this Act, but such unconstitutional or invalid portions shall be elided, and the Legislature declares that it would have enacted this Act with such unconstitutional or invalid portions elided therefrom.

**SECTION 26.** That all laws and parts of law in conflict with this Act are hereby repealed.

**SECTION 27.** That this Act shall take effect on September 1, 1960, at the time designated for said Judge's term of office to begin, but to be effective also in such manner as to provide for the referendum and the election of said Judge prior thereto as hereinbefore stated, the public welfare requiring it.

Passed: February 23, 1959.

## Court System - Historical Notes

### **Board of Jury Commissioners - Jurors**

The following acts once affected jurors or boards of jury commissioners in Roane County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1825, Chapter 279, provided that hereafter, when any person was summoned as a juror in either Humphreys, Perry, or Roane Counties, who lived on the opposite side of the Tennessee River from the side on which the county seat was located, it would be the duty of the ferry men where any of the jurors must cross the river to attend the court summoning them as such to give the jurors a certificate where they paid their fares which the juror could file with the Trustee and be reimbursed the full amount of the ferry charge.
2. Acts of 1891, Chapter 26, provided that a special law court would be held at Rockwood in Roane County for the residents of the Sixth, Seventh, Eleventh, Twelfth, and Thirteenth Civil Districts of the county. This court would be one of the courts of the Third Judicial Circuit, held by the Judge of that circuit with jurisdiction of all civil and criminal cases arising in those civil districts. The Circuit Court Clerk at Kingston would transfer all the records of his court in these cases to the court at

Rockwood and would likewise serve as the clerk of that court. The expenses of this special court would be paid out of the county treasury. This Act was repealed by the one following.

3. Acts of 1893, Chapter 52, repealed Acts of 1891, Chapter 26, and directed that all the unfinished business in the law court at Rockwood be transferred to the circuit court at Kingston, and all process and bonds likewise made to conform. Forfeitures would be taken, when necessary, by the court at Kingston.
4. Private Acts of 1905, Chapter 397, set up a Board of Jury Commissioners in Roane County composed of three discreet freeholders of the county, who were not attorneys or state, county, or city officials, who had no suit pending in court, and no more than two being of the same political party, who would be appointed for a term of six years by the circuit court judge, and who must be sworn into office by the oath prescribed in this Act. The Circuit Court Clerk, who would also be sworn according to another oath in this act, would serve the board as a clerk. The Board, after meeting and selecting one of their number as Chairman, was required to select from the tax rolls, or from other public sources, a number of names equal to one-fifth of the number voting in the past presidential election, but never less than 250 nor more than 1500, who would make up the Jury List for the next two years. These names had to be entered in alphabetical order in a book provided for the Board by the Clerk and certified by all board members. This list would further be reported at the next term of the circuit court. These names were to be written also on scrolls, or cards, and placed into a box which would be locked and sealed, never to be opened except in the presence of the Board, or the Judge. From ten to fifteen days before the term of court would open, the box would be brought into court and opened, and a child under ten years of age would draw out the number of names ordered by the court which names were to be certified by the Board and delivered to the court. Five days before the court term opened the list would be sent to the Sheriff who would summon the jurors. Adequate records must be kept of those serving as jurors, and no excuse would be accepted by anyone other than the Judge.
5. Private Acts of 1911, Chapter 225, established Boards of Jury Commissioners in the counties of Monroe, McMinn, and Roane. A three member board would be appointed by the circuit judge of the county from different geographical sections of the same, who were not attorneys, not state, county or city officers, who had no suit pending, and not over two from the same political party, who would serve a six year term, and be sworn into office under the terms and oath of the act. The Circuit Court Clerk would serve as clerk after being sworn to the oath prescribed in the Act. The Board must meet, select a chairman, and choose from the tax rolls, or other public sources, a number of names equal to one-fifth of the total votes cast in the latest presidential election but in no case to fall under 250, nor more than 1000. These people would be the Jury list for the next two years. Their names would also be entered in a book, furnished by the circuit court clerk in alphabetical order and the list be certified by all members of the Board. The names of those who were dead, or had been removed from the county were to be purged from the list. Provisions were made to summon special panels for the special cases and to replenish panels which might be on the verge of exhaustion. The Sheriff must summon the prospective jurors from the list of names delivered to him by the Board. The court had the power to investigate suspected frauds and irregularities. A schedule of forfeits and fines was established for non-compliance with, or violation of the terms thereof.
6. Private Acts of 1925, Chapter 521, formed Boards of Jury Commissioners for Blount, McMinn, Roane, Monroe, Bradley, Polk, and Loudon Counties, who were to be appointed by the Judge of the Criminal Court, or the Circuit Court with Criminal Jurisdiction, the three of whom must possess the qualifications listed in the two preceding acts, but who would serve only a four year term and could not be reappointed. The Circuit Court Clerk was to continue as the Clerk to the Board in whose office the Board would meet on the first Monday in May, 1925, and every two years thereafter, to select a list of no less than 400 nor more than 800 names from the tax rolls, or other sources of public information, who, when chosen, would be the jury list for the next two years. The requirements for entering the names in a book and placing them in a box were the same as before. Two weeks before the court term, the Board would meet, shake the box, and a child under ten years of age would draw out of the box the number of names needed for the circuit and other courts. These cards would be placed in an envelope, confirmed, and sent to the Judge of the Criminal Court. The clerk would keep these names and return them to the box at the next board meeting. The Sheriff was obliged to summon both venires of prospective jurors. Provisions for special jury panels and to replenish exhausted panels were made simply to bring the box back into court and draw more names out of it. The remaining terms of this act were similar to the above acts except the Jury Commissioners would be paid \$4 each day for the time spent in this service.

7. Private Acts of 1927, Chapter 285, amended Private Acts of 1925, Chapter 521, Item 6, above, so that the act would no longer apply to Loudon County.
8. Private Acts of 1929, Chapter 797, amended the caption of Private Acts of 1905, Chapter 397, which applied only to Roane County, and which had apparently been superseded by the subsequent acts on the same subject, by making some changes in Sections 4, 7, and 18.
9. Private Acts of 1931, Chapter 556, applies to several other counties as well as Roane and contains only a general repealing clause. Many of its terms correspond to those of preceding acts reported on these pages except the prohibition on the reappointment of a board member was removed. The remainder of this lengthy statute was a reenactment of the prior acts on this subject and unnecessary to be repeated here. This Act was cited and considered in *Baker v. State*, 191 Tenn. 560, 235 S.W.2d 435 (1951).
10. Private Acts of 1949, Chapter 511, stated that in Roane County (identified by the use of the 1940 Federal Census figures) all jurors, both grand and petit, would be paid at the rate of \$5 per day but no tales jurymen would be paid under this act unless serving more than one day.
11. Private Acts of 1955, Chapter 95, was properly ratified by the quarterly court but was also subject to approval by the voters in a referendum. The act would pay the jury commissioners \$10 each day and the same mileage as was then being paid to tales jurors. This Act has been superseded by public law.

### **Chancery Court**

The following acts form an outline of the development of equity jurisdiction in Roane County, although they no longer have the force of law since they have either been superseded by general law, repealed, or failed to receive local ratification.

1. Acts of 1822, Chapter 13, provided that the Judges of the Supreme Court would arrange to hold a Court of Equity at the present places of holding the Supreme Court at least once each year. The Chancery Court would be held at Rogersville on the first Monday in November, at Charlotte on the fourth Monday in December, at Sparta on the second Monday in December, at Nashville on the fourth Monday in January, and at Columbia on the second Monday in January. Each term of court would endure for two weeks unless the docket was cleared in a shorter time.
2. Acts of 1824 (Ex. Sess.), Chapter 14, scheduled the meetings of the Supreme Court at Knoxville, Sparta, and Nashville. The Act further directed the Judges of the Supreme Court to arrange among themselves to hold the Chancery Courts of the State at least twice each year at Greenville, Rogersville, Kingston, Carthage, McMinnville, Franklin, Columbia, Charlotte, and Jackson. The Chancery Court at Kingston would hear and decide cases arising in the counties of Knox, Anderson, Morgan, Roane, Rhea, Hamilton, Campbell, McMinn, Monroe, and Blount. The terms of Court would start in Kingston on the first Monday in June and December.
3. Acts of 1827, Chapter 79, formed two Chancery Divisions in Tennessee. The Eastern Division had in it the Courts at Rogersville, Greenville, Kingston, Carthage, and McMinnville, while the Courts at Franklin, Columbia, Charlotte, Jackson, and Paris were assigned to the Western Division.
4. Acts of 1827, Chapter 88, directed the Chancellors of the Eastern Division to hold the Courts therein as they were specified to be held in this Act at Greenville, Rogersville, Carthage, McMinnville, and at Kingston on the first Monday in June and December for the counties of Knox, Blount, Anderson, Morgan, Roane, Rhea, Hamilton, Campbell, McMinn, and Monroe.
5. Acts of 1829, Chapter 27, changed the opening dates for the terms of the Chancery Court at Kingston to be held hereafter on the fourth Monday of May and November each year.
6. Acts of 1831, Chapter 217, decreed that the Chancery Court at Kingston would hear cases hereafter only arising in the counties of Rhea, Hamilton, Roane, and Morgan.
7. Acts of 1832, Chapter 19, rearranged the times for opening the Chancery Courts in all the Courts of the State. The Chancery Court at Kingston would commence its terms of Court hereafter on the second Monday in June and December.
8. Acts of 1835-36, Chapter 4, created three Chancery Divisions in Tennessee, pursuant to the adoption of the new State Constitution, each of which was further divided into Districts. In the Eastern Division the counties of Morgan and Roane would compose the Seventh District whose Court would be held at Kingston on the third Monday in April and October. The other grand divisions were the Middle Division and the Western Division.
9. Acts of 1837-38, Chapter 116, set up the terms of the Chancery Courts for several of the counties in the Eastern District. The Eastern District courts which were changed were those at Jonesboro, Greenville, Rogersville, Tazewell, Dandridge, Knoxville, Pikeville, Madisonville, and Kingston whose

- Court terms would begin on the fourth Monday in March and September. Equity causes in Roane County could be filed in either Kingston or Madisonville as the complainants elected.
10. Acts of 1853-54, Chapter 54, created the Fifth Chancery Division which was composed of the Chancery Courts meeting at Maryville, Kingston, Madisonville, Athens, Benton, Cleveland, Washington, Harrison, Pikeville, Jasper, Sparta, and Livingston, and the counties which were attached to those courts. A Chancellor, who must be a resident of the Division, would be elected to preside over the new Division.
  11. Acts of 1855-56, Chapter 13, reset the Chancery Court terms for Roane County to begin in Kingston on the first Monday after the fourth Monday in March, and on the first Monday after the fourth Monday in September of each year.
  12. Acts of 1855-56, Chapter 112, rescheduled the terms of the Chancery Courts at Jasper, Pikeville, Sparta, Livingston, Jamestown, Montgomery, Kingston, Decatur, and Washington in the Fifth Chancery Division. The terms of court would begin at Kingston on the third Monday in April and October.
  13. Acts of 1857-58, Chapter 9, changed the opening dates of the Chancery Court terms in Montgomery and Kingston, in Roane County; Montgomery's Chancery Court would start its terms on the third Mondays in April and October, while Kingston's would be held on the first Thursdays after the third Mondays in April and October.
  14. Acts of 1857-58, Chapter 88, divided Tennessee into the Eastern, Middle, Western, Fourth, Fifth, and Sixth Chancery Divisions. The Fifth Chancery Division included the counties of Polk, McMinn, Bradley, Hamilton, the Court at Chattanooga, Marion, Cumberland, Bledsoe, White, Overton, Fentress, Scott, Morgan, Meigs, Rhea, Blount, Monroe, and Roane whose court would continue to meet in Kingston on the Thursday after the third Monday in April and October.
  15. Acts of 1865, Chapter 7, was a post Civil War Act which formed the 8th Chancery Division in Tennessee consisting of the counties of Sevier, Blount, Monroe, Roane, Knox, Anderson, and McMinn. A Chancellor would be appointed, or elected, to serve until his successor was elected.
  16. Acts of 1865, Chapter 14, set the terms of court for the counties in the newly formed Eighth Chancery Division. The terms of the Chancery Court at Kingston in Roane County would start on the Thursday after the third Monday in April and October, all process being made to conform to those dates. The Chancellor of this Division was also charged to hold the Circuit Court in these counties by interchange.
  17. Acts of 1865-66, Chapter 41, changed the terms of the Chancery Court in the Counties of Campbell, Union, Blount, and Roane whose court terms in Chancery reverted back to the third Monday in April and October.
  18. Acts of 1866-67, Chapter 33, provided that hereafter the Chancery Court of Roane County would be held at Kingston on the fourth Monday of April and October.
  19. Acts of 1868-69, Chapter 8, provided that the Chancery Court of Roane County would hereafter begin its terms of court on the fourth Monday in May and November with all process being directed to conform.
  20. Acts of 1869-70, Chapter 60, Section 4, required that all suits now pending in Roane County's Chancery Court in which all the parties litigant live in Morgan County to be transferred together with all the records and exhibits to Morgan County to be heard.
  21. Acts of 1870, Chapter 32, reorganized the lower equity court system of the State into twelve Chancery Districts. The Second Chancery District contained the counties of Knox, Sevier, Campbell, Union, Anderson, Roane, Monroe, Blount, Scott, Morgan, Fentress, and Christiana, if formed.
  22. Acts of 1870, Chapter 47, scheduled the opening dates for the terms of the Chancery Courts in every county in the State. The Chancery Court in Roane County would commence its terms on the fourth Monday in May and November.
  23. Acts of 1870 (Ex. Sess.), Chapter 57, was a duplicate of Acts of 1869-70, Chapter 60, Item 20, above, which allowed the transfer of equity cases to Morgan County.
  24. Acts of 1871, Chapter 92, Section 2, set the terms of the Chancery Court of Roane County to begin on the second Monday in March and September of each year, all clerks being required to make process conform to these dates.
  25. Acts of 1872 (Ex. Sess.), Chapter 15, Section 4, rescheduled the terms for the Chancery Courts in the Second Division which were Knox, Sevier, Union, Morgan, Fentress, Scott, Loudon, Anderson, Blount, Campbell, and Roane where the regular terms of Chancery Court would begin on the

- second Monday in May and November.
26. Acts of 1885 (Ex. Sess.), Chapter 20, was a major revision of the lower court system of Tennessee. Eleven Chancery Divisions were designated in the State of which the Second Division included the counties of Knox, Campbell, Sevier, Union, Anderson, Blount, Loudon, Morgan, Scott, and Roane where the terms of the Chancery Court would start on the second Monday in May and November. This Act, plus several others, was considered by the Supreme Court in the case of *Flynn v. State*, 203 Tenn. 341, 313 S.W.2d 249 (1958).
  27. Acts of 1887, Chapter 92, rescheduled the terms of the Chancery Courts in the Second Chancery Division of Tennessee. In Roane County the regular terms of the Chancery Court were to begin on the second Monday in January and July.
  28. Acts of 1899, Chapter 212, abolished the Second Chancery Division in Tennessee.
  29. Acts of 1899, Chapter 214, moved the counties of Sevier, Blount, and Loudon out of the Second Chancery Division and into the First Chancery Division. The Act also moved the Counties of Union, Campbell, Anderson, Knox, Roane, Morgan, and Scott out of the Second Division and into the 12th Chancery Division which already contained the Counties of Sullivan, Hawkins, Hamblen, Grainger, Claiborne and Hancock. Court terms would continue in Roane County on the second Monday in January and July.
  30. Acts of 1899, Chapter 427, reorganized the entire lower judicial system in the State into ten Chancery Divisions. The Second Chancery Division was composed of the counties of Sevier, Blount, Loudon, Campbell, Anderson, Roane, Morgan, Scott, Union, Fentress, and Jefferson. Regular Chancery Court terms would begin in Roane County on the third Monday in February and August.
  31. Acts of 1901, Chapter 438, reset the regular terms of the Chancery Courts in the Second Chancery Division which consisted still of those counties listed in Item 30, above. The court terms would begin in Roane County on the second Monday in June and December.
  32. Private Acts of 1911, Chapter 397, amended Acts of 1901, Chapter 438, Section 2, Item 31, above, to provide that the Chancery Court of Campbell County would meet on the days specified in the Act and the Chancery Court terms in Roane County would begin on the first Monday in June and December.
  33. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, was the next wholesale change in the lower court system in Tennessee. Fourteen Chancery Divisions were formed of which the Second Chancery Division contained the counties of Loudon, Hawkins, Claiborne, Hancock, Campbell, Anderson, Scott and Roane. The regular terms of court in Roane County would commence on the first Monday in June and December. This was the last Act of this nature to appear in the volumes of private acts. All future changes would be public acts in the form of Code Amendments.

