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Administration - Historical Notes

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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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The following acts once created a budgeting system for Roane County, but they have been specifically repealed or superseded by current law.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 This Act was repealed by Private Acts of 1973, Chapter 137.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 Commissioners 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.

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