### **Chancery Court - Clerk and Master**

The reference list below contains acts which once applied to the clerk and master in Roane County.

1. Acts of 1824 (Ex. Sess.), Chapter 14, set forth the duties of the Clerk and Master in Kingston, who would be over chancery cases in Roane, Knox, Anderson, Morgan, Rhea, Hamilton, Campbell, McMinn, Monroe and Blount Counties.
2. Private Acts of 1973, Chapter 37, amended Private Acts of 1959, Chapter 77, which created the General Sessions Court of Roane County, in Section 19 by making the Circuit Court Clerk the Clerk of the General Sessions Court instead of the Clerk and Master of the County.

### **Circuit Court**

The following acts were once applicable to the circuit court of Roane County but now have no effect, having been repealed, superseded, or having failed to win local approval.

1. Acts of 1801, Chapter 45, which created Roane County, made the new county a part of the Hamilton District, and provided for the courts to meet at the house of Alexander Carmichael in Kingston until a court house could be built or more suitable quarters found for the courts.
2. Acts of 1809, Chapter 49, divided the State into five Judicial circuits assigning the counties of Cocke, Jefferson, Sevier, Blount, Knox, Anderson, Roane, Rhea, and Bledsoe to the Second Judicial Circuit. Circuit Courts would be held twice each year in each county. The Circuit Court for Roane County would be held twice each year in each county. The Circuit Court for Roane County would begin its regular terms on the first Monday in March and September at the court house in Kingston.

3. Acts of 1817, Chapter 132, changed the opening dates of the regular circuit court terms for several counties in the Second Judicial circuit, designating the second Monday in March and September as the starting dates for the Roane County Circuit Court.
4. Acts of 1819, Chapter 72, created a Seventh Judicial Circuit in the State of Tennessee which included the counties of Roane, Rhea, Bledsoe, Marion, Hamilton, McMinn and Monroe. The Governor was obligated to appoint a Judge for the new circuit who must reside therein and who would preside over the various courts at the term times specified which in Roane County, was the second Monday in March and September.
5. Acts of 1824, Chapter 60, was the legislative authority for the Judge of the Circuit Court in Roane County to set a time at the next, or at any ensuing term of court which would be the most convenient to the parties involved for a special term of court; sufficient notice must be given which would be adequate for the preparation of the cases to be heard. The Clerks of the Court would act and abide as they would in any regular term.
6. Acts of 1827, Chapter 5, provided that the terms of the circuit court of Roane County would commence on the second Monday in March and September as now established under the law and continue in session for two weeks, if necessary, closing before that only when the dockets were completed.
7. Acts of 1835-36, Chapter 5, organized the State of Tennessee into eleven Judicial Circuits pursuant to the dictates of the newly adopted State Constitution. The Third Judicial Circuit was composed of the counties of Rhea, Meigs, Bledsoe, Marion, Hamilton, McMinn, Monroe, and Roane. Court for the circuits would hereafter be held three times annually, beginning in Roane County on the fourth Monday in February, June, and October.
8. Acts of 1835-36, Chapter 41, Section 4, declared that the next term of the Circuit Court in the counties of Roane, Rhea, Bledsoe, Marion, Hamilton, McMinn, and Monroe, would take place as the same were scheduled under the law but after that term they would be held at the times stipulated in this Act which in the case of Roane County, would be the time prescribed in the Act above.
9. Acts of 1837-38, Chapter 3, took Roane County out of the Third Judicial Circuit and placed it in the Second Circuit, and further fixing the opening days of the terms of court in Roane County on the fourth Monday in February, June, and October.
10. Acts of 1853-54, Chapter 76, Section 3, reset the opening dates for the regular terms of the Roane County Circuit Court to the first Monday after the fourth Monday in February, June, and October of each year but the very next term of the circuit court in Roane County would commence on the fourth Monday in June as it was now slated to do.
11. Acts of 1857-58, Chapter 98, formed sixteen Judicial Circuits in Tennessee. The counties assigned to the Third Judicial Circuit under the terms of this Act were Monroe, Blount, Knox, Anderson, and Roane. Court terms in the new Third Circuit remained as they were formerly established by law.
12. Acts of 1865, Chapter 14, Section 3, in an attempt to provide for the orderly administration of the Judicial system after the civil war, reset the terms of the Chancery Courts in the 8th Chancery Division of the State and required the Chancellor of that division to hold the Circuit Courts in the same counties, including Roane, by interchange.
13. Acts of 1868-69, Chapter 8, Section 2, rearranged the terms of the Circuit Court in Roane County to begin on the fourth Monday in April, August, and December in the place of the times now set under previous statutes.
14. Acts of 1870, Chapter 31, was a major revision of the lower civil court system in the State. Fifteen regular, and one special, judicial circuits were formed in Tennessee. The Third Judicial Circuit was made up of the counties of Morgan, Anderson, Knox, Monroe, Roane, Cumberland, Fentress, Blount, and Christiana, if established.
15. Acts of 1870, Chapter 46, scheduled the opening dates for the regular terms of the Circuit Courts in every county in Tennessee. Roane County's Circuit Court would take up its docket on a regular basis on the second Monday after the fourth Monday in March, July, and November.
16. Acts of 1871, Chapter 92, Section One, provided that the Circuit Court of Roane County would hereafter begin the regular terms of court on the second Monday in April, August, and December, but the next term would be observed at the date now provided by law.
17. Acts of 1885 (Ex. Sess.), Chapter 20, in its reorganization of the entire lower judicial system of the State, established fourteen regular, and one special, judicial circuits, assigning the counties of Knox, Blount, Loudon, Monroe, Morgan, Scott, and Roane to the Third Judicial Circuit. Roane

County's Circuit Court would begin its regular terms under the new law on the second Monday in April, August, and December.

18. Acts of 1899, Chapter 168, abolished the Third Judicial Circuit which was composed of the counties of Blount, Loudon, Roane, Morgan, Fentress, and Scott.
19. Acts of 1899, Chapter 409, Section 3, attached the counties of Blount, Loudon, and Roane to the 17th Judicial Circuit and fixed the terms of Court for those counties. In Roane County the regular terms of the Circuit Court would begin on the third Monday in March, July, and November.
20. Acts of 1899, Chapter 427, was a complete overhaul of the State's lower court system, which created a total of fourteen Judicial Circuits and fixed the terms of court for those counties. In Roane County the regular terms of the Circuit Court would begin on the third Monday in March, July, and November.
21. Acts of 1901, Chapter 413, rearranged the terms of court for the same counties listed above as composing the Fourth Judicial Circuit. The terms of court in Roane County, however, would continue to commence on the third Monday in March, July, and November.
22. Acts of 1903, Chapter 354, amended Acts of 1901, Chapter 413, Item 21, above, by altering the court dates for the terms of circuit court in some of the counties but did not affect the status of the circuit court in Roane County.
23. Private Acts of 1905, Chapter 204, rescheduled the terms of the circuit court for the counties of Polk and Roane in the Fourth Judicial Circuit. The Circuit Court terms in Roane County would begin on the first Monday in March, July, and November, and all process would be made to conform to those dates.
24. Private Acts of 1923, Chapter 537, rearranged the circuit court terms for the counties of McMinn, Monroe, Loudon, and Roane in the Fourth Judicial Circuit. In Roane County the circuit court would convene for its regular terms on the second Monday in April, August, and December.
25. Private Acts of 1925, Chapter 218, set different times for the opening dates of the circuit court terms in Blount County, Roane County, and for the special law court in Ducktown. The Roane County Circuit Court would meet for the regular terms on the fourth Monday in March, July, and November.
26. Public Acts of 1929, Chapter 142, changed court terms for the criminal division and the civil division of the courts in the Fourth Judicial Circuit, which included the counties of Bradley, Loudon, Blount, McMinn, Polk, Monroe, and Roane whose circuit court would regularly meet on the third and fourth Monday in January, May, and September.
27. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, was the last Act of this nature appearing in the volumes of private acts. All future changes would take the form of amendments to Code Sections. Twenty Judicial Circuits were provided and this Act named the counties of Bradley, Blount, Loudon, McMinn, Polk, Monroe, and Roane as those constituting the Fourth Judicial Circuit. Court terms were set to commence in Roane County on the first Monday in March, July and November.

### **Circuit Court - Clerk**

The following acts have no current effect, but once applied to the Roane County Circuit Court Clerk. They were repealed, superseded, or never received local approval.

1. Acts of 1903, Chapter 255, was a statewide salary act but pertained only to the circuit court clerks of the State, fixing their annual compensation according to the population of the county in which they served, according to the 1900 Federal Census. Our records would indicate an annual salary of \$1,000 for the Circuit Court Clerk of Roane County. The Clerk must file a sworn, itemized statement with the County Judge, or Chairman, showing the total amount of fees collected in the office during the year. If the fees were less than the salary, the county must pay the difference, but, if the fees exceeded the salary, the Clerk could keep the excess as his own.
2. Private Acts of 1925, Chapter 543, stated that the Circuit Court Clerk of Roane County (identified by the 1920 Federal Census figures) would be paid an annual salary of \$1,000 as compensation for his services plus all the fees and perquisites granted to them under the law. The salary would be paid to the clerk out of the county treasury on the warrant of the County Judge each quarter.
3. Private Acts of 1927, Chapter 14, amended Private Acts of 1925, Chapter 543, in Sections One and Two to the effect that the annual compensation of the Circuit Court Clerk would be increased from \$1,000 to \$1,500 and all other terms and conditions remain as they were.
4. Private Acts of 1973, Chapter 37, amended Private Acts of 1959, Chapter 77, in Section 19, by making the Clerk of the Circuit Court of Roane County the Clerk of the General Sessions Court of



the county who would replace the Clerk and Master as the said Clerk.

### **Criminal Court**

The following acts once pertained to the Roane County Criminal Court, but are no longer current law. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1915, Chapter 153, created a Criminal Court for Roane County conferring upon it the general common law and statutory jurisdiction over all criminal cases in the county and setting the terms for their court to begin on the fourth Monday in April, August, and December. The Clerk of the Circuit Court would do and perform all the duties of this court with the same compensation. The Attorney General to the Fourth Judicial Circuit was required to attend to the prosecution of cases therein. The Judge of the Criminal and Law Court for the counties of Hancock, Claiborne, Campbell, Scott, Morgan, and Anderson, would likewise hold the Criminal Court of Roane County. This Act was repealed by Private Acts of 1923, Chapter 264.
2. Private Acts of 1915, Chapter 413, was almost a duplicate of Public Acts of 1915, Chapter 153, except this act specified by amendment, that the Judge of the 19th Judicial Circuit would preside over this court. It must be assumed that the general repealing clause of this act negated Chapter 153, until the same was later repealed specifically.
3. Private Acts of 1919, Chapter 313, amended Private Acts of 1915, Chapter 413, by rewriting Section 6 to the effect that the Circuit Judge of the 19th Judicial Circuit would hereafter hold the Criminal Court of Roane County.
4. . Private Acts of 1923, Chapter 264, repealed Public Acts of 1915, Chapter 153, as that act was written, and provided further that all bonds and process outstanding in the Criminal Court would be returned to the Circuit Court of the county, the next term of which would start on the first Monday in July, 1923, unless a special term were called sooner. (It would seem that the General Assembly intended to abolish the Criminal Court created by Chapter 153, Public Acts of 1915, which was operating in Roane County, although Chapter 413, Private Acts of 1915 was not mentioned.)
5. Public Acts of 1925, Chapter 15, was an exact duplicate of Private Acts of 1925, Chapter 58, both of which created the "criminal court of the Fourth Judicial Circuit", consisting of Blount, Monroe, Roane, Loudon, McMinn, Bradley and Polk (in Benton and Ducktown) Counties.
6. Private Acts of 1925, Chapter 105, fixed the dates for the opening of the regular terms for the criminal courts in the counties of Bradley, Loudon, for the Court at Ducktown, and for Roane County where the Criminal Court terms would start on the second Monday in February, June, and October.
7. Public Acts of 1929, Chapter 142, rearranged the terms of Court in the Criminal Division of the Fourth Judicial Circuit. In Roane County the terms of the Criminal Court would start on the first and second Monday in March, July and November.
8. Public Acts of 1931 (2nd Ex. Sess.), Chapter 38, re-established the Criminal Division of the Fourth Judicial Circuit which comprised the counties of Bradley, Loudon, Blount, McMinn, Polk, Monroe and Roane where the court would meet on the third Monday in January, May, and September.
9. Public Acts of 1965, Chapter 188, created the 24th Judicial Circuit and transferred the counties of Polk, McMinn, Bradley, and Monroe into that circuit, leaving Blount County, Loudon County, and Roane County in the criminal division of the Fourth Circuit. The court would continue to meet on the first Monday in March, July, and November, in Roane County.
10. Public Acts of 1978, Chapter 707, changed the time for holding criminal court in Roane County to the third Mondays in March, July, and November.
11. Public Acts of 1979, Chapter 427, changed the time for holding criminal court in Roane County to the First Mondays in January, May and September.

### **District Attorney General - Assistants and Criminal Investigators**

The following acts once affecting Roane County are no longer in effect but are listed here for historical purposes.

1. Acts of 1817, Chapter 65, established the Sixth Judicial Circuit and set up ten solicitorial Districts across the State. The Fourth Solicitorial District contained the counties of Knox, Anderson, Morgan, Roane, and Rhea.
2. Acts of 1835-36, Chapter 28, made each Solicitorial District in the future to coincide with the boundaries of each Judicial Circuit which had criminal jurisdiction.
3. Public Acts of 1971, Chapter 130, created the position of one (1) additional Assistant District

Attorney General for the Fourth Judicial Circuit, which included Roane County until the trial courts were redistricted according to T.C.A. 16-2-506 (September 1, 1984). Public Acts of 1974, Chapter 687, created the position of Criminal Investigator for the Fourth Judicial Circuit and defined the powers of such investigator. These acts no longer apply to Roane County since T.C.A. 16-2-506(9) places Roane County in the Ninth Judicial District, and provides positions for four (4) Assistant District Attorneys General and one (1) Criminal Investigator for that District.

### **General Sessions Court**

The following acts once affected the general sessions court of Roane County, but are no longer in effect and are included herein for reference purposes.

1. Private Acts of 1959, Chapter 77, created a General Sessions Court for Roane County. This statute is published herein with its amendments.
2. Private Acts of 1974, Chapter 218, was an exact duplicate of Private Acts of 1974, Chapter 200, as stated above, and as reproduced in the act.
3. Private Acts of 1974, Chapter 251, would have amended Private Acts of 1959, Chapter 77, in Section 3, but was rejected by the Roane County Quarterly Court and therefore never became an effective law. This act would have added a provision that, contingent upon the abolition of the office of County Judge in Roane County, the said General Sessions Court was vested with jurisdiction in all matters of Juvenile and Probate cases as the same were set forth in Sections 16-709 through 16-716, Tennessee Code Annotated.
4. Public Acts of 1979, Chapter 400, provided that in those counties not in the first, second, or third population class, and in which was located a State Mental Institution, the Judge of the General Sessions Court would be on a full time status and be compensated in like manner as the General Sessions Judges in counties of the third population class.
5. Private Acts of 1980, Chapter 290, amended Private Acts of 1959, Chapter 77, as amended which created the General Sessions Court of Roane County. This act amended Section 16 to increase the salary of the Judge of the General Sessions Court from \$15,000 to \$23,900, and added a new Section 2(a) to the act to place probate and juvenile jurisdiction in the General Sessions Court and remove the same from the County Court and County Judge, if, for any reason, the County Judge was unable to preside. This Act was rejected by the Roane County Legislative Body on May 12, 1980, and therefore never became an effective law under the Home Rule Amendments to the Constitution.
6. Private Acts of 1982, Chapter 323, was a variation of Private Acts of 1982, Chapter 312, which amended the original 1959 Act, published herein. Chapter 323, which was not approved, did not amend Sections 7 and 14 so as to provide for separate court dockets and the setting of fees. This act was rejected by the Roane County legislative body.
7. Private Acts of 1982, Chapter 372, was also an attempt to amend the 1959 Act. It differed from the Private Acts of 1982, Chapter 312, in that this amendment provided that the Circuit Court Clerk, instead of the County Clerk, would serve in all matters other than juvenile in the general sessions court. This act was not approved and is thereby void.
8. Private Acts of 1982, Chapter 380, was yet another variation of Private Acts of 1982, Chapter 312, to amend the 1959 Act. It provided that the County Clerk would be over juvenile cases while the Clerk and Master would be over all probate matters in general sessions. This act was also rejected.
9. Private Acts of 1995, Chapter 46, attempted to amend Private Acts of 1959, Chapter 77 and all other acts amendatory thereto, to create and establish Part II of the General Sessions Court in Roane County. This act was rejected by the Roane County legislative body.

### **Secretarial Assistance**

The following acts are no longer in effect but are listed here for historical purposes.

1. Public Acts of 1951, Chapter 86, established a position of Secretary to the Chancellor of the Second Chancery Division to serve at the Chancellor's pleasure and direction at an annual salary of \$1,800.
2. Public Acts of 1963, Chapter 231, set up the part of Secretary to the Judge of the Fourth Judicial Circuit at \$2,400 per annum.
3. Public Acts of 1963, Chapter 332, amended Public Acts of 1951, Chapter 86, Item One, above, by raising the annual salary of the Secretary to the Chancellor of the Second Chancery Division from \$1,800 to \$3,000.

- 4. Public Acts of 1972, Chapter 550, provided for a Secretary to serve at the direction and pleasure of the Attorney General of the Fourth Judicial Circuit at an annual salary of \$4,800.

## Chapter VI - Education/Schools

### Board of Education

#### Private Acts of 1955 Chapter 20

**SECTION 1.** The members of the Roane County board of education shall be elected by popular vote at the August, 1982 general election, for terms as provided herein, thereafter all terms shall be six (6) years, filled by popular vote at the regular August election. The board shall be composed of nine (9) members who shall be elected from the districts from which they reside by the registered voters of that district as follows:

District A, from which two (2) members shall be elected is composed of the following precincts: Rockwood Ward I, Rockwood Ward II, Pond Grove, Eureka and Glen Alice.

District B from which two (2) members shall be elected is composed of the following precincts: Dyllis, Emory Heights, Emory, South Harriman, Fairmond, Midtown.

District C from which one (1) member shall be elected is composed of the following precincts: Harriman Ward I, Harriman Ward II, and Walnut Hill.

District D from which one (1) member shall be elected is composed of the following precincts: Orchard View, Oliver Springs, and Oak Hills,

District E from which two (2) members shall be elected is composed of the following polling precincts: Kingston Ward I, Kingston Ward II, Lawnville, Cave Creek and Paw Paw.

District F from which one (1) member shall be elected is composed of the following precincts: Fairview, Renfro, Midway, Paint Rock and Johnson School House.

As amended by: Private Acts of 1978, Chapter 246  
Private Acts of 1978, Chapter 311  
Private Acts of 1982, Chapter 359

**SECTION 2.** Those persons currently serving on the Roane County board of education shall serve until their current terms expire and until their successors are elected and qualified. In August, 1982, there shall be elected one (1) member from District A for a six (6) year term, one (1) member from District B for a six (6) year term, one (1) member from District D for a six (6) year term and one (1) member from District E for a two year term. After August, 1982, all members shall be elected for terms of six (6) years and shall serve until their successors are elected and qualified, with three (3) members to be elected each year after 1982.

As amended by: Private Acts of 1978, Chapter 246  
Private Acts of 1978, Chapter 311  
Private Acts of 1982, Chapter 359

**SECTION 3.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: January 31, 1955.

#### Private Acts of 1961 Chapter 39

**SECTION 1.** That from and after the effective date of this Act, the Quarterly County Court of any county of this State having a population of not less than 39,100 nor more than 39,150 according to the Federal population census of 1960 or any subsequent Federal population census may provide for and compensate the members of the County Board of Education of such counties an amount not less than four dollars (\$4.00) nor more than ten dollars (\$10.00) per day for their services when attending regular and special meetings of said Board. And in addition thereto, the Chairman of said Board shall receive the sum of fifty dollars (\$50.00) per month payable on the first day of each month for his duties as Chairman of said Board.

**SECTION 2.** That this Act shall not be construed as altering the compensation or abridging the term of office of any member now holding such office prior to the expiration of the incumbent term.

**SECTION 3.** That this Act shall have no effect unless the same be approved by a twothirds (2/3) vote of the Quarterly County Court of any County to which it may apply. Its approval or non-approval shall be proclaimed by the presiding officer of such body having the power to approve or otherwise and shall be certified by him to the Secretary of State.

Passed: February 2, 1961.

## Superintendent

### Private Acts of 1963 Chapter 214

**SECTION 1.** That in Counties of this State having a population of not less than 39,100 nor more than 39,150, according to the Federal Population Census, the County School Superintendent shall be elected by popular vote as hereinafter set out. At the August 1966 election the voters of said Counties shall elect the County Superintendent of Schools to take office on January 15, 1967 or at the expiration of the incumbent term of such officer, to hold office for a term of four years or until his successor is elected and qualified. The duties and compensation of such official shall be as now fixed by existing law. Should such office become vacant by reason of death, resignation or other cause, the vacancy shall be filled by the Quarterly County Court of any such County for the expiration of such term.

**SECTION 2.** That this Act shall have no effect unless the same shall be approved by a majority of the voters voting in an election to be held for such purpose. Within 15 days after the approval of this Act by the Governor, or after its otherwise effective date, it shall be the duty of the Governor, or after its otherwise effective date, it shall be the duty of the county board of election commissioners of the county to which this Act applies, to call an election for the county to be held not less than 20 nor more than 40 days from the date of such call for the purpose of accepting or rejecting the provisions of this Act. The ballots used in such election shall have printed thereon the title of this Act and voters shall vote for or against its adoption. The votes cast at such election shall be canvassed by the county board of election commissioners upon the first Monday occurring 5 or more days next after the date of such election and the results shall be proclaimed by such board and certified to the Secretary of State. The qualification of voters shall be that provided by law for participation in general elections and all laws applicable to general elections shall apply to an election here hereunder. The cost of said election shall be paid by the county to which this Act applies.

**SECTION 3.** That this Act shall be effective from and after its passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 2 herein.

Passed: March 19, 1963.

## Education/Schools - Historical Notes

### **Board of Education**

The following act once affected the board of education in Roane County but is no longer operative.

1. Public Acts of 1907, Chapter 236, abolished the position of District Directors of Education throughout the State and placed the management and control of the schools under a County Board of Education and a District Board of Advisors. The county court must divide the county into five, or less, school districts, composed of whole civil districts, from each of which one member of the Board of Education would be appointed initially by the county court but the successor would be elected by popular vote in the August, 1908, general election. If there were fewer than five school districts, the others needed to make five members were to be elected at large. The School Superintendent would serve the Board as Secretary. The powers and duties of the Chairman of the Board, the Secretary, and the members were all listed in the Act. Certain reports must be compiled and submitted by both Board members and school personnel. Members of the Board could be compensated at rate of \$1.50 to \$3.00 per day, the amount being fixed by the quarterly court. Each civil district would have a three member advisory board who were to be elected by the people and would discharge the obligations imposed upon them by this act. Nine counties exempted themselves from the provisions of this act, which did not affect city school systems, but Roane County was not one of them. (See Whitthorne v. Turner, 155 Tenn. 303, 293 SW 147 (1927)).

### **School Districts**

The private acts listed below concerned the creation of special, independent school districts. These acts are no longer operative and are summarized for historical purposes only.

1. Acts of 1899, Chapter 180, formed the Oliver Springs School District out of the portions of Roane County, Anderson County, and Morgan County, as was specifically described in the Act. The election commissions of the respective counties were directed to hold an election on the first Saturday in May, 1899, and on the first Saturday in August for school directors. The officials appointed to serve until that time would receive no compensation, and the clerk of the district

must furnish the proper authorities with a statement of the number of school children in the area. The Trustees were instructed to pay out the pro-rata share of school funds to the District and anyone holding a certificate of qualification from the County Superintendent of either county was eligible for employment.

2. Acts of 1903, Chapter 451, incorporated the parts of Roane County and Anderson County described therein into the East Fork Independent School District. The election authorities were required to hold an election in the area on the fourth Saturday in May, 1903, and every two years thereafter, to select the three school directors of the District. The clerk of the district must furnish the School Superintendent with a statement of the number of school children in the area, who would advise the County Trustee whose duty it was to pro-rate the school funds accordingly. A certificate of qualification which was valid in the county of residence was sufficient for employment in the new school district.
3. Acts of 1905, Chapter 284, established an independent school district in the First and Fifth Civil Districts of Roane County which would include the area described in the act and be called the Caney Ford School District. An election would be held on the second Saturday in May, 1905, and every two years thereafter, to elect the three school directors. The remainder of the act was similar to the terms of those preceding this one and described above.
4. Private Acts of 1909, Chapter 142, generally repealed the prior law on the subject and then proceeded to form a new Oliver Springs Independent School District out of portions of Roane County and Anderson County as the same was specifically described in the act. The Superintendent of Schools of Roane County would appoint three school directors to serve until their successors could be elected by popular vote at the election on the first Saturday in September, 1910. Elections for the school directors would occur every two years afterwards. The remainder of this act contained the same terms as the prior act did which set up this school district.
5. Private Acts of 1913 (Ex. Sess.), Chapter 33, amended Private Acts of 1909, Chapter 142, Section 2, Item 4, above, which established the Oliver Springs Independent School District, so that the election commission of Roane County was required to hold an election in Oliver Springs on the first Tuesday in May, 1914, and every two years thereafter, to elect three school directors for the district who would serve two year terms. All voters residing in the school district area could vote in this election.
6. Private Acts of 1917, Chapter 774, amended Private Acts of 1909, Chapter 142, which created the Oliver Springs Independent School District in Roane County and Anderson County, by removing the area of Anderson County in the school district out of it, and by making the appropriate amendments in other sections of the act to effectuate the above removal of Anderson County from the act's terms. Section 7 was changed so that a certificate of qualification from the State Superintendent of Education was needed in order to obtain employment in the District which was now located wholly within Roane County.

### **Superintendent or Director of Schools**

The act referenced below once affected the office of superintendent of education in Roane County, but is no longer operative.

1. Private Acts of 1933, Chapter 25, changed the term for which the Roane County School Superintendent would be elected from two (2) years to four (4) years.

### **General Reference**

The following acts constitute part of the administrative and political heritage of the educational structure of Roane County but are no longer operative since 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 1806, Chapter 8, established Thomas I. Vandyke, Samuel Eskridge, Jacob Jones, Zacheus Ayer, and Jesse Bird as a body corporate and politic which would hereafter be known as the Trustees of Rittenhouse Academy in Roane County. See Carrick Academy v. Clark, 112 Tenn. 489, 80 SW 65 (1904).
2. Acts of 1809, Chapter 120, named John Purris, Merewith Smith, Thomas N. Clark, Thomas Brown, John Brown, Matthew Nelson, and Samuel Martin, all of Roane County, as additional Trustees for the Board of Rittenhouse Academy in Roane County.
3. Acts of 1811, Chapter 94, appointed Noah Ashley, John McEwen, Hugh Dunlap, Joseph McPherson, Solomon Geran, and William Gardenhire, as Trustees of Rittenhouse Academy who

- would serve as such in addition to all the others named as Trustees. John McEwen, Samuel Martin, and Samuel Stout, were named in the act as Commissioners for the town of Kingston.
4. Acts of 1821, Chapter 187, was the legislation which enabled the Trustees of Rittenhouse Academy in Roane County to lease out the school lands in the said county for a period of five years and to appropriate the proceeds thereof to the use, benefit, and improvement of the said academy as they deemed best. This act was repealed by the one following.
  5. Acts of 1823, Chapter 6, repealed Acts of 1821, Chapter 187, and gave the authority to lease the school lands in Roane, Rhea, and McMinn Counties to the School Commissioners provided for in this act. Similar laws as this one which were in force in McMinn and Rhea Counties were likewise repealed.
  6. Acts of 1829, Chapter 55, provided that any five of the Trustees of Rittenhouse Academy in Roane County would hereafter constitute a Board for the transaction of business which by law a majority of Trustees can now do.
  7. Acts of 1837-38, Chapter 84, nominated Richard Richards, Phillip S. Beddo, George Youst, and Joseph Byrd as additional Trustees for Rittenhouse Academy in Roane County. The new Trustees were vested with all the powers of the old Trustees and were charged with all the same responsibilities imposed upon the existing Board.
  8. Acts of 1837-38, Chapter 92, incorporated Thomas Brown, Lewis W. Gordon, Richard Richardson, H. H. Wiley, John E. McEwen, George L. Gillespie, and Henry Liggett, as the Board of Trustees for the Kingston Female Academy in Roane County, conferring upon them all the power and authority necessary and incidental to the operation and management of educational institutions.
  9. Acts of 1837-38, Chapter 279, granted permission to the commissioners of school lands in Roane County and Monroe County to appoint one of their number to perform so much of the duties of the commissioners as they considered they might properly assign to one person. They could require such person to execute a bond, and they were directed to compensate that individual in a reasonable manner.
  10. Acts of 1849-50, Chapter 128, incorporated William F. Brown, William J. Owings, John Tedder, B. F. Davis, Joshua Moore, and William McElwee, as the Trustees of Post Oak Spring Academy in Roane County together with all the power, authority, and responsibilities which were a part of and incident to the incorporation of educational entities.
  11. Acts of 1881, Chapter 168, provided that the Rittenhouse Academy in Kingston was to be sold to the highest bidder at public auction to be held at the court house door in Kingston. The County Court Clerk was appointed as a Commissioner to sell the school after first advertising the same for four successive weeks in a newspaper.
  12. Private Acts of 1909, Chapter 183, was a compulsory school attendance law for Roane County which required the parent of every child between the ages of 8 and 16 to see that the child attended school for 16 weeks, or for 80 consecutive days, of no less than four hours duration, or if a shorter term exists, then to attend for the length of that particular term. A child could be exempted, or excused, under certain conditions stipulated in the act but the excuse must be acceptable to school officials. Arrangements were included in the act to furnish poor families with the food, clothes, and text books necessary to keep their children in school attendance. The teachers must furnish the names of children and their attendance records, or forfeit their salary until they do. The terms of this law were to be enforced by the Sheriff, Deputy Sheriffs, and Constables. Penalties were provided for those who violated or failed to comply with the terms of this Act.
  13. Private Acts of 1935, Chapter 297, provided that all school teachers who had taught in the county school system continuously for at least twenty-four years next preceding the year of retirement, and who had reached the age of 70, could retire at one-half of their monthly salary averaged over the last five years. The amount of the pension would be ascertained from the records in the Superintendent's office who would issue a certificate to the County Court Clerk and the County Judge who would draw a warrant on the Trustee payable out of the High School fund as long as the said teacher should live. (Teachers are generally members of the Tennessee Consolidated Retirement System now.)
  14. Private Acts of 1935, Chapter 603, transferred the responsibility of operating the Rockwood Schools to the County Board of Education provided (1) that the commissioners of the city of Rockwood give the use of the building and the equipment free of charge, maintain them in good condition, provide adequate insurance coverage, and bear all the expense of the janitor services, (2) that the city commissioners must furnish teachers for the schools whom the county was not

obligated to take on good cause being shown and the county could recommend other teachers, (3) the Board of Education would have full control and management of the schools, (4) that pupils living outside the city could attend, and (5) that the Board of Education would be responsible only for the debts which the Board itself incurred after the passage of this Act. This Act was repealed in Item 18 below.

15. Private Acts of 1935, Chapter 685, amended Private Acts of 1909, Chapter 431, which in turn amended Private Acts of 1905, Chapter 247, which was the charter of the city of Oliver Springs, located in both Anderson County and Roane County, by striking out Section 2 of that Act so as to eliminate any provisions in that Act which related to schools and their operation.
16. Private Acts of 1939, Chapter 508, amended Private Acts of 1935, Chapter 297, to state that whenever the word "teacher" or "teachers" appeared in that act, the same would be construed to include also the supervisors, principals, and superintendents, including the County Superintendent. The act was further amended to reduce the age requirement for retirement from age 70 to age 65.
17. Private Acts of 1941, Chapter 323, provided that whenever any warrant of the county schools, either elementary or high school, had been duly registered with the Trustee and stamped by the Trustee on the day it was registered, the said warrant would bear interest at the legal rate fixed by the State from the date it was registered until the date it was paid, or until the money to pay the said warrants became available.
18. Private Acts of 1953, Chapter 56, repealed Private Acts of 1935, Chapter 603, Item 14, above. The provisions of Private Acts of 1903, Chapter 327, as amended, the same being the Charter of the city of Rockwood in Roane County, which related to the establishment, maintenance, and operation of a special school district in that city, were revived and reestablished to the same extent as they existed prior to their repeal, or suspension by Private Acts of 1935, Chapter 603.

## Chapter VII - Elections

### Districts - Reapportionment

#### Private Acts of 1903 Chapter 16

**SECTION 1.** That the First, Second, Fourth, Sixth, Seventh, Eighth, Ninth, Eleventh, Twelfth, Fourteenth, Fifteenth, Tenth, Eighteenth, Nineteenth, Twentieth, and Twenty-first Civil Districts of Roane County, as now laid out and constituted, be, and the same are hereby abolished, and that the territory therein be attached to the Third, Fifth, Seventeenth, Thirteenth, and Sixteenth Civil Districts as follows:

1. That the territory lying and being within the lines of said First, Second and Eighteenth Civil Districts herein abolished, be, and the same is hereby attached to the Third Civil District of said County.
2. That all the territory lying and being within the lines of said Fourth, Fourteenth and Fifteenth Civil Districts herein abolished, be, and the same is hereby attached to the Fifth Civil District of said County.
3. That all the territory lying and being within the lines of the Seventh and Nineteenth Civil Districts herein abolished and so much of the Sixth and Twenty-first Civil Districts, also abolished, lying east of Caney Creek from its intersection with the Tennessee River to the Harriman and Rockwood Road; then with said road to the lane at the residence of T. W. Carter; then with said lane and a continuation of same course to the Morgan County line, be, and the same is hereby attached to the Sixteenth Civil District of said County.
4. That the territory lying and being within the lines of said Twelfth and Twentieth Civil Districts herein abolished, and so much of said Sixth and Twenty-first Civil Districts lying west of Caney Creek from its intersection with Tennessee River to the road from Harriman and Rockwood; then with said road to the lane at the residence of T. W. Carter; then with said lane and a continuation of same course to the Morgan County line, be, and the same is hereby attached to the Thirteenth Civil District of said County.
5. That all the territory lying and being within the lines of the said Eighth, Ninth, Eleventh and Tenth Civil Districts, herein abolished, be, and the same is hereby attached to the Seventeenth Civil District of said County.

**SECTION 2.** That said Sixteenth Civil District shall hereafter be known as the First Civil District; that said Fifth Civil District shall hereafter be known as the Second Civil District; that said Seventeenth Civil District

shall hereafter be known as the Fourth Civil District, and that said Thirteenth Civil District shall hereafter be known as the Fifth Civil District of said County.

**SECTION 3.** That the number of Civil Districts for said County as herein established shall not be increased or diminished except by Act of the General Assembly.

**SECTION 4.** That the offices of all Justices of the Peace and Constable, in the several districts herein abolished, be, and the same are hereby abolished, but this Act shall not be construed to apply to Justices of the Peace elected in and for incorporated towns in said County.

**SECTION 5.** That all laws and parts of laws in conflict with this Act are hereby repealed.

**SECTION 6.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 3, 1903.

## Private Acts of 1909 Chapter 199

**SECTION 1.** That the district line between the First Civil District and the Third Civil District of Roane County, Tenn., be, and the same is hereby, so changed as to detach the boundary hereinafter described from the Third Civil District and attach the same to the First Civil District of said county -- to wit: Commencing at a point on the west bank of the Big Emory River, on the line between the First and Third Civil Districts, and running thence down the west bank of said river with its several meanders to its confluence with the Clinch River; thence down and along the north bank of said Clinch River to the mouth of the Margrave Branch; thence up the Margrave and Goddard Branches to the line between the Goddard and Gambill lands; thence north along the line between the Goddard and Gambill lands to the First District line; thence east with the line between the First and Third Civil Districts to the point of beginning.

**SECTION 2.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 6, 1909.

## Elections - Historical Notes

### **Districts - Reapportionment**

The acts listed below have affected the civil districts in Roane County, but are no longer operative regarding elections.

1. Acts of 1835-36, Chapter 1, enacted after the adoption of the 1835 State Constitution, required the General Assembly of the State to appoint suitable persons as Commissioners to lay out the civil districts in each county having 3,000, or more, qualified voters would have 25 civil districts, with 2,500 to 3,000 qualified voters there were to be 20 civil districts, and so on down a graduated scale for each county. Each civil district was entitled to elect two justices of the peace and one constable, but the civil district containing the county seat would have three justices of the peace and two constables. The commissioners were directed to take full advantage of natural lines in laying out the districts as was available to them. Resolution #3 of the assembly named the commissioner to accomplish the above in every Tennessee County. Those named for Roane County were Joseph Byrd, Jr., James Luckey, Daniel Wester, Amos Marney, and Joel Hembree.
2. Private Acts of 1903, Chapter 16, apparently is the last private act concerning civil districts in Roane County, although it is possible that the civil districts could have been changed in another way. The constitutionality of this act, and several others, was attacked but sustained by the Supreme Court in Iles v. Matlock, 111 Tenn. 234, 80 SW 750 (1903), the redistricting cases, reported under the style of Grainger County v. State.

### **Elections**

The following is a listing of acts for Roane County which affected the elective process, but which have been superseded or repealed. They are listed here for historical and reference purposes. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1803, Chapter 24, divided Tennessee into five Presidential Electoral Districts. The Third Electoral District had in it the counties of Knox, Sevier, Blount, Roane, and Anderson. The presidential election would take place on the first Thursday and Friday in November, 1804, and the returns for this District would be made at Knoxville on the following Monday.
2. Acts of 1803, Chapter 79, stated that in order to secure equal representation in the national Congress, the Districts of Washington, Hamilton, and Mero would each elect one Congressman.
3. Acts of 1805, Chapter 64, apportioned the representation in the General Assembly of the State at 13 Senators and 26 Representatives. The counties of Roane and Anderson would constitute one



State Senatorial District whose votes would be counted at Burrville in Anderson County, and the same two counties would likewise share one Representative, the polls being counted for it at the same location as the Senatorial votes.

4. Acts of 1806, Chapter 39, stated in the introduction that the mountainous situation and size of Roane County made it inconvenient for the citizens living north of the Tennessee River and west of White's Creek to attend the Courthouse in Kingston. Therefore, it would hereafter be lawful for all the inhabitants of Roane County in the area lying north of the Tennessee River and west of White's Creek to meet and hold elections at the house of William Henry under the same election laws as were being applied to other polling places. The musters of the militia were to occur here also.
5. Acts of 1807, Chapter 18, stated that the District of Roane County and Anderson County for State Senator and Representative would hereafter have the votes compared at Kingston in Roane County instead of being counted at Burrville in Anderson County. The sheriffs of the respective counties would be governed accordingly.
6. Acts of 1807, Chapter 74, set up five Presidential Electoral Districts in Tennessee for the election which would occur on the second Thursday in November, 1808. The Third Electoral District was composed of the counties of Knox, Blount, Anderson, Roane, Rhea, Bledsoe, and that part of Campbell County, which was formerly Anderson County. The polls were to be canvassed and compared at Knoxville.
7. Acts of 1809, Chapter 1, declared that the State would send three Representatives to the Congress of the United States, one from the District of Washington, one from the District of Hamilton, and one from the combined Districts of Winchester, Robertson, and Mero.
8. Acts of 1812, Chapter 5, divided Tennessee into eight Presidential Electoral Districts assigning the counties of Knox, Blount, Roane, Campbell, and Anderson to the Third Electoral District, whose votes would be counted and canvassed at Knoxville.
9. Acts of 1812, Chapter 27, created six U. S. Congressional Districts in the State. The Third Congressional District contained the counties of Anderson, Campbell, Roane, Rhea, Bledsoe, Overton, White, Warren, and Franklin.
10. Acts of 1812, Chapter 57, increased the representation in the General Assembly from 13 to 20 Senators and from 26 to 40 Representatives. The counties of Roane, Rhea, Anderson, and Bledsoe constituted one Senatorial District, whose votes would be counted at Kingston. Each county would elect at least one Representative except those which would elect more than one.
11. Acts of 1813, Chapter 106, made it the duty of the sheriff of Roane County on the days of all elections to hold a separate election in Roane County at the house of Jared Hotchkiss on the main road leading from Kingston to Knoxville, and another one at the house of Joseph Robinson on the waters of the Embrees River. The Act authorized any person living in Roane County who was otherwise qualified to vote to cast their ballots at Kingston.
12. Acts of 1815, Chapter 6, provided that the separate election heretofore authorized to be held at the house of Joseph Robinson in Roane County would hereafter be conducted at the house of Charles McClung on the Flat fork of the Emery River where Moses Wenter formerly lived, under the same rules and regulations as all other elections were being held.
13. Acts of 1817, Chapter 184, made it the duty and responsibility of the Sheriff, or his Deputy, of Roane County to open and hold an election on the same day and under the same regulations as were all the others at the home of Thomas Blake on King's Creek. The polls from this precinct were to be counted and returned to the county seat.
14. Acts of 1819, Chapter 69, provided that the counties of Anderson, Roane, Morgan, Rhea, Bledsoe, Marion, Hamilton, and McMinn would jointly elect one Senator and the polls were to be examined and counted at Kingston. Roane County and Morgan County would share one of the 40 Representatives.
15. Acts of 1822, Chapter 1, divided Tennessee into nine U. S. Congressional Districts. The Third Congressional District was made up of the counties of Campbell, Anderson, Morgan, Roane, Rhea, Bledsoe, Marion, Hamilton, McMinn, and Monroe.
16. Acts of 1823, Chapter 47, established eleven Presidential Electoral Districts among the counties in Tennessee. The Third Electoral District encompassed the counties of Blount, Knox, Anderson, Morgan, and Roane. The polls in this District would be counted at Knoxville after the election was held on the first Thursday in October, 1824.
17. Acts of 1824, Chapter 1, was a duplicate of Acts of 1823, Chapter 47, which set up eleven

## Presidential Electoral Districts in the State.

18. Acts of 1826, Chapter 3, apportioned the representation of twenty senators and forty Representatives in the General Assembly of Tennessee. The counties of Roane, Morgan, Rhea, Hamilton, Bledsoe, and Marion constituted one State Senatorial District whose votes would be counted at Washington in Rhea County. Roane County and Morgan County would jointly elect one Representative tallying the ballots at Kingston in Roane County.
19. Acts of 1827, Chapter 17, organized the State into eleven Presidential Electoral Districts for the Presidential election coming up on the second Thursday and Friday in November, 1828. The Third District included the counties of Blount, Knox, Anderson, Morgan, and Roane, all votes being returned at Knoxville.
20. Acts of 1831, Chapter 57, among several other things, also provided for a separate election to be held at the home of Joseph Bryant in Roane County.
21. Acts of 1832, Chapter 4, formed thirteen U. S. Congressional Districts across the State of Tennessee. The Fourth U. S. Congressional District was composed of the counties of Morgan, Roane, McMinn, Rhea, Hamilton, Bledsoe, and Marion.
22. Acts of 1832, Chapter 9, formed Tennessee into fifteen Presidential Electoral Districts. The Fourth District included the counties of Knox, Anderson, Campbell, Morgan, and Roane.
23. Acts of 1833, Chapter 71, reapportioned the representation in the General Assembly. Of the twenty Senators to be elected, the counties of Roane, Rhea, Marion, Hamilton, and Bledsoe would combine to elect one, while Roane County and Rhea County would share a Representative. The polls in the latter election would be counted and compared at the home of George Gordon on White's Creek in Roane County.
24. Acts of 1835-36, Chapter 39, seemed to be a duplicate of a previous Act which established fifteen Presidential Electoral Districts in Tennessee, designating the counties of Knox, Campbell, Anderson, Morgan, and Roane as the Fourth District.
25. Acts of 1842 (Ex. Sess.), Chapter 1, changed the representation in the General Assembly from 20 to 25 Senators, and from 40 to 50 Representatives. The 6th State Senatorial District consisted of the counties of Campbell, Anderson, Roane, and Morgan whose votes would be counted at Clinton in Anderson County. Roane County would elect one of the 50 Representatives alone.
26. Acts of 1842 (Ex. Sess.), Chapter 7, organized Tennessee into eleven U. S. Congressional Districts of which the Third District was made up of the counties of Knox, Roane, Bledsoe, Rhea, Meigs, McMinn, Polk, Bradley, Hamilton, and Marion.
27. Acts of 1851-52, Chapter 196, set up ten U. S. Congressional Districts in the State. The Third Congressional District contained the counties of Blount, Monroe, Polk, McMinn, Meigs, Rhea, Bledsoe, Bradley, Hamilton, Marion, and Roane.
28. Acts of 1851-52, Chapter 197, apportioned the General Assembly of the State. Roane County would elect one Representative alone and would join Knox County to form the First State Senatorial District whose polls would be compared at Richard Meredith's old place in Knox County.
29. Acts of 1865, Chapter 34, gave Tennessee eight U. S. Congressional Districts in the aftermath of the Civil War. The counties of Claiborne, Union, Knox, Campbell, Scott, Morgan, Anderson, Blount, Monroe, Polk, McMinn, Bradley, and Roane made up the Second Congressional District.
30. Acts of 1869-70, Chapter 105, was the enabling legislation to call a referendum on the question of holding a Constitutional Convention which would have 75 delegates from the total Senatorial and Representative Districts. The convention would have the authority to change, alter, revise, or rewrite entirely the State Constitution as it then existed. If approved, the Convention would meet in Nashville on the second Monday in January, 1870. This led to the formation of the 1870 Constitution which, with amendments, is still the organic law of the State.
31. Acts of 1871, Chapter 146, was the first apportionment of the General Assembly subsequent to the adoption of the 1870 Constitution and the compilation of the 1870 census. Roane County would elect one of the 50 Representatives alone and would join the counties of Campbell, Morgan, Scott, Fentress, Overton, Putnam, White, and Cumberland to select one of the 25 State Senators.
32. Acts of 1872, Chapter 7, formed Tennessee into nine U. S. Congressional Districts of which the Third Congressional District contained the counties of Blount, Loudon, Roane, Monroe, McMinn, Meigs, Rhea, Polk, Bradley, James, Hamilton, Marion, Sequatchie, Bledsoe, Grundy, Van Buren, and Warren.
33. Acts of 1873, Chapter 27, added one U. S. Congressional District to the State making a total of ten. The Second U. S. Congressional District contained the counties of Jefferson, Sevier, Blount,

- Monroe, Loudon, Roane, Knox, Anderson, Campbell, Scott, Morgan, and Union.
34. Acts of 1881 (Ex. Sess.), Chapter 5, set the number of Senators in the State Legislature permanently at 33 and the number of Representatives at 99 in the future.
  35. Acts of 1881 (Ex. Sess.), Chapter 6, rearranged the representation in the General Assembly to coincide with the establishment of new numerical quotas. The Sixth State Senatorial District was composed of the counties of Blount, Loudon, Monroe, and Roane, while Roane County would continue to have one Representative alone.
  36. Acts of 1882 (Ex. Sess.), Chapter 27, set up ten U. S. Congressional Districts in Tennessee composed of whole counties. The counties of Jefferson, Union, Sevier, Blount, Knox, Loudon, Roane, Anderson, Morgan, Campbell, and Scott constituted the Second Congressional District.
  37. Acts of 1891, Chapter 131, rearranged the counties in the ten U. S. Congressional District in order to conform to the figures of the 1890 Census. The counties of Jefferson, Union, Sevier, Blount, Knox, Loudon, Roane, Anderson, Morgan, Campbell, and Scott were all placed in the Second Congressional District under the terms of this Act.
  38. Acts of 1891 (Ex. Sess.), Chapter 10, did the same for the representation in the General Assembly according to the statistics of the 1890 Federal Census. Roane County retained one Representative for itself alone and combined with the counties of Anderson, Meigs, Loudon, and Blount to form the Sixth State Senatorial District.
  39. Acts of 1901, Chapter 109, divided Tennessee into ten U. S. Congressional Districts assigning the counties according to the 1900 Census figures. The Second Congressional District included the counties of Hamblen, Jefferson, Knox, Blount, Loudon, Roane, Scott, Anderson, Campbell, and Union. Henceforth, these statutes would be public laws and a part of the Tennessee Code.
  40. Acts of 1901, Chapter 122, would be the last apportionment of the State General Assembly for over sixty years. The Seventh State Senatorial District was made up of the counties of Anderson, Roane, McMinn, Bradley, and James. Roane County would elect a lone Representative.
  41. Private Acts of 1933, Chapter 707, declared that no registration of voters would be had in Roane County and no registration of voters would be a prerequisite to one's right to vote in any election, regular, or called, which took place in the county. Oliver Springs was expressly excepted from the operation of this law. This act was repealed by the one following.
  42. Private Acts of 1935, Chapter 294, expressly repealed Private Acts of 1933, Chapter 707, Item 41, above, in its entirety, bringing Roane County within the requirements of general state law on voter registration.
  43. Private Acts of 1935, Chapter 552, amended Private Acts of 1935, Chapter 294, above, so that the effective date of that Act would be on August 1, 1935.
  44. Private Acts of 1939, Chapter 118, approved and ratified the action of the Quarterly Court of Roane County taken in connection with dividing the voting precinct at Harriman into two precincts using Queen Street as the dividing line, all area east of Queen Street being designated as Ward One and all area west of the said street becoming Ward Two. The proper amendments to accomplish the above division of the City into two Wards were specified for the Charter of the city and were related to other laws which would be affected by the change. This Act was repealed by the one following.
  45. Private Acts of 1941, Chapter 360, expressly and entirely repealed Private Acts of 1939, Chapter 118, Item 44, above, which established two voting precincts in the City of Harriman in Roane County.
  46. Private Acts of 1945, Chapter 414, provided that, after the passage of this Act, election officials in Roane County would be paid \$3 per day in those precincts staying open until 7:00 p.m. and \$2 per day in those voting places which closed earlier than that time. These provisions were made applicable to all elections including primaries. Expenditures were authorized to be made in the same manner as in other elections.
  47. Private Acts of 1949, Chapter 512, state that in Roane County Registrars would be paid hereafter at the rate of \$5 per day for each day actually spent by them in the discharge of their regular and normal duties.
  48. Private Acts of 1949, Chapter 513, further declared that, in Roane County (identified by the use of 1940 Federal Census figures) election officials in both general elections and primaries which were legally authorized and conducted would be paid at the rate of \$5 per day for one day only.
  49. Private Acts of 1953, Chapter 380, set up the time for opening the polling precincts in all the general elections and legalized primaries in Roane County at 9:00 a.m. and the closing time for

the polls was fixed at 6:00 p.m. throughout the County.

## Chapter VIII - Health

Currently, there are no Private Acts.

## Chapter IX - Highways and Roads

### Road Law

#### Private Acts of 1959 Chapter 163

**SECTION 1.** That Chapter 470, of the Private Acts of 1951, the caption of which is set out in the caption hereof, be and the same is hereby repealed, as of the first day of September, 1960, but will remain in full force and effect until said date, and on said date any office created by said Act is hereby abolished.

**SECTION 2.** That in order to establish a system for the construction, repair, maintenance and operation of a road system in all counties of this state having a population of not less than 31,600 and not more than 31,700, according to the Federal Census of 1950, or any subsequent Federal Census in lieu of the system created by the Act repealed in the first section hereof, there is hereby created the office of Road Supervisor who shall be elected at the next general election in August, 1960, who shall hold his office for a term of four years or until his successor is elected and qualified, provided that no member of the County Court shall be eligible to the office of Road Supervisor. The said Road Supervisor shall take his oath of office on the first day of September, 1960, and shall take over and perform the duties of his office on the first day of September, 1960, and before he assumes the duties and obligations of his office, he shall be required to make an indemnity bond, to be paid out of said gas tax, in the amount of Ten Thousand Dollars (\$10,000.00), with some solvent bonding company authorized to do business in Tennessee, payable to the County that he will faithfully and honestly comply with the requirements of his office.

The said County Road Supervisor may be removed from office as other public officials are removed from office. In case of vacancy in the office of the Road Supervisor, and occurring while the Quarterly County Court is not in session, the same shall be filled by appointment made by the Judge or Chairman of the County Court, to hold until the next meeting of the Quarterly County Court when the vacancy will be filled by the Court until the next regular August election.

The Road Supervisor shall be a resident of the county, a freeholder, and must have had at least two years previous experience as road builder and known to be a well qualified man with ability to deal with the public and to handle efficiently and ably the workers under his supervision. The said Road Supervisor shall devote his entire time to the duties of his office which may be increased or diminished from time to time. In the event the county needs his services with other road construction or in securing rights-of-way for other roads or highways, not directly under his supervision, he must make himself available.

The said Road Supervisor, when elected under this Act, shall receive Five Hundred (\$500.00) Dollars per month, for his services, and in addition thereto he shall be furnished with and provided a county owned automobile and/or pickup truck to make his trips over the county roads and otherwise to perform travel in connection with his official duties, and the purchase price of any such vehicle or vehicles, together with the cost of necessary fuel, lubricants, repairs and maintenance incident to the operation thereof, as well as all salaries incident to the various road operations, shall be paid from said road fund. Provided, however, effective upon the expiration of the present term of said office, the Road Supervisor shall receive twelve thousand dollars (\$12,000.00) per annum payable in monthly installments for his services.

The Road Supervisor shall maintain an office and a garage for county road machinery and equipment at a point centrally located in the county, preferably at the county seat, and see that all truck and other machinery are left at such garage at the end of each work day, except such machinery and equipment that for reason of economy to the county is left at the site or sites of road operations where it is to be used next following such day.

As amended by:

Private Acts of 1961, Chapter 108

Private Acts of 1969, Chapter 78

Private Acts of 1970, Chapter 210

Private Acts of 1972, Chapter 320

**SECTION 3.** That the Road Supervisor shall have general supervision of all common and graded and macadamized roads in the county, other than the State and Federal Highways. He shall have control of the

funds derived from taxation or otherwise for the construction and maintenance of all roads in the county under the limitations hereinafter provided for.

All purchases for the road department shall be made in accordance with the provisions of the County Purchasing Law of 1957, being Chapter 14 of Title 5 of Tennessee Code Annotated and the county's central purchasing system.

The Road Supervisor shall keep or cause to be kept a record of all his actions, preserve all papers, accounts, petitions and reports, which may come into his hands and which shall become public records, subject to inspection to any one who may desire to see them. He shall, before giving orders for payment, carefully audit the accounts of overseers and other persons employed by him.

He shall keep a complete and full record of all claims which he orders paid and shall draw an order on the County Judge for same which shall state in detail for what purpose this order is to be paid, and it shall be the duty of the County Judge to issue warrant to the Trustee for payment which shall constitute a charge against the county road fund.

The Road Supervisor shall make or cause to be made a complete detailed report to each Quarterly County Court term, same to be made out in triplicate, one to be retained in the office of the Road Supervisor, one in the County Judge's office, and the other to be filed with the County Court Clerk for public view. At the first session each year of the Quarterly County Court, a complete inventory of all the county's road machinery, tools and all other property shall be shown in said report, showing in what repair same is at the beginning of each year as well as to show in said report the conditions of each district roads and bridges (sic). Also at the first session each year of the Quarterly County Court, the Road Supervisor shall present an overall or master plan of proposed work for the coming year, both as to new construction planned and for the maintenance and repair of all county roads in each of the districts of the county.

As amended by: Private Acts of 1973, Chapter 135

**SECTION 4.** That the Road Supervisor shall have full power to hire and to fire men employed to do road work. He shall fix their wages, which shall be in accordance with the prevailing wage scale for like work in the community where their work is performed, he shall have the authority and it shall be his duty to get the best qualified men to use with the operation of the county's machinery.

**SECTION 5.** That the County Judge shall have authority to appoint a bookkeeper, prescribe his, or her, duties and fix his, or her, compensation at Three Hundred Dollars (\$300.00) per month, and said bookkeeper shall serve at the pleasure of said Roane County Judge. Said bookkeeper is to keep all records of the County Highway Department and is to work in the office of the Purchasing Department. No member of the County Court shall be eligible for the office of bookkeeper for said County Highway Department. Before said bookkeeper assumes the duties and obligations of his, or her, office, he shall be required to make an indemnity bond in the amount of One Thousand Dollars (\$1,000.00), with good and sufficient security, approved by said Road Supervisor, payable to the county, that he will faithfully and honestly comply with the requirements of his office.

As amended by: Private Acts of 1969, Chapter 78

**SECTION 6.** That this Act shall be liberally construed and interpreted, and its provisions are hereby declared to be severable. If any of its sections, provisions, exceptions, sentences, clauses, phrases or parts be held unconstitutional or void, the remainder shall continue in full force and effect, it being the legislative intent now hereby declared, that this Act would have been adopted even if such unconstitutional or void matter had not been included therein.

**SECTION 7.** That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

**SECTION 8.** That this Act shall have no effect unless the same shall be approved by a majority of the voters voting in an election to be held for such purpose. It shall be the duty of the Secretary of State to certify a true and perfect copy of this Act to the county board of election commissioners within twenty days after its passage. Within ten days after the sine die adjournment of this General Assembly, it shall be the duty of the county board of election commissioners to call an election for such county to be held not less than twenty nor more than forty days from the date of such call, for the purpose of accepting or rejecting the provisions of this Act.

Said board of election commissioners shall hold said election at each voting place where elections are ordinarily held during the general county elections, and will conduct said special election in all ways and manner as general county elections are conducted with the expenses thereof to be paid out of the general funds of said county. Each election machine or ballot used in such election shall have printed thereon the title of this Act and voters shall vote for or against its adoption. Underneath the title shall appear the following:

"For the adoption of the road law of 1959" and

"Against the adoption of the road law of 1959"

and opposite each phrase a box shall be provided in which the voter may mark or indicate his preference. The votes cast in such election shall be canvassed by the county board of election commissioners upon the first Monday occurring five or more days after the date of such election and the result shall be proclaimed by such board and certified to the Secretary of State. The qualifications of voters shall be that provided by law for participation in general elections shall apply to an election held hereunder.

**SECTION 9.** That this Act shall take effect for the purpose of holding the validating election, and for the purpose of permitting the qualification of candidates for nomination and election to the office created herein from and after its passage, for all other purposes this Act shall take effect on the first day of September, 1960, the public welfare requiring it.

Passed: March 11, 1959.

## Highways and Roads - Historical Notes

The following is a listing of acts which once had some effect upon the county road system in Roane County, but which are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1806, Chapter 31, named Joseph Hawkins Windle, Thomas Faris, and William Evans, as Commissioners to select the most eligible way for a public road to run from the waters of Poplar Creek in Roane County over the Cumberland Mountain between the head of Wolf River and Obed River as far as the commissioners might think proper towards Jackson County. The commissioners could let the opening of the road, and its repair, along the selected route. A schedule of tolls to be charged when the road was in operation was included. The commissioners would be compensated at the rate of \$2 per day for their services.
2. Acts of 1817, Chapter 148, authorized Thomas Brown of Roane County to form a company to be called the Kingston Bridge Company and as such the company would be incorporated. The company was given the right to build a bridge over the Clinch River on the lands belonging to Thomas Brown at such a point as he deemed convenient at or near Brown's Ferry in Roane County. The bridge could not be built in any way which would interfere with the navigation of the river. When the bridge was completed, tolls which did not exceed those specified in the act could be charged.
3. Acts of 1821, Chapter 6, required the county courts of all the counties to index and classify the roads in their respective counties into three classes, defined in the act, which were determined primarily by the width and type of surfacing material. The width ranged from stage roads, the widest, to a road wide enough to pass two horses and riders on their way to mill or market. Penalties were provided for those who obstructed roads or failed to comply with the terms of this Act. This Act was probably the first step leading to the present transportation network in the state which is one of the best in the nation.
4. Acts of 1823, Chapter 290, was the legislative authority for John Totlett, James Orms, George Gorden, and Jesse Lincoln, to cut out a turnpike road from the foot of Walden's Ridge in the Sequatchie Valley running a direct course across Walden's Ridge to White's Creek, near Gorden's iron works in Roane County.
5. Acts of 1824, Chapter 84, authorized Thomas Brown and John Tedder to cut out and open a turnpike road commencing at the courthouse in Morgan County and running the most direct and practical route to intersect the stage road at or near Dunlap's Stand in Roane county. John Hill, of Morgan County, and Joel Embry, of Roane County, were appointed commissioners to examine and inspect the road every four months and allow toll gates as they deemed right and proper.
6. Acts of 1824, Chapter 138, allowed Thomas Bottom of Roane County to change that part of the Emery Road where the same crosses the main branch of Poplar Creek, so that the road would cross the creek below the mills there owned by Bottom to leave and intersect the old road at the nearest point where a good road could be had.
7. Acts of 1826, Chapter 173, required John Brown and Robert Burke, proprietors of the Cumberland Turnpike Road, to bring the road up to and maintain it at a level of repair specified in the act for which they were permitted to charge certain tolls but could not exceed the amount of the tolls stipulated in the act, If the owners failed to keep the road in repair for a period of three months, this fact would be reported to the circuit court of Roane County which could assess fines against them for not doing their duty.
8. Acts of 1827, Chapter 104, suspended until the meeting of the next general assembly the annual tax of \$25 which had been placed on that section of the Cumberland Turnpike owned by John Brown and located in Roane County.

9. Acts of 1837-38, Chapter 174, named James Berry, Samuel Eskridge, William S. McEwen, Henry Leggett, William Clark, George Gillespie, John Brown, Elbridge G. Sevier, Thomas Brown, and Lewis Gordon, all of Roane County, and eight other citizens of Knox County, as commissioners to open books on stock subscriptions up to \$100,000 with which to build a turnpike road from Knoxville through Kingston in Roane County to join John Brown's turnpike road. The stock would be subscribed and sold under the standard rules in force in the state for that and for building roads of this caliber.
10. Acts of 1837-38, Chapter 250, Section 6, incorporated all the stockholders in the Kingston-Jacksborough Turnpike Company with an authorized capital stock of \$150,000 in \$50 shares. Named as commissioners to serve under the normal rules and regulations were Robert McEwen, Henry H. Wiley, Thomas Brown, William Ellis, and John Roberts, all of Roane County, plus several others who were residents of other counties.
11. Acts of 1848, Chapter 184, was the enabling law for Caleb Ellis, of Roane County, to open a turnpike road beginning at the foot of the Cumberland Mountain, near Jesse Kimbrough's, or John Brown's old place in Roane County, thence running along the best route to intersect Scott's Road in Morgan County. The road, as described above, must be completed in three years, be no less than sixteen feet in width and free of all obstructions. The county courts of the two counties could appoint commissioners upon the application of Ellis who would inspect and report on the status of the said road.
12. Acts of 1879, Chapter 227, was the legal authority for Knox County and Roane County to build turnpikes or macadamized roads in the respective counties using convicts, or workhouse labor, meeting the specifications in the act, concerning road width and surfacing materials, and to build bridges whenever necessary. Whenever five miles of road were completed a toll gate could be erected and the tolls stipulated could be charged those traveling on the roads.
13. Acts of 1901, Chapter 136, was a general road law applicable to all Tennessee counties under 70,000 in population according to the 1900 Federal Census. The county court could select one road commissioner who would serve two years, from each road district in the county, the road districts being co-extensive with the civil districts in the county. The road commissioner would be sworn, bonded, and supervise all roads, bridges, road hands, tools and materials in his district at a compensation of \$1 per day for each day worked but not to exceed \$10 in a year. The county court would fix the number of days, which were to be no less than five, nor more than eight, all of eight hours duration, which road hands were compelled to work, and to establish the price one days' labor was worth. All males, outside of cities, between the ages of 21 and 45, were subject to compulsory road work. The county court was required to levy a general road tax of two cents per \$100 property valuation for each day the road hands were forced to work. The Road Commissioner in the district must name the road overseers and assign them to a particular section of public road over which they would be in immediate charge, who would work the same number of compulsory days as anyone else, and then be paid for extra days up to \$6 for each year. Road Commissioners must hear and dispose of petitions to open, close, or change the roads in their area, must index and classify the roads, and see that the roads met all the basic specifications. (This Act was involved in the case of Carroll v Griffith, 117 Tenn. 500, 97 SW 66 (1906)).
14. Acts of 1905, Chapter 478, amended Acts of 1901, Chapter 136, Item 13, above, in several minor particulars but principally in the sections providing for the methods to be used in the acquisition of property for rights-of-way, especially when the power of eminent domain was to be used.
15. Private Acts of 1907, Chapter 101, required any railroad company to restore to its former status any street over which they built their tracts but urging them to so construct their tracks that a minimum of public streets would be crossed. Whenever a street had to be replaced the railroad company must replace it with a street of comparable construction and value. The railroad company must avoid crossing streets, or replacing streets whenever possible. Upon the refusal, or the failure, of the railroad company to observe the requirements of this Act, the road commissioner may direct them in writing to correct a given situation or file suit in court to compel compliance herewith.
16. Private Acts of 1911, Chapter 518, was the legislative authority for the quarterly court of Roane County (identified by the use of the 1910 Federal Census figures) to levy and assess on the taxable property of the county, beginning in 1911, a tax which was not to exceed 50 cents per \$100 property valuation. These taxes would be cumulative and in addition to all other taxes then in force, which funds would be used to build, improve, and repair such public roads as the court might direct, and all other power and authority necessary and incidental to the accomplishment of these objectives were likewise conferred upon the court. Any surplus would also be spent on roads

- as the county court directed.
17. Private Acts of 1915, Chapter 652, allowed the county highway commissioners in the counties of Anderson, McMinn, and Roane to condemn land for rights of way in the name of the county to construct any pike, or high-way, provided, however, that the procedures to do so which were prescribed in this Act were strictly observed step by step according to the notice, hearing, trials, and appeals.
  18. Private Acts of 1919, Chapter 766, permitted the quarterly courts of Blount County, Loudon County, and Roane County, to levy and collect a special road tax not to exceed twenty cents per \$100 property valuation for the purpose of providing funds to grade, macadamize, build, and maintain such roads in those counties as will connect with each other. Hereafter, no one county would be responsible for the expenses of the work except on that portion of the roads which was located within that county. This tax was to be levied and collected as were all other taxes.
  19. Private Acts of 1933, Chapter 392, authorized the quarterly court of Roane County to contract with the proper state authorities having supervision thereof for lifting the tolls imposed on any bridge, or bridges, in the county, and to pay the state an amount from the gasoline tax money not to exceed 25% of the same, or to pay an estimated percentage of the tolls which would have been normally expected to be paid but not to exceed 50 per cent. If an agreement is reached among the parties, the Roane County Quarterly Court could adopt a resolution to that effect and proceed to enter into binding contracts reflecting the said agreement.
  20. Private Acts of 1933, Chapter 755, abolished the Dirt Road Commission in Roane County who were heretofore elected by the quarterly court and all the rights, powers, and duties of that commission were transferred to and conferred upon the existing Pike Commission which would in the future exercise all the jurisdiction over those roads which formerly came within the province of the Dirt Road Commission. Pike Commissioners would hereafter be elected for two years.
  21. Private Acts of 1933, Chapter 756, made it mandatory in Roane County that all males, outside cities, over the age of 21 and under 45, unless disabled, work on the roads each year for two days, but any prospective road hand could be excused by furnishing some able bodied man to take his place or by paying \$1 a day as a commutation fee. The road tax collected must be spent as nearly as possible in the district from which it was collected.
  22. Private Acts of 1937, Chapter 465, provided that in Roane County (identified by the 1930 Federal Census) the chairman of the county road commission would be paid the sum of \$450 per year, as an expense reimbursement and as compensation, in addition to any other compensation which might be paid to him under any other law. The above amount would be paid to him on a payroll warrant payable out of the gasoline tax fund, or out of any highway funds on hand, it being the intention of the General Assembly through this Act to provide the chairman of the commission with \$50 per month for his expenses and compensation.
  23. Private Acts of 1937, Chapter 469, stated that, upon a favorable vote of a majority of the members of the quarterly court, the county judge had the authority to contract with the state commissioner of highways for the payment of tolls on bridge #14 at Kingston, incurred by persons carrying farm produce to market, or returning. The payment of the money would come from the state gasoline tax allocation to the county. The intent of the general assembly was to free this bridge from the payment of tolls by people who were engaged in transporting their farm products to market, or returning.
  24. Private Acts of 1943, Chapter 313, amended Private Acts of 1933, Chapter 755, Item 20, above, by increasing the term of the pike commissioners from two years to four years.
  25. Private Acts of 1945, Chapter 565, regulated the expenditure of road funds in Roane County. All funds were to be expended equally among the five road districts and the commissioner of each district would control their application. No warrant would be paid unless the same were signed by a commissioner of a pike, or road, district, and no commissioner could authorize the expenditure of more than one-fifth of the funds. Any expenditure over \$300 must first be advertised and bids taken according to the procedures specified in the act.
  26. Private Acts of 1949, Chapter 514, recited in the introduction that a Roane County road grader, driven by Dick Manie, a county employee negligently and carelessly ran into cars belonging to Emerson Moore, and Mrs. Charles Owensby, which injured the cars and the persons of Mrs. Owensby, Mrs. Viola Pugh, and Mrs. Peal Loop, causing them to incur various hospital and medical bills. This Act allowed the quarterly court of Roane County to appropriate \$2,500 with which to compensate the above named for their injuries and their damaged vehicles. Payments were not to exceed \$2,500 which would be paid out of the general fund but was not to be construed as an admission of liability.



27. Private Acts of 1951, Chapter 470, created a road commission in Roane County which would have the charge and supervision of construction, maintenance, and repair of all public roads, highways, and bridges, consisting of five members, one each to be elected by the people in that district at the regular August election, 1952, and every four years thereafter. The commissioners had to be sworn into office and execute bonds for \$5,000. Reports were required from the commissioners to be filed with the chairman of the county court who was obligated to keep such reports in a well-bound book. All warrants had to be countersigned by the chairman and recorded. Each commissioner would be paid \$160 per month as compensation for his services which would come from the general county fund. The present commissioners would remain in office until September 1, 1952 when their successors, elected in August, 1952, would take over their responsibilities. This Act was repealed by Private Acts of 1959, Chapter 163, the present road law.
28. Private Acts of 1953, Chapter 461, amended Private Acts of 1951, Chapter 470, then the road law for Roane County, by increasing the monthly compensation of the road commissioners from \$160 to \$200.
29. Private Acts of 1973, Chapter 35, was an act prohibiting litter on public roads. See the Section on "Offenses".

## Chapter X - Law Enforcement

### Offenses

### Fireworks

### Private Acts of 1963 Chapter 205

**SECTION 1.** That from and after the effective date of this Act, it shall be unlawful for any person, firm or corporation to possess, store, use, manufacture, or sell pyrotechnics, as hereinafter defined, in all Counties of this State having a population of not less than 39,100 and not more than 39,150 inhabitants, according to the Federal Census of 1960, or any subsequent Federal Census.

The term "pyrotechnics" as used in this Act shall be held to mean any sparkler, squib, rocket, firecracker, Roman candle, fire balloon, flashlight composition, fireworks or other similar device or composition used to obtain a visible or audible pyrotechnic display.

**SECTION 2.** That any article or articles of merchandise coming within the definition of "pyrotechnics" as defined in this Act, are hereby declared to be contraband, and subject to confiscation whenever found within the boundaries of any county within this State to which this Act is applicable, and it shall be the duty of the Sheriff of any such County, and all peace officers, to seize such article or articles and destroy the same.

**SECTION 3.** That any person guilty of violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$50.00 and not more than \$400.00, or by confinement in the County jail for not less than thirty days and not more than eleven months and twenty-nine days, or by both such fine and imprisonment, in the discretion of the Court.

**SECTION 4.** That nothing in this Act shall be construed as applying to persons, firms and corporations conducting public displays of pyrotechnics by contract or arrangement with any State Fair, patriotic assembly or similar public functions, who acquire all articles used in such pyrotechnic displays from points outside the Counties in this State to which this Act is applicable, and keep such pyrotechnic articles in their possession at all times during the public gathering, and transport the same out of this County upon the conclusion of the arrangement or contract under which such pyrotechnics are displayed for public entertainment.

**SECTION 5.** That the provisions of this Act are hereby declared to be severable, and if any of its sections, provisions, clauses, or parts be held unconstitutional or void, then the remainder of this Act shall continue in full force and effect, it being the legislative intent now hereby declared, that this Act would have been adopted even if such unconstitutional or void matter had not been included herein.

**SECTION 6.** That this Act shall have no effect unless the same shall be approved by a majority of the voters voting in an election to be held for such purpose. Within 15 days after the approval of this Act by the Governor, or after its otherwise effective date, it shall be the duty of the county board of election commissioners of the county to which this Act applies, to call an election for the county to be held not less than 20 nor more than 40 days from the date of such call for the purpose of accepting or rejecting the

provisions of this Act. The ballots used in such election shall have printed thereon the title of this Act and voters shall vote for or against its adoption. The votes cast at such election shall be canvassed by the county board of election commissioners upon the first Monday occurring 5 or more days next after the date of such election and the results shall be proclaimed by such board and certified to the Secretary of State. The qualification of voters shall be that provided by law for participation in general elections and all laws applicable to general elections shall apply to an election held hereunder. The cost of said election shall be paid by the county to which this Act applies.

**SECTION 7.** That this Act shall be effective from and after its passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 6 herein.

Passed: March 19, 1963

## Law Enforcement - Historical Notes

### **Jails and Prisoners**

The following acts once affected jails and prisoners in Roane County, but are no longer operative.

1. Acts of 1820, Chapter 77, was the authority for the county court of Roane County, a majority of the justices being present, at their discretion to direct that the jail of the said county, located in the town of Kingston, be sold by the sheriff to the highest and best bidder at public sale after the same had been advertised for at least twenty days prior to the sale. The county court had the further authority to let a contract to the lowest and best bidder to build a new jail for the county. If sufficient funds were not available to construct the new jail, the county court could levy a general property tax on all the property in the county to finance the jail's construction.
2. Acts of 1823, Chapter 157, was the enabling law for the county court of Roane County to order that the jail and the land upon which it was located in Roane County to be sold in such manner and fashion as the court determined would be in the best interests of the county. The court had the authority to appoint commissioners to purchase a lot and to supervise the construction of a new jail for the county. The court had further authority to levy a general property tax, if necessary, to pay for the new jail, but could not exceed the scale established in this law. The county trustee could call on the commissioners for a settlement if they complied with the procedures stipulated in the act. Public buildings would hereafter be under the management of the court, or the commissioners if they were appointed. Penalties were prescribed for failure to comply with, or for a violation of the terms of, this act.
3. Private Acts of 1927, Chapter 730, applied to the counties of Blount, Bradley, Loudon, McMinn, Monroe, Polk, and Roane, and declared that all workhouse bonds would be received, approved, and collected by the criminal court clerk who would have and could exercise the same powers in this regard as former county officials had. The clerk must see to it that each bond had two good and solvent sureties, and the clerk would be paid a compensation of 10% of the money collected in this endeavor.
4. Private Acts of 1929, Chapter 720, amended Private Acts of 1927, Chapter 730, to provide that each workhouse bond, as was authorized in the amended act, would contain language after the passage of this act which would provide for the payment of an attorney's fee of 15% for any attorney who was employed to collect the bonds which sum would be in addition to, and over and above the payments of interest, costs, and principal.

### **Militia**

Those acts once affecting Roane County, which related to the militia and to other law enforcement agencies other than the sheriff, are mentioned below in chronological order.

1. Acts of 1803, Chapter 1, constituted one of the first statewide military codes and militia laws enacted for Tennessee, preceding several others to come. The militia was to be composed of free men and indentured servants between the ages of 18 and 45, with certain professions and occupations being excepted. The militia regiment in Roane County was designated as the 14th regiment and it joined the regiments then existing in the counties of Knox, Sevier, Blount, and Anderson to form the third brigade. The first, second, and third brigades constituted the first division. This act was an all new militia law and military code dealing with all facets of military organization, logistics, and internal discipline and order.
2. Acts of 1815, Chapter 119, was the next general militia law for Tennessee providing for the same composition of free white males and indentured servants no younger than 18 and no older than 45. Organizational assignments were changed due to the growth of the state in population and the number of counties. The units in Roane County were the 14th Regiment still but these units,

- plus those in Anderson, Rhea, and Bledsoe Counties, would make up the Seventh Brigade. A regiment consisted of two battalions of two companies which contained 40 privates, 2 musicians, 3 corporals, 3 sergeants, and a captain, one lieutenant, and one ensign. The rest of the act was devoted to the enactment of a new military code designed to meet the times and changing situations found in a growing state.
3. Acts of 1821, Chapter 184, scheduled the annual muster and drill times for several of the county regiments in the state militia, including Roane County's Regiment which was directed to come together for the regimental muster and drill on the first Saturday after the third Tuesday in September of each year.
  4. Acts of 1822, Chapter 52, was the legal authority for the militia in Roane County situated on the south side of the Tennessee River to hold a battalion muster within the bounds of that area at such time and place as might be directed by the field officers of the said units and of the regiment.
  5. Acts of 1825, Chapter 69, was the next general militia law for the state which rewrote the whole militia law. The units in Roane County were designated as the 40th and the 95th regiments, which would combine with the units in Monroe County, Morgan County, and Anderson County to form the Seventh Brigade. The 40th Regiment would hold its annual muster and drill on the fourth Thursday in September and the 95th Regiment on the third Thursday in September each year.
  6. Acts of 1826, Chapter 163, declared it to be lawful for a volunteer rifle company to be raised out of the 14th Regiment and the 85th Regiment of Roane County, which would be composed of not less than 34 nor more than 68 privates, which company would be known as the Kingston Rifle Company. The commanding officer of the Fourteenth Regiment would select the commanding officer of the new company who would be charged with the responsibility of holding regular drills for the company at least six times each year. The members of the company would be permitted to design, or to choose, their own distinctive uniforms.
  7. Acts of 1835-36, Chapter 21, was a new military code and militia law ranging over every phase of organization and operation of the state militia, being enacted subsequent to the adoption of the 1835 Constitution of the State. The units in Roane County were named the 28th Regiment and the 29th Regiment which together with the units in Monroe County, McMinn County, and Bradley County, would constitute the sixth brigade in the state.
  8. Acts of 1837-38, Chapter 157, Section 3, among other things related to amending the basic military code of the state, also provided for the scheduling of annual musters and drills for all county units in the state militia. The units in Roane County would hold their annual muster and drill together on the first Friday and Saturday in September of each year, and would be a part of the sixth brigade with Monroe County and McMinn County.
  9. Acts of 1839-40, Chapter 56, was a virtual re-enactment of the state militia law, which did not affect Roane County in its reorganization of some tactical units, but this act did enlarge the membership of the sixth brigade to include the militia units in the counties of Roane, Monroe, McMinn, Bradley, and Polk.

### **Sheriff**

The following acts have no current effect but are included here for reference purposes since they once applied to the Roane County Sheriff's Office.

1. Acts of 1829, Chapter 138, provided for the respective Sheriffs of Roane County and Morgan County to meet and compare the votes for State Representative at Kingston in Roane County on the Saturday immediately following the election.
2. Acts of 1833, Chapter 49, granted Robert S. Gilleland, the late Sheriff of Roane County, an added two years after January 1 following to collect all the taxes, costs, and sums due him which accrued during his term as Sheriff, and as the collector of public taxes in Roane County. He would have the same rights and powers and be subject to the same regulations as were in force and effect during his term of office.
3. Private Acts of 1923, Chapter 24, stated that in Roane County (identified by the 1920 Federal Census figures) the Sheriff would receive as compensation for his services the sum of \$2,000, payable quarterly on the first day of January, April, July, and October, out of the regular funds in the county treasury by the Trustee, on the warrant of the County Judge, or Chairman, and, in addition thereto the Sheriff was to have all the fees, commissions, and emoluments of his office to which he would be entitled under the law. See Robert v. Roane County, 160 Tenn. 113, 23 S.W.2d 239 (1929).
4. Private Acts of 1929, Chapter 109, seemed to be a duplicate of the 1923 Act, above, by providing

for the Sheriff of Roane County to be paid \$2,000 each year, in quarterly amounts on the first day of January, April, July, and October, out of regular county funds and, in addition, he would be paid all the income from his office to which he was lawfully entitled.

5. Private Acts of 1929, Chapter 324, recited in the preamble that by virtue of Private Acts of 1923, Chapter 24, Item 3, above, a salary of \$2,000 each year was provided for the Sheriff of Roane County, but that now some question has arisen concerning the constitutionality of Private Acts of 1923, Chapter 24, because of a defect in its caption. This Act corrected the alleged defect and re-enacted the terms of the two acts analyzed above to pay the Sheriff an annual salary of \$2,000 in addition to all the fees, commissions, and emoluments of the office.
6. Private Acts of 1970, Chapter 203, which was rejected by the Quarterly Court of Roane County and therefore never became an effective law, was the legal authority for the Quarterly Court of Roane County to set up an investigation bureau in the county which would be composed of not more than two investigative officers, which bureau would be administered and supervised by a committee of the county judge and the sheriff. The committee could hire two officers for the bureau and fix their compensation and salary within the budget limitations of the department and county. Each of the officers hired must be sworn and bonded, and must operate within the framework of the powers expressly conferred upon them in this law.

## Chapter XI - Taxation

### Assessor of Property

#### Clerk

### Private Acts of 1949 Chapter 438

**SECTION 1.** That in all counties of this State having a population of not more than 28,014, and not less than 27,785, that the County Tax Assessor have the power and authority to employ on behalf of the County a competent person to note all transfers subject to taxation, prepare the Assessor's books, prepare the tax books, and perform such other clerical work as may be required, and fix such clerk's compensation at a sum not to exceed One Hundred Fifty (\$150.00) Dollars monthly, which employment and amount of compensation shall be certified to the County Judge for payment by warrant upon the general funds of the County, or any other funds which the Court may order.

**SECTION 2.** That hereafter all instruments conveying lands, upon being probated shall be presented to the County Tax Assessor, who shall note, for taxation, such transfer upon the records of his office, and when so noted he shall show upon such instrument that the same has been duly entered on the records in his office.

**SECTION 3.** That hereafter no instrument conveying lands shall be noted for record, or recorded in the Registrar's office without same having first been noted for tax purposes in the Assessor's office.

**SECTION 4.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 31, 1949.

#### Stenographer

### Private Acts of 1957 Chapter 120

**SECTION 1.** That in counties of this State having a population of not less than 31,600 nor more than 31,700 by the Federal Census of 1950 or any subsequent Federal Population Census the county tax assessor is authorized and empowered to employ a stenographer, and the salary of such stenographer shall be fixed at an amount not to exceed eighteen hundred dollars (\$1800.00) per annum payable in equal monthly installments from the general fund of the county.

**SECTION 2.** That this Act shall be of no effect unless the same shall have been approved by a two-thirds vote of the governing body of such county. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly County Court. The result shall be certified by him to the Secretary of State.

**SECTION 3.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 27, 1957.

# Hotel/Motel Privilege Tax

## Private Acts of 1992 Chapter 166

**SECTION 1.** As used in this act unless the context otherwise requires:

- (1) "Clerk" means the county clerk of Roane County, Tennessee.
- (2) "Consideration" means the consideration charged, whether or not received, for the occupancy in a hotel valued in money whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.
- (3) "County" means Roane County, Tennessee.
- (4) "Hotel" means any structure or space, or any portion thereof, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist camp, tourist court, tourist cabin, motel or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration.
- (5) "Occupancy" means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.
- (6) "Operator" means the person operating the hotel whether as owner, lessee or otherwise.
- (7) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.
- (8) "Transient" means any person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodations in a hotel for a period of less than thirty (30) continuous days.

**SECTION 2.** The legislative body of Roane County is authorized, by resolution of the county legislative body, to levy a privilege tax upon the privilege of occupancy in any hotel of each transient in the amount of five percent (5%) of the rate charged by the operator. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided in this act.

**SECTION 3.** The proceeds received by the county from the tax shall be retained by the county, to be designated to the Industrial/Economic Fund.

**SECTION 4.** Such tax shall be added by each and every operator to each invoice prepared by the operator for the occupancy of the hotel and given directly or transmitted to the transient. Such tax shall be collected by such operator from the transient and remitted to the county clerk as provided in Section 5.

When a person has maintained occupancy for thirty (30) continuous days, that person shall receive from the operator a refund or credit for the tax previously collected or charged and the operator shall receive credit for the amount of such tax if previously paid or reported to the county.

**SECTION 5.** (a) The tax levied shall be remitted by all operators who lease, rent or charge for any rooms, lodgings, spaces or accommodations in hotels within the county to the clerk or such other officer as may by resolution be charged with the duty of collection thereof, such tax to be remitted to such officer not later than the date the operator is required to remit the State and Local Sales Taxes. The operator is required to collect the tax from the transient at the time of the presentation of the invoice for such occupancy as may be the custom of the operator, and if credit is granted by the operator to the transient, then the obligation to the county entitled to such tax shall be that of the operator.

(b) For the purpose of compensating the operator for remitting the tax levied by this act, the operator shall be allowed two percent (2%) of the amount of the tax due and remitted to the clerk in the form of a deduction in submitting the report and paying the amount due by such operator, provided the amount due was not delinquent at the time of payment.

As amended by: Private Acts of 2017, Chapter 8.

**SECTION 6.** The clerk, or other authorized collector of the tax, shall be responsible for the collection of such tax and shall place the proceeds of such tax in accounts for the purposes stated herein. A monthly tax return shall be filed under oath with the clerk by the operator with such number of copies thereof as the clerk may reasonably require for the collection of such tax.

The report of the operator shall include such facts and information as may be deemed reasonable for the verification of the tax due. The form of such report shall be developed by the clerk and approved by the county legislative body prior to use. The clerk shall audit each operator in the county at least once a year and shall report on the audits made on a quarterly basis to the county legislative body.

The county legislative body is authorized to adopt resolutions to provide reasonable rules and regulations for the implementation of the provisions of this act, including the form for such reports.

**SECTION 7.** No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator or that it will not be added to the rent, or that if added, any part will be refunded.

**SECTION 8.** Taxes collected by an operator which are not remitted to the clerk on or before the due dates are delinquent. An operator is liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and is liable for an additional penalty of one percent (1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Each occurrence of willful refusal of an operator to collect or remit the tax or willful refusal of a transient to pay the tax imposed is unlawful and shall be punishable by a civil penalty not in excess of fifty dollars (\$50.00).

**SECTION 9.** It is the duty of every operator liable for the collection and payment to the county of any tax imposed by this act to keep and preserve for a period of three (3) years all records necessary to determine the amount of tax due and payable to the county. The clerk has the right to inspect such records at all reasonable times.

**SECTION 10.** The clerk in administering and enforcing the provisions of this act has as additional powers, those powers and duties with respect to collecting taxes as provided in Title 67 of Tennessee Code Annotated, or otherwise provided by law.

For services in administering and enforcing the provisions of this act, the clerk is entitled to retain as a commission five percent (5%) of the taxes collected.

Upon any claim of illegal assessment and collection, the taxpayer has the remedies provided in Tennessee Code Annotated, Title 67. It is the intent of this act that the provisions of law which apply to the recovery of state taxes illegally assessed and collected shall also apply to the tax levied under the authority of this act. The provisions of Tennessee Code Annotated, Section 67-1-707, shall be applicable to adjustments and refunds of such tax.

With respect to the adjustment and settlement with taxpayers, all errors of county taxes collected by the clerk under authority of this act shall be refunded by the clerk.

Notice of any tax paid under protest shall be given to the clerk and the resolution authorizing levy of the tax shall designate a county officer against whom suit may be brought for recovery.

**SECTION 11.** The proceeds of the tax authorized by this act shall be allocated to and placed in the general fund of Roane County, or other specific fund designated in Section 3, to be used for the purposes stated in Section 3 of this act.

**SECTION 12.** The tax levied pursuant to the provisions of this act shall only apply in accordance with the provisions of Tennessee Code Annotated, Section 67-4-1425.

**SECTION 13.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

**SECTION 14.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Roane County not later than November 15, 1992. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and shall be certified by such presiding officer to the Secretary of State.

**SECTION 15.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect upon being approved as provided in Section 14.

Passed: March 16, 1992.

## Severance Tax

### Private Acts of 1982 Chapter 384

**SECTION 1.** Roane County, by resolution of its county legislative body, is authorized to levy a tax on all sand, gravel, limestone, phosphate rock, and all other mineral products severed from the ground within its jurisdiction. The tax shall be levied for the use and benefit of Roane County only, to be allocated to its Highway Department, and all revenues collected from the tax except deductions for administration and collection provided for herein, shall be allocated to the Roane County Highway Department.

Administration and collection of this tax shall be by the County Clerk of Roane County who shall have the power to promulgate all rules and regulations necessary and reasonable for the administration of the provisions of this Act.

**SECTION 2.** The rate of the tax shall be set by the county legislative body, but shall not exceed fifteen (15) cents per ton of sand, gravel, limestone, phosphate rock, or other mineral products severed from the ground in the county. Every interested owner shall become liable at the time the sand, gravel, limestone, phosphate rock, or other mineral products are weighed for sale.

The term "sand, gravel, limestone, phosphate rock, or other mineral product" shall mean sand, gravel, limestone, phosphate rock, or any other mineral severed from the earth in the process of producing a saleable product by whatever means of severance used. It shall not include, however, any mineral taxed under the provisions of Tennessee Code Annotated, Sections 67-5901 through 67-5905, Section 60-116 or any lime or limestone used for agricultural purposes. The tax shall be levied upon the entire production in the county regardless of the place of sale or the fact that delivery may be made outside the county. The tax shall accrue at the time the sand, gravel, limestone, phosphate rock, or other mineral products are weighed for sale. The tax levied shall be a lien upon all sand, gravel, limestone, phosphate rock, and other mineral products severed in the county and upon all property from which it is severed, including but not limited to mineral rights of the producer, and such liens shall be entitled to preference over all judgments, encumbrances or lien whatsoever created.

As amended by: Private Acts of 2007, Chapter 25

**SECTION 3.** The tax levied by this Act shall be due and payable on the first day of the month succeeding the month in which the sand, gravel, limestone, phosphate rock, or other mineral products are weighed for sale. For the purpose of ascertaining the amount of tax payable, it shall be the duty of all operators in Roane County to transmit to the County Clerk on or before the fifteenth (15th) day of the month next succeeding the month in which the tax accrues a return upon forms provided by him. The return shall show the month or period covered, the total number of tons of each type of mineral, sand, gravel, limestone, phosphate rock, or other mineral products that are weighed for sale from each production unit operated, owned or controlled by the taxpayer during the period covered, the amount of the tax and such information as the County Clerk may require. The return shall be accompanied by a remittance covering the amount of tax due as computed by the taxpayer.

As amended by: Private Acts of 2007, Chapter 25.

**SECTION 4.** The tax levied by this Act shall become delinquent on the sixteenth (16th) day of the month next succeeding the month in which such tax accrues. When any operator shall fail to make any return and pay the full amount of the tax levied on or before such date there shall be imposed, in addition to other penalties provided herein, a specific penalty in the amount of ten percent (10%) of the tax due. Whenever a penalty is imposed there shall also be added to the amount of tax and penalty due interest thereon at the rate of eight percent (8%) per annum from the date due until paid. A further penalty of fifty percent (50%) of the amount due may be added if the nonpayment of the tax is due to an intent to evade payment. If the tax is delinquent for a period of sixty (60) days or if the nonpayment of the tax is due to an intent to evade payment, the person liable for such payment may be restrained and enjoined from severing sand, gravel, limestone, phosphate rock, or other mineral products that have been severed and weighed and sold and upon which the tax is due. Restraint proceedings shall be instituted in the name of the county by the District Attorney General for the county at the request of the Roane County Executive and County Clerk, or may be filed by the County Attorney when so requested.

All such penalties and interest imposed by this Act shall be payable to and collectible by the County Clerk in the same manner as if they were a part of the tax imposed and shall be retained by the County Clerk's Office to help defray the expenses of administration and collection.

Any person required by this Act to make a return, pay a tax, keep records, or furnish information deemed necessary by the County Clerk for the computation, assessment, or collection of the tax imposed by this Act, who fails to make the return, pay the tax, keep the records, or furnish the information at the time required by law or regulation is, in addition to other penalties provided by law, guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment for not more than one (1) year or both.

Any person who willfully or fraudulently makes and signs a return which he does not believe to be true and correct as to every material fact is guilty of a felony and subject to the penalties prescribed for

perjury under the law of this state. For the purposes of this section the word "person" also includes an officer or employee of a corporation or a member or employee of a partnership who is under duty to perform the act in respect to which the violation occurs.

As amended by: Private Acts of 2007, Chapter 25

**SECTION 5.** When any person shall fail to file any form, statement, report or return required to be filed with the County Clerk, after being given written notice of such failure, the County Clerk is authorized to determine the tax liability of such person from whatever source of information may be available for him. An assessment made by the County Clerk pursuant to this authority shall be binding as if made upon the sworn statement, report or return of the person liable for the payment of such tax; and any person against whom such an assessment is lawfully made, shall thereafter be estopped to dispute the accuracy thereof except upon filing a true and accurate return, together with such supporting evidence as the County Clerk may require indicating precisely the amount of the alleged inaccuracy.

**SECTION 6.** All revenues collected from the severance of sand, gravel, limestone, phosphate rock, or other mineral products in Roane County less an amount to cover the expenses of administration and collection and all of the penalties and interest, collected, which shall be retained by the Office of the County Clerk, and credited to its current service revenue to cover the expense of administration and collection, shall be remitted quarterly to the County Trustee of Roane County, not later than the tenth (10th) day of the month following the end of the calendar quarter. These revenues shall become a part of the highway fund of Roane County, subject to appropriations by the county Legislative body for the use and benefit of the County Road Department.

Any adjustment of taxes, penalties, or interest which is necessary to adjust any error in collection or disbursement may be made at a subsequent collection or disbursement.

**SECTION 7.** Any tax levied by authority of this Act shall not apply to any mineral products severed pursuant to any written contract entered into prior to the ratification of this Act that defines a precise cost per measure of material by the Roane County Legislative body.

**SECTION 8.** This Act shall have no effect unless it is approved by two-thirds (2/3) vote of the county legislative body of Roane County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

**SECTION 9.** For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 8.

Passed: May 6, 1982.

## Taxation - Historical Notes

### Assessor of Property

The following acts were superseded, repealed or failed to win local ratification, but they are listed here as a reference to laws which once affected the Roane County Assessor. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1907, Chapter 602, was a general state law the ninth section of which regulated Tax Assessors, making their terms four years, providing a method for filling vacancies, abolishing District Tax Assessors, and allowing the county court to fix the amount of the salary and the performance bond.
2. Private Acts of 1921, Chapter 794, fixed the annual salary of the Tax Assessor in Roane County (identified by the 1920 Federal Census figures) at \$1500 which would be paid out of the County Treasury on the warrant of the County Judge on July 1 of each year. The amount specified would constitute all the salary of the Tax Assessor and all the Deputy Tax Assessors.
3. Private Acts of 1925, Chapter 312, set the salary of the Tax Assessor in Roane County at \$2,500 per year payable out of the general county funds by the Trustee upon the warrant of the County Judge.
4. Private Acts of 1933, Chapter 309, provided that the Tax Assessor of Roane County would be paid \$1,800 a year as compensation for his services, the same to be paid out of the County Treasury on the warrant of the County Judge. This Act was repealed by the one following.
5. Private Acts of 1937, Chapter 69, repealed Private Acts of 1933, Chapter 309, in full and in Section 2 established the annual salary of the Tax Assessor of Roane County at \$2,500 which



- would be paid in equal monthly installments out of regular county funds on a warrant from the County Judge.
6. Private Acts of 1947, Chapter 174, fixed the salary of the Tax Assessor of Roane County, at \$3,000 per year, payable out of the County Treasury on the warrant of the County Judge, or Chairman, on the first day of each month which amount would be the salary of the Assessor and all the assistants he might employ.
  7. Private Acts of 1953, Chapter 425, provided that the compensation of the Tax Assessor in Roane County would be \$5,000 per year, payable out of the county treasury on the warrant of the County Judge or Chairman, on the first day of each month, which amount would include the salary of the Assessor, and that of any and all Deputies he might employ but would not affect the salary of the Clerk heretofore authorized by law.
  8. Private Acts of 1965, Chapter 279, amended Private Acts of 1953, Chapter 425, Item 7, above, by adding a provision at the end of Section 1 which placed the Assessor of Property in charge of any mechanical billing equipment the county might purchase and the mailing of all the tax statements in the county for which he was to be paid an additional sum of \$2,500 each year above the salary now being paid to him under the law. (The salary of the Assessor of Property in each county is now regulated under the general law of the State as well as the employment of Deputies.)
  9. Private Acts of 1967-68, Chapter 91, was the legal authority for the Tax Assessor of Roane County to appoint some suitable person to serve as Deputy Assessor under the direction of the Assessor and perform such duties as were assigned to him. The compensation was set at \$5,000 per year, payable in equal monthly installments, out of the general fund of the county. According to our records this act was never acted on by the Quarterly Court of Roane County and, if so, never became effective according to the provisions of the Home Rule Amendment to the Tennessee Constitution.

### **Taxation**

The following is a listing of acts pertaining to taxation in Roane County which are no longer effective. Also referenced below are acts which repeal prior law without providing new substantive provisions and those that never received local ratification.

1. Acts of 1809, Chapter 114, stated in the introduction that it would be conducive to good business to have a court house in Roane County and to promote the safety of the citizens with a prison and stocks. This Act named John Purris, Matthew Nelson, Thomas Brown, Merewither Smith, and Samuel Elkridge, as Commissioners to supervise the project. The Commissioners were required to purchase at least one acre of the most desirable land available in the city upon which the structure would be built. The county court was authorized to levy a tax within the scale provided in the Act in order to finance the program.
2. Acts of 1868-69, Chapter 35, stated that Sam Burnett, the Tax Collector for Roane County, failed to collect the State tax from some of the people as was authorized by an 1865 Act and Burnett was not required to pay to the Treasury the taxes for that year and the money remained in the hands of the administrator of Burnett's estate, he being now deceased, this Act authorized the court to call Burnett's administrator before it and settle accounts with him concerning these taxes, being satisfied first that the names of those who paid would be recorded, and to direct the administrator to pay the same within thirty days to the Trustee who would then transmit them to the State. Failure to do so could result in a prosecution by the District Attorney for the tax money and for contempt of court in failing to execute its orders.
3. Acts of 1869-70 (Ex. Sess.), Chapter 77, declared it to be the duty of the Tax Collector of the counties of Monroe, Roane, and Blount to furnish the Tax Collector of the newly formed county of Christiana the tax rolls on those residents of the portions of those three counties which were taken to make up Christiana County.
4. Acts of 1870-71 (2nd Ex. Sess.), Chapter 50, alleged that the counties and cities of Tennessee could impose taxes for county and municipal purposes in the following manner and upon the conditions (1) that all taxable property would be taxed according to its value upon the principles established for state taxation, and (2) the credit of no county or city, would be given, or loaned, to any person, firm, or corporation unless the majority of the county court, or city council, would first agree, and upon a referendum election in which the proposal was approved by a three-fourths majority of the voters in the election. Several counties including Roane County, exempted themselves from the condition of the three-fourth's ratification or approval, substituting a simple majority in its place for the next ten ensuing years.
5. Private Acts of 1921, Chapter 739, was the legislative authority for the Quarterly County Court of

Roane County to levy a tax of 60 cents per \$100 property valuation on all taxable property to be used for the support and maintenance of the public schools of the county.

6. Private Acts of 1927, Chapter 123, stated that all counties within the State which had Roane County's population according to the 1920 Census, could levy through the Quarterly Court, in addition to all other taxes now levied, a special tax, not to exceed 7 cents per \$100 property valuation for the purpose of paying the salaries of the Sheriff, the County Judge, the Tax Assessor, the Superintendent of Education, the Circuit Court Clerk, the County Agent, and the County Demonstrator. This tax, authorized herein, would be collected and disbursed as other taxes were.
7. Private Acts of 1929, Chapter 219, amended Private Acts of 1927, Chapter 123, Item 6, above, by increasing the tax rate provided in that law, the proceeds of which were to be used to pay the annual salaries of several county officials from seven cents to fifteen cents per \$100, all other terms and conditions to remain the same.
8. Private Acts of 1931, Chapter 223, created the office of Delinquent Poll Tax Collector in all counties with not less than 22,193 and not more than 30,000 who would be appointed for two years by the County Judge. All poll taxes not paid by or before May 1 of this year and by March 1 of the year thereafter were declared delinquent. The Trustee was directed to compose a list of the residents of the county who were delinquent in the payment of their poll taxes and deliver the same to the Delinquent Poll Tax Collector. The Collector would receive 70 cents for each delinquent tax collected plus the fees authorized by law for the service of process. The appearance of one's name on the Trustees list was tantamount to a summary judgment at law for which execution could issue. The Collector could use only the receipt books furnished to him by the Trustee. The Delinquent Poll Tax Collector had the power and authority to examine public and private records, payrolls, rosters, and such. He could conduct hearings and subpoena witnesses as courts could do, and render judgment upon proof. The Collector had to be sworn into office and bonded to secure proper performance of his duties.
9. Private Acts of 1931, Chapter 518, amended Private Acts of 1931, Chapter 223, in Section 2, by adding a provision that all poll taxes not paid by May 1, 1931, and thereafter by March 1 of the year following the year when due, were delinquent and the collective processes prescribed in the amended act could be invoked. The Delinquent Poll Tax Collector was required to proceed against anyone he knew to be delinquent in the payment of Poll Taxes whether the name appeared on the Trustee's list, or not.
10. Private Acts of 1931, Chapter 612, authorized Roane County, and several other counties all identified by 1930 Federal Census figures, to levy and collect a tax on all real and personal property in the counties and on all ad valorem in the said counties, when an appropriate order to do so is made by the court but the rate would not exceed thirty cents on the \$100 of taxable property in the counties for county purposes.
11. Private Acts of 1931, Chapter 757, expressly repealed Private Acts 1931, Chapter 223, as amended, in its entirety.
12. Private Acts of 1988, Chapter 132, authorized the county legislative body to levy a hotel/motel occupancy tax at a rate of five percent (5%) of the consideration charged. The tax proceeds were earmarked for education. This act failed to receive local ratification.
13. Private Acts of 1989, Chapter 69, authorized the county legislative body to levy a hotel/motel tax at a rate of five percent (5%) of the consideration charged. The tax proceeds were designated for tourism and industrial and economic development. This act failed to receive local ratification.
14. Private Acts of 1989, Chapter 120, authorized the county legislative body to levy a hotel/motel tax at a rate of (5%) of the consideration charged. The tax proceeds were designated for tourism and industrial and economic development. This act failed to receive local ratification.

